THE REGISTER

OF THE

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

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1906.
INTRODUCTION.

The period covered by the preceding volume of the Privy Council Register (April 1, 1635, to December 21, 1637) saw the beginning of the great revolt against the ecclesiastical policy of Charles I. which resulted in the overthrow of the royal authority till the Restoration in 1660. The imposition on the nation of the Book of Canons in the beginning of 1636 and of the Service-book, commonly known as Laud's Liturgy, in May 1637, had occasioned the historic riot in St. Giles's Church, Edinburgh, in the following August. In September petitions against the ecclesiastical innovations flowed into the Council, and in October the continuous flocking of excited crowds to Edinburgh convinced Charles that, if the Council were to escape popular pressure and give effect to his injunctions, it was necessary that it should hold its meetings in some other town in the kingdom. By his express order, therefore, it removed first to Linlithgow and subsequently to Dalkeith, where in the preceding volume we left it sitting on December 21, 1637. During the period before us it several times changed its place of meeting; it sat at Holyrood from January 6 to February 4, 1638; at Stirling, from February 15 to March 24; and at Dalkeith, from May 16 to June 8, 1638. On June 12, as the result of a petition from the town of Edinburgh, it resumed its sittings in Holyrood, where, with the exception of a brief absence in Glasgow, it continued to transact its business to the close of our period.

Of the entries in the present volume, extending from January 6, 1638, to June 20, 1643, it may be said that they surpass in interest and importance those of any previous period. During
the greater part of the reign of James VI. and during the reign of Charles so far as it had gone, the members of the Council had been the mere nominees of the King, and in all important points of policy they had simply given effect to the royal commands. Throughout the period before us, however, a party in the Council openly opposed the policy of Charles, and before the period closed Charles was forced to abandon the privilege, assumed by himself and his father, of nominating the Privy Councillors on his own initiative and authority. Such being the new relations between King and Council, its proceedings were characterized by a freedom of action which gives them an intrinsic importance as the expression of the mind of the country. The record of the Council's action does not supply a complete history of the period, and at one point, as we shall see, there is an unfortunate hiatus of two years in the Register, but in no other source are so vividly presented the governing facts of the great revolt and the mutual relations of the contending parties.

In the Introduction to the preceding volume a list was given of the Privy Council which had been constituted in 1631, and which, with frequent changes and additions, continued to exist till November, 1641. Between January, 1638, and the reconstruction of the Council in November, 1641, the following new members, all of them subsequently distinguished by their loyalty to the cause of Charles, were admitted at different times:

Sir James Hamilton.
William, Earl of Airth (readmitted).
James, Lord Doune, afterwards third Earl of Murray.
George, second Earl of Kinnoul.
Robert, Lord Dalzell, afterwards second Earl of Carnwath.
William, seventh Earl Marischal.
James, Lord Almond, third son of the first Earl of Linlithgow.

A change in the important office of Clerk of the Council has also to be noted. During its sitting in Glasgow in November, 1638, the Council received a petition from James Primrose, stating that he had discharged the duties of Clerk for threescore years, and that now, owing to ill-health, he was unable to
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continue them, and praying that during his lifetime his son Archibald might be appointed his deputy. Archibald was only twenty-three years of age, and the duties of the post, especially in the critical time through which the country was now passing, might have required an official of larger experience. But James Primrose had always been a favoured person at Court, and the Council acceded to his request. As he died in 1640, however, his son had to vacate the office in favour of James Philp who retained it till November, 1641, when Archibald Primrose took his place (pp. 89, 147).——The most important fact in the history of the Council during our present period was its reconstruction in November, 1641, as the result of the triumph of the Covenanting party, but the circumstances which led to that reconstruction, as well as what it involved, will best appear from a narrative of the Council’s own proceedings.

AFFAIRS OF CHURCH AND STATE.

At the date when our Record opens it was still the Service-book that was absorbing the attention of the country. A Proclamation issued by the Council, sitting at Stirling, on February 19, 1638, shows that Charles was as zealously bent as ever on imposing the Book on his subjects. The Book, the Proclamation declared, had been seen and approved by his Majesty, and was expressly intended to maintain the existing religion and “to beate out all superstition.” Certain nobles, gentlemen, barons, ministers, and others had, indeed, protested against the Book in various meetings and convocations, and had thus impugned the royal authority. Such conduct had merited his Majesty’s “high censure,” but he believed that it was due rather to “preposterous zeale” than to “anie dialoyaltie or disaffection.” Henceforward, however, there must be no such contravention of his Majesty’s desire and command. All persons now in Stirling, who had no legal authority to be there, must quit the town within six hours after the issue of the Proclamation. In future, also, no person must repair to wherever the Council may chance to be sitting without first intimating his purpose and receiving an express warrant (pp. 3, 4).
Very different is the purport of the next entry (March 1) on the same subject; the Council as a body is now filled with the gravest misgivings regarding the policy of compelling the adoption of the Service-book. "Having at length reasoned upon the causes of the present combustion within the countrie," the Council declares "that the caus of this meeting is to represent to his sacred Majestie the trew estat of the countrie be occasioun of the Service Booke, Booke of Canons, and the Hie Commission, and to thinke upon the best way how his Majestie may be satisfied in honnour and the peace of the countrie secured" (p. 7). "Hindered by diverse urgent occasions," Archbishop Spottiswoode, the Lord Chancellor, was unable to be present at this meeting, but in a letter excusing his absence he declared himself in perfect agreement with its finding. "Your Lordship (the Clerk Register)," he writes, "knowes my mind in the cheefest bussines which is to be entreated, whiche I assure my selfe will be the mynd of all good clergie men; that is, to lay aside the booke and not to presse the subjects with it anie more, rather than to bring it in with such trouble of the church and kingdoms as we see." "But," he proceeds, "I sould wishe all this to be fairlie caried without anie tuiche to his Majesties honnour, and the opening of a doore to the disobedience of ill affected people, quhairof I know your Lordships will be careful" (Ib.). Owing to the absence of the Chancellor and the importance of the business in hand, the Council resolved to hold a special sederunt the next day, and to sit from 8 till 12, and from 2 to 6 o'clock. As a result of their prolonged discussion, all the Councillors "in one voice" found that the imposition of the Service-book, Book of Canons, and the High Commission "ar the causes of this combustion" (pp. 8, 9).

Such being the unanimous conclusion of the Council, the next step was to communicate it to Charles—a delicate proceeding which had to be taken with due circumspection. Should one or more of their number be sent to Court with the unwelcome message? On deliberation it was decided to send only one emissary, and Sir John Hamilton of Orbiston, the Lord Justice-Clerk, was selected as the person likely to be most acceptable to
Charles. The purport of Hamilton’s Instructions was to the following effect: he was to receive from the Clerk of Council a copy of all the Acts that had been passed since the 1st of March; he was to represent to his Majesty that in the unanimous opinion of the Council the imposition of the Service-book, the Book of Canons, and the Court of High Commission was the cause of the present commotion in the country, and that their introduction was “contrare or without warrant of the lawes of the kingdom.” The special request he was to present was that Charles, “as ane act of his singular justice,” would make enquiry into the complaints of his subjects, and that meantime he would not press the causes of offence. Whether Charles approved the representations of the Council or not, he was to be advised to take no step without consulting with certain of its members. Finally, Hamilton was to testify that the Council had in the meantime done all in its power to check the insubordination in the country, and that it could take no further measures till it learned his Majesty’s pleasure. A brief letter to Charles explained that the royal Proclamation of February 19 had been followed by such general commotion that it was deemed necessary to inform him of the alarming condition of affairs. As Spottiswoode, the Chancellor, had not been present when these steps had been taken by the Council, a letter was addressed to him with the request that he would sign a copy of Hamilton’s Instructions, and endeavour to secure the signatures of the bishops of Glasgow and Edinburgh, and of such others of the bishops as chanced to be within reach. The Bishop of Brechin (who had distinguished himself as an ardent supporter of Charles’s ecclesiastical policy), had, he was told, approved the Council’s proceedings, and the other bishops might, therefore, be expected to follow his example (pp. 8–12). A letter to the same purport was addressed to the Earl of Morton, who had held the office of Lord High Treasurer before he was displaced by the Earl of Traquair (p. 456).

Hamilton’s Instructions were dated March 3, and on the 24th Charles’s reply was read before the Council. It expressed his great surprise both at the report of the state of the country and
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at the advice which the Council had seen fit to give him. That advice, he said, "would hazard the overthrow of that churche government whiche our deare father of blessed memorie hath established." That he might determine his future policy, therefore, he desired that the Earl of Traquair, the Lord High Treasurer, and the Earl of Roxburgh, Lord Privy Seal, should at once be sent to him for further consultation (p. 17). As both Traquair and Roxburgh had approved the finding of the Council, it could have no objection to their representing its opinion, and they were entrusted with Instructions, with which both were supposed to be in agreement. As it was desirable that Charles should realise that his Councillors were of one mind, Spottiswoode was also requested to supplement the Instructions of Traquair and Roxburgh with such further arguments as might occur to him (pp. 17, 18).

It is not till the 16th of May that we learn the result of Charles's consultations with Roxburgh and Traquair. On that day Traquair presented a letter from Charles to the Council, now sitting at Dalkeith and not at Stirling, informing them that on the 6th of June following there would be "a solemn meeting" of Council at Dalkeith, at which the Marquis of Hamilton would produce his credentials as Royal Commissioner to represent his Majesty in Scotland (p. 19). The 6th of June came, and Hamilton duly appeared and produced his commission, empowering him "to take order for compescing and setling of the present combustion and disorders" (p. 20). Two days later (June 8) an important step was taken: as the result of a petition from the citizens of Edinburgh it was resolved that the Council should resume its meetings at Holyrood as the most convenient place for the Commissioner to carry out the measures of conciliation with which he had been entrusted (p. 21).

On the 4th of July came a Proclamation from Charles which indicated the policy that Hamilton had been commissioned to follow. The preamble of this Proclamation shows that the representations of the Council had not been without effect on the mind of Charles. "Forsamekle," it runs, "as we ar not ignorant of the great disorders quhilks have happened of late within this
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our ancient kingdom of Scotland, occasiouned (as is pretended) upon the introduction of the Service Booke, Booke of Canons and High Commission, thereby fearing innovation of religion and lawes, for satisfaction of the quhilks feares we well hoped that the twa proclamations of the ellevint of December and nynetene of Februar had beene abundantly sufficient, nevertheles finding that disorders have daylie so increast that a powerful rather then persuasive way might have been justlie expected from ws, yitt we, out of our innative indulgence to our people, greeving to see thame runne thameselves so headlong into ruine, ar graciously pleased to try if by a faire way we can reclame thame frome thair faults rather then to lett thame perish in the same."

But the main statements in the Proclamation prove that Charles now felt himself constrained to make some concessions to his Scottish subjects. "And for forder cleering of scruples," it is said, "we doe heirby assure all men that we will nather now nor heirafter presse the practise of the foresaid canons and Service Booke, nor anie thing of that nature but in suche a faire and legall way as sailt satsifie all our loving subjects that we nather intend innovation in religion or lawes. And to this effect have givin orders to discharge all acts of Counsell made thereaenent; and for the high commission we sailt so rectifie it with the helpe and advice of our Counsell that it sailt never impugne the lawes nor be a just greevance to our loyall subjects; and what is farther fitting to be agitat in Generall Assemblie or Parliament for the good and peace of the Kirk and peaceable governement of the same for establishing of the religion presentlie profest sailt lykewise be takin into our royall consideration in ane free Assemblie and Parliament whiche sailt be indicted and callit with our best conveniencie" (pp. 32–34). The following day (June 5) the Council duly passed an Act in accordance with the terms of this Proclamation (p. 35).

On September 22 another Declaration from Charles was laid before the Council in which he made still further concessions to the demands of the Covenanted party in the nation. Not only the Service-book, the Book of Canons, and the Court of High Commission were "discharged," but the Five Articles of Perth,
which had "bred great distraction and division in the church and estat," were declared to be henceforth inoperative. Henceforward, also, the only test to be applied to persons entering the ministry was the oath prescribed by the Parliament of 1580, and passed before the ecclesiastical innovations of James VI. To these concessions, however, there was annexed a condition which was to perpetuate the breach between Charles and his recalcitrant subjects. The National Covenant, which had been subscribed by the mass of the people in February, 1638, had always been regarded by Charles as an infringement of his prerogative; as a consequence of the Covenant he believed "he had no more power [in Scotland] than the Duke of Venice." As a substitute for the National Covenant, therefore, the Declaration enjoined that all Scottish subjects should accept the Confession of Faith subscribed by James VI, and his household in 1580, and by his subjects in the following year, and subsequently renewed in 1590—with the Confession being conjoined the General Band which had been drafted in 1589, and equally subscribed by James's subjects. In conclusion the Declaration announced that "a free General Assembly" would be held at Glasgow on the 21st of November, and that a Parliament would meet in Edinburgh on the 15th of May, 1639. As a desirable preparation for the coming Assembly, a solemn national fast was to be observed a fortnight before its meeting.

The immediate business now imposed on the Council was to secure subscription to the Confession of 1580—the King's Confession, as it was called in contra-distinction to the Covenant of the nation. The King's Confession (also known as the "Negative Confession") had been originally drafted at a time when Scotland was in one of its periodic panics at the action of Rome, and its burden is mainly a vehement repudiation of Roman doctrine and practice. By the General Band subsequently attached to it the subscribers came under an obligation to resist all attempts on the part of Rome against "the true christian faith and religion . . . receaved, beleived and defended by manie and sindrie notable kirks and realmes, but cheefelie by the Kirk of Scotland." On the 22nd of September
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thirty members of the Council who were present signed the Confession and Band, Hamilton the Commissioner adding his signature to the rest. But Charles's command was that the Band and Confession should be subscribed not only by the Council, but by "all his Majestie leiges of whatsoever estat, degree or qualitie, ecclesiasticall or civill." With this object commissioners were appointed for every part of the kingdom, with powers to exact subscriptions from all subjects "as they will be answerable to his Majestie and the saids Lords [of Council] upon their dewtie and obedience." Appointed by an Act of Council, dated September 24, the commissioners were to report their diligence by the 13th of November—eight days before the date fixed for the meeting of the General Assembly at Glasgow (pp. 64–77).

The thoughts of King, Council, and nation were now centred on the approaching General Assembly at Glasgow, the proceedings of which were to be of such fateful consequence for the future of the country. On the part of Charles every precaution was taken to ensure a due regard for the royal authority. As far as had lain in his power, he had endeavoured to secure a general subscription of the King's Covenant before the Assembly should meet. A further step he took in the same direction was to require the Councillors to give their undivided support to Hamilton while he presided over the Assembly as Royal Commissioner. "Because," he wrote, "at suche publict and generall meetings it is not to be expected that all men's dispositions will be alike and of one temper, we require you, and that in a particular manner, according to the trust and confidence we have in your affections to our service, carefullie to advert that if anie proposition sall be made whiche may seeme to derogate from soveranitie or that true estat of monarchicall governement already established within that kingdome, or whiche may imped the peaceable conclusion of this Assemblie, that, as good subjects and faithfull Counsellors and servants to us, you assist our Commissioner to withstand the same to the uttermost of your power" (pp. 78, 79). To this requisition the Council replied in a letter of cordial response. What is noteworthy, however, is
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that one of the twenty members present apparently did not subscribe this letter—Thomas, second Earl of Haddington, afterwards a colonel in the Covenanting army, who perished in the explosion which destroyed Dunglass Castle in 1640. Another precaution taken by Charles to safeguard his interests at the coming Assembly was highly necessary in the existing state of public feeling. In all probability multitudes would flock to Glasgow on the occasion who had no official reason for being present, and might “disturb the peaceable and modest proceedings” of those who had to transact the momentous business on hand. To avert such a possibility, therefore, an order was to be issued prohibiting all persons not members of Assembly from appearing in the town without the express permission of the Lord Commissioner, and enjoining all officially accredited to come unarmed and attended only by their household servants (pp. 82, 83).

The Glasgow Assembly sat from November 21 to December 20, and its work, as is well known, was to demolish the entire ecclesiastical edifice which had been reared with such pains by Charles and his father. During the revolutionary process the Council could only look on in helpless dismay—some of its members, such as Lord Lorn (now Earl of Argyle), however, lending a helping hand to the work of destruction. We have the records of only three of the Council’s sederunts in Glasgow, but in none of them is there a detailed account of the doings of the Assembly. At one of these sederunts (November 20) a letter was read from Charles again urging the Councillors to give their loyal support to the Commissioner Hamilton (p. 90). More important is the record of the sederunt of November 28, by which date the Council had realised that the cause of the King was lost. Here we have a letter from the Council to Charles testifying that, if things had not gone as they would have wished, this had been due to no fault in the conduct of his Commissioner. “And altho,” they write, “we doe remit the particular relation of what is past to his Grace selfe as best knawin to him, yit we can not for truths sake be so silent as not to acknowledge to your Majestie that never servant did with more industrie, care, judgement and patience, go
about the discharge of so great a trust. And albeit the success hes not answered his desyres, nathyr yet his extraordinarie paines (and as we confidentlie affirme) most dexterious and advysit courses taken to compas the just commande of so gracious a King, yit his deserveings heyrin merit to be remembred to posteritie" (p. 91). Following this letter, though dated Holyrood, November 29, is a document which proves that the action of the Assembly had been fully anticipated by Charles and the Council. This is a long Proclamation prohibiting the Assembly from continuing its meetings under pain of treason. The grounds of the prohibition are given in a detailed indictment of the proceedings of the insurgent party previous to and during the meeting of the Assembly. They had treasonably kept guard on the Castle of Edinburgh, and had prevented stores and ammunition from being conveyed into that and other places. They had held illegal convocations and they had followed illegal methods in choosing members of Assembly. Persons had been chosen who were under sentence of outlawry and were thus incapacitated from sitting in a lawful Assembly. In the choice of members lay elders had outvoted the ministers. During the sitting of the Assembly numerous bands of armed men had flocked to Glasgow in the teeth of the express prohibition. The Assembly had denied the right of voting to the King's assessors, and had refused to listen to the Commissioner when he argued that a moderator could not be chosen without the presence of the bishops (pp. 92–94). Undeterred by this prohibition, the Assembly continued the sittings and completed its self-imposed task. Even before its work was done, however, measures had been taken to nullify its action. On December 18 the Council, now returned to Holyrood, issued another royal Proclamation declaring null and void the Acts of an Assembly illegal in its composition and illegal in all its proceedings (p. 101).

As the result of the Glasgow Assembly both Charles and the Impending Civil War Covenanters were convinced that the sword alone could settle their dispute, and early in 1639 preparations for war began on both sides. In the existing circumstances Charles's authority
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in Scotland was virtually at an end, and the Council became a merely formal body—a medium of communication between the contending parties. On January 29, 1639, there came a letter from Charles which portended the worst. The letter bore that Charles would be at York about the time of Easter, "to be the more neare (the ominous words ran) to thatoure kingdome for accommodating our affaires there in a faire maner." As the nation fully understood, Charles's northern journey meant a civil war to whose issue neither party could look forward with confidence. About the same date as the Council received Charles's letter, there came a petition from "manie noblemen, barons, burgesses and others," in which an offer was made to justify the proceedings of the insurgent party at the Council table. In its reply (March 1) to Charles's letter the Council enclosed this petition, and on its own account expressed the desire that he would "resolve upon some suche course as without force of armes" would lead to a peaceful settlement (p. 115). Charles's reply, received on March 23, gave little assurance of pacific intentions. We expect, he vaguely wrote, "that yow of our Counsell, as yow ar honnoured by us to be first in place, will stryve to goe before others by your good example in advancing of our service" (p. 116). Between its loyalty to the King and the solicitations of the insurgents the Council was now in the straitest of dilemmas. On April 11 it took a heroic resolution which must be read in its own words: "Being fullie persuaded that his Majestie will be pleased to heare of thame the simple truth as they all be answerable to God and his Majestie without anie privat respect but allanerlie his Majestie's honnour and the saiftie of this kingdome, thairfor they thinke it necessar and incumbent to thame, out of their humble and bound affection to the weale, honnour and happines of his Majesteis person and government and for preventing the imminent dangers hanging over this kingdome, that they all unanimously sould present thameselves to his sacred Majestie, and falling down at his royall feete deprecat his Majestis wrath aganis his subjects; and thairfor they all in ane voice have resolved to take journay with all expedition towards his Majestie for the effect foresaid" (pp. 116–7).
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By the date when this resolution was taken the civil war had already begun. In the beginning of April Charles was at York at the head of an army; and in the preceding month the Covenanters had taken the Castles of Edinburgh, Dumfartoon, Douglas, and Dalkeith. The next entry in the Register referring to the political situation shows the Council still endeavouring to act as intermediary between the King and his subjects. By the date of this entry (May 10) the Marquis of Hamilton was in the Firth of Forth in command of a fleet intended to support Charles when he crossed the Border. To Hamilton, therefore, a conjoint meeting of the Lords of Council and of the Court of Session addressed a letter in which they expressed a desire that he would receive certain of their number to consider with him "the lamentable estat of kirk and kingdome" (p. 117). From his ship, "The Rainbow," at anchor in Leith Roads, Hamilton replied that he would be pleased to receive any one of their number on the errand which they had suggested. Two representatives, therefore, David, Earl of Southesk, and Sir Andrew Fletcher of Innerpeffer, duly waited on the Marquis, but the result of the conference is not recorded in the Register.

An order from Charles that was submitted to the Council on May 13 is sufficiently curious in view of the existing condition of the country. The Covenanting party were now virtually the masters of the kingdom, and Charles had not yet reached the Border at the head of his army, yet the order he gave was that the Parliament should be fenced on May 15—the date of its meeting which he had fixed in the preceding autumn (pp. 118–19). Our next entry is, indeed, a significant comment on the futility of Charles's order. Sir Thomas Hope, the Lord Advocate, and Sir James Carmichael, the Treasurer-Depute, had received a command from Charles to come to him with all speed. But to execute this command was impossible without the permission of the Covenanting leaders who could easily have intercepted them on their journey to the Border. First by letter, therefore, and next by an actual visit to the Covenanting camp, Hope and Carmichael sought to obtain the requisite permission, but were peremptorily refused. On the report of
their failure, the Council sent other two representatives, the Earl of Mar and Lord Durie, on the same errand, but they had to return with the same report (p. 119).

From the 15th of May till the 1st of July there is no entry in the Register, but for this blank there is adequate explanation. Between these dates the armies of the King and of the Covenant had come face to face and both had shrunk from the arbitrament of the sword. The result was the hollow Pacification of Berwick on the 18th of June, satisfactory to neither party, and only postponing the evil day. The immediate result of the Pacification, however, was that the administration of the kingdom was again resumed through its customary channels. On the 1st of July the Council met at Holyrood and transacted a variety of business. It issued a Proclamation authorising the Court of Session to resume its sittings in Edinburgh, now that his Majesty had “given order for the full settling of the peace of this his Majesteis Kingdome” (pp. 119–120). A letter from Charles gave orders that measures should be taken to stop the hostilities in the North where actual fighting had taken place between the Royalists and the Covenanters (p. 120). As in consequence of the Pacification Charles had announced his intention of making a progress through his northern kingdom, command was given to the sheriffs of Berwick, Roxburgh, Haddington, Linlithgow, and Edinburgh to make provision for the transport of his suite and baggage, and a committee was appointed to carry out the arrangements. According to a royal Proclamation made on the 18th of June a General Assembly was to meet on the 12th of August following, and the Council was now instructed by Charles to issue a summons at the market cross of Edinburgh to all lawful members to present themselves on the appointed day. What boded ill for the harmony of the coming Assembly was that bishops and archbishops were included in the summons though the Glasgow Assembly had abolished both orders (pp. 122–123).

Till the 4th of July, when the Council next met, Charles had still the intention of making a progress through Scotland. On

¹Charles, in his instructions to Traquair on the 27th, stated that he had ordered the bishops to absent themselves.—Gardiner, History of England, i., 47, Ed. 1894.
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that day orders were given to certain persons specified “to provide, designe, and marke loodgings, houses, and stables for all his Majesteis tryne and followers throughout all this kingdome where his Majesteis progresse sall ly” (p. 123). In point of fact, Charles saw reason to alter his intention of entering Scotland, and on July 29 left Berwick for London. The impending meetings of the General Assembly and the Parliament now preoccupied the mind of the nation. On the 10th of August the Council received a missive from Charles appointing the Earl of Traquair as Royal Commissioner in place of the Marquis of Hamilton, whose presence they were informed was now necessary at Court (pp. 127–128). The Assembly duly met on August 12, and, as is well known, confirmed all the Acts of the Glasgow Assembly, making an end of Episcopacy in Scotland. As far as the relations of the Assembly to the Council are concerned we find these in the record of the sederunt of the 30th of August. On that day there appeared before the Council, as representatives of the Assembly, the Earls of Rothes and Montrose, Lord Loudoun, and others, charged with an important petition. The petition was that an Act of Council should enjoin the subscription of the National Covenant “be all his Majesteis subjects of what ranke and qualitie soever, in tyme coming.” In pursuance of Charles's present policy the petition was granted, Traquair, the Commissioner, himself being present and approving (pp. 181–182). In accordance with the same policy, Traquair, on the same day, made an important Declaration, which a marginal note informs us was subsequently deleted “at command and in presence of the Estates of Parliament" on August 13, 1641. “I, John, Earl of Traquaire, his Majesties Commissioner in this present Assemblie,” this Declaration runs, “doe in his Majesteis name declare that, notwithstanding of his Majesteis awne inclination and manie other grave and weightie reasons moveing him, yit suche is his incomparable goodnes towards his subjects of this kingdome, that for giveing satisfaction to his people and for quieting of the present distractions, he doth consent that the fyve articles of Perth, the governement of the kirk by bishops, [and] civil places and power of kirkmen,
be declared unlawfull within this kirk as contrare to the con-
stitutions therof" (p. 132). While making this Declaration, 
Traquair indicated certain reserves on which Charles had 
always insisted. In giving the royal sanction to certain Acts 
of the August Assembly it was to be understood "without anie 
respect or relation quatsomever to the last pretendit Assemblie 
at Glasgow." A further reserve was that all Acts of the 
August Assembly should be null and void which should ordain 
any convocation of the lieges other than the ordinary meetings 
of kirk sessions, presbyteries, and synods authorized by the laws 
of the kingdom (pp. 132–133).

The Assembly rose on August 30, and the Estates met on the 
following day. Their proceedings were in every respect dis-
tasteful to Charles; they confirmed the Acts of the late 
Assembly abolishing Episcopacy, and by sanctioning a new 
arrangement for the election of the Lords of the Articles they 
deprived bishops of a legal status in the House. On October 31, 
therefore, Traquair intimated to the Estates that it was the 
King's will that they should be prorogued till the following 
March. So great was the opposition to this order that Traquair 
consented to a short adjournment that he might consult Charles 
aneuw. On the 14th of November Traquair produced Charles's 
reply in the form of a warrant proroguing the Parliament till 
the 2nd of the following June (Acts of the Parliament of Scotland, 
v. 255). The reading of this warrant was followed by a protest 
on the part of the House in which it was declared "that any 
prorogation made by the Commissioner's grace alone without 
consent of Parliament by himself or any Commissioner in his 
name . . . shall be ineffectual and of no force at all to 
hinder the lawful proceedings of the subjects" (Ib., p. 257). As 
far as the Council was concerned, it was only the question of the 
prorogation that came under its cognizance. At a sederunt on 
November 18, Traquair required Alexander Gibson, younger of 
Durie, one of the Clerks of Parliament, to produce the Act 
recording the proceedings in connection with the prorogation of 
the House on the 14th. On presenting the Act Gibson was 
requested by Traquair to amend it in some details "which were
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not substantial”—a request with which Gibson declared he was unable to comply. On being further asked to sign the document as it stood, Gibson again refused, affirming that, as it was written in his own hand, his signature was unnecessary—an opinion in which he was supported by the Lord Advocate, Sir Thomas Hope. A question of more importance raised on the same occasion was the legality of the form by which the prorogation had been carried through. The Clerk of the Parliament had refused to read the royal warrant for the prorogation: did this, the Lord Advocate was asked, “prejudge the legalitie of the prorogation”? The Advocate’s opinion was that it did not, and the Councillors, on being asked by Traquair to give their judgments, “declared that they knew nothing to the contrare thairof” (p. 141).

Still, in connection with the matter of the prorogation, we have a significant entry under date November 20. In this entry we read that on the previous day Traquair had summoned to his presence the Earls of Rothes and Montrose, and others representing the nobles, barons, and burgesses. If the Estates continued to sit in spite of the prorogation, they were told, it would be “under the pane of treason”; if, on the other hand, they consented to dissolve, his Majesty would not only admit to his presence such representatives as the Estates might send to him, but would “punctuallie performe whatsoever he did promise.” Already, it should be said, the Estates had sent the Earls of Loudoun and Dunfermline to represent their wishes to Charles who had refused to admit them to his presence. Such being the case, Traquair was told that the Estates would not again send representatives to his Majesty without his special permission, though on that permission being given they would gladly avail themselves of the opportunity. As for continuing to sit in spite of the prorogation the Estates had given proof that they had no such intention” (p. 142).

At this point there is a hiatus of two years (from November 20, 1639, to November 18, 1641) in the Register, which is sufficiently explained by the events of the intervening period
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During that period had occurred the Second Bishops' War, the result of which (August 10, 1641) had been the concession to the Covenanting party of all the demands they had hitherto made upon Charles. At the date when the entries in the Register are resumed this was the state of affairs. On July 15, 1641, the Scottish Parliament had met with the sanction of Charles, who came in person to Edinburgh on August 14. The special object of his coming was to gain the support of Scotland in his contest with the English Parliament, with which he had now irrevocably broken. With this object Charles had come prepared to make still further concessions, with one of which we are here specially concerned. "After a tough dispute" he agreed to the demand of the Estates that in future all officers of State, Privy Councillors, and Lords of Session should be chosen by himself, but "with the advice and approbation" of Parliament. Under date November 18, 1641, the day after the Estates rose, the Register supplies us with the list of the Privy Council chosen under the new conditions. The new Council consisted of forty-six members, four of whom, according to the precedent set by James VI., were Englishmen—the Earls of Arundel, Pembroke, Salisbury, and Holland.¹ As was to be expected from the conditions under which it was chosen, its personnel was considerably changed from that of its predecessor. Nearly a third were new members; the Chancellorship, held by Archbishop Spottiswoode in the previous Council, was given to John, Earl of Loudoun, an ardent Covenanter, while the office of Lord Advocate was retained by Sir Thomas Hope of Craighall. For the Treasurership, which had been held by the Earl of Traquair, there was such keen rivalry that for the prevention of strife it was entrusted to a Committee of four—the Earl, now Marquess of Argyll, and the Earls of Lothian, Glencairn and Lindsay. In succession to James Philp, who demitted the office on the ground of old age, Archibald Primrose was chosen as Clerk of the Council (pp. 142–8).

The new Council met the following day (November 19), and found itself confronted with the business that was to be its main

¹ Another list of Councillors is given at p. 481.
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preoccupation during the next three years. This was the Rebellion in Ireland, the first announcement of which had been made by Charles to the Estates on the 28th of October. In the progress of the Irish Rebellion Scotland was as deeply interested as England. Like the English Parliament the Scottish Covenanting party suspected that Charles was privy to what had taken place in Ireland, and intended to make use of it for his own purposes. Moreover, the Scots had so many of their own kin in that country that it was a national duty to see that they should not be left to the tender mercies of Irish Catholics. It was with the approval of the majority of the nation, therefore, that the Council assiduously took measures for the relief of the Protestants in Ireland. But however willing the Council and the nation may have been to do their utmost for their countrymen in Ireland, it was another matter to carry their good wishes into execution. To levy, provision, and transport to Ireland such a force as would be of any effect proved a task which strained all the energies of the Council. The main interest, indeed, of the Council's efforts to raise and maintain an army of a few thousand men in Ireland is to be found in the means to which it had recourse to accomplish this end.

Both the King and the English Parliament made an express application to the Council that it should take strenuous measures for the quieting of Ireland. The request of the King was that Commissioners should at once be despatched to London to consult with the English Parliament regarding the state of Ireland and other weighty matters importing the welfare of the three kingdoms (p. 150). At the same sedentary communication from the English Parliament stated that steps had been taken in England for the raising and providing of 6000 foot and 2000 horse, and expressed the desire that Scotland would follow its example (pp. 150, 151). The Council's response to the King was a commission to the Earls of Lothian and Lindsay to proceed to London with powers to confer with the English Parliament regarding all the momentous issues now pending between Charles and his subjects (pp. 155, 485). Their chief instructions were to insist on the payment of the sums that had
been guaranteed in the Treaty that had followed the Second Bishops' War, and to do their utmost to bring about an understanding between Charles and the English Parliament (pp. 163–4). As to the business of the Irish Rebellion, they were to abide strictly by their instructions, and to keep the Council fully informed of their negotiations.

To the suggestion of the English Parliament that a Scots army should be raised for service in Ireland, the Council gave an equally prompt response. On December 3, 1641, orders were issued for a levy of 5000 men expressly intended for service in Ireland. Of these 5000, it was hoped that 2000 might be made up of the men who had served in the Second Bishops' War; should any of these refuse to serve, the Lord-General (Alexander Leslie) was empowered to levy others to complete the contingent. Of the remaining 3000, 1000 were to be Highlanders, and the different parts of the kingdom were to contribute contingents in the following proportions:—The burgh of Edinburgh 200 men, and the shire 150; Haddingtonshire, 150; Fife, 200; Linlithgow, 80; Berwick, 150; Roxburgh, 200; Selkirk, 80; Peebles, 80; Lanark, 250; Renfrew, 80; Ayr, 250; Wigtown, 150; Dumfries, 150; Perth, 200; Dumbarton, Bute, and the Braes of Stirling, 100; Argyle, 300; and Inverness, 300. The orders for these levies were communicated to the various sheriffs, who were at once to convoke meetings of the nobles, gentlemen, and heritors on whom it was incumbent to see the orders enforced. With the advice of these persons, also, the officers of the levies were to be chosen—soldiers who had served abroad being in all cases to be preferred. All arrears were to be paid to the men who had served in the late war, and every private was to receive sixpence a day till he arrived in Ireland, where he would enter the pay of the English Parliament. In the same orders of the Council warrant was given for the transport of the levies to Ireland. Argyll, Glencairn, and the magistrates of Glasgow, Dumbarton, and Renfrew were instructed to come to terms with the captains and owners of vessels in Glasgow, and from the Clochstone in the parish of Inverkip to Irvine; and similar instructions were given to the Chancellor
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Loudon and the Earl of Cassillis in the case of the town of Ayr. Should the owners of the vessels refuse their use, any nobleman within the limits prescribed was empowered to disregard the refusal (pp. 170–172, 497–8).

Such were the energetic measures taken by the Council in response to the King and the Parliament of England. It was one thing to issue these orders, however, and another to enforce them with success. A letter addressed to the Council by the heritors of Roxburghshire illustrates the difficulty experienced in raising the required levies. In accordance with the order of the Council these heritors had met at Jedburgh with a view to raising the contingent of 200 men which was exacted from their shire, and this is the report which they communicated to the Council: The men who had served in the late war refused to re-enlist unless all arrears due to them were paid in ready money—“fair promises” having hitherto been their only remuneration. A further difficulty was that, as no officers had yet been appointed, fresh levies could not be conveniently raised. Finally, throughout the whole shire, and specially in Jedburgh and Kelso, there was opposition to the levies on another ground—the great outlay of the inhabitants in quartering soldiers during the late war had not been repaid by the Government, and they were indisposed to incur the risk of further expense. If these difficulties could be removed, however, the heritors were prepared to do their utmost to raise the required contingent (pp. 499, 500).

The difficulty in raising the required levies was not confined to Roxburghshire. Under date January 19, 1642, we find this significant entry: “The Committee [for superintending the levies] having red and considerit the several reports sent in be the shyres anent the levy requyred for suppressing the rebellion in Ireland, they find that reports are not given in be all the shyres that wer written to, and for their reports that ar given in they find thame not satisfactorie and that thair is no assurance given thairby for furnishing of men, and nothing may be expected almost be anie thing that is yit done” (p. 523). In these circumstances the Committee were driven to reconsider the
means of raising the total force required. Only two alternatives were open to them: the one was that each shire should contribute a fixed contingent, or be subjected to a fine in the event of failing to comply with the requisition. The objection to this method was that it was "too near the forme of a presse, quhilks is of a dangerous consequence"; and, moreover, as experience had shown, it was impossible to apportion the contingents to the satisfaction of the shires. The other alternative was to give warrant to officers, who should be "able and popular men," to proceed through the country, and "with tuck of drum" to enlist such men as voluntarily presented themselves. All things considered, the Committee came to the conclusion that the latter was the preferable method (p. 524).

In the instructions given to the Earls of Lothian and Lindsay, the Council had bound itself to send 10,000 men to Ireland, of whom 5000 were to be provided at once. By the first week of February, 1642, 2500 men were ready for transport—no light matter considering the shipping resources of the kingdom. The arrangements made for the transport were as follow:—The 17th of February, "wind and weather serving," was fixed for the embarkation, which was to take place between the town of Ayr and the Roads of Fairlie, in the parish of Largs. As the chief potentate in the neighbourhood, the Earl of Eglinton was appointed to superintend the necessary arrangements, and he was to have the assistance of the towns of Glasgow, Dumbarton, and Renfrew. Before the day of sailing, Eglinton was to take possession of every craft on the coast in which the men could be stowed with safety. The passage money for each man was to be 30s. Scots, and for every "lyday"—that is, every day on which the fleet might be becalmed—five pounds Scots in addition were to be paid for every craft. The first detachment transported was to consist of 1000 men, and the following provisions were to be laid in for the voyage:—30,000 lbs. "of good and sufficient bisket of wheit, weying ane half pund the peice"; 500 bolls of meal to be sent from Glasgow in sacks "narrow and handsome," each capable of holding half a boll; for each vessel two barrels of the "best herrings"; 500 gallons of ale of the "best
sort," the allowance for each man during the voyage being half a gallon (p. 533).

By the close of February other 2500 men, completing the number immediately required, were ready for transport, and under the command of Major-General Monro these were conveyed to Carrickfergus, the possession of which had been assigned to the Scots by the English Parliament (p. 208). As the collective force stood by the 11th of March, it consisted of four regiments with about a thousand men to each, though repeated desertions rendered the numbers variable. The Commander-in-Chief was Alexander Leslie, Earl of Leven; the Lieutenant-General, the Earl of Lothian; and the General of the Artillery, Alexander Hamilton—the several regiments being under the command of Major Monro, Lord Sinclair, Colonel Home, and the Laird of Lawers. For the transport of the further contingents another arrangement was found expedient: 5000 rixdollars were given to each colonel, who out of this sum was to levy and transport the number of soldiers specified for his regiment—new recruits receiving five dollars a day, and men who had served in the late war receiving seven (pp. 228, 229).

The levy and transport of the troops having been accomplished, the difficulties of the Council were not at an end. How was the army in Ireland to be paid and maintained now that it was there? The English Parliament had pledged itself to the monthly pay of all the troops—English and Scots—who were engaged in suppressing the Irish Rebellion (pp. 407, 408); but civil war had broken out in England and the Parliament was unable to keep its pledge. Certain sums, indeed, it did advance to the Scots, but these were totally inadequate to the maintenance of the collective Scottish force in Ireland. In these circumstances the Council had to fall back on its own resources, and the efforts it made proves that the relief of the Irish Protestants was regarded as a national duty. Its first measure was to appoint a Commission with the express charge of collecting provisions and forwarding them to Ireland (p. 228). Meal and herring were the staple diet of the troops, and these commodities were secured by contracts with merchants in different parts of
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the country. At first there seems to have been money enough in the Exchequer to meet the claims of the contracting merchants, but the time came when this source failed and the means of purchase had to be found elsewhere. Under the date February 28, 1643, we find this notable entry: “The Counsel finds that the reddest way for procuring of money to supplie the necesseties of the armie is that all counsellors, judges, noblemen, and others weill affected be desyred to contribut upon the publict suretie of the judicatories of Counsell, Commissioners for the Peace and Burdens, and assignation to the pay dew or to be dew to the armie in Ireland be the Parliament of England; and recommends to Lauderdaill, Southesk, Balmerino, and Advocat to condiscend on the forme of suretie” (p. 403). The next entry indicates that there was a prompt response to this appeal. From twenty of the Councillors there were offers of various sums—Argyle heading the list with the promise of £1000 sterling (p. 403).

An entry under March 4 gives a pitiable description of the 10,000 Scottish troops whom the Council had finally succeeded in transporting to Ireland. There came “daylie advertisements,” we read, “of the great necesseties and wants of the said Scottish armie in Ireland, als well officers as soulidours, who for want not onlie of thair ordinar pay but even of victualls in the spairest measure, and of cloaths and shoes, ar redacted to that extremitie that their bodeis ar daylie decaying for want of necessarie sustenance to uphold nature” (p. 407). In the opinion of the Council this state of things appealed not only to the “Christian consideration” of its own body but to the Scottish people at large, and it now made an appeal for a loan of £20,000, to which every patriotic Scot might contribute to the best of his means. Sheriffs were instructed to convene meetings within their respective jurisdictions and, in concert with the Presbyteries, to bring the Council’s proposal before every subject who might have any money to spare. The replies of a few of the Sheriffs are to be found in the Register, and all of these were equally unsatisfactory. The gentlemen of Berwickshire averred “that it was not in any of thair possibillities to advance any moneyis in regard of thair awin distresse”; those of Stirlingshire, “that they had no moneyis
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themselves, but they knew of diverse who had moneyis to len upon securitie"; while the sheriff of Edinburgh had to report that only five persons had appeared at the meeting which he had summoned in the Parliament House (pp. 639–641). Nevertheless, it appears that throughout the country at large there was a sufficiently liberal response to the request of the Council. At pp. 412, 423, 424, 437, 438, for example, we have lists of sums contributed by persons of all ranks, and sufficient in number to prove that the nation was deeply moved by the condition of the Protestants in Ireland.

The Irish Rebellion brought another burden on Scotland besides the maintenance of an army for its suppression. Crowds of fugitives, bereft of all the necessaries of life, flocked to the Scottish coasts as their nearest place of safety, and where they were most likely to receive charitable assistance. In the presbyteries of Ayr and Irvine alone more than 4000 of these refugees were found at one time (p. 267). The boxes for the poor and special collections could not meet the wants of such a multitude, and the usual application was made to the Council. The Council promptly responded, and directed an appeal to be made to all the presbyteries of the kingdom, appointing receivers for the sums contributed (p. 190). So “cheerfullie and liberallie” did the people give of their means that the Council had to exercise its authority to prevent peculation and misappropriation of the money raised (p. 254).

Still in connection with the Irish Rebellion we have to note the entries regarding the Earl of Antrim, the discovery of whose projected plot for the invasion of Scotland finally decided the Covenanting party to throw over Charles and identify itself with the English Parliament. At the end of May, 1643, Antrim had been captured by Major-General Monro on landing on the Irish coast near Carrickfergus, and on his person were found five letters addressed to him—two from Viscount Aboyne, son of the Marquis of Huntly, and three from the Earl of Nithsdale—in which a plan was sketched for the invasion of Scotland at different points (p. 436). A previous entry (November 17, 1642) informs us that “one Thomas Lillie, servitor to the Earl of Antrim, with
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twa of his footmen and twa baggage horses, loadned with some trunckes and a great clock bag, with a passe quhilk seemes to be counterfoot," has been apprehended by the magistrates of Dumfries, who are instructed to have their prisoners conveyed to the tolbooth of Edinburgh (p. 345). On the 6th of June, 1643, the Lord-Advocate was instructed to prosecute Aboyne and Nithsdale before the Justice-General on the charges involved in the letters found on the Earl of Antrim (p. 436); and on the 9th of the same month the Council emitted a long “Declaration,” in which they enumerated the heads of Antrim’s plot for the invasion of Scotland. The design of Antrim and his confederates, Nithsdale and Aboyne, “was to reconcile the English and Yrish in Ireland, that they by their joyn power, having expelled the Scots, the Yrish forces there might be sent against the Parliament of England to deale with some fitt instrument there by all their strength to surprise the Yles and Hielands, and to depopulat and waist so much of this kingdom as their power could extend unto, being assured of the like dealing in the North by the papists and their assistants there, and to have a magazen at Carilill for 20,000 men to fall in with all hostilitie upon the south pairs of this kingdom” (p. 443). The examination of Antrim’s servitor, Lillie, on the 16th of June, confirmed the evidence of the letters found on Antrim on which the foregoing Declaration was based. On a vote taken in the Council Lillie was permitted to return to his master, still a prisoner with Monro in Carrickfergus (p. 648).

Besides the maintenance of a Scottish army in Ireland, the Council had other business in hand of even greater importance for the future of the three kingdoms. When Charles left Edinburgh for London in November, 1641, it was to find his English Parliament more recalcitrant than ever. On August 22, 1642, Charles raised his standard at Nottingham, and civil war began between Parliament and King. From the outbreak of hostilities it was of the first moment to the contending parties on which side Scotland should cast its sword, and it was through the agency of the Scottish Privy Council—the only permanent authoritative body in the country—that King and Parliament respectively sought to
gain the support of an ally that might decide the issue at stake between them. The task that thus fell to the Council was as difficult as it was momentous. In itself it was a divided body, as a minority of its members was decided in its sympathies with the King as against his Parliament. Collectively, however, they were unanimous in one desire—to effect a reconciliation between the two disputants as in the interest of all three kingdoms alike. In its negotiations with Charles and the English Parliament the Council strove to hold the balance between them, and even offered its good offices as arbiter in their controversy. But this policy was rendered increasingly difficult by the state of opinion in the country at large. By his concessions to the Scottish Parliament of 1641 Charles had gained a considerable following, and specially among the nobles; but popular opinion went decisively with the English Parliament, and, as the strife between the two parties deepened, the Council was gradually forced to abandon its neutral position, mainly through the action of the General Assembly—the potent voice of the popular will. As we follow the successive entries recording the communications between Council, King, and Parliament, we shall see the delicacy and difficulty of the relations of the contending parties. As will appear, the narrative of these communications carries us to the 1st of June, 1648, about three months before the adoption of the Solemn League and Covenant bound the Scots and the English Parliament to common action against the King.

As we have seen, the Council, with the approval of Charles, despatched (November, 1641) the Earls of Lothian and Lindsay to London to consult concerning the pressing affairs of all three kingdoms. The arrangements for crushing the Irish Rebellion were to be the immediate concern of the two Commissioners, but their instructions also bore a wider application. "You are to labour dureing your abode thair [in London]," they were told, "by all meanes to keepe a right understanding betuix the King's Majestie and his people and betuix the two nations, and to confirme that brotherlie affection begun betuix them, to advance thair unitie be all lawfull meanes to the glorie of God and peace of the church and states of both kingdomes, and to prevent all
jealousies and mistakings quhilk may aryse betuix thame” (p. 163). In their part as peacemakers the Commissioners were apparently too officious for Charles's taste. On February 8, 1642, a communication from him was read in which he requests “that the Commissioners sould be desired be the Counsell not to medle betuix the King and Parliament of England without his Majesties knowledge and approbation.” The reply of the Council to this rebuke could not have been quite satisfactory to Charles: “Our advyce to thame” [the Commissioners], it wrote, “ever hath and sall be that thair hail deportsments may be suche as may best expresse our affection and fidelitie to your Majestie and continow that right understanding now established betuix your Majestie and this your native kingdome, whiche, as wee esteeme to be our greatest happines, so it is our earnest and heartie desyre that the lyke understanding may be established betuix your Majestie and your subjects of all other your dominions.” In proof of its good intentions, the Council added that it intends to send the Marquis of Argyle to London if his presence be acceptable both to Charles and to the Parliament (p. 198).

The next communication (April 13) of Charles shows his eagerness to carry the Council with him in his disputes with his English Parliament. He has heard a singular story, he writes; on information from the Scots Commissioners, Sir Philip Stapleton has told the House of Commons that there has been talk in the Scottish Council of breaking the union between the two kingdoms. “None can judge better,” he writes, “of the truthe of this information then your selfe [the Chancellor Loudoun, to whom the communication is addressed], who hath constantlie attendit our Counsell, for till now wee neither hard of anie suche motion nor anie suche meiting of our Estates. Wee doubt not bot yow will easilie find how necessar it is that the truthe of this be knawn, whiche possibile might otherways in some kynd reflect on us. And, that yow may the better know how desirous wee are to remove suche distractions as may enterteanie anie misunderstanding betuix us and our people, wee have commandit our Secretarie to send yow a double of suche messages as of late hath past betuix us and our Parliament here.” Whatever
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ground there may have been for Stapleton's statement, the reply of the Council was emphatic. "This information," it wrote, "hath not a little amased us, findeing our humble endeavors in your Majesties service thairby misconstrued without ground or warrand" (pp. 234–236).

Six days later (April 19) the Council had before it two communications, from the English Parliament and from Charles respectively, which appear to have placed it in an embarrassing dilemma. The burden of these communications was mutual recrimination—the special point in each being Charles's withdrawal from London and absenting himself from the meetings of Parliament. Again we note the eagerness of King and Parliament to put their proceedings in the best light before the Council. The Parliament fully realized that the Scots, in spite of their late breach with Charles, retained a natural tenderness for the King whom they had given to their more powerful neighbour, and in its statement to the Council it carefully avoided a direct reproach against him. The misunderstanding with Charles, it wrote, "hath haillie and sollie proceedit from the evill councells and suggestions of ill affected persons who have also stirred up his Majestie by declarations and messages to lay severall great and heavie imputatiouns upon the Parliament, and to disaffect him to thair proceedings, quhairby they are inforced, for the clearing of thameselves and thair actions frome suche aspersions, to sett furth a declaratioun unto this kingdome, whiche, when they have perfected, they intend to send also to the Council of Scotland that it may [be] communicated to that kingdome, to give thame more particular satisfaction concerning thair intents and actions" (p. 242). The Declaration to which the Parliament referred had been sent to Charles by the Council, and it was in reply to it that his communication had been sent. Charles's chief anxiety was that his account of the national quarrel should be made as public as that of the Parliament. "Thairfore wee command yow," he wrote, "(least this confident aseveration may prejudice us with our Scots Councel) to require thame in our name diligentlie and seriously to peruse all these answers which wee have made to our
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Parliament of England, being verie confident that they will find wee have had too muche caus to withdraw our selfes frome the southerne parts of this kingdome" (p. 243). "Wherefore," he concludes, "wee are confident that they [the Council], haveing maturelie and consideratlie weyed all things, will returne suche answer to our Parliament of England's declaration that will make all the world sie that they rightlie understand our actions as proceeding from our real intentions of preserveing our people in the true religion, lawis, and liberties" (Ib.).

The Council was evidently in sore perplexity as to the most fitting terms in which the two communications should be answered. It appointed a Committee consisting of the Chancellor Loudoun, the Marquis of Argyle, and the Earls of Morton, Lauderdale and Southeek to draw up the heads of a reply on which a letter might be based (p. 245). These heads were duly produced before the Council, and the Chancellor was instructed to frame a reply in accordance with them (p. 247). The document took the form of an "advice" which was to be sent to both the contending parties, and which could be construed into approval of neither. To the Parliament the Council was made to say that they "doe find thameselves bund in dutie to acknowledge that they esteeme it no small happines to ressawe true and full information frome the fountaines and not to be left to the muddie and wandring streames of privat misreports" (p. 249); and to Charles that they "also ressawe and embrace with all humble respects and thankfulnes frome his Majestie the large and lyvelie expression of his royall and religious resolution and care of mainteaining and preserving the true religion" (Ib.). The "advice" itself was so vague that it is evident that the Council was deliberately holding the balance between the two parties. "Upon the one part," they wrote to the Parliament, "they wish and are confident that the honourabill Houses of Parliament, in their great wisdome and affection, will leave no faire and good meanes unassayed to induce his Majestie to returne unto thame, that there may be a better understanding betuix him and his people, and they honoured with his royal presence, and strengthened be his scepter and auctoritie" (p.
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250). "Upon the other part," they wrote to Charles, "frome the deewe sense of his Majesteis trouble and frome the love and loyaltie of their hearts their humble desyre is that his Majestie may be pleased to hearken to the earnest desyrs and harte invitation of his people in returneing to his Parliament, quhilk, as it is his great, so it is his best and most impartiall counsell" (Ib.). The opinion expressed by the Council on one point, however, must have indicated to Charles that its sympathies lay rather with his revolted subjects than with himself. To the dismay of his English Parliament Charles had announced his intention of proceeding in person to Ireland—a step from which the Council earnestly dissuaded him as contrary to his own interests and those of his kingdom (Ib.).

With the approval of Charles the Chancellor Loudoun was despatched to him with the Council's reply to himself and the English Parliament. After seeing Charles, Loudoun was to proceed to the Scottish Commissioners in London, but this Charles forbade, and Loudoun returned to Edinburgh to report the result of his mission. At a sederunt on May 25, 1642, the Council again had before it communications from Charles and his Parliament. Those from Charles consisted of a letter to the Council and "Instructions for our Chancellor of Scotland concerning our desyres which wee command him to represent to our Council of that kingdome." The tone of Charles's letter showed that he was far from satisfied with the attitude of the Council. "We desyre not," he wrote, "that yow sould intermeddle so farre as to take upon yow to decyde the differences betuix us and our Parliament, bot that (as fellow subjects under one heid and monarch and as faithfull counsellers to us) yow will labour to informe your selfes of the true estate of the questions betuix us and our Parliament " (p. 256). The "Instructions" to the Chancellor contained another letter from Charles to the Council in which he shows equal displeasure at what he deemed its officious interference. "Wee did not reuyre of yow," one passage in it runs, "that yee sould sit as judges upon the aﬀaires of another kingdome. Wee onelie intend to have both our sufferings and our actions, as they are
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express in manie papers whiche have passed betuix us and our Parliament, made thoroughlie knawin to yow; that since wee have none besides yow, whome wee can acquaint with our proceedings, yee may clearlie see that wee have beene so farre from wronging our Parliament of England that wee have given them all satisfaction" (pp. 257, 258). The English Parliament could not afford to take so high a tone as Charles. It simply thanked the Council "for the wyse and sound counsel given to the King to returne to his Parliament," and desired that it would continue to give the same good advice. They further requested that the Council would make a point of sending them all the communications they received from Charles regarding the national dispute, promising in return to submit to the Council all their own representations to Charles on the same subject (pp. 258, 259).

To answer these communications from Charles and his Parliament a Committee of twelve was appointed, at whose meeting, however, any member of Council might be present (p. 260). Of the two replies, only that to Charles appears in the Register (June 2). Its curtness and ambiguity appear so studied that Charles could not fail to infer that his friends in the Council were in a feeble minority. "Most sacred Soverane," the letter ran, "wee have seene and considerit the several messages and letters past betuix your Majestie and your Parliament of England with the propositions and demands shawin to us be the Lord Chancellor, and, as wee are hartilie sorie to sie the condition of affaires thair, so wee are and sall ever be reddie, according to our bund dutie, to contribut our humble service and best endevers for setling the same in suche a way as may conduce most to your Majesties honor and auctoritie and good and peace of your kingdomes, as becometh your Majesties most humble and faithful subjects and servants" (pp. 264, 265).

Three days before this letter was read (May 31) the Council had received a petition which may have influenced its tenor. This petition came from the Covenanting party in all its ranks—nobles, gentlemen, burgesses, and ministers. Though worded with deliberate caution, its drift could not be mistaken. The petitioners, and those whom they represented, had been alarmed
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at the correspondence between Council, Parliament, and King. Their alarm had been increased by the fact that, in view of the meeting of the Council that day (May 31), there had been "great convocations" of persons "esteemed be the country and challenged be the Parliament as incendiaries, plotters, or enemies to the peace of thir kindomea." The influence of these persons, they feared, might constrain the Council to offer military aid to the King to enable him to overawe his English Parliament, and the object of their petition was to warn the Council that in so doing they would not have the country at their back. Though the petitioners expressed no animosity against the King, their sympathy with his rebellious Parliament was not disguised: "nather can your Lordships," they said, "judge of the lawis and proceedings of another independent kingdome, and the Parliament of England offers to give all satisfaction concerning any messages or papers sent to your Lordships anent thair proceedings" (p. 262). The Council was also significantly reminded that the power of entering into engagements either with the King or his Parliament did not rest with them alone, as a Committee (the Conservators of the Peace, a standing Committee of the Estates) expressly existed for safeguarding the relations between the two kingdoms. The reply of the Council was that, "as they are most tender and sensible of whatsoever may concerne his Majesties honor and auctoritie, so will they have a special care not to doe anie thing contrarie to the late treattie or whiche may infringe the union and peace or weaken the confidence betuix thir twa kindomes so happilie established in his Majesties presence and with his royal consent in both Parliaments" (p. 264); and the petitioners were requested to trouble the Council with no more supplications "of this kynde."

During July and August the General Assembly sat in St. Petition of Andrews, and took a step which eventually resulted in the General Assembly for Solemn League and Covenant between the English Parliament and the predominating party in Scotland. Through its Standing the three Committee the Assembly presented a petition to the Council kingdoms, desiring its concurrence "in thair remonstrance to the Parliament of England towards the settling of unitie in religion and unifor-
mitie of church government in his Majesties three kingdomes" (p. 314). The reply of the Council was as satisfactory as the Assembly could have desired: It "unanimously and hartilie" concurred "in thair earnest desyrs to the honourabill Houses of the Parliament of England to take to thair serious consideration the particular forsaid tuicheing unity of religion and uniformitie of Kirk government in the saids three kingdomes."

It was on August 18 that the Council despatched the Assembly's petition to the English Parliament, and the reply came on the 21st of September. By this date the English Civil War had begun, and the Parliament was more eager than ever for a Scottish alliance. Its answer, therefore, was an apparently hearty response to the desire for unity of religion on the part of the Council and the Assembly. All this augured ill for the interests of Charles in Scotland, and, as it happened, there now arose a fresh cause of friction between Charles and the Council. On its own authority the Council had resolved to recall its Commissioners in London with the exception of two, the original number. Since Charles had left London, he naturally considered the presence of the Commissioners there as a slight on his authority and a danger to his interests. Somewhat peremptorily, therefore, he wrote to the Council demanding the recall of all the Commissioners. Without his authority, he said, the Council had no right to appoint Commissioners to treat with the English Parliament, and, moreover, two could not form a quorum to negotiate in any business that might arise (p. 318). The Council point blank refused to recall the two Commissioners: "wee conceave our selfes bund," it wrote, "to represent to your Majestie that wee are sufficiently warrandit and authorised be a special commission frome your Majestie and your Parliament to have a care of what is necessarie for these forces sent frome this to Ireland, and to sie that the treattie for Ingland for thair enterteainment be performed" (p. 319).

While there were these indications that the Council was becoming alienated from the King, its relations with his Parliament, on the other hand, were growing more cordial. The ground of their mutual approach was that "unity in religion
and uniformity in church government," vehemently desired for itself by the Covenanting party in Scotland, and desired by the English Parliament on grounds of policy. On September 29 the Council replied to the Parliament's communication regarding unity of religion, and in terms which virtually implied a breach with the King. We "doe in all humilitie blesse God for his goodness," it wrote, "and with all cheerfulnes returne thanks to the Parliament for hearkning to the joynt desyrs of this Kirk and kingdome and for promoveing this blessed work whiche promiseth so great happines to both kingdomes" (p. 329). In another sentence the Council completely identifies itself with the petition of the General Assembly, and in so doing passes judgment on the Royalist party. "It is not to be expected," this sentence runs, "bot malicious men, the enemies of religion and all righteousness, will rage and tumultuat as they have done frome the beginning and late experience hath taught, bot it is muche better in so good a caus to be vexed for a tyme with thair malignant intentions and violent opposition then to have religion, liberties and lawis, his Majesties good subjects and the posteritie prostituite to thair lusts and trode underfoote at thair pleasure in all tyme to come, whiche the saids Lords acknowledge and have found to be the unnaturall designe of papists, prelats and atheists against both kingdomes" (ib.).

The petition of the General Assembly for unity of religion had been sent by the Council to Charles as well as to his Parliament, and his reply was submitted to it on November 3. As was doubtless expected, its purport was very different from that of the Declaration by the Parliament. "By your letter to us the 19th of this instant August we find yow concurre with our late General Assemblie in thair desire to us anent unitie of religion and uniformitie of church government in all our three kingdoms, which cannot be more earnestlie desired by yow then sall be reallie endeavoured by us in such a way as we in our conscience conceived to be best for the floorishing estat of the true protestant religion. But as for joyning with our houses of Parliament in this work, it wer improper for us at this time to give anie answer. For since their meeting they have never
made anie proposition to us concerning unitie of religion or uniformitie of church gouvernement. So far they ar from desiring anie such thing as we ar confident the most considerable persons and they who make fairest pretences to yow of this kinde will no sooner embrace ane presbyteriall governement then yow an episcopall” (p. 332).—An emphatic commentary on this letter of Charles's is the next communication from the Parliament, read before the Council on November 15. The Parliament now proposes that definite practical action should be taken to bring about the religious unity for which both parties had expressed the desire. “For the better effecting thereof,” the Parliament wrote, “we doe thankfullie embrace the corres- pondence of that honoroble table [the Council] and of the Commissioners of the Generall Assemblie and sall likewise most willinglie concurre with the good endeavours and intentions of the Commissioners for conserving the peace betuix the kingdoms according to the act of pacification ratified in both Parliaments, hoping and praying that the God of Heaven will crowne our mutuall desires with such ane issue that the true religion, the honnour, safetie and peace of his Majestie and all his kingdoms may be established and preserved aganis the malicious designes and practises of those who seeke openlie to oppose or secretlie to undermyne the same” (p. 341).

The 20th of December was a momentous day for the Council—momentous in the history of both kingdoms. On that day it had before it two communications, one from the Parliament and one from Charles, and a decision in the case of either involved a fresh national departure. The battle of Edgehill, the first in the Civil War, had been fought on the 23rd of October, and, as the victory had gone to Charles, the assistance of the Scots was an urgent necessity for the Parliament. In its last communication to the Council, therefore, it directly asked for military aid against the King, and thus stated the grounds on which it made the request. “Wherefore,” it wrote, “wee have thought good to make knowne to our brethren that his Majestie hes given commissions to diverse eminent and knowne papists to raise forces and to compose ane armie in the north and others parts
of this kingdom, which is to joyne with diverse forrane forces intended to be transported frome beyond the seas for the destruction of this Parliament and of the religion and libertie of this kingdome, and that the prelaticall part of the clergie and their adherents have also incited his Majestie to raise another armie whiche in his owne person he doeth conduct AGAINST the Parliament and the citie of London, plundering and robbing sindrie weil affected touns within their power” (p. 360). The objects for which the army should be raised were thus specified. “And heerupon we further desire our brethren of the nation of Scotland to raise such forces as they sall judge sufficient for securing the peace of their owne borders against the ill affected persons here; as likewise to assist us in suppressing the armie of papists and forrainers which, as we expect, will shortlie be on foot heir, and if they be not timelie prevented may prove als mischievous and destructive to that kingdom as to ourselves” (ib.).

This communication of the Parliament had been sent to Charles by the Council, and it was his reply to it that was read on the same 20th of December. The purport of the reply was an emphatic repudiation of the intentions ascribed to him by the Parliament and the expression of the conviction that the Council would not accede to the request for military assistance. “And we know,” he wrote, “no reasonabill nor understanding man can suppose our good subjects of Scotland ar obliged or enabled by the late act of Parliament in both kingdoms to obey the invitation which is made them by this pretended declaration” (p. 363). The letter contained a request that it should be printed and distributed in the country, but the Council deemed its contents of such importance that it postponed further action till a “more frequent meting.” On the other hand, by a vote it was decided “that it wes not fitting” to print the communication from the Parliament.

It is not till January 10, 1643, that we find the Council resuming consideration of the communications from Charles and the Parliament. In the interval it had resolved, in accordance with Charles’s express wish, to print and circulate his last letter, both to be published.
and now Charles gave order that the document of the Parliament should be published along with it. To this the Council agreed, but with the reserve that “their giving order for printing anie papers doeth not import their approbation thereof” (p. 373). A further caveat, also, was lodged by three of Charles’s supporters in the Council—the Earls of Mar, Glencairn, and Lanark, who protested that their voting for the publication of the documents in question “was not for satisfaction of the doubts of anie of his Majesties subjects, since they conceave the Counsell comptable for their actions to the Kings Majestie and Parliament onlie” (p. 374).

The proceedings of the Council had all along been assiduously watched by the Commission of the General Assembly, and on January 13 it received a communication from that body which was a hardly veiled rebuke. The communication consisted of a petition to Charles and a letter addressed to the Council. The petition urged on Charles the former demand for unity of religion and uniformity of Church government, and the letter called on the Council to give the petition its whole-hearted support. But the sting of the Commissioners’ letter is contained in the following sentence:—“And with all we are constrained with greeved hearts to represent to your Lordships that whill we are exercised in doing our duetie and in promoving of so good a work, of which we must give ane accompt to God and the next General Assemblie, a petition presented to your Lordships by some privat noblemen, barons and gentlemen is come to our hands, which in the points of unitie of religion, of our solemnne covenant, of our dutie to the Kings Majestie, of our owne peace and of the peace of the two kingdoms, then which no maters can be of greater importance to be the subject of the gravest deliberations of civill and ecclesiasticall assembleis, yitt this petition in all these so weightie maters proceedeth upon grounds not onlie diverse but contrarie to the meaning of the Kirk and of all that hath beene formerlie done by your Lordships, by the conservators of the peace and by the assembleis of the Kirk and thair Commissioners” (p. 375). To this implied reproach the Council submissively replied that it would “concurre with the
Commissioners of the General Assembly in recommending to his Majesty the establishment of unitie of religion and uniformitie of Kirk governement in all his Majesteis domains, and the removing of all impediments that doe hinder the same," and it promised at the same time to keep in touch with the Commissioners in all that concerned their interests and those of the Assembly they represented.

Still unsatisfied with the attitude of the Council, the Commissioners of Assembly made a further statement of their grievance on January 19. They had met in Edinburgh on January 4, they said, for the purpose of considering the question of the unity of religion, when they were approached by certain nobles, barons, and burgesses with the view of making a joint-petition to the Council. As the views of both parties were found to coincide, it was resolved that a joint-petition should be made. "But," wrote the Commissioners, "after some dayes, contrarie to our expectation, another petition is presented to your Lordships by some private noblemen, barons, and gentlemen, which after perusall and examinatioun we found to be crosse and contrarie, not onlie to the former petition presented by us to the Commissioners for conserving of peace, but in our best and most impartial judgement, altho in faire words and under spesious pretences, destructive of our intentions and proceedings" (p. 379).

The "Cross Petition," the Commissioners of Assembly went on, had been circulated in both kingdoms, though they had done their best to persuade its authors to recall it. What they now desired of the Council, therefore, was that their own petition should likewise be communicated to both peoples, and, above all, that the Council would support them in impressing on the King the supreme necessity of the unity of religion in all three kingdoms. The Council's reply was all that could be desired by the Commissioners: it promised to recommend their petition to Charles, and signified that it had not given its approval to the rival document (Ib.).

On May 12 the Council took a step which involved a direct breach with the King. At a joint-meeting of the Council, the Commissioners of the Peace, and of the Commissioners for
the Common Burdens the question was deliberated whether, in view of the condition of both kingdoms, it was expedient to summon a Convention of the Estates. The votes of the meeting were taken on the following points: Was it “fitting” that the judicatories should “consult and resolve” on the expediency of summoning the Convention; was it “necessary” that the Convention should be summoned at that time; was it expedient that it should be summoned “presently”; and, lastly, should his Majesty’s “pleasure” be asked or not? The conclusion of the combined meeting was that his Majesty’s warrant should not be invited, and that the Convention should meet on the 22nd of June (pp. 426, 427). “We have been constrained,” the Council wrote to Charles, “to crave the advice and resolution of ane Convention of the Estates, June 22, which, as according to the duetie and obligation of our places, we ar bound to shew to your Majestie; so do we humblie intreat that againe the time agreed unto by commoun consent, your Majestie be graciously pleased to acquaint us with your pleasure and commandements that maters may be so determined as may mak for the honnour of God, your Majesties service and weale of your kingdomes” (p. 428). From the decision of the three bodies there were two dissentients—the Marquis of Hamilton and Sir Thomas Hope, the Lord Advocate—who protested that the Estates could not be convoked “without his Majesties speciall warrant” (Ib.).

Under date June 1 we have the last document referring to the relations of King, Council, and Parliament in the present volume. This document is a long “Declaration” by Charles in which he arraigns the dealings of the English Parliament with the Council, justifies his proceedings in the case of both kingdoms, and expresses the conviction that Scotland would never lend a hand to assist his enemies (pp. 429–433). At his request the Council agreed to publish the Declaration at all the market crosses of the kingdom. To one clause in the Council’s letter intimating their resolution to Charles the Chancellor Loudoun objected as contradicting the previous communication announcing the Convocation of the Estates. The clause to which Loudoun objected was as follows: “And endeavoure to
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prevent all jealousies which may arise upon anie groundles report of levying of armes or mainteaneing of forces within this kingdom without speciall warrant from your Majestie and Estates of Parliament." It was, therefore, Loudoun protested, "as Chancellor onlie," and because the Council's vote so ruled it, that he subscribed the letter in question (p. 434).

In connection with the affairs of Church and State, it only remains to note the few entries regarding the so-called "Incendiaries"—the name given by the Covenanting party to the persons whom they held responsible for the policy of Charles which had occasioned the national troubles. These persons were five in number—the Earl of Traquair, who had been Lord Treasurer and Lord High Commissioner; Sir Robert Spottiswoode, son of the Archbishop, and formerly President of the Court of Session; Maxwell, ex-Bishop of Ross; Dr. Balcanquhal, the author of the "Large Declaration," which had given such offence to the Covenanters, and Sir John Hay. Of all these persons Traquair had been deemed the most mischievous, by reason at once of his abilities and his influence with Charles; no subject, it was said of him, had had so much power in his hands for the past forty years. In the Parliament that met in 1641 a Commission had been appointed for the trial of the Incendiaries, with powers extending to the 1st of March following. Under date December 3 we find a caution from Traquair binding himself to appear for trial whenever he might be summoned, and meantime to "behave himself in such a quiet manner as may conduce most to the peace of the kingdom" (p. 175). In point of fact Charles could not be eager for the punishment of persons who, however obnoxious to his adversaries, had been the instruments of his own policy. Till as late as February 8, therefore, when the powers of the Commission for their trial were near expiring, no steps had yet been taken to bring them to judgment. The occasion of the delay, we are told, was "the remissenesse of the Lord Advocate and Procurators of Estate in doing thair duetie," who were now strictly charged to proceed with the prosecution (p. 199). From a letter of Charles to the Council, dated March 29, however, we are to infer that the Commission had expired.
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and no trial had taken place—a result doubtless due to the influence of Charles and the divided counsels of those who had urged the impeachment (pp. 233, 234).

DOMESTIC AFFAIRS.

A question we naturally ask in connection with our period is—
To what extent was the general business, the peace and order of the country affected by the troubles in Church and State? So far as the Register is concerned, the answer is that there is little indication that there was any serious interruption to the routine of the national life. That in all parts of the kingdom there were more frequent breaches of the law, however, was inevitable. The Council, which possessed such wide judicial powers, as likewise the Court of Session, were at one time disorganized and for a considerable period in practical abeyance, and we shall find that the change of their place of meeting was urged as a pretext for eluding the law in certain cases. It would appear, also, that sheriffs were more remiss in their duties, and that there were delays in the appointment to their offices when these fell vacant. Nevertheless, it is in other sources than the Register that we must look for evidence that the national quarrel seriously affected the life of the people in its domestic concerns.

It is in the Highlands and Islands that we should naturally look for advantage to be taken of the weakened arm of the law. Even when the kingdom was in its normal condition, it had strained all the powers of the Government to maintain a tolerable degree of order in these districts. In the case of the Western Islands we find evidence that the dislocation of the central authority was attended by mischievous results. By a statute passed (1610) in the reign of James VI., the principal chieftains of the Isles were bound to present themselves annually before the Council as a pledge for their good conduct in the interval, and the obligation had hitherto been rigorously enforced. On June, 1638, however, when the Council was in the midst of its distractions over the Service-book, there came a supplication from Sir Donald M'Donald of Sleat that he might be relieved
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from presenting himself on July 10— the date appointed for the annual appearance of the Island chiefs. The pleas urged by M'Donald for relief were protracted sickness, and "the unsattled estate of the countrey and uncertaintie of the saids Lords thair meetinges" (p. 22). On the 26th of the same month John M'Leod of Dunveegan sent in a similar petition and on the same plea. "And wheras lykewayes," he writes, "the countrey is not sattded and his absence from his awne countrey, wher rude people take advantage of appearances of altertations, may prove dangerous, he craves that their Lordships would dispense with his appearance on this occasion" (p. 26). Not only M'Donald and M'Leod, however, but "the gentlemen of the Yles" as a body presented a petition for the same dispensation, and their plea deserves to be noted as a further illustration of the mischievous consequences of the controversy between Charles and his revolted subjects. "But now," they represented, "the bruits and rumor of trouble whilks ar so far current thrw the countrey lyke to sttrr up disobedient and broken persons to renew thair former wicked lyfe, and they ar lying at await to breake loose upon the first hearing of trouble; so that yf they be not at home to suppresse and hold downe thair wicked hopes and resolutions, they cannot be answerable for the peace of the countrey; whereas yf they be allowed be thair saids Lords byd at home they ar in good hop to retane and hald thair hail bounds under obedience, wherof they have thought meit to mak the said Lords acquainted" (7b.). Distracted as the Council was by other weighty matters, it granted the desired dispensation in all these cases, though "for this diet only." Presuming doubtless, on the continued distractions of the Government, the Island chiefs did not take the trouble to request a dispensation in the following year, and failed to appear on the appointed 10th of July. As this might have been a dangerous precedent, the Council, on August 8, 1639, addressed to them a sharp reminder of their obligation. Sir Donald Gorm of Sleat and others, it wrote, have "upon some privat respects of thair owne, and without warrant frome his Majesteis Counsell, neglected thair compeirance this yeere, and thereby hes givin verie evill example
to the rest of the Ylanders to breake louse and to renew their former disorders within the Yles, qubilks by his Majestieis prudent governement wer suppressed; thatfor the Lords of Secret Counsell ordains letters to be direct charging the Ylanders particularlie abonewrittin to compeir personallie before the Lords of Privie Counsell upon the 7 day of November nixt to answer upon their proud neglect of the dyet of their compeirance this yeire and to underly suche order as sall be tane thereanent, under the pane of rebellion" (p. 125).

In the preceding volume of the Register we saw that the Council had taken drastic measures for suppressing the widespread disorder in the Highlands, mainly due to two causes—the feuds that followed on the Burning of Frendraught, and the dispersion of the outlawed Clan Gregor throughout the Highland country. The means adopted for the desired end were the appointment of two Commissions—one for trying such Highland outlaws as were taken, and another for the trial of the reseters of outlaws, and a series of ordinances that were meant to strike at the root of all the mischief. The entries in the present volume relating to the Highlands prove that the Council, in spite of its other cares, did not neglect this part of its duties; and prove, also, that its measures did not take immediate effect. Let us follow the various entries relating to the Highlands, as only thus can we understand the state of things with which the Council had to deal.

Among the Clan Gregor there were two desperadoes who had made themselves specially notorious by their exploits—Patrick Macgregor, known as Gilderoy, and John Dow Gair Macgregor. On March 31, 1636, Gilderoy had been caught by Lord Lorn, afterwards the Marquis of Argyle, and he and ten of his band had been executed in Edinburgh on July 26. According to a contemporary account other than the Register, John Dow Gair had also been taken in the following September; but in 1638 we still find him at large, with a price of £1000 on his head, and £100 or £200 on those of any of his following. Of the methods of the band we have two notable specimens. On the 26th of July, 1638, one Alaster Grassich was proceeding peacefully
and other friends of Forbes would advance the required £1000, they would be recouped from the fines on the reseters of Gair and his band (pp. 57, 58).—But the performances of the Clan Gregor were occasionally on a larger scale, as the following incident shows. The details of the affair appear in a "complaint" lodged with the Council by Sir Alexander Menzies of Weem. "The oppressions and barbarities," Sir Alexander wrote, "committed be the Clan Gregor aganis his Majesteis good subjects and the compleaner and his tennents in speciall these manie yeirs bygane" were not unknown to the Council. Of late, he continues, the clan, owing (be it noted) to the "late troubles" in the Government, had again resumed its evil practices. During the last fortnight he had received an "imperious charge" from Patrick Murray, who in defiance of the law had assumed the banned name of Macgregor, to evacuate certain lands in Rannoch which lawfully belonged to him. He had paid no heed to this order, with the result that Murray with forty or fifty of the Clan Gregor had forcibly seized the lands in question, and was now busy "uplifting his rents and sorning upon and oppressing his tenants." Here again we have to note the helplessness of the Council to give immediate effect to the law. It summoned Murray and a number of witnesses, but neither Murray nor witnesses appeared on the appointed day, and, as its only means of chastisement, it put the offending parties to the horn (pp. 177, 178).—The difficulty of bringing the desperate clan to justice was that they were everywhere "resetted" by persons who, either out of terror or from advantage to themselves, supplied them with means of subsistence and screened them from the officials of the law. Heavy penalties were imposed on these reseters, but to inform on them was to evoke the hostility of the clan, which took speedy means of wreaking its vengeance. A "supplication" from James, Earl of Murray, the president of the Commission specially appointed to deal with the Macgregors and their reseters, illustrates the difficulty of enforcing the law in the case of the latter. The Commission, he wrote, had imposed fines on certain reseters, but these fines "can hardly be uplifted without the assistance of numbers of men." "But, whereas," he
continues, “there is a captain and threescore men putt furth by commission flowing from the Parliament for pursuit of broken men and sorners and their resetters,” he craves that the captain may be warranted to support the messenger charged with the duty of exacting the fines. The supplication was granted, of course; but in the Highland country, where every facility was offered for escape from the law, not even a body of sixty men was capable of enforcing it.

The Macgregors were the most persistent and most formidable breakers of the law, but other clans were not far behind them in outrageous defiance of authority. Here, for example, is what we learn of a daring deed by certain of the Clan Glengarry from a supplication presented to the Council. On a Sabbath day in 1641, some forty of that clan broke into the town of Inverness and slew two of the Clan Macintosh against whom they had a feud. Summoned to appear before a court of law on an appointed day, not one of the band presented himself, and all were put to the horn. Now under sentence of outlawry, they disposed of their means, took to the hills, and organized themselves into a predatory troop with a chosen leader. The Council had one weapon in its hands which it could use with some effect: by an often confirmed law each Highland chief was held responsible for the good behaviour of his clan. Opportunity the Chief of Glengarry chanced to be now in Edinburgh and the suppliants suggested that he should be committed to ward and kept there till the offending members of his clan were brought to justice. But it turned out that Glengarry was “near ane hundredth yeares of age,” and could not on grounds of humanity be subjected to such treatment. A satisfactory substitute for him, however, was found in his grandson, Angus M’Donald, who was accordingly placed in the Castle of Edinburgh till such time as he should find caution for the trial of the outlaws (pp. 173, 174).

The most important measure of the Council for the main-tenance of law in the Highlands was the appointment of a Commission of Justiciary appointed for the Highlands on December 3, 1641. The proposal for such a Commission had been submitted to the Estates in
November of that year, and they had enacted “that whatsoever the Council shall conclude and enact therein shall have the authority, force, and validity of an Act of Parliament” (Acts of the Parliament of Scotland, v. 416). In accordance with this sanction the Council drafted an Act (December 3, 1641) defining the powers and constitution of the Commission. In the ten northern sheriffdoms, where lawlessness was most prevalent, a certain number of persons were to be appointed as a Commission to hold Courts of Justiciary twice every year. They were to have powers to summon and try all persons guilty of breaches of the law as also their resetters, and powers, moreover, to exact caution from all suspected persons for the keeping of the peace. To give effect to the Commission a force of 120 men was to be at their disposal, commanded by a captain who was to be of their own choice. This force was to be maintained by the fines exacted by the different courts, and, should these prove insufficient, a sum not exceeding £1000 would be contributed from the Exchequer. Finally, all the lieges in the districts where the courts were held were charged at their peril to give them their support by word and deed (pp. 164–170).—Even this formidable engine, it would appear, did not avail to “tame the wild Highlandman.” The armed band of 120 men, distributed as they were over the different unruly districts, were unequal to enforce the sentences of the courts, and again and again the Council had to issue orders to the lieges to give their aid in the execution of the law. A proclamation of the 30th June, 1642, seven months after the appointment of the Commission of Justiciary, further illustrates the difficulties with which the Commission had to contend. From this proclamation we learn that there were now two captains charged with the duty of “imbringing and pursue of thieves,” but its point is that, contrary to the law, powder and lead are freely sold in the Highlands by chapmen and others, and that outlaws are thus put on equal terms with the officers of justice. Doubtless, however, it was in vain that the Council now proclaimed that henceforward powder and lead should only be sold to “noblemen, landit gentlemen, and other persons haveing their warrand” (pp. 286, 287).
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The Borders, the other "peccant" part of the kingdom, though more accessible to the arm of the law than the Highlands, still demanded the constant vigilance of the Council. In the last volume of the Register we found that it had taken vigorous measures to remedy the lawlessness in these districts which had steadily increased since the beginning of Charles's reign. On February 24, 1635, it had revived the Conjunct Commission of the Middle Shires which had been found so effective in the reign of James VI., and this Commission had drawn up a series of ordinances expressly intended to check the kind of crimes that had always been prevalent in the Border country. On the 14th March, 1637, it had presented to the Council a list of the various criminals on whom it had passed judgment, of whom about thirty had been executed, twenty banished, five burnt in the hand, and five fined for resetting of fugitives. Five years elapse and we find the Borders in apparently as hopeless a condition as ever. On November 29, 1642, the heritors and ministers of these parts gave in a long list of outlaws guilty of "depredations, thefts, stouthreasse, and other nefarious facts," for which they had not been brought to justice (pp. 251, 353). On this disquieting report a Commission was given to Argyle, Lauderdale and three other Councillors together with the Sheriff of Teviotdale, to consult with the noblemen and gentlemen of the Borders "on the best wayes and overtures how the peace of the Borders may be preserved" (p. 346). As the result of the consultation, it was reported that the main cause of all the mischief was the "want of joynt Commissions of Justitiarie to persons of qualitie in both kingdomes" (p. 351), and in accordance with this finding the Council ordained that Justice Courts should be held at Jedburgh and Dumfries on the 1st and 15th of February, 1642, respectively. At these courts "the haill noblemen of the South Borders" were charged to be present, and "to assist in everie thing that may tend to the strenthning of his Majesteis auctoritie" (Ib.). The powers given to the Commission of Justiciary were such as to suggest that it had to deal with a country in rebellion. If necessary, they were "to convocat his Majesteis lieges in armes,
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and to pas, searche, seeke, and take the persons fugitives and delinquents”; if the criminals took refuge in strongholds, they were “to assiege the said strenths and houssis, raise fire and use all kynd of force and warlyke engine” to effect their capture; and, finally, should any of the fugitives from the law be wounded or slain, no responsibility should rest on any member of the Commission (p. 353). As a commentary on the efficacy of this Commission, it has to be noted that a body with similar powers had to be reappointed in the beginning of the following year (pp. 369, 370).

On the East Border another matter occupied for a time the attention of the Council. In May, 1637, a plague had broken out in certain towns in that district, but by the energetic measures taken for its suppression it had been stamped out in the course of the year. In the beginning of 1638, however, there was a recrudescence of the pestilence at Jedburgh and the neighbouring Crailing Hall, which had received the infection from the North of England. Two Commissions were at once appointed, one for preventing all communication between the two countries at the points of danger, and the other for dealing with the enemy in the stricken places. The preventive measures taken in the previous year were again put in force; markets and fairs and all trade with the rest of the country were prohibited; persons under suspicion of infection were housed apart, and in the case of the poor provision was made for their maintenance (pp. 1, 2, 14, 455). Whether these precautions were effective or not, is not recorded.

In connection with the trade of the country the most interesting entry in the Register is one that records the appointment of a Commission “for directing, cherishing and maintaining of manufactories” (pp. 391, 392). In the reign of James VI. several Acts of Parliament had been passed with the object of encouraging the establishment of manufactories throughout the country, but none of them had been attended by any important result. But, as the 17th century proceeded, the necessity of such means for encouraging trade was increasingly realized. In other countries, and notably in England, manu-
factories were rapidly displacing the individual worker in response to the demand for swifter and larger production. If Scotland were to hold her own with other nations, therefore, it was imperative that she should follow their example. On the 16th November, 1641, the Estates passed an Act empowering the Privy Council to appoint a Commission to consider the ways and means of establishing "manufactories of all sorts" for the good of the country. The reasons given by the Estates for the passing of the Act were in perfect accordance with the economical creed of the time. Manufactories, it was urged, would be the means of keeping native money at home and of bringing foreign money in; and they would provide work for the poor, lessen mendicancy, and increase the stock of national virtue. The powers to be given to the Commission were sufficiently extensive. They were to erect Houses of Correction in such parts of the country as seemed best fitted for the establishment of manufactories; they were to enforce beggars to work in them at reasonable rates; they were to have power to create corporations and to grant them such privileges as were consistent with the laws of the kingdom, and the alluring offer was to be made that all foreign commodities requisite for the carrying on of any manufacture were to be admitted free of custom for a period of fifteen years (Acts of Parliament of Scotland, V. 411, 412). It was in accordance with this injunction from the Estates that the Council appointed a Commission consisting of certain of its most eminent members, of a number of country gentlemen and of burgesses from the most important towns (pp. 391, 392).

The proposal to establish manufactories was a step forward in Prices of the development of trade, but other Acts of the Council show that the mediæval economy still dominated the national mind. It was a fixed idea of the Middle Ages that the prices of commodities should be determined by authority, and from its beginning the Council (though not without protest on the part of the towns) had claimed this privilege. Of the exercise of this privilege we find several examples in the present volume. Under date January 18, 1642, we have the following curious entry:
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"The Lords recommends to the provest of Edinburgh to represent to the toun counsell the great abuses committed within their toun in exorbitant prices sett upon commoditeis and exacted frome the lieges attending upon the Counsell, Session and others judicatoreis, and to see the same redressed" (p. 183). On another occasion the Edinburgh magistrates received a more sweeping and peremptory order; they were requested "to take special notice of the pryces of wyne, ail, bread, flesh, wyld foul, butter, candle, cheese, shoone, boots, chamber mailles, and all other commoditeis that are sauld within their toun, and of the exorbitancie thairof," and they were commanded "to thinke upon the best wayes of remedieing the same in tyme comeing" (p. 229).——A proclamation regarding the price of wine shows what a high misdemeanour it was considered for dealers to fix the prices of their commodities. "Forsomuch as," runs the preamble of this proclamation, "the arbitrarie and unlimited libertie usurped be merchants, sellers and ventners of wyne in setting doune and exacting the pryces of their wynes hes beene verie prejudiciall heirtofore to his Majesteis lieges, and is lyke to be of dangerous consequence and disgraceful to his Majesteis government in tyme coming if the pryces of wynes be not regulated and moderated be order of justice"; and the proclamation proceeds to determine the rates at which French and Spanish wines are to be sold in future and to specify the penalties of any breach of its ordinance (pp. 253, 254).——So in the case of shoes we find the Council giving a commissioun "to the Lord Burlie, the Lairds of Cambo and Wauchtoun and Provost of Edinburgh to meit the morne at 9 hours to consult upon the best wayes for settling the prices" of these commodities (p. 340). But the most remarkable illustration of the accepted principle that customers must not be left to the mercy of dealers is to be found in the case of coal. At the instance of the magistrates of Edinburgh, Haddington, Musselburgh, and the inhabitants of East and Mid Lothian, a summons was issued to the owners of coal-fields in these shires to appear before the Council. The grounds on which the summons had been demanded were the following: various Acts of Parliament were
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passed for preventing the scarcity of coal "without which the complainers cannot live"; but certain tacksmen of coal heughs "out of an avaricious disposition" have of late been contravening these Acts; instead of considering the interests of the lieges at home they have been selling their coal at high prices to foreigners, and, entirely with a view to their own interests, they have been digging the coal at such a rate that in a short time none will be left for his Majesty's subjects. The Council had no doubt on which side law and justice lay, and the rapacious coal-owners and tacksmen were summoned to receive the warning that henceforth they must dispose of their commodity at home (p. 579).

The peculiarity in the commercial conditions of the time was Monopoly in Tobacco Pipes. The conflict between the economical principles which had come down from the Middle Ages, and the new principles which were gradually making way in Scotland as in other countries. Of this conflict we have an interesting illustration in the case of a monopoly for the manufacture of tobacco pipes. This monopoly had been granted to a certain Mr. Banks, who discovered, however, that other persons were making these articles, and specially one Richard Calder in the Canongate, Edinburgh. For the protection of his interests Banks had procured an injunction from the Council, charging the baillies of the Canongate to assist him in searching for pipes made by others than himself. The baillies replied that it would be an illegality to obey the injunction, as the late Parliament had expressly prohibited the granting of monopolies "for the benefit of particular persons." Moreover, on the strength of this Act two Edinburgh merchants, Gilbert Fraser and Robert Tait, had erected works for the manufacture of pipes, and had secured the services of Richard Calder for carrying them on. In his presumption, however, and in defiance of the law, Banks had already destroyed "a great number" of the pipes made by Calder, and the lieges were thus forced to buy their pipes at whatever price he chose to put on them. The protest of the Canongate baillies placed the Council in a dilemma which it could only elude by a compromise. It insisted on the present operation of the monopoly, but referred the final settle-
ment of the question to the next meeting of the Estates (pp. 324, 325).

Another illustration of the conflict of economical principles is found in a "complaint" presented to the Council by three persons—Jacob Dickinson, Essay Newton, and George Gray. The first two had brought to Dysart a ship laden with victual from England, and on three successive market-days they had sold part of their cargo to the burgesses of the town, disposing of the remainder to Gray, also a burgess. The bailies of the burgh now intervened; they forbade the sale of the victual to Gray, took possession of the victual and the ship, and fined and imprisoned Dickinson. The contention of the complainers was that their proceedings had been in strict accordance with an Act of James VI., which provided that "strangers importers" should be at liberty to dispose of their goods in any part of the kingdom without molestation. On this point, however, the decision of the Council is not recorded, but the bailies were ordered to refund the fine (pp. 435, 436).

The Coinage. As in the case of every volume of the Register, we have the usual legislation regarding the currency. What was now plaguing the country was the superabundance of copper coin, and especially of the turner (value two pennies Scots), which was both a home and a foreign piece. "After grave advice and deliberation," they themselves say (but, as it proved, with undue precipitation), the Lords of Council peremptorily prohibited the circulation both of the home and the foreign turners (p. 139). Five days after this announcement the magistrates of Edinburgh appeared before them and represented that the prohibition of the home turners would be ruinous to the poor, in whose hands these coins were chiefly to be found. The Council accordingly recalled its embargo on the home turners, but reiterated its prohibition on the strangers—a futile order, as past experience had painfully shown. What is singular is, that in spite of the alleged mischief occasioned by the circulation of turners, both native and foreign, the Council shortly afterwards gave order that 1500 stones of copper should be coined into these same pieces. The preamble to this Act explains the reasons for this
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order, and at the same time throws an interesting light on the state of the currency at the period. "Forsameikle," the pre-
amble runs, "as these diverse yeeres bygone this countrey hes susteaneed great hurt and prejudice by the huge quantitie of the base and copper money coyned and brought in within the same, whiche being in weight farre within the intrinsek value of the copper, gave occasion to avaritious spirits to hazard upon the counterfooting thairof, and so to fill the haill countrey with the same, till the evill come to that height that the course thairof does altoigider cease, to the undoing of these poore who live upon almes and pennie worthes" (pp. 205, 206).——In the case of the silver coin the difficulty arose not from its abundance, but from its scarcity. In July, 1636, the Council had given orders for the coinage of a certain number of half-mark, 20 and 40 pennie pieces; but these had been gradually carried out of the country, with the result that few were left for trade at home. To supply the place of these coins, therefore, the Council now ordered the issue of 2 and 3 shilling pieces, each to be distinguished by a special stamp and inscription (pp. 231, 232).

The necessity of more rapid communication with Ireland was Post between Edinburgh and Portpatrick. forced upon the Council by the presence of the Scottish army in that country. In February, 1642, therefore, it appointed a Committee to consider the best means of establishing posts between Edinburgh and Portpatrick and between Portpatrick and Carlisle (p. 202); and, as the result of the Committee's report, it made the following arrangements: Post stages were to be established at Blackburn, Hamilton, Newmilns, Ayr, Girvan, Ballantrae, and Portpatrick; each post-master was to receive £50 sterling per annum, and half a year's fee was to be advanced to him on condition that he found caution to provide three "sufficient and able" post-horses (p. 228). In the case of the connection between Portpatrick and Carlisle, the order of the Council also took effect—the stages being Portpatrick, Glenluce, the Pethous, Gatehouse of Fleet, Urr, Dumfries, Annan, and Carlisle (p. 327).

A recognised duty of the Council was to make appeal to the Petitions for Charitable Assistance. generosity of the lieges in any case of public or private necessity.
and petitions for such appeals were never infrequent. In the present volume, for example, we have petitions from the inhabitants of Monifieth and Portmoak for the repair of bridges in those parishes—the plea in such cases being that it was in the interest of all the lieges that bridges should be made secure for the safety of man and beast (pp. 265, 303). Unfailing applications of the same nature were those from “prisoners with the Turks,” of which there are no fewer than three in the present volume (pp. 350, 440). But the most curious petition of the kind is one that came from John Mc‘Lellan, indweller at Portpatrick. Here is the plea which Mc‘Lellan urges for an appeal to the nation’s charity: he had built and repaired, he says, “ane great large inns at Portpatrick for receaving his Majesteis lieges resorting to and fra Ireland wherein he would receave three score hors and foot at once, and having furnished the same with wynes and all other kynd of furniture, on a night, he being absent frome home, the samaine took fire, and being a violent storme of wind, burnt up his saids inns, haill furniture, provision and plenishing to his utter ruine and overthrow.” But this was not all his misfortune; with borrowed money he rebuilt his inn, trusting to enjoy the same custom as formerly, but then came the “late troubles” in Church and State, and there was “no repaire nor change there, whereby he is altogether impoversished and not able to pay his debts without helpe and support.” Moved by this touching appeal, supported by a “testificte” from the neighbouring ministry and gentry, the Lords recommended his case to the laity and clergy to the north of the Forth, with the request that they would spare “such a proportion of their benevolence as in their christiane judgements they shall think fitting”—the recommendation to endure for the space of a year (p. 279).

The Burghs. In connection with the burghs there is nothing in the present volume of special interest or importance. In Dundee there had begun a prolonged quarrel between the magistrates and John, Viscount Dudhope, regarding the rights of the latter in connection with the Lammas Fair, and at Aberdeen there was a similar dispute in the case of the Bartell and Laurence Fairs; but the
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details of both controversies are of merely local interest. Regarding the parish of Glenluce there is an entry which would appear to assign to it a remarkable pre-eminence in wickedness. By some zealous persons the character of that parish had been brought to the attention of the Council, which was so much moved by the report that it charged his Majesty's justices in the neighbourhood to take its chastisement in hand. In the execution of their charge they were instructed to put in force the following Acts of Parliament: "Anent the crime of fornication, anent drunkards and swearers of abominable oaths, anent them that perturbs the kirk in time of Divine service, anent them that knows themselves under the processe of excommunication, discharging of merchats and labouring on Sunday, playing and drinking in time of sermon, that householders have bibles and psalme-bookes, for punishing of strong and idle beggars and reliefe of the poore and impotent within the bounds of the said parish." The commission given to the justices was to last for a year, and it was to have powers to "hold courts, summon assizes and witnesses under the penalty of 20s, and to apply the fines and proceeds of the courts for the relief of the poor of the said parish." (p. 357).

Both before and after the Reformation churches and churchyards had always been the frequent scenes of riot and disorder, and in every volume of the Register we find the record of some more or less serious affairs of the kind. The most noteworthy mentioned in the present volume was in connection with the Church of Stoneykirk in Wigtownshire, and, as presenting a picture of the time, it is worthy of attention. The story is told in a "complaint" lodged with the Council on September 23, 1642, by Mr. James Bonar, minister at Maybole. The Presbytery of Stranraer had suspended Mr. Gilbert Power, minister of Stoneykirk, but the General Assembly found the proceeding of the Presbytery "unwarrantable," and ordered Power to be reponed. To intimate its judgment to the congregation the Assembly gave a commission to Mr. Bonar, who, accompanied by several other ministers, presented himself in the church on the appointed day. In the church they found a crowd of persons assembled from the
adjoining parishes, armed with cudgels and "with heaps of stones." Bonar had no sooner begun the service than the riot began; the cudgels were beaten on the desks and shouts arose that Bonar and his brethren were "soul murtherers who had not the spirit." Bonar then showed his commission from the Assembly, "thinking that they would possiblie have given some respect thereunto," but this only evoked new cries that "the true kirk had deposed Mr. Gilbert Power and the false kirk had repouned him least their knaverie sould lykewayes be discovered." When the sheriff, who was present in his legal capacity, endeavoured to obtain silence, he was only met by "manie contumatious reproaches." As it was found impossible to proceed with the service, Bonar and his attendant brethren proceeded to a neighbouring field, where with "the honest people of the parish" they hoped to be left unmolested. Thither, however, they were followed by the excited crowd, and pelted with peats—one of their number being assaulted to "the effusion of his blood." Next morning Bonar and his friends were informed that, if any report were made of the previous day's proceedings, there "were five or six fellowes" ready to take Power's life and make their escape to Ireland. On the following Sunday the same crowd assembled, prepared to settle accounts with Bonar if he should again put in an appearance. But Bonar and his friends were not disposed to renew their former experience, and prudently referred the dispute to the adjudication of the Council which promptly summoned the ringleaders of the riot to its bar. Only six persons presented themselves on the appointed day, but on the evidence being taken, several of the absentees, the majority of whom were women, were ordered, under the penalty of horning, to enter ward within the Tolbooth of Edinburgh before the expiry of fifteen days. As for the defenders who had appeared, they were enjoined to find caution in £1000 that they would do their utmost to repone Power in his charge (pp. 322, 324).

Almost every year from the accession of Charles there had been more or less extensive levies of Scots for military service on the Continent, and in spite of the troubles at home we find no
fewer than five such levies in the period before us, and all of them destined for service under the King of France. If the warrants for these levies took full effect, 8000 men in all were raised—a number which naturally raises the question how such a force could be raised in Scotland, and specially at a time when fighting men were urgently needed for battles at home. The answer to the question is found in a warrant by the Council for the raising of one of these levies—a body of 4500 men to be commanded by James, Earl of Irvine; “therefore,” runs this warrant, “the saids Lords be thir presents gives warrant to all sheriffs, stewarts, bailies of regalitis and their deputis, provests and bailies of burrowes and others his Majestis officers and ministers of his lawes to burgh and land to take and apprehend all such ydle persons and vagabonds as all be given up to be of that qualitie be the ministers and kirk sessions and magistrates of burrowes within their severall jurisdictions” (p. 330). Such a warrant, it is evident, might easily lead to the impressment of persons who could not fairly be classed under the heads of “ydle persons and vagabonds,” and the Council must have been reminded of this, as it subsequently issued a strict order that none but the parties above specified should be allowed to denote such as were liable for compulsory service (p. 417). A supplication by one John Robertson, cutler in Edinburgh, shows with what little scruple the recruiting officers went about their business. A servitor of Robertson, Thomas Johnstone by name, was apprehended by one of these officers and lodged in the Edinburgh Tolbooth prior to his being shipped to France. Johnstone, it was represented, had received no pay, was his Majesty’s “good subject,” and was the feed servant of the supplicant, who could find no one to fill his place. The result of the supplication was the summons of the zealous officer and of the bailies of the Canongate who had abetted him, though whether Johnstone was liberated or not is not recorded (p. 586).

An interesting item in the present volume is a serious attempt made by the Council to procure the restoration of the ancient privileges of the Scots in France. By the terms of the original
Franco-Scottish alliance every Scot was a naturalized citizen of France, and every Frenchman a naturalized citizen of Scotland. There had been no formal annulment of this mutual arrangement, but as the inevitable result of the change of religion in Scotland and her union with England the former relations of the two allies had in effect ceased to exist. For purposes of trade, however, the ancient compact was still highly desirable in the interests of Scotland, and it was from a sense of these interests that the Council now sought to renew it. In a letter to Charles the Council informed him that the infringement of their former privileges in France had been attended with "sufferings and losses" to his Scottish subjects, and requested his sanction for an attempt to recover them. Charles's reply was a warrant to the Council to appoint suitable persons to proceed to France and negotiate the desired result (p. 332). A committee having been appointed to forward the business, the Earl of Lothian was delegated as envoy—£2000 being allotted to cover his expenses (p. 336, 346, 356). In his letter of instructions (dated December 1, 1642) Lothian was directed to address himself specially to four persons—the French King (Louis XIII.), the Dauphin (afterwards Louis XIV.), the Queen, and Cardinal Richelieu, who died before Lothian's arrival. The principal object of his mission was "by all faire wayes" to have the ancient privileges restored, and to secure that no edict by France against foreigners should apply to Scots, inasmuch as they were "naturalized Frenshmen." He was further to strive that the Scottish gens d'armes in France and the garde de corps should be restored to their "primitive institution." Finally, as an inducement to the French King to lend a favourable ear to these demands, Scotland was to be open to him as a levying-ground for whatever troops he might require—the Council pledging itself to lend its "best assistance" to his agents (pp. 571–2). The result of Lothian's mission does not appear in the present volume.—Apart from his special errand, Lothian was further charged with a request which the Council could hardly have regarded seriously—the restoration of the Duchy of Châtelherault to the family of Hamilton. Originally granted to
the Regent Arran as a compensation for his demission of the Regency in favour of Mary of Lorraine, the Duchy had been resumed by France on his death, and had never since been recovered. Doubtless it was at the request of the Marquis of Hamilton that Lothian was charged with such a futile demand.

The uprising which had produced the National Covenant had been largely inspired by the dread that Charles's ecclesiastical policy must result in the restoration of Catholicism. When the Covenanting party found itself in the ascendancy, therefore, it was to be expected that it would do its utmost to stamp out the dreaded pest wherever it was found in the country. The majority of the Council was in entire sympathy with this policy, and accordingly we find it on July 5, 1642, taking vigorous measures for the extirpation of Papists (pp. 288–296). There was no need to forge new weapons for this object, as the laws which had been passed against Catholics since the Reformation supplied all the necessary means for dealing with the enemy. All that the Council had to do, therefore, was to issue proclamations enforcing former Acts, and to appoint a Commission for the apprehension and trial of Catholics in every quarter of the kingdom.

A dispute of long standing with the city of Hamburg, which has been frequently before us in previous volumes of the Register, appears to have at last been finally made up. The origin of the quarrel had been the capture of a Scottish vessel, commanded by Captain Robertson, and the slaughter of certain of its crew, by two Hamburghers, commanded respectively by Captains Long and Utenhold. Letters of reprisal were granted, first to Robertson and afterwards to his heirs, with the result that the authorities of Hamburg appealed to Charles for their recall. The letters were recalled, but on the condition that full compensation should be made to Robertson's heirs. So dilatory were the Hamburg authorities in making the compensation, however, that application was made to the Council for the renewal of letters of reprisal, and the letters were granted in due form (p. 263). This was on May 31, 1642, and the letters were apparently used to such good purpose that a special envoy was
sent from Hamburg to beg for their recall (October 1, 1642). The reply of the Council was that it could not recall the letters as they had been granted by his Majesty and the Estates, but that a respite of six months would be allowed on condition that compensation should be made by the expiry of that period (p. 331). The next entry relating to the affair is a Latin letter from Hamburg (March 30, 1643), to which the only answer of the Council was that the six months' respite closed on the following day (p. 420). At length the magistrates of Hamburg appear to have been convinced that their better part was to meet the claims of the injured parties; and by an agreement, dated June 13, 1643, they bound themselves to pay by the following Michaelmas the sum of £15,000 sterling—the indemnity claimed by the representatives of Robertson (pp. 646–648).

A curious commentary on the conditions of labour is found in an entry relating to “cotters, laboureing men and hired servants.” A common custom of these persons, pledged to service from term to term, was to break their bond and take ship for some foreign country. So common was this custom apparently that the Council considered it necessary to pass an Act with a view to preventing it. Any person deserting his service between terms was to indemnify his employer by the payment of £40 Scots; to stop runaway servants from crossing the seas, every skipper was to demand a certificate from a sheriff or a minister that his intending passenger could legally leave the country (p. 392).——Another entry draws attention to “a verie great abuse” with which the Council had more than once had to deal. There existed, it appears, a “society” or “brotherhood” of the servants of the nobles and gentry—pages, footmen, lacqueys, and coachmen—whose headquartes was Edinburgh, but which had branches in all parts of the country. Every boy who took service in the household of any nobleman or gentleman was expected to join the brotherhood—an entrance fee being exacted “to be spent in drinking, ryot and excesse.” If any lad refused to join the society, he was subjected to such maltreatment that his life was made miserable, not even the presence of his master protecting him from persecution. At a former time
the practices of the brotherhood had been suppressed by law, but they had lately been revived to such an extent as to occasion open riots in the streets of Edinburgh. As the custodier of the peace, therefore, the Council issued a proclamation prohibiting all such practices in future, and entreating the brotherhood to “conteane themeselves in quyetnes as becometh good and mannerlie boyes, lakeyes, pages and coachmen” (p. 135).

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.
REGISTER

of

THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

[No record of Sederunt.]

"Forsamekle as the time of the late infection of the plague within the bounds of the Middleshires order was givin to the shireffs of the shires, justices of peace and provestes and bailleis of burrowes within the saids bounds for ordering commerce and trade within these parts, according to the instructions sett down in the acts and proclamations published to this effect, as alsa the mercats at Dunce, Kelso, Selkirk, Jedburgh, Melros, Hawick, Melros [sic], Caldstreame, and others places on this side wer discharged and direction givin to the saids shireffs and others foresaids for keeping of their bounds free of the said contagion; and the Lords of Privie Counsell, being now informed that this contagion is, at the pleasure of God, brokin out in Jedburgh and Crailinghali within the Middleshires within this kingdome, quilk may prove dangerous to the countrie if diligence be not tane for preventing the forder spreading of this infection, and the saids Lords reposing speciall trust in the commissioners, who this last yeere did successfullie governe and rule the saids bounds the time of the last infection, thairfoir the saids Lords hes givin and granitit and be the tennor heirof givis and grants full power and commission, expresse bidding and charge to Robert, Erle of Roxburgh, Lord Prive Seale, William, Erle of Lothiane, John, Lord Cranstoun, and Sir William Dowglas of Cavars, shireff of Roxburgh, and to suche others persons as they sall assume and associat to thamesselves, to see that the acts and proclamations made the last yeere in this behalfe

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be preciselie observed in all points; with full power to thame to
prescrive suche others orders and rules anent the forme and maner of
commerce and trade or anent the discharging of the same simpliciter, and of
all mercats and faires within the saide bounds and anent the inter-
neament of suche poore people as sal be closed up upon suspicion of
the said infection and tuichinge the strait keeping of the persons infected
apart be themaselves as they sal find necessarie and expedient; and
ordains letters to be direct to make publication heirof at all places
neidfull, and to command and charge all and sindrie his Majesteis subjects
quhatsomever whomse these presents doe or may concerne to reverence
and obey the saide commissioners in all and everie one of their injunc-
tions and directions, under all highest pane and charge that after may
follow; and in speciall to command and charge all persons suspect of the
said contagion to address themaselves to the places to be assigned to
thame and not to transcend the same till they be orderlie releaved, under
the pane of death, certifieing thame that failles that the pane of death
sall be execute upon thame without favour."

Edinburgh,
19th January
1638.
John Hamil-
ton and James
Hamilton
appointed
justices of the
peace.

Edinburgh,
4th February
1638.

Proclamation
announcing
that the
Council and
the Court of
Session will
meet at
Stirling on the
6th of Febru-
ary 1638.

"The quhilk day John Hamilton, fear of Kinglas, wes addit to the
justices of peace within the shirefdom of Lithgow, and James Hamilton
in Crantoun wes addit to the justices of peace within the shirefdom of
Edinburgh."

Justices of Peace, November
Fol. 78, a.
1638.

Sederunt:—Chancellor; Bishop of Edinburgh; Bishop of Brechin;
Clerk Register; Justice General; Deputy Treasurer; Advocate.

"Forsamekle as the King's Majestie, having upon diverse good
respects and considerations by ane former act of the severith of
December last removed his Majesteis judicatoreis of the Counsell and
Session fra the burgh of Edinburgh to the burgh of Stirlinie, and that
the first day of sitting of the Lords of Session at Stirlinie sall be upon
the sixt day of Februarie instant, yitt least anie opinion sall be inter-
tenned of a forder delay, whereby his Majesteis lieges might anie longer
suffer by the want of that judicatour, thairfor his Majestie, by a new
warrant and direction sent to the Lords of his Majesteis Privie Counsell,
hes ordain that all the judges of the said judicatore of the Session
sall attend at Stirlinie the day foresaid, and that the ordinar meetings of
his Majesteis Counsell sall be there frome that time forward, and that
all persons and things necessar for the said judicatour of the Session be
present and attend their severall places and charges, and thairfor the
Lords of Secretie Counsell ordains anie herald to pas to the mercat croce
of Edinburgh and there be opin proclamatio to make intimation and
publication heirof to all his Majesteis lieges and subjects wherethrow
nane pretend ignorance of the same. Followes his Majesteis missive for
warrant of the act abonewrittin:—CHARLES R.—Right reverend father in
God and right trustie and weillbelovit counsellour, we gret you weill.
1638.

WHEREAS UPON THE SIGNIFYING OF OUR PLEASURE TO OUR COUNSELL LATELY BY OUR RIGHT TRUSTIE AND RIGHT WELLBELOVIT COUSINE AND COUNSELLOUR, THE EARLE OF ROXBURGH, FOR THE DETERMINING ON A PLACE WHERE THE SESSIONS SHOULD REMANE, IT WAS THOUGHT FITTING THAT IT SOULD SIT DOUNE AT STIRLING THE SIXTH OF FEBRURIE NIXT, WE APPROVE OF THE ORDER GIVIN THE SAME, AND LEAVE THE SAME PENDING OF A FURTHER DELAY, WHEREBY OUR LIEGES MIGHT ANIE WAY SUFFER BY THE WANT OF THAT JUDICATORIE, IT IS OUR PLEASURE TO THEE SOCIAL WISE DISCERN EMINENT JUDGES THAT THEY FAILE NOT TO ATTEND AT THE TIME APPOINTED IN THE SAID PLACE, AND THAT THEY KEEP THE ORDINARY MEETINGS OF COUNSELL THERE FROM THAT TIME FORWARD; FOR DOING WHATSOEVER OR WHAT ELIA YOW SALL THINK EXPEDIENT FOR THE INTIMATION OF THIS OUR PLEASURE THESS SALL BE UNTO YOW A SUFFICIENT WARRANT. WE BID YOW FAREWELL.

FROM OUR COURT AT WHITFIELD, THE 28 OF JANUAR, 1638.

Sedentum:—Chancellor; Lord Elphinston; Clerk Register; Justice Stirling, 16th February 1638.

General; Deputy Treasurer.

SUPPLICATION BY JAMES CRICHTON OF WESTER ADIE AND JAMES GUTHRIE OF BARNHILL, AS FOLLOWS:—IN ACCORDANCE WITH A COMMISSION GRANTED BY THEIR LORDSHIP TO THEM THEY HAD PUT MATTHEW BIGHOLME, SOMETIME IN BIRKLAND, AND ROBERT BIGHOLME, HIS SON, TO THE TRIAL OF AN ASSISE FOR THEFT. THE SAID MATTHEW HAS BEEN CONVICTED, UPON HIS OWN CONFESSION, OF STEALING THREE SHEEP FROM WILLIAM MILLER OF ALDIE, AND THE SAID ROBERT WAS DECLARED TO BE AN UNLAWFUL AND SUSPECT PERSON TO BE PENALIZED AT THE REQUEST OF THE JUDGES. THE SUPPLICANTS HAVE DONE ALL THEY WERE EMPOWERED TO DO BY THE COMMISSION AND CAME FURTHER INSTRUCTIONS AS TO THE SENTENCE THEY SHOULD PRONOUNCE, ETC. THE LORDS DIRECT THEM TO PRONOUNCE SENTENCE OF BANISHMENT AGAINST THE SAID MATTHEW, TAKING HIM JUDICALLY ACTED TO DEPART FROM THE KINGDOM AND NEVER TO RETURN, UNDER PAIN OF DEATH; AND TO DISMISS THE SAID ROBERT ON HIS FINDING CAUTION TO BEHAVE HIMSELF AS A GOOD AND PEACEABLE SUBJECT, UNDER SUCH A PENALTY AS THEY SHOULD THINK GOOD.

Sedentum:—Chancellor; Treasurer; Privy Seal; Clerk Register; Justice General; Deputy Treasurer.

THE KING'S MAJESTY, OUT OF HIS PRINCELIKE CARE OF MAINTAINING THE TRUE RELIGION ALREADY PROFEST AND FOR BEATING DOWN OF ALL SUPERSTITION, HAVING ORDAINED A BOOKE OF COMMUN PRAYER TO BE COMPLIED FOR THE GENERAL AND UNIVERSAL USE AND EDIFICATION OF HIS MAJESTY'S SUBJECTS WITHIN HIS ANCIENT KINGDOM OF SCOTLAND, THE SAME WAS ACCORDINGLY DONE, IN THE FORM OF QUAHAIROF HIS MAJESTY TOOK GREAT CARE AND PAINES, SO THAT NOTHING WAS PAST THEREIN BUT WHAT WAS SEEN AND APPROVED BE HIS MAJESTY BEFORE THE SAME WAS OTHER DIVULGED OR PRINTED, ASSURING ALL HIS LOVING SUBJECTS THAT NOT ONE OF HIS INTENTION IS BUT EVEN THIS VERIE BOOKE WILL BE A READIE MEANE TO MAINTAINE THE TRUE RELIGION ALREADY PROFEST, AND BEATE...
out all superstition, of quhilk his Majestie in his owne time doeth not Acta. May 1638.—Novembr 1639. doubt but in a faire course to satisfie the judgement of his good subjects; but, having seen and considerit some petitions and declarations givin in Vol. 246, a. to his Counsell aganis the said booke and late canons of the Kirk, finds his regall auctoritie muche injured thereby, both in the mater and in the cariage thairof, quhereby his Majestie conceaves these of his nobilitie, gentrie, barons, ministers and others who have kepted and assisted these meetings and convocations for contriving and forming of the saids petitions or who hes subscrivyd the same to deserve and to be lyable to his Majesteis high censure, both in their persons and fortuns, as having conveened themselvses without ather his Majesteis consent or auctoritie; yitt, because his Majestie beleevs that what they have done herein is out Vol. 246, b. of ane preposterous zeale and not out of anie dialoyaltye or disaffection to soveraintie, is graciously pleased in so far as concernes these meetings for consulting or subservying of the saids petitions, or presenting the same to anie judge or judges within this kingdome to dispense therewith, and with what may be their fault or error therein to all suche as upon signification or declaration of his Majesteis pleasure sall retire thame selves as becometh good and dutifull subjects. To whilk purpose his Majestie ordains letters to be direct to maisters or officers in that part charging thame to pas and make intimation heirof to all his Majesteis lieges and subjects be opin proclamation at all places neidfull, wherethrow none pretend ignorance heirof, and therewithall in his Majesteis name and auctoritie to discharge all suche convocations and meetings in time comming under the pane of treason; as alsua to command, charge and inhibite all his Majesteis lieges and subjects that none of thame presome nor take upon hand to resort nor requere to the burgh of Stirline nor to no other burgh where his Majesteis Counsell and Session sitis till first they declare the caus of thair comming to his Majesteis Counsell and procure thair warrant to that effect; and forder to command and charge all and sindrie provests, balleies and magistrat within burgh that they and everie ane of thame have a speciall care and regarde to see this his Majesteis will and pleasure reallie and dutifullie obeyed in all points, and that no violation thairof be suffered within thair bounds, under all highest panie, crime and offence that they may committ aganis his Majestie in that behalfe; as alsua to command and charge all and sindrie noblemen, barons, ministers and burgesses who ar not actuall indwellers within this burgh and ar not of the number of the Lords of Privie Counsell and Session and members thairof, and ar alreadie within this burgh that they and everie ane of thame remove thameselves and depart and pas furth of the said burgh, and not returne agane without the warrant foresaid, within sixe houres nixit after the publication heirof under the pane of treason. And as concerning anie petitions that heerafter sall be givin in to his Majestie upon this or anie other subject his Majestie is lykewayes pleased to declare that he will not shutt his eare therefra, so as nather the mater nor forme be prejudiciall to his Majesteis regall auctoritie,
Sedunt:—Chancellor; Treasurer; Privy Seal; Winton; Lord Stirling, 20th February 1638.

The whilk day the Act abonewritten, being presentit to the Lords of Secret Counsell and read in their audience, they allowed and approved of the act, and in tokin thairof subservyed the same with thair hands.

The whilk day the Lords of Secret Counsell, according to ane warrant and direction in writt signed be the King's Majestie and this day presented to thame, receaved and admitted James, Lord of Downe,4 to be one of the ordinar number of the Lords of his Majestie Privie Counsell of this kingdom and to bruke and injoy all honnours, titles, dignites, privileges and prerogatives proper and dew to the said place. Lykees the said Lord of Downe, being personallie present and acknowledging with all humble and dewartfull respect his Majestie gracious favour shawin to him in preferring him to this high place of honnour and dignitie, he with all submissive reverence on his knees, his hands lying upon the halle evangell, made and gave the oath of alledgedance and of a privie counsellor. Followes his Majestie missive for warrant of the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellors, we greet yow weil. Understanding perfectlie the abilitie and affection to our service of James, Lord Doune, and for his better encouragement and enabling thereunto hereafter, being willing 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, receaving him as one of your number. For whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Whitehall, 6 February, 1638. Stilo Scottico."

[Sedunt as recorded above.]

Complaint by Patrick Urquhart of Lethintie, as follows:—On 16th September last John Cruikshchanke in Swanfurd, John Gabriel in Blakthrid, James Geill in Badichell and Patrick Gill, pickman at the Mill of Mc-Terie, complained heavily to him as a justice of peace in those parts of a number of oppressions committed upon them by Patrick Meldrum in Mc-Terie. By the duty of his office he went to the said Patrick Meldrum and inquired of him why he so oppressed the said poor tenants, when the said Patrick "proudlie answered he had warrant for what he did and would not be commanded with the said justice of peace nor no man. He wee als honest a man as himselfe; and patt his hand to

3 Afterwards third Earl of Moray. He succeeded to the title in 1638 and died in 1658. Though he remained a keen royalist, he took no public part in the struggle between Charles and his subjects.
his whinger, threatening the said Justice therwith.” The complainer thereupon commanded the said Patrick to find caution for his appearance before the bench the first court day to answer upon his behaviour, and also for the indemnity of the said poor tenants, but he proudly refused, declaring that none had power to command him to find any such caution. The complainer thereupon commanded him to enter in ward within the tolbooth of Aberdene, and this order he obeyed, not from any respect to authority, but only that he might “find out some querrell for taking him without ane warrant and exhibition of him before the saids Lords upon the secund of November last, quhilk the said justice of peace performed to his great charges. But, the said Patrix being once set free, he not onelie mocked the said justice of peace but intendt still to continew in his oppressions agains the poore men.” Charge having been given to the said Patrick, and the pursuer complaining by Mr William Forbes, advocate, but the defender not complaining, the Lords ordain the latter to be denounced his Majesty’s rebel and escheated.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his P. 411. Majesty’s advocate, and John Cruikshank in Swanfurid, Margaret Broun, his spouse, and Patrick Urquhart of Lethintie, heritable proprietor of the lands of Swanfurid, their master, for his interest, as follows:—Notwithstanding the laws prohibiting the carrying of hagbuts and pistoles, on 14th July, 1635, Thomas Scot at the kirk of Fyvie, George Gordoun in Lethintie, James Scorjack and Patrick Meldrum in McTerie, John Wilson in Milbreack and George Wilsone, his brother, at the instigation of Andrew Meldrum of McTerie, all armed with swords, staves and other weapons, and the forbidden hagbuts and pistoles, came to the said lands of Swanfurid and took away four cows and ten oxen pertaining to the said John Cruikshank; and, when his wife “preast to stay thame, they cruellie hurt and woundit her, strake her to the ground and carried the oxin and ky over her belly, she being great with childe, quhairwith thereafter she parted to the hazard of her life.” Further, upon April, 1636, the said John Wilson came by way of hamesucken to the complainer’s dwelling house in Swanfurid and “cruellie strake the said Margaret with his foote, threw her to the ground; and within foure dyes thereafter he came with a long gwn, a sword and a stailfe to the said Johne as he was going at the harrowes, strake him over the head with the gwn and dang him dead to the ground, where he lay among the hars felt in his blood, and then he gave him twelffe or threttene strakes on the head, armes and shoulders and left him for dead. And last, upon the 25 of October bygane, the said James Scorjack came to the compleanner as he was leading his hors with broome, having a spaid in his hand, tooke the same frome him, kuist him to the ground, tooke out the money of his purse and flang the same at his face, swearing that heould make him that heould not kepe his awne hous.” Charge having been given to these persons complained
upon and the pursuers compearing by Mr William Forbes, advocate, but
the defenders not compearing, the Lords ordain the latter to be denounced
his Majesty's rebels and escheated.

“A letter of trust from his Majestie in favors of the Erle of
Traquair.”

Sederunt:—Treasurer; Privy Seal; Winton; Perth; Wigton; Stirling, 1st
Kingorne; Lauderdaill; Southeek; Lord Angus; Lord Lorne;
Lord Doune; Bishop of Brechin; Lord Elphinston; Lord Naper;
Clk Register; Justice General; Deputy Treasurer; Advocate;
Justice Clerk.

“The quhilk day the Lords of Secrete Counsell, being conuenned in
Counsell, and having at lenth reasoned upon the causes of the present
combustion within the countrie and of this present meiting, they declare
that the caus of this meiting is to represent to his sacred Majestie the
true estat of the countrie be occasion of the Service Booke, Books of High Commiss-
ions, and the His Commission, and to thinkes upon the best way how
his Majestie may be satisfied in honour and the peace of the countrie
secured.”

“Thereafter the Clerk of Registrar produced one letter from the Lord
Letter from
Chancellor excusing his not keeping of this dyet according to his
the Lord Privie Seale declared that he had receaved the like
promise; and the Lord Privie Seale declared that he had receaved the like
letter and to the same effect, which he had communicat to the Lord
Tresaurar, who immediatlie dispatched a letter to the Lord Chancellor
desiring his Lordship to kepe this dyet preciselie, and in respect
thairof, and seeing the Lord Chancellor was not come, the Lords thought
meit to continue all further doing in this mater till the morn at eight
of the clocike in the forenoon, whilk they appointed to be their nixt
meiting and to sitt till twyls, and to meit at twa afternoone and sitt
till sax; and the saids Lords ordains the said Lord Chancellor his letter
produced be the said Clerk of Registrar to be insert and registrat in the
bookes of Privie Counsell ad futuram rei memoriam; of the quhilk the
tenor followes:—Please your Lordships to excuse my absence from this
meiting which I promised to keep, but am hindered by diverse urgent
occasions. Your Lordship knowes my minde in the cheifeest busines
which is to be intreated, whiche I assure my selfe will be the mynd
goall clergie men; that is to lay aside the booke and not to press
the subjects with it anie more, rather than to bring it in with suche
trouble of the church and kingdoms as we see. But I sould wishe all this
to be fairlie caried without anie tuiche to his Majestie honour, and the
opening of a doore to the disobedience of ill affected people, quhairof I
know your Lordships will be carefull. And so beseeching God to bless
your counsells with a good success, I take my leave, restyng your
Lordships humble servant. Subscribitur, Sanctandrewes. Edinburgh,
the last of Februar, 1638.”
Thomas Dunbar of Boghoill versa the Chanter of Murray.

"Forsamekle as Thomas Dunbar of Boghoill, having had diverse terms and dyets appointed and assigned to him againis the Chantor of Murrey and his sone for the slaughter of umquhill John Dow, servant to the said Thomas, and he having keppe all the dyets appointed unto him and used his best diligence both againis the partieis and assayssours, that nevertheless all these dyets have beene disappointed and deserted be the policie and craft, as appeares, of the said Chantour, whose power and freindship is so great in these bounds as hardlie can ane assise be gottin againis him; thairfor the Lords of Secret Counsell ordains and commands his Majestie's Justice, Justice Clerk and thair deputis to appoint to the said Thomas a new dyet in the moneth of , wherunto he may convenientlie summonnd his partie and assise, and to grant him letters for that effect in als ample forme and under als great panes as the course of law and justice in suche a caise will allow and hath beene formerlie grantit to the said Thomas."

Charge to the bailiff of the lordship of Culros to present before his Majesty's Justice, Isabel Veitch, who is accused of child-murder.

"Forsamekle as it is understand to the Lords of Privie Counsell that Issobell Veitch, servant in the Blair within the parish and lordship of Culros, having upon the 14 day of Februar last borne ane barne in the Blair without the helpe of anie, and quhilk barne she confess to have beene procreat in adulterie and borne to the time living and livalie, and after she had suffered it to ly in the bed beside herselfe ane houre crying and weeping she wrapped it in ane linnen cloath and layed it in the chaffe bed where she lay and lay doun abone it, and so did suffocat the barne, and upon the morn thereafter about ellice of the clock she past to the greene chamber in the Blair, and did cast doun the barne in a stinking privie, quhilk abominable fact ought to be exemplarlie punished to the terroir of others; thairfor the Lords of Secret Counsell ordains letters to be direct charging the bailiff of the lordship of Culros, within whois bounds the said abominable fact wes committed and where the said Issobell presentlie remains, to bring, present and exhibit her before the Lords of Privie Counsell at Stirlie to the xv day of Marche instant, to the intent she may be delivered to his Majestie Justice to be examined, tried and punished for the said barbarous and detestable fact as accords, under the pane of rebellion, etc., with certificacion, etc.; and siclyke to command and charge the provest of Stirlie to receave the said Issobell Veitch fra the said baillie of the lordship of Culros within ane houre nixt after she sall be presented unto thame [etc.], and to committ her to waerd within thair tolbuith and to kepe her therein till she be examined and tryed upon the said abominable fact, as the saids provest and bailieis will answer upon thair obedience at thair highest perrell."

Sederunt ut die predicto.

Unanimous finding of the Council that

"The quhilk day the Lords, having entered upon consideration of the present estat of the countrie and causes of the generall combustion
within the same, they all in one voice conceive that the feares apprehended be the subjects of innovation of religion and discipline of the kirk established be the lawes of this kingdom upon occasion of the Service Book, Booke of Canons, and High Commission, and the former introduction thairof, contrarie or without warrant of the lawes of this of kingdom, ar the causes of this combustion."

Sederunt ut die predicto.

"The Lords having tane to thair consideration what farther sall be doun for compesing and setting of the present combustion within this kingdom and dissipating of the convocations and gadderings within the same, seing proclamations ar already made and published discharging of suche convocations and unlawfull meetings, the Lords after voting finds they can doe no farther nor is already done herein."

"It being after propounded what nix was to be done, it was resolved that one or two of the Counsell sould be sent to his Majestie to acquaint his Majestie with the trew estat of matters heir, and it being voted whether one or two sould be sent, it was voted that one sould go, and choice was made of the Justice Clerk."

"Item, the Lords, having entered upon consideration of the remedies and conceaving that the Service Book, Booke of Canons and His Commision, as it is sett down, ar the occasion of this combustion, and that the subjects offers thame upon perrell of thair lyves and fortunes to cleere that the said Service Book and others foresaides conteane diverse points contrarie to the religion presentlie profest and lawes of the kingdom in mater and maner of introduction, the Lords thinkes expedient that it be represented to his Majestie gracious consideration if his Majestie will be pleased to declare as ane act of his singular justice that his Majestie will take tryell of his subjects greevances and reasons thairof in his owne time and in his owne way agreable to the lawes of this kingdom, and that his Majestie may be pleased graciouslye to declare that in the meane time he will not presse nor urge his subjects therewith, notwithstanding anie act or warrant made in the contrarie."

"Instructions from his Majestie Counsell to the Lord Justice Clerk whom they have ordained to goe to Court for his Majestie service."

"In the first you ar to recieve from the Clerk of Counsell all the acts past since our meeting upon the first of Marche instant."

"Item, you have to represent to his Majestie that this dyet of Counsell was appointed to be solemnelie keepe the advice of the Lord Chanceller and remanent Lords of the clergie being at Edinburgh for the time, who assured us that they could keepe the dyet preciselie; but at our meeting at Stirling we received a letter of excuse from the Lord Chanceller whiche forced us to proceed without his Lordship's presence"
or anie others of the clerge except the Bishop of Brechin, who attended with ws three dayes but removed from us before the closing of our oppinions in this bussines."

"Item, that, immediatlie after that we had resolved to send yow with a letter of trust to his Majestie, we did send our letter to the Lord Chancellor, acquainting him with our proceedings and desyring him to consider thairof, and if he approved the same to signe thame and to caus the remanent Lords of the clerge neerest unto him, and speciallie the Bishop of Brechin, who was ane care and ey witness to our consultations, to signe the same, and by thair letter to his Majestie to signifie thair approbation thairof; or, if his Lordship did find some other way more convenient for his Majesteis honour and the peace of the countrie, that his Lordship be his letter to the Lords Tresaurer or Privy Seale would acquaint thame therewith, to the effect they may conveene the Counsell for consulting theareent."

"Item, that yow show to his Majestie that his Majesteis Counsell all in one voice finds that the causes of the generall combustion in the countrie ar the feares apprehended be the subjects of innovation of religion and discipline of the kirk established be the lawes of the kingdom be occasion of the Service Booke, Booke of Canons and High Commission, and the forme of introduction thairof contrare or without warrant of the lawes of the kingdom."

"Item, yow ar to represent to his Majestie our humble opinion that seing (as we conceave) the Service Booke, Bookes of Canons and His Commission, as it is sett down, ar the occasion of this combustion, and that the subjects offers thame upon perrell of thair lyves and fortoun to cleare that the said Service Booke and others foresaids conteane diverse points contrare to the religion presentlie provest and lawes of the kingdome in mater and maner of introduction, that the Lords thinkes it expedient that it be represented to his Majesteis gracious consideration if his Majestie may be pleased to declare as ane act of his singular justice, that his Majestie will take tryell of his subjects greevances and reasons thairof in his owne time and in his owne way, according to the lawes of this kingdome, and that his Majestie may be pleased graciously to declare that in the meanet ime he will not presse nor urge his subjects therewith, notwithstanding anie act or warrant made in the contrare."

"And in caise his Majestie sall be graciously pleased to approve of our humble opinions, yow ar thereafter to represent to his Majesteis wise and grave consideration if it sall not be fittting to consult his Majesteis Counsell or some suche of thame as he sall be pleased to call to himselfe or allow to be sent from the table, both anent the time and way of doing."

"And if his Majestie (as God forbid) sall dialyke of what we have conceaved most conducinge to his Majesteis service and peace of this kingdome, yow ar to urge by all arguments yow can that his Majestie doe not determine upon anie other course untill some at the least of his
Counsell frome this be heard to give the reasons of thair opinions. And in this case lykewyses yow ar to represent to his Majesteis consideration if it sall not be fitting and necessarie to call for his informers togidder with some of his Counsell that in his owne presence he may heare the reasons of both informations fullie debated."

"And yow sall lykewyses show his Majestie that the Counsell, having takin to thair consideration what farther wee to be done for compescing and satling the present combustion within the kingdom and dissipating of the convocations and gadderings within the same, seing proclamations ar alreadie made and published discharging all suche convocations and unlawfull meitings, the Lords after debating finds they can doe no farther nor is alreadie done heerin untill his Majesteis pleasure be returned to thir our humble remonstrances."

"Missive to his Majestie anent this mater."

"Most Sacred Soverane.—The estat of this kingdom is suche that since this last proclamation the expression of the subjects thair feares and apprehension of alterations in religion and of these other things contenat in thair petitions ar come to so great hight that we conceave ourselves bound in dawtie to represent the same to your sacred Majeste be one of our owne number, and be him lykewyses to acquaint your Majeste with our humble opinions and advices anent the remedies. And having for this purpose made choise of Sir Jothe Hamilton of Orbiston, knight and Justice Clerk, we humbelie intreate your Majestie may be graciously pleased to give credit unto him in what he sall deliver concerning thir matters. And so praying God to blesse your Majestie with a long and happie raigne, we rest. Frome Stirlin, 5 of Marche, 1638. Subscribiter, Traquaire, Roxburghe, Winton, Perth, Wigton, Kingorne, Lauderdale, Southesk, Angus, Lorne, Doune, Elphinstone, Naper, Hay, S. W. Elphinstone, Ja. Carmichael, S. Thomas Hope."

"Missive to the Chancellor."

"Our verie honorable good Lord.—We receaved your Lordships letter and excuse anent your Lordships not keeping of this meeting of the Counsell, whilk be your Lordships owne proposition and motion were appointed and found most necessarie to be at this time and in this place and we expected to have beene assisted with your Lordships best advice and opinion in thir great and weightie aires now in hand, wherein the bodie of the estat is too neerlie interest. But seing your Lordships other aires withdrew you from this meeting, and we, finding the necessitie and importance of the businesse to be so urgent as it could not admit anie delay, we therefore entered to the consideration of the causes of the present evilles and remedies thairof, and having spent three dayes thereupon and debated and digested all that could be said thereanent, wherein we sall answer to God we caried ourselves without all privat respect, and had nothing before our eyes but the glorie of God, his Majesteis
honour and the peace of the country in end we agreed upon some articles to be remonstrat to his Majestie be Sir John Hamilton of Orbiston, Justice Clerk, the copie quhereof your Lordship sall hearerewith receave marked by our clerk, and if yow approve of our judgementes, we intreate your Lordship to signe the same and to send the same to the Bishops of Glasgow and Edinburgh, requesting thame and suche of their number as sall be in Edinburgh or Glasgow to signe the same. And we ar the rather moved heereto that the Lord Bishop of Brechin was ane care and ey witnes to all our proceedings, and assented and assisted all that was done heerin. And we thinke it lykewyse very necesser that if your Lordship approve heirof, yow sall testifie the same to his Majestie by your awne particular letter; and if your Lordship thinkes upon anie better course for his Majestie service and peace of the countrie, we expect that your Lordship will acquaint ws therewith and with the reasons moving yow thereto, and send your answer in writt to the Lords Tresaurar and Privie Seale, who will be resident at Edinburgh, that accordinglie they may convene the rest of the Counsell to consult thereupon. And so with the remembrance of our best affectiones, committing your Lordship to the protection of God, we rest. From Stirling, 5 Martij, 1638. Subscribitur ut supra."

"The quhilk day the Counsellors present promeist that they nor nane of thame sall send ane advertisement to Court tuicheing the proceedings of this meiting till first the Justice Clerk acquaint his Majestie with the same."

"The whilk day in presence of the Lords of Secret Counsell, com- 3rd March 1638. The Decret Arbitral in the pired personallie Sir Thomas Hope of Craighall, Advocat to our soverane cause of Francis Stewart lord, and gave in the letter underwrittin signed be the King's Majestie versus the Earl of Buccleugh and to cause the same to register in the books of Counsell or Session, as the said letter more be registred in the books of the fullie proprots. Lykenes the said Lord Advocat, in humble obedience of his Majestie letter foresaid directed unto him, produced and exhibite before the saids Lords the decreit arbitrall aboneswrittin signed be his Majestie and subserwyed be the Earlies of Roxburgh and Buccleuch and Francis Stuart, sone of the late Erle Bothuell, as the same bearing date at Oatlands the 8 of August, 1631, beirs, and desired the said decreit arbitrall to be insert and registrait in the saids books of Privie Counsell ad futurum rei memoriam, and the extract thairof to be givin to both parteis as they require the same, quhilk sall have als great faith as the principalls; and desired the letter foresaid, direct from his Majestie unto him, to be insert and registrait as the warrant heirof and thereafter to be givin to the said Lord Advocat. Quhilk letter and decreit foresaid being read, heard, and considerit be the saids Lords, and they finding the said Lord Advocat his desire to be just and reasonable, they have thairfoir ordained and ordains the said decreit arbitrall, and his Majestie
letter foresaid direct to the said Lord Advocaet, as the warrant of the registrazing of the said decreit arbitrall, to be insert and registrat in the booke of the Privie Counsell ad futurum rei memoriam, and extracts thairof to be givin to both parteis as they sall require the same, quhilk sall have as great faith as the principall, of the quhilk letter and decreit arbitrall the tenor follows:—CHARLES R.—Trustie and weilbelovit counsellor, we greit yow weil, Whereas we sent to yow our decreit arbitrall pronounced be ws betweene umquhill Walter, Erle of Buccleuch, and Francis Stuart, whiche decreit we wer pleased to explayne by diverse articles and explanations conteanit in our severall letters direct to our Treasurar, part quhairof ar registrat; and seing (as we ar informed) that the samyn as yitt hes not takin anie effect by the delayes used by the Erle of Buccleuch and his tutors, we will and require yow to produce our said decreit and caus the same be registrat ather in the bookes of Counsell or Sessioun and draw up a contract conforme to our will signified in the saya articles and explanations and require thame to subscribe the same in presence of our Tressaurar; and whosoeuer sall refuse; acquaint ws therewith assisting with diligence the other partie for obteaining the same fulfilled in all points. And it is our further pleasure that without respect ather to partie or person yow compeir with the said Francis in all judiciareis and assist him in obteaining his demands in everie thing that sall be found to agree with our decreit arbitrall and our signed articles and explanations thereupon, alreadie registrat and to be registrat, for whiche these presents sall be your warrant. We bid yow farewell. From our Court at Whitehall, the 11 of Februarie, 1638.—CHARLES R.—Francis Stuart, having petitioned us Decreet by his Majesty assigning almonit to Francis, sall to have compassion upon his deplorable estat, and that his fathers fault (of whiche we find him to be nowayes guiltis) may not utterlie ruine him, of which petition we having dewlie considerit, doe find it fitt so far to satisifie him that he may have a competent maintenance to live on, to whiche end we, having spokin with these Lords who have all the benefite of the late Erle of Bothuell’s forefyture, and they, as reason is, having submitted to what we sall determine herein, doe hereby declare our pleasure that the trew worth of the said forefyture, being found out upon strict examination by our Counsell of Scotland and that being divided into six partes, we allot thairof two partes to Francis Stuart to be takin respectivellie out of the aforesaid Lords possessions, and that everie one of thame sall doe whatsoever sall be thought fitt in law, and is in thair power to perfoome for securing of the other of that whiche we appoint to be done, a care being had, as we sall give order for that effect, that this division whiche we have declared sall be justlie and equallie made, giving to everie one his proportion, for avoiding future strife, in the part where it may ly most convenientlie for his use. And these presents sall be a warrant to our Advocat to draw securitis heirupon. At Oatlands, the 8 of August, 1831. Subscribitur, Roxburgh, Buccleuche, Francis Steuart,"
Stirling, 5th March 1638.

Sederunt:—Treasurer; Privy Seal; Winton; Perth; Kingorne; Acts, May 1638—November 1639.
Wighton; Lauderdale; Southesk; Angus; Lorne; Doune; Elphinstone; Naper; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk.

Proclamation against the plague which has broken out in the Middle Shires.

"Forsamakely as the Lords of Secret Counsell hes receaved certane and sure information that there is diverse parts within the Middle shires upon the English side and just opposite to this kingdom infected with the contagious sicknes of the pest, and the daylie and frequent commerce and intercourse interteanned betuix the twa kingdoms and namelie within the saids middleshires at the part callit Ibell, Kinnerston, Varke, Cornell and other parts in Glandeall neere and directlie opposite to the shiredome of Berwick and east parts of the shiredome of Roxburgh, viz. be east Kealwater and Teviot, may prove verie dangerous for this kingdom if some persons, authorized with warrant and commission and being of power, credit and auctoritie, be not appointed to attend the saids bounds, and to have a care that all lawfull and good meanes be used for preventing the incomming and growth of that infection heir; for quhilk purpose the Lords of Secret Counsell hes committed and be the tennor heirof commits the charge and oversight of the bounds abone written within the saids Middleshires in the point of commerce and trade to the shireffs of the shire and justices of peace within these bounds, as also to James, Earle of Hume, Sir John Hume of Blacadder, William Hume of Aiton, William Hume of Linthill, baillie of Dunce, Lancelot Pringill of Lees, George Hume of Deerington, baillie of Coldstreame, Robert Ker of Graden, Andro Ker of Maissindew, baillie of Kelso, and Mr John Clapperton, minister at Edem, commanding thame as they will be answerable upon their dewtie, to have a speciall care and regard that none be suffered to resort nor repaire to the bounds upon the English side infected with the said contagion nor to interteane anie commerce, trade nor handling within the same but suche as sall be allowed be the saids shireffs, justices of peace and others foresaids to doe the same, and that all drovers and others that trades in England with anie goods give up to the saids shireffs and justices of peace or to the others persons particularlie abone written, a cleere note of the place within the middle marche wherunto they intend to repaire and be the quhilk they ar to returne, and at their returne that they give up ane cleere note of the places where they have traded and frome whence they ar returned and produce ane formall certificat of the lawfullnes and unsuspect estat of the places where they have traded. And whereas the keeping of mercats within the saids bounds of the Middle shires, especiallie Dunce, Kelso, Jedburgh, Melros, Hawick and others places upon this side, may lykeways prove verie dangerous to the kingdom in respect of the great concorse of people frome the English side to the saids mercats; thairfor the saids Lords hes discharged and be the tennor heirof discharges the hulding and keeping of mercats within the bounds.
foresaid till upon good advice and deliberation the inhabitants of the
said towns and magistrates thereof be warranted and allowed to doe the
same. And if it shall please God to visite this kingdom with the said
contagious sickenes, that than the saids shireiffs and justices of peace
and the provests and bailleis of burrowes, within their awne bounds and
jurisdictions, have a speciall care of the keeping and preservation of the
saids bounds and preventing of the growth and progresse of the said
infection; and for this effect that they informe themselues daylie of the
true estat of the places infected and of the health and disposition of the
persons dwelling within the same, that, where they find anie contagion
or probable suspicion therof, that they prescriue and sett doun acts,
rules and ordinances how the suspect and foule persons, where anie sall
happin to be, may be keepe apart be themselves in suche places as sall
be designed and allowed unto thame, commandyng thame in his Majesties
name to make their addres to the parts and places to be assigned to
thame and there to conteane themselfes and that they in nowayes
prosume to come furth therof nor to transcend these bounds till, after
a lawfull tryell that they ar free of that contagion, they be fred and
releued, under the pane of death, certeineyng thame that sall faillie and
doe in the contrare that the pane of death sall be execute upon thame
without favour: and ordains letters to be direct to make publication
herof be opin proclamation at the mercat croces of the burrowes and
towns foresaid and others within the Middleshires, wherethrow none
pretend ignorance of the same; and to command and charge all shireiffs,
justices of peace and others whome these presents doe or may concerne,
that they and everie one of thame attend thair severall charges in this
mater and doe and performe that qurilk to thair place and charge
appertaines, and that all traders, drovers and others his Majestis
subjects within the saids bounds give obedience to the directions to be
given to thame and conforme themselues thereunto, and in nowayes
prosume to contraveene nor disobey the saidis directions in anye point,
under the highest pane that may be inflicted upon thame."

"The whilk day, in presence of the Lords of Secret Counsell, compeire Letter from
personallie John, Erle of Traquair, Lord High Tresaurar of this
kingdome, and produced and exhibite before the saids Lords the missive
letter underwritten, of the qurilk the tennor followes:—CHARLES R.—
Right reverend father in God, right trustie and weilbelovit cousins and
counsellors, right trustie and weilbelovit and trustie and weilbelovit
counsellors, having scene the petition latelie presented to you, and the
proceedings therein reported to ws by our right trustie and weilbelovit
cousine and counsellor the Earle of Traquair, our Tresaurar, we doe
noway approve of the same, becaus your course heerin hath been more
derogatorie to our auctoritie, then conducente to the trew quyet of the
countrie. For we can never conceave that the countrie is trustie quyet
when regall auctoritie is infringed, for, altho it may have a seeming
settlement at first, it cannot so long continue when the Kings true
Sedentum:—Treasurer; Lord Elphinston; Clerk Register; Justice General; Deputy Treasurer; Advocate.

"The quhilk day the letter underwrittin, signed be the King's Majestie and directed to the Lords of Privie Counsell, being exhibite and produced before so manie of the saids Lords as wer present and read in their audience, the saids Lords ordains the said missive letter to be exhibit before the Lords of his Majestie Session the morne to the intent they may take the same to that consideration and appoint two or three of their number to report their advice and opinion thereanent to the saids Lords of Privie Counsell the first Counsell day, of the quhilk letter the tenor followes:—CHARLES R.—Right reverend father in God, right trustie and wellbelovit cousins and counsellers, right trustie and belovit counsellers, we greit yow weill. We perceave by your letter and information from our Secretar the diligence yow have used for meiting there according to our late direction, for whiche we give yow heartlie thanks. We ar lykewise informed of the present inconvenienties by wanting of the registers there, but in regard of the dificultieis that might occurre in the suddane transporting of thame and the shortnesse of the time that the Session hes now to sitt, we conceave it may be more fitlie done in
the vacancy. In the meantime, for the better accommodation of our liegees, it is our pleasure that, by the advice of our officers who have the charges of our registers and of the Lords of Session, you take such course as you shall find most convenient for the present. We approve lykeways of your opinion for settling of the posts at Linlithgow and Stirline and have givin order to our Tresaurer for that purpose. We bid you heartilie farewell. From our Court at Newmoncost, 22 Feb-
uary, 1638.

Sederunt:—Treasurer; Mar; Perth; Wigton; Lauderdaill; Lord Stirling, 24th
Angus; Lord Lorne; Lord Elphinston; Lord Naper; Clerk
Register; Justice General; Advocate; Deputy Treasurer.

"The whilck day, in presence of the Lords of Secret Counsell, compeir
personallie Sir Johnie Hamilton of Orbeoston, Justice Clerk, and gave in the Instruc-
tions sent to him by the Counsell through Sir
John Hamilton, in which he requires
that the Earl of Traquair or the Earl of Roxburgh, or both, be
despatched to him with
fuller informa-
tion.

...
gracious pleasure to heare of some of our number the reasons of our Acta. May
former opinions, and in humble obedience thereof we have appointed the
Lords Tresaurar and Privie Seale (whome your Majestie is pleased to Fol. 253, b.
nominat) to attend your Majestie, to whome we have communicat the
reasons of our former opinions, with suche farther as we conceave
necessary for your Majestie service and peace of the countrie, qhillk we Fol. 254, a.
find to be in so pitfull an estat that we humble intreat your Majestie
in your gracious goodnes to commiserat the same, and therewith all to
give full credit to the sais Lords Tresaurar and Privie Seale in what
they sall remonstrat to your Majestie frome ws thereasent, and all other
things qhillks may concerne that bussines. And so, praying God to bless
eyour Majestie with a long and happie raigne, we rest, etc. Stirline, 24
Martij, 1638. Subscribitur, Mar, Perh, Wighton, Lauderdaill, Angus,
Lorne, Elphinston, Napier, J. Hay, Sir W. Elphinston, S. Thomas Hop,
Ja. Carmichael, J. Hamilton. And siclyke the sais Lords ordains a letter
to be writtin to the Lord Chancellor concerning this bussines, qhillk was
accordinglie done, of the tenor following:- Right reverend father in
God, Upon the returne of the Lord Justice Clerk fra whome we receaved
his Majestie letter requiring ws to send up the Lords Tresaurar or
Privy Seale or both for cleiring to his Majestie the reasons of our
opinion sent up with the Justice Clerk, we have burdened thame both
joynlitie, and hes recommendit unto thame the reasons and arguments for
enforceing of our former opinion and of the instructions givin to the
said Justice Clerk, qhailorof we sent to your Lordship a double. And seing
the Lord Privie Seale, before the receipt of his Majestie letter, we sall
upon his way to Court and that the Lord Tresaurar is to use all lawfull
expedition to adresses himselfe to Court, thairfor we have thought fit
to acquaint your Lordship heerwith that, if your Lordship hace anie farther
opinion to be givin to his Majestie in these bussineses, or upon the
reading of this inclosed copie of his Majestie letter delivered unto ws
be the Lord Justice Clerk, your Lordship may be pleased to furnishe the
Lord Tresaurar with anie reason for cleiring our opinion and for the
qhillk we sall remaines your Lordship's verie good freinds. Stirline, 24
Martij, 1638. Subscribitur ut supra una cum Traquair. It was
thought also neidfull that a letter soould be writtin to the Lord Privie
Seale, qhillk was accordinglie done, of the tenor following:- Our verie
honorable good Lord, we receaved his Majestie letter frome the Lord
Justice Clerk, quherin his Majestie hes willed ws to send up the Lord
Tresaurar or your Lordship or both for cleiring the reasons of our
opinion sent up with the Justice Clerk, and in respect of the importance
of the bussines we have thought good to burden the Lord Tresaurar and Fol. 254, b.
your Lordship joynlitie and have givin the Lord Tresaurar certane
instructions signed be ws, which he at our desyre hes also signed, and
qhillk we thought verie expedient, in respect both he and your Lordship
wer present with ws when our opinions and reasons wer debated, and
thairfor we entreate your good Lordship to signe the same, seing in effect
the same ar allanerlie explanations of our former opinions, wherein expecting your Lordship’s accustomed care we rest, etc. Stirlin, 24 Martij, 1638. Subscribitur ut supra.”

“The whilk day, in presence of the Lords of Secret Counsell, com- peire personallie Sir John Hamilton of Orbeaton, knight, Justice, and reported unto the saids Lords the forme of his proceedings with the King’s Majestie in the discharge of that commission quhairwith he was entrusted be the saids Lords. Qhilk report being heard and considderit be the saids Lords, they find that the said Sir John Hamilton hes behaved and caried himself most wiselie, faithfullie and honestlie in that mater and hes conformed himself to the instructions givin to him therein at everie point, and therfoir the saids Lords allows of the said Sir John his proceedings and exoner his thairfoir and of all that may be impute to him therethrow for ever.”

Sederunt:—Treasurer; Winton; Lauderdale; Lord Angus; Lord Dalkeith, 16th Lorne; Justice General; Deputy Treasurer; Justice Clerk.

“The whilk day, in presence of the Lords of Secret Counsell, compeired John, Erle of Traquair, Lord High Tresaurar of this king- dome, and produc’d and exhibite before the said Lords the missive letter underwritten, signed be the King’s Majestie and direct to the saids Lords, of the quhilk the tenor followes:—CHARLES R.—Right reverend father in God and right trustie and weillbelovit counsellor, the Marqyes of Hamilton will appear as right trustie and weillbelovit cousins and counsellors, right trustie and trustie and weillbelovit counsellers, we greit yow well. Whereas we Commissioner have determined to have a solemne meeting of our Counsell at Dalkeith upon the sixt day of June next where our right trusty and right weillbelovit cousins and counsellor, the Marques of Hamilton, is to be commissioner from us for materis speciallie concerning us and the good of that our ancient kingdom, it is our pleasure that yow give particular advertisement thairfoir to all who ar of our Privie Counsell there that they may be present with their advice and assistance at the said meeting, wherein not doubting of your accustomed care, we bid yow farewell. Frome our Court at Whitehall, the 8 of May, 1638.—Qhilk missive being read and considderit be the saids Lords, they in obedience thairfoir did immediatlie direct missives to the Archibishop of Glasgow, the Marques of Huntlie, the Erles of Murrey, Perth, Winton, Kingorne, Seafor, Gallouay, Southeak, Dumfreis, Finlatter, Lord Elphinston, Bishops of Aberdene, Murrey, Dunkeld, and Yles, the Lord Downe and Laird of Blakhall, to attend the said dyet.”

“Forsamekle as it is understand to the Lords of Privie Counsell that there is great appearance of trouble like to fall out betuix James Pringle of Torwoodlie, on the ane part, and Borthuick of Cruikston, on the other part, anent the right acclamed be thame and the mother in law to the said goodman of Torwoodlie to ane hous standing upon the
lands of , whereupon manie inconveniences may fall out to the breake of his Majesties peace and disquyetting of the countrie without remeide be provydit, thairfoir ordains letters to be direct charging both the saids partes to compeir before the saids Lords upon the sixt day of Junij nixt to underly suche order as saull be tane with thame tuisheing the observation of his Majesties peace and keeping of good rule and quyetnes in the countrie, under the pane of rebellion, etc., with certification, etc., and in the mean time to command and charge both the saids partes to observe our soveraine lords peace and to keepe good rule and quyetnes in the countrie, and that nane of thame presoomne nor take upon hand to invade nor persewe one another under whatsoever culour or pretext for whatsoeuer deid, caus or occasion, otherways nor be order of law and justice, either of thame under the pane of twa thousand merkes, certifieing thame that saull faillie or doe in the contrare that they saull be decerned to have incurrerd and to incurr the said pane, and letters saull be direct againis thame for payment thairof to his Majesties Tressaur and Deputie Tressaur in his Majesties name and to his Majesties use in forme as effeirs.”

Sederunt:—Marques of Hamilton, Commissioner; Chancellor; Treasurer; Privy Seal; Marques of Huntlie; Mar; Winton; Linlithgow; Perth; Wigtoun; Kingorne; Tullibardin; Hadinton; Seafort; Lauderdale; Dumfreis; Southeak; Finlatter; Belheaven; Lord Angus; Lord Lorne; Lord Downe; Bishop of Galloway; Elphinstoun; Naper; Clerk Register; Advocate; Treasurer Depute; Justice General; Justice Clerk; Sir Robert Gordon; Blakhall.

James, Marques of Hamilton, received as Commissioner for the setting of the tumult caused by the Service-book.

The whilk day, in presence of the Lords of Secret Counsell, compeird personallie James, Marques of Hamilton, and produced and exhibite before the saids Lords ane commission granted be our sacred soveraine to the said Marques under the great seal of this kongdome, by the quhilk his Majestie hes warranted the said Marques to reipaire to this kongdome and to take order for compesacing and settling of the present combustion and disorders within the same, as in the said commission past his Majestie hand upon the twentie of May last and sealed upon the day of at lenth is contenait. Quhilk comission being read in the presence and hearing of the saids Lords, and they being weill advised therewith, they all in one voice with all dewtiful full respect and regard acknowledged the choise made by his Majestie of the said Marques for the service foresaid as a person most fitt and able for so great ane employment, and who hes gevin manie good proffes of his sufiциencie in all proceeding imployments wherewith he hes beene intrusted be his Majestie both at home and abroad; lykwas the said Marques with all submissive reverence accepted the said commission upon him and promisat
to doe his best endeavours therein for his Majesties honnour and the peace and quyet of this his Majesties ancient kingdome."

Sedent:—Commissioner; Treasurer; Privy Seal, Huntlie; Mar; Dalkeith, 8th Perth; Linlithgow; Wigtown; Hadinton; Seafor; Southesk; Finlatter; Angus; Lorne; Clerk Register; Deputy Treasurer; Justice Clerk; Sir Robert Gordoun.

"The whilk day James, Marques of Hamilton, Commissioner, directed be Resolution, in consequence of a petition from the King's Majestie to this kingdome for compesing of the combustion and troubles within the same, represented to the Lords of Secret Counsell the consideration of a petition exhibite to his Grace be the city of Edinburgh proportioning that for the better and more convenient handling and ordering of this great and important bussines whereby his Grace is entrusted be his sacred Majestie, and to give a beginning to the good and happie conclusions quhilkis ar expected from his panes and travellis therein, it wer more convenient and expedient for the good of that his Majesties service that the meetings of the Counsell sould be at Halyrudhous nor anie where ellis where the subjects might convenientlie repairie and be in readiness to attend his Majesties service at all occasions. The Lords, having heard and considerit the petition foresaid and proposition made be his Majesties commissioner thereunto, they all in one voice and with ane unanime consent find that his Majesties palace of Halyrudhous is the most convenient place for keeping of Counsell at this time, and they ar in good hope that it sall greatlie further and advance his Majesties service now in hands and be ane introduction to the good and happie conclusions thairof for the glorie of God, his Majesties contentment, and peace and tranquillitie of the kingdom; and thairfor the saids Lords advises the Commissioner his Grace to appoint the meetings of the Counsell for this bussines now in hands to be at Halyrudhous in his Majesties Counsel hous there, whiche wes accordinglie done."

Sedent:—Commissioner; Chancellor; Treasurer; Privy Seal; Holyrood Marquis of Huntlie; Mar; Linlithgow; Perth; Wigtown; Kingorne; Tullibardin; Hadinton; Seafor; Lauderdale; Dumfreis; Southesk; Finlater; Lord Angus; Lord Doun; Lord Lorne; Lord Naper; Lord Elphinstoun; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk; Sir Robert Gordoun; Blackhall.

Supplication by Daniel Clerk in Achintulloch, as follows:—Their Lordships know "what ane fearfull hership John Dowgar and his complices did lattie commit upon him, taking from him abone the worth of five hundreth pund sterline in silver wark and other moveables." He is now informed that some of this silver work has been sold in Perthshire,
and he craves that a commission may be granted to the Sheriff of Perth and his deputes, and to the provost and bailies of Perth and all other magistrates, judges and officers to burgh and land within their own P. 420. several jurisdictions to cite before them all such persons as shall be found delated of having any of the said stolen goods and try them thereupon and the manner of their obtaining them, and report to their Lordships with a view to their suitable punishment. The Lords grant commission as craved.

"The Lords ordains their next meeting to be the morne at nyne of the clocke in the forenoon."

**Sedunt:**—Treasurer; Privy Seal; Mortoun; Tillibardin; Haddington; Laurerdale; Seaforth; Southesk; Lord Lorne; Lord Naper; Clerk Register; Justice General; Advocate; Sir Robert Gordoun; Blachall.

Supplication by Sir Donald McDonal of Slait, as follows:—The time of his yearly appearance before their Lordships with the rest of the islanders on 10th July now approaches, and he would most willingly attend, "but in regard of the infirmity of his persone occasioned by long sickness whereof he is not well convalesced and so unable to travell, and in respect of the unsettled estate of the country and uncertainity of the saids Lords their meettings, he is confident the saids Lords will dispense with his appearance; and so much the rather that there is no persone can complean of anie neglect of dewtie aganis him, and that he hes fullie satisfied his Majesties Thesserur for his few dewties and taxations befor the hand; so as his appearance will be verie unnecesarie and verie hazardous and chargeable to his persone and means. He therefore craves that their Lordships will dispense with his appearance before them on 10th July next. This the Lords do, but for that diet only.

"The Lords grants protection to Samwel Cokburne of Henderland for his appearance before the Counsell upon the 19 of Junij instant till the xx day of the same moneth."

**Sedunt:**—Treasurer; Privy Seal; Mar; Linlithgow; Wigtoun; Kingorne; Tillibardin; Seaforth; Laurerdale; Southesk; Dumfreis; Belheaven; Lord Angus; Lord Lorne; Lord Naper; Clerk Register; Justice General; Blachall.

[No record of business.]

**Sedunt:**—Treasurer; Privy Seal; Mar; Lithgow; Annandale; Southesk; Angus; Lord Elphinstoun; Lord Naper; Clerk Register; Advocat; Justice Clerk; Sir Robert Gordoun; Blakhal. P. 413.

Supplication by John Brown of Carlsruhe and John Fullertoun of Carlestoun, as justices commissioned by their Lordships for the trial of
the slaughter of Peter Duncane, son of the deceased James Duncane, and John
committed by James Glendoning, son of Mr Robert Glendoning, minister
at Kirkcudbright, as follows:—They, having obediently accepted the
commission, held a court on 15th September last within the tolbooth of
Kirkcudbright and took the customary oath. They then called for the
said James Glendoning, who was then a prisoner in the tolbooth of
Kirkcudbright, and he, being produced before them and charged by the
procutor-fiscal with the slaughter of the said Peter, confessed the same
in judgment, declaring, however, upon his great oath and conscience that
the thing was done suddenly and ignorantly by him, and not of “fore-
thought fellonie,” as he did not know the said Peter, and had never
seen him before the unhappy occurrence, which was caused by a blow he
gave him. They thereupon caused put the said James to the knowledge
of an assise, who convicted him of the slaughter, but declared “that the
same was committed accidentallie and out of mere ignorance.” The
Lords had only given them power to try the case, and the supplicants
have therefore continued the pronouncing of sentence until their
Lordships should further direct them. They now humbly represent the
case to their Lordships and that the said James has agreed with his
party and given them full assithement, in return for which he has
procured their letters of slains upon condition of his being banished the
kingdom for life. The Lords direct the supplicants to pronounce sentence
of banishment against the said James and to take him acted never to
return to this kingdom upon pain of death. He is to remain in ward
until some captain offer or some other sure way be found to transport
him out of the country.

Complaint by Alexander Don, servitor to the Earl of Roxburgh, as follows:—The service of Andrew Haulie of Snape as heir to his grand-
father was lately exped before the Sheriff of Berwike and his deputies
and Mr Robert Hepburne, sheriff clerk of Berwike, was clerk and notary
thereto. Having an interest in the matter, the complainant applied to the
said sheriff clerk for an extract of this service, but he, against the duty of
his office, refused to give it unless compelled so to do. Charge having
been given to the said Mr Robert Hepburne, and the pursuer comparing
official document.

Supplication by James Crichtoun, lawfull son to the Earl of Dumfreis,
and bailie principal of the barony of Sanquhar, as follows:—James
Paterson in Kerne was apprehended with the fang of a “roch wedder
sheep” which he had stolen from John McMichell in Kerne on 8th May
last, and, having been tried by an assise, was convicted, but sentence was
defered until their Lordships should be consulted. Their direction is
craved as to this. The Lords ordain sentence of banishment from this

kingdom to be pronounced against him, and direct the said bailie when he gives sentence to take the said James Paterson acted to leave the country before 1st August next never to return again upon pain of death.

Supplication by Sir Robert Colvill of Cleish, bailie of the Lordship of Culros, and Sir George Preston, younger of Valifeild and Gilbert Gourlay of Grange, his deputes, as follows:—In February last their Lordships granted a commission to the suppliants for the trial of Walter Fergie of Peatknwis for some thefts and to report their procedure. They had put the said Walter to the trial of an assise by whom he had been convicuated upon his own confession and the depositions of witnesses of "stealing of three burden of cornes furth of the barnyaird of Solsgirth pertaining to James Gib of Cambhill and of the binding of ane sheepe." They ask now what sentence they shall pronounce. The Lords ordain them to sentence the said Walter Fergie to be banished the kingdom and to take him acted never to return under pain of death. Meanwhile he is to remain in ward until he can be delivered to some captain to be taken to the wars.

This day compeared William Oliphant in Gask Mylne and produced a summons executed against him at the instance of Robert Hamilton of Kirkpottie, requiring him to compear before their Lordships on the 11th instant and answer to the charge of taking away thirty oxen out of the said Robert's lands of Blair; and, in respect that he was there present ready to answer and the pursuer had not compeared, he protested that no further process should be valid against him until he were summoned of new and his expenses paid. The Lords admit the protestation.

Complaint by James, Marquis of Hammiltoun, baron of the barony of Polmud, John Hammiltoun, chamberlain of Kinneill, Monteith of Rendisfurd, Monteith in Saltcottis and John Sempill of Stainflat, heritors of the lands of Abbotscarse and vassals of the said Marquis, as follows:—The said whole lands are "dyked about for restraining the overflowing of the sea, quhilk at divers seasons will overreach almost the top of the compleanners cornes and wald undoubtedlie overflow thame fy" they did not by the saids dyke preveene the same. But now of lait Thomas Kinkaid of Warristoun and Thomas and John Kinkuids, his sons, whois lands of Hewke and Saltcoitts and dyks upon the same lands ly nearest to the sea, against the dewtie of gentillmen and good neighbours hae thir three yeirs bygane suffered thair dykes to ly downe and wold never putt the same up howbeit often required be the said John Sempill, whois lands of Inshely contigue to his, whairthout not onlie hes the sea overflowed the saids lands of Wareston, thair awne lands forsaidis extending to xvj chalders of victual and layd thame waist the said three yeirs, but also the compleanners have susteaned verie great prejudice by the overflowing of the sea throw default of upholding the saids dykes. speciallie the saids lands of Insh pertaining to the said John Sempill.

1 This decret is again recorded under date 12th July—p. 486.
whilc payed ten chalders victuall yeirlie, have beene layed waist these three yeir bygane and made unprofitable to him. And the compleanners hail lands are lykild in proces of tyme to be overflowed and destroyed by means of the said Lord of Wareston his holding downe of his saids dyks to thair heavie hurt and prejudice." Charge having been given to Thomas Kincaid, elder of Wareston, and to Thomas Kincaid, younger, and John Kincaid, his sons, and the said John Sempill compearing personally for himself and the remanent pursuers, and the said Thomas Kincaid of Wareston also compearing for himself and his sons, and both having been heard, the Lords grant a commission to John Steill in Manwell, Patrick Grinlay in Reddoch and Henry Ballantyne in Llitil Carse for the part of the Laird of Wareston; and to James Monteith of Carsibanks, James Alexander in Reddoch and John Fleming in Falkirk for the part of the pursuers, or any four of them, two for either party, to meet upon the ground of the lands labelled at such times as parties may arrange, take note of the damages and settle parties, and report their proceedings to the Council on the first Council day of September next.

Sedent:—Treasurer; Privy Seal; Mar; Morton; Kingorne; Holyrood House, 29th June 1638.
Clerk Register; Advocate; Justice General; Treasurer Depute;
Justice Clerk.

"Forsamekle as the Lords of Secret Counsell ar informed that there is numbers of the disordered and brokin clannes of the Hielands, who, being wearied of the peace and quyetnes quhill under his Majesteis blessed governement was established in the Hielands, ar now brokin louse and in troupes and companeis comes down to the incountry and lawland, where they committ not onelie private stouthes but opin and avowed reafeis, heirsheppeis and depredations, besides a number of others insolenceis upon his Majesteis peaceable and good subjects and upon William Stewart in Kilmaronnoch and John Grahame in Callingsd and others inhabiting the lawland, especiallie within the bounds of the Lennox; and whereas the parteis susteaining skaith be stouth or maisterfull reafe doe rise and follow the saids theeven for recuperie of thair goods they ar not assisted by the gentlemen and others of power within the saids bounds, who, out of a peevish feare or some other privat respects not beseeing gentlemen of worth and credite, doe connive and suffer the saids brokin lymnars to goe by thame without so muche as shouting thame, whairthrow they ar encouraged to continew thair wicked deeds; and if the gentlemen and others of power and credite within the saids bounds did thair dewteis in followinge the saids brokin men and theevenes, and concurring with the persons susteaining skaith, the course of thist and stoutheafe and other insolenceis would not be so frequent and commoun; and thairfoir the Lords of Secret Counsell ordains letters to be direct charging all and sindrie his Majesteis subjects within
the bounds of the Lennox be opin proclamation at the mercat crose of Dumbartane and parish kirks within the saids bounds upon Sundaeys before noone in time of sermon or prayers, that they and everie ane of the thame in their most sensible manner rise, putt thameselves in armes, concurre and assist the saids William Stuart and John Grahame and others his Majesties subjects susteining skaithe in the following and persewing of the saids brokin lynnmas and theves and recoverie of the stollin and reft goods at all suche times as they sall be advertised by hearing of the fray or anie other advertisement that sall be sent unto thame, under all highest pane that by course of law may be inflicted upon thame.”

[Soderunt as recorded above.]

Supplication by John McCleud of Dynevegane as follows:—The 10th of July, which is the diet appointed for the appearance of the islanders before their Lordships, now approaches, and the supplicant gave his appearance latelie in December last at Linlithgow, remaining in these parts at great expense. He at that time intreated their Lordships to dispense with his appearance on this occasion, and was put in hopes of obtaining this if no complaints were made about him. He is persuaded that their Lordships have received no complaints against him, “yit still being als legall and peaceable as anie in the countrey, wherein he resolves to continew so long as he lives. And wheras lykways the countrey is not sattied and his absence from his awne countrey, wher rude people take advantage of appearences of alterations, may prove dangerous, he craves that their Lordships would dispense with his appearance on this occasion. This the Lords grant but for this diet only.

Supplication by the gentlemen of the Yles who are under caution for their yearly appeareance before the Lords on 10th July, as follows:—Since being put under this form of caution “they have beene verie sollicite and carefull to keep the conditions thairof and hes striven agains manie difficulties to retain and hold the wholl inhabitants within their bounds under obedience of law and justice, so as the saids Lords hes not beene muche troublit with anie complaints agains them or anie for whom they ar obleist to answer. And they may trewlie affirme unto the saids Lords that the condition of the Yles for the present is in as good estate as manie parts of the countrey. But now the bruits and rumor of trouble whilks ar so far current throw the countrey is lyke to stirr up disobedient and broken persons to renew their former wicked lyfe, and they ar lying at await to breake loose upon the first hearing of trouble; so that yf they be not at home to suppresse and hold downe their wicked hopes and resolutions, they cannot be answerable for the peace of the countrey; wheras yf they be allowed be the saids Lords to byd at home they are in good hop to retaine and hold their haill bounds under obedience, wherof they have thought meit to mak the said Lords
acquainted." They crave that their appearance on this occasion may be
dispensed with, and this the Lords grant but for this diet only.

Complaint by John McBane, dagmaker, burgess of Glasgow, as follows:
—On June instant, James Stewart, provost of Glasgow, and John
Anderson, bailie there, accompanied by several of their officers, came
early in the morning to the complainer's dwelling house, "wher he was
lying naked in his bed and heavilie visited with sekenes, and caused sax
of the rude officiers put violent hands in the compleiners persone and
in a shamefull and disgracefull maner harled and drew him out of his
naked bed and forced him with manie threatynings to put on his cloaths
and then carried him to the tolbuith and committed him to strait ward in
that rowme wher criminales ar keeped, wher they keep and detene him
as yitt as yf he wer ane malefactor or theife," he having done no
wrong. Charge having been given to the said provost and bailie, and the
pursuer compearing personally, the said John Anderson also compaired
for himself and the said James Stewart and produced certain acts and
rolments of court of the city of Glasgow, especially an act dated 19th
June instant setting forth that the pursuer was committed to ward in
the tolbooth of Glasgow for his contempt and disobedience to the magis-
trates, refusing to enter into ward and to find caution for the indemnity
of Andrew Pittigrew in Glasgow and Christian Dalgleish, his spouse.
The Lords, after hearing parties and seeing the said productions, find
that this complaint is groundless and only for the purpose of drawing the
defenders to needless expenses, and they therefore ordain the complainer
to enter himself in ward within the tolbooth of Glasgow before sunset of
Thursday next and remain therein during the pleasure of the provost and
bailies. He is to find caution for doing this. Whereas upon the said
John McBane, with David Kirkwood in Glasgow, his cautioner, enacted
himself to obey this decree under the penalty of 1000 merks. The
Lords further ordain ten merks to be paid to each of the witnesses.

"The quhilk day the Erle of Finlatteris patent was produced and The Earl of
receaved be the Erle of Morton and ane act past thereupon."

Sederunt:—Commissioner; Treasurer, Privy Seal; Mar; Morton, Holyrood
Linlithgow; Kingorne; Hadinton; Lauderdaill; Southesk; Bel; heaven; Lorne; Naper; Clerk Register; Justice General;
Advocate; Deputy Treasurer; Justice Clerk.

"The whilk day the Lords of Secret Counsell, according to ane warrant George, Earl of
and direction in writt signed be the King's Majestie and this day
presentit to thame, receaved and admitted George, Erle of Kinnoull, to
be one of the number of the Lords of his Majestie Privie Counsell of
this kingdome and to bruke and injoy all honours, titles, digniteis,

\footnote{George Hay, second Earl of Kinnoull, suc-
ceeded to the title in 1634, and from 1632 to
1636 had been Captain of the Yeomen of the
Guard. He remained a firm royalist till his
death at Whitehall in 1644.}
priviledges and prerogatives proper and dew to the said place. Lykewise the said Erle of Kinnoull, being personnallie present and acknowledging with all humble and dweitfull respect his Majesteis gracious favour shawin to him in preferring and advancing him to this high place of honour and dignitie, he with all submissive reference on his knees, his hands lying on the halie evangell, made and gave his solemn oath of alleg-geance and of a privie counsellor. Followes his Majesteis missive for warrant of the act abowenwritten:—CHARLES R.—Right reverend father in God, and right trustie and weelbelovit cousines and counsellors, and right trustie and trustie and weelbelovit counsellers we gret yow well. Being informed of the abilitie and sufficiencie of our right trustie and weelbelovit cousin, the Earle of Kinnoull, and of his affection to do us service, we ar willing for his better enabling and encouragement to advance and promove him to be one of our Privie Counsell of that kingdome. It is our pleasure that, having administrd unto him the oath accustomed in the like caises, yow admitt and accept of him as one of your number; for the whiche these presents sall be your warrant. We bid yow farewell. From our Court at Whitehall, the tenth of May, 1638."

[Sederunt as recorded above.]

Complaint by Thomas Sandersone in Eraltoun, as follows:—He has been duly infest in four tenements of land in the burgh of Lawder; but Thomas Cranstoun, porter of Birkinside, pretends right thereto and alleging that he had an action of reduction thereanent against the complainer, obtained a warrant from the Lords of Session to the Commissary of Lauder "to search the hous and inventar the writte and other things being therein, under cullor wherof the said commissar about ane yeer since or therby tucks possession of the said house and kept the same locked and the kayes in his custodie the said space of ane yeer, till now laitble upon the first of Junii instant the said Thomas Cranstoun, accompanied with Thomas Murray, burges of Lauder, William Wilkison, John Cranstoun and William Bannatyne there, Tait in Eckills, William Moffet, servitour to Alexander Wilkison, toune clerk of Lauder, the said Alexander, John and Andro Smiths in Lauder, Archibald Alane in Birkinside and Johnie Huntrodes, younger ther, boddin with swords, lanoes, halberts and others weapons invasive, all of the speciall causing, sending, hunding out, command, resset, assistance and ratihabitition of the said Thomas Cranstoun, came under cloud and silence of night to one of the saide tenements, the doores wherof had P. 421. beene shutt, as said is, the space of ane yeer and the kayes in the said commissars possession, and the said Thomas, at least the persons foresaid, at his direction brak up the doores of the house and hes keepit the same, as he yitt does, with a number of desperate persons armed with unlawfull weapons. And to cleere this his fact, upon the last of May, the day
befor the taking of the house, the said Thomas Cranston, being in Edinburgh in the house of Andro Purves, stabler, affirmed that he could get possession of the house whatever it might import him. And that same night, rancouring Thomas Murray, notar, he desired him to go back to Laudær and take instruments in his hand that he had fund the doores of the house opin; whereby not onlie is the compleaner put from his possession, but that the said Thomas Cranston hes most unlawfullie without order possest himselfe therein.” Charge having been given to the said Thomas Murray, Andrew Smith, William Wilkison, William Moffett, Thomas Cranstoun, Archibald Allane and John Huntrods, to appear on the 28th instant, on the 26th the pursuer comperead by Mr John Nisbet, his procurator, and the defenders by Mr William Cranstoun in Edinburgh, their procurator. The latter objected to the pursuer appearing by a procurator, as it was against the form and order constantly observed in this judicatory. Upon this point the Lords find that “ane advocat cannot be substitute as ane procurator to compere before the saides Lords for ane persewar,” and therefore they ordain the pursuer to compere himself personally on Thursday next, the 28th instant, “or ellis to substitute ane other persone for him not being of the qualitie of ane advocat.” The cause being again called on the 28th June, the pursuer comperead personally, and so did of the defenders Thomas Murrey, William Wilkison, Thomas Cranston, and Alexander Wilkison. After hearing parties the Lords find and declare that the pursuer was in possession of the said house in terms of an instrument under the sign and subscription of Andrew Edmeston, notary, narrating that on 6th September, 1636 “Mark Sanderson, burgess of Lawder, of his swin proper will, uncompeilt, removed himselfe and his familie and certane of his insight and plenishing furth of the house lybelit, patt out the fyre, steekit the doore and therafter opened the same and patt Thomas Sanderson, his brother, in possession of the said house, and gave him actuali, real and corporall possession of the same and gave him the key of the hall doore”; the Lords declaring this form of proof to be sufficient where the party is heard and nothing brought nor said against the same. The other point of the summons respecting the repossession of the pursuer in the said house their Lordships remit to the judge ordinary. Also they assoilzie the defenders who have comperead from the complaint against them, because upon the probation being referred to their oath of verity they, on being sworn, denied the charge. The two non-comperead defenders, Andrew Smith and William Moffett, the Lords ordain to be put to the horn and escheated.

James Stark of Achinvoll, comperead this day before the Lords, produced letters of hornig raised at his instance charging Mr Archibald Grahame, minister, to remove out of the parish of Mayabroch and betake himself to the city of Glasgow, there to remain until he should be relaxed by his ordinary, as also a summons charging him to appear and see the said hornig suspended, and because he was there ready to
answer this summons and no appearance was made by or on behalf of the said Mr Archibald Grahame, he protested that he should not be required further to answer thereto, and that the hornings should be put P. 434 to execution. The Lords admit the protestation and ordain the officers to cause the hornings to be executed.

Sederunt:—Commissioner; Treasurer; Privy Seal; Morton; Linlithgow; Wigtoun; Kingorne; Hadinton; Kinnoull; Southesk; Lorne; Naper; Advocate; Justice Clerk.

Order by his Majesty that the Council and the Courts of Justice resume their meeting in Edinburgh.

"Forsamekle as upon severall considerations his Majestie was pleased to remove his Counsell, Session and others his Majestie judicatorenis from the citie of Edinburgh to the burgh of Linlithgow, and thereafter to Stirlin, as places to quhikils his Majestie good subjects might conveniently repair for administration of justice, but being informed that his Majesties counsellers, senatores of the Colledge of Justice and others judges ar not there fidilie and sufficientlie provydit with all and everie thing necessar for the administration of justice, nather yitt his Majestie others good subjects weill accommodat for their attendance upon the saids judicatorenis, his Majestie, out of his tender and fatherlie care for the good of his people, laying aside all other respects, is graciously pleased to allow and permitt for the more tymelie and convenient dispatche of justice, that the saids judicatorenis sall sitt at Edinburgh as formerlie they have done, and the Lords of the Session to sitt doun on Tuesday nixt. And for this effect his Majestie, with advice of the Lords of his Secret Counsell, ordains intimation and publication to be made heirof at the mercat croce of Edinburgh and others places neidfull, quhereby this his Majestie pleasure may be made knowne to the saids judges and all others his Majesties subjects and they warrantted to reipaire thither for attending and prosecuting their lawfull aires before the saids judges or judicatorenis."

"The whilk day the Lords of Secret Counsell, according to ane warrant and direction in writ, signed be the King's Majestie and direct to the saids Lords, and read in their audience, receaved and admitted Robert, Lord Dalzell,1 to be one of the number of the Lords of Privie Counsell of this kingdome, and to bruke and enjoy all hounours, titles, digniteis, priviledges and prerogatives proper and dew to the said place. Lykeas the said Lord Dalzell, being personallie present and acknowledging with all humble and dawftill respect his Majestie gracious favour shawin to him in preferring and advancing him to this high place of hounour and dignitie, he with all submissive revereonce on his knees, his hands lying on the halie evangell, made and gave his solame

1 Sir Robert Dalzell of Dalzell was raised to the peerage under the title of Lord of Dalzell in 1592, and succeeded his father as second Earl of Carnwath in 1600. He remained a staunch royalist. Lord Clarendon attributes to him the loss of the battle of Naseby through his seizing the bridle of the king's horse, and diverting him from his intended charge on the enemy.
oath of alledgeance and of a privie counsellor. Followes his Majestie missive for the act abonewritten:—CHARLES R.—Right reverend father in God, right trustie and weibelovit cousines and counsellers, right trustie and trusty and weibelovit counsellers, we greet ye well. Being informed of the abilitie and sufficiencie of our right trusty and weibelovit the Lord Dalyell, and of his affection to doe us service, we ar pleased for his better enabling and encouragement to continue in the same to promove him to be ane of our Privie Counsell of that kingdome. It is our pleasure that, having administrated unto him the oath in the like caises accustomed, yow admit and accept of him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Whitehall, the tenth of May, 1638."

Sederunt:—Commissioner; Treasurer; Privy Seal; Mar; Morton; Holyrood House, 2nd July 1638.
Winton; Linlithgow; Wigton; Kingorne; Hadinton; Lauderdaill; Kinnoull; Southesk; Lorne; Napier; Dalyell; Clerk Register; Advocate; Deputy Treasurer; Justice Clerk.

"The whilk day the Lords of Secret Counsell, according to ane warrant William, Earl Marshal, admitted to the Council, presentit to thame, receaved and admitted William, Erle Mairshell,1 to be one of the Lords of the Privie Counsell of this kingdome and to bruike and injoy all the honnours, digniteis, priviledges and prerogatives proper and belonging thereto. Lykeas the said Erle Mairshell, being personallie present and acknowledging with all humble reverence his Majestie gracious favour showin unto him in preferring and advancing him to this high place of honnour and dignitie, he with all humble reverence on his knees, his hands lying upon the halie evangell, made and gave his solemn oath of alledgeance and of a privie counsellor. Followes his Majestie warrant for the act abonewritten:—CHARLES R. —Right reverend father in God, right trustie and weibelovit cousines and counsellers, right trusty and trusty and weibelovit counsellers, we greet ye well. Being informed of the abilitie and sufficiencie of our trustie and weibelovit cousine, the Erle Mairshell, and of his affection to doe us service, we ar pleased for his better enabling and encouragement to continue in the same to promove him to be ane of our Privie Counsell of that kingdome. It is our pleasure that, having administrated unto him the oath in the like caises accustomed, yow admit and accept of him as one of your number, for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Whitehall, the 16 of May, 1638."

1 William, seventh Earl Marshal, succeeded to the title in 1636. His subsequent career proved that Charles was justified in placing confidence in his loyalty,
day presentit to thame, received and admitted James, Lord Amount, to be one of the Lords of the Prive Counsell of this kingdome and to bruike and injoy all the honours, dignitez, priviledges and prerogatives proper and belonging thereto. Lykes the said Lord Amount being personallie present and acknowledging with all dewtifull respect his Majestis gracious favour shewin unto him in preferring and advancing of him to this high place of honnour and dignitie, he, with all humble reverence upon his knees, his hands lying upon the halie evangell, made and gave his solemne oath of allledgeance and of a privie counsellor. Followes his Majestis warrant for the act abonewritten:—

CHARLES R.—Right trusty and right weibelovit cousine and counsellor, right reverend father in God, and right weibelovit counsellor, right trustie and weibelovit cousins and counsellers, and right trustie and trustie and weibelovit counsellers, we greet yow well. Knowing by a long profiss in our service the abilitie and sufficiencie of our right trusty and weibelovit James, Lord Amount, and of his affection to continue therein, we ar willing for his greater encouragement and better enabling him thereunto hereafter to promove him to be one of our Prive Counsell of that our kingdome. It is thairfor our pleasure that, having administrd unto him the oath accustomed in the like caises, yow admitte and receave him amongs yow as one of your number, for whiche these sall be your warrant. We bid yow farewell. From our manour of Greenwiche, the 20 of June, 1638."

"Ane letter to his Majestie anent the sitting of the Counsell and Seissoun at Edinburgh."

Sederunt:—Commissioner; Treasurer; Privy Seal; Morton; Lithgow; Wigtoun; Kingorne; Hadinton; Annerdaill; Lauderdale; Kinnoull; Southesk; Belheaven; Lord Angus; Lord Lorne; Lord Naper; Lord Dalryell; Lord Amount; Clerk Register; Justice General; Advocate; Deputy Treasurer; Justice Clerk.

Declaration by "Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovitts, etc., heralds, etc., messengers, our shireffs in that part, conjunctlie and severallie, speciallie constitute, greiting. Forsamekle as we ar not ignorant of the great disorders quhilkis have happennd of late within this our ancient kingdome of Scotland, occasioned (as is pretended) upon the introduction of the Service Booke, Booke of Canons and High Commission, thereby fearing innovation of religion and lawes, for satisfaction of the quhilkis fearis we well hoped that the twa proclamations of the ellevint of

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1 James Livingstone, third son of the first Earl of Linlithgow. He was created Baron Livingstone of Almond in 1633, a title which in 1941 he changed for that of Earl of Callendar and Baron Almond. He played a prominent part in the revolt against Charles's authority, first siding with the covenanters and subsequently with the king.
December and nyenetene of Februar had beene abundantlie sufficient, nevertheless finding that disorders have daylie so increast that a powerfull rather then persuasive way might have beene justifie expected frome us, yitt we, out of our innate indulgence to our people, greeving to see thame runne thameselves so headlong into ruine, ar graciously pleased to try if by a faire way we can reclame thame frome thair faults rather then to lett thame perish in the same. And thairfor once for all we have thought fitt to declare and heirby to assure all our good people that we nather ar, wer, nor by the grace of God ever sall be stained with popish superstition, but by the contrare ar resolved to maintaine the true protestant christian religion alreadie profest within this our ancient kingdome. And for forder cleering of scruples we doe heirby assure all men that we will nather now nor heerafter prese the practise of the foresaid canons and Service Booke, nor anie thing of that nature but in suche a faire and legall way as sall satisfie all our loving subjects that we nather intend innovation in religion or lawes. And to this effect have givin orders to discharge all acts of Counsell made thereanent; and for the high commission we sall so rectifie it with the helpe and advice of our Counsell that it sall never impugne the lawes nor be a just greevance to our loyall subjects; and what is farther fittin to be agitat in Generall Assemble or Parliament for the good and peace of the kirk and peaceable governement of the same for establishing of the religion presentlie profest sall lykewayes be takin into our royall consideration in ane free Assemble and Parliament whiche sall be indicted and callit with our best conveniencie. And we heirby take God to witnes that our true meaning and intention is not to admitt of anie innovations ather in religion or lawes, but carefullie to maintaine the purtie of religion alreadie profest and established and nowayes to suffer our lawes to be infringed. Also, we cannot be ignorant that there may be some disaffected persons who will strive to possess our good subjects that this our gracious declaration is not to be regarded, yitt we do expect that the behaviour of all our good and loyall subjects will be suche as may give testimonie of their obedience and how sensible they ar of our grace and favour that thus passeth over thair misdemeanours, and by thair future cariage make appeare that it was onelie feare of innovation that caused the disorders whiche have happenned of late within this our ancient kingdome, and ar confident that they will not suffer thameselves to be seduced and misled to misconstrue us and our actions but rest heartilie satisfied with our pious and reall intentions for maintenance of the true religion and lawes of this kingdome. Quhairfoir we require and heartilie wishe all our good people carefullie to advert to these dangerous suggestions and not to permit thameselves blindlie under pretext of religion to be led in disobediencie and drawn on infinitelie to our greefe, thair owne ruine, which we have and still sall strive to save thame frome so long as we see not our royall auctoritie shaiken aff; and most unwillinglie sall make use of that power [with] whiche God hath indued us for reclaiming of
dissobedient people. Our will is heirfoir and we charge yow straitlie and commands that incontinent thir our letters seene yow paa to the mercat croce of our burgh of Edinburgh and all others places neidfull, and there be opin proclamation make publication heirof to all and sindrie our good subjects, wherethrow nane pretend ignorance of the same; the quhilk to doe we commit to yow conjunctie and severallie our full power be thir our letters, delivering the same be yow dewlie execute and indorsat agane to the bearer. Givin at our Court of Grenewiche, the 28 day of Junij, and of our raigne the fourtene yeere, 1638. Per Regem."

Sederunt :——Commissioner; Treasurer; Privy Seal; Mairehell; Mar; Morton; Winton; Lithgow; Wigton; Kingorne; Hadinton; Annerdaill; Launderdaill; Kinnoull; Southesk; Lord Angus; Lord Lorne; Lord Elphinston; Belheaven; Naper; Dalyell; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk; Amount.

"Forsamekles as albeit the persuite and invasion of anie of his Majesteis subjects within his Majesteis Counsellous has beene verie straitlie prohibite and discharged be the lawes of this kingdome, yitt it is of trueth that there being ane action persewed this day before his Majesteis Counsell betuix the Lord Fraser and the laird of Phillorth, and they being attending at the Counsellous doore, accompanied with some of their friends, one Alexander Banneman of Elsick, perceiving Sir Archibald Douglas of Spott standing at the Counsellous doore he most contemptuouslie and disgracefullie strake the said Sir Archibald with his neiff, his Majesteis Commissioner and Counsell being sitting at Counsell for the time; quhilk being a crime of wicked exempble aucth to be severelie tane order with to the terror of others, thairfoir ordains a maiser of Counsell to paa and charge the said Alexander Banneman be opin proclamation at the mercat croce of Edinburgh to enter his person in ward within the tolbuith of Edinburgh betuix and the morne at twelffe of the clocke in the forenoon, under the pane of rebellion, etc., with certifiction to him, if he faillie, he sall not onlie be denounced rebell and his movable goods escheit, but with that he sall be persewed as a most rebellious and disobedient person."

Complaint by James Dalyell in Coldbrandspeth as follows:——On June last Duncan Paterson, brother of Mr John Paterson, parson of Aldhamstoks, and John Neilson, his servant, came by way of hameuucken to the complainers house, and "without respect of his aged and decrepit bodie, being past three score fourteenth yeers, and without anie just caus of offence done be him to thame, they patt violent hands in his persone
and with battons and great rungs gave him manie bauch, blae and bloody straiks in diverse parts of his bodie to the effusion of his blood, and so birsed and bruised his haill bodie as ever since he hes beene in great hazard of his lyff, unable to stirre or travell; committing there-throw ane verie great oppression most unseemlie and strange in the persons of a preacher." The pursuer compearing personally but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

"Ane act anent the Service Booke, Booke of Cannons and High Commission."
the Eale Ark, so that the dyke nor seuche extend not the bounds of
the old water gang; and decerns the Lord Fraser to make his passage
forsaid to the said Eale Arke throw his awin bounds and not throw P. 425.
Philorts bounds; and ordains the said Laird of Philorth to have
a care that none of his bestiall and goods come upon that ground
heirafter." They further ordain the parties to discharge to each other
their respective actions of lawburrows and live in peace and friendship,
"as formerlie they wer wont to do, and as becomes persons of their ranke
and qualitie, standing so neir in blood and freindship." The said
parties "promeist to kepe this present freindship unviolat betuix thame
and in tokin heirof they imbraced others and tooke on another be the
hand."

Holyrood
House, 10th
July 1638.

Sederunt:—Treasurer; Privy Seal; Mar; Kingorn; Hadintoun;
Galloway; Lauderdaill; Kinnoul; Lord Naper; Clerk Register;
Advocate; Deputy Treasurer; Justice; Justice Clerk.

Complaint by
James Wylie,
head against
Robert Keith,
merchant-
burgess of
Edinburgh,
for illegal
warding.

Complaint by James Quythereid, prisoner in the tolbooth of Edinburgh,
as follows:—He is detained in ward at the instance of Robert Keith,
merchant burgess of Edinburgh, for not finding lawburrows to him and
removing from some houses of Currie to which he pretended right,
notwithstanding that in August 1637 their Lordships ordained that he
should be put to liberty on his acting himself for the indemnity of the
said Robert and for his removal from the lands in question, under the
pain of infamy, the said Robert paying him the sum of £40 after his
removal. The complainer shortly thereafter performed what was
incumbent upon him, and yet he is still detained in misery by the said
Robert under a captiion executed against him at the instance of William
Murray of Langhermistoun, whose right the said Robert has acquired.
He claims therefore not only his liberty but that the said Robert should
be decreed to pay to him the sum of £40 and to pay his jailor fee and
expenses since the date of the said decreet. Charge having been given
to the said Robert Keith and William Murray to have comperead on P. 427.
26th June last, and also to the provost and bailies of Edinburgh to
exhibit the complainer that day, and the pursuer and Robert Keith
comperead personally and having been heard, the Lords ordained
the pursuer to be put to liberty upon his acting himself for the indemnity
of the said Robert Keith and his tenants and servants under pain of
perjury and defamation, and removing himself and his wife and daughters
from the houses and lands in question within eight days. They also
ordained the pursuer to compere at the expiry of these days and report
his obedience, and, this being done, they ordained the said Robert Keith
to pay him £40. The case being again called this day the pursuer P. 428.
comperead, but not the said Robert Keith, whereupon the Lords ordained
letters of horning to be directed against the provost and bailies of Edin-
burgh to put the complainer to liberty in so far as he is warded at the
instance of the said Robert Keith and William Murray; and further ordained Robert Keith to pay to the pursuer £40 as decreed in the decree of 23rd August last; because the pursuer had acted himself as directed, and also produced an instrument under the hand of James Navie, notary, bearing that on 3rd July instant Katharine Tarbit, spouse of the said James Quhytheid, removed herself with James Alexander and Mary Quhytheid from these houses, onesteads, yard and pertinents lying within the town and parish of Currie and sherifftdom of Edinburgh sometime occupied by her and her husband, and now inhabited by John Quhitheid, their son; and further, because on the allegation by the said Robert Keith that he had already paid a great part of the £40 to the pursuer, and the proof of this having been referred to the pursuer's oath, he on being sworn declared that he had not received the said sum nor any part thereof.

Sederunt:—Treasurer; Privy Seal; Mar; Kingorne; Galloway; Holyrood House, 12th Kinnoul; Clerk Register; Justice; Treasurer Depute; Justice Clerk.

Complaint by Janet Polwart, widow of Robert Drew, notary in Glasgow, as follows:—On 5th June last John Baird, portioner of Achinloch, came to her dwelling house in Glasgow and apparently in friendly manner desired inspection of two bonds for 100 merks which he was due to her deceased husband. Suspecting no evil, she showed him the bonds, and, when he got them into his hands, "he verie shamefullie and unhonestlie rave the same in peecies, to the poore womans verie great hurt and prejudice, intending thairby to defraud her and her barns of their moneyes." Both pursuer and defender compearing personally, the pursuer for instructing her complaint produced a submission by them dated at Edinburgh and Glasgow 22nd June and 6th July, 1637, "quhairby the riving of the saids bands" and all other matters in question between them are submitted to the arbitration of John Boell of Kelburne, Comissary of Glasgow, for the part of the pursuer, and Mr John Dunlop of Garnekkirk for the part of the defender; and the Lords, after hearing parties, direct them to renew this their submission. This they did in presence of the Lords, making choice of the same arbitrators, who are to determine the satisfaction to be given to the pursuer by the defender for the tearing of the two bonds, each containing the sum of fifty merks, and what write the said Janet shall deliver up to the said John, which she has of his in her keeping, especially a bond by him to William , portioner of Achinloch, for the sum of dated , and that before 1st November next. And the parties bind themselves under a penalty of £20, in addition to fulfilling their contract, to abide by the unanimous decision of the said arbiters. The Lords also ordain them to report their proceedings before 1st November so that further order may be taken herein; and, because "the ryving of bands
is a high contempt of auctoritie and a matter of dangerous preparative, they fine the defender in 100 merks to be paid to his Majesty; and assign the same to the said pursuer." 

Sederunt:—Treasurer; Mar; Kinnoull; Belheaven; Clerk Register; Advocate; Justice; Deputy Treasurer; Justice Clerk.

Edinburgh, 19th July 1638.

William Forsyth, notary, condemned to banishment.

"The Lords of Secreit Counsell, having heard and considderrit the proposition made be the Lord Cheefe Justice unto thame tuicheing the doome to be pronounced agains William Forsyth, notar, and Thomas Tulloch, who are convict of falsett, the saids Lords advises the said Lord Justice to pronounce doome agains the said William Forsyth, ordaining him to be banished this kingdome and to be tane actit in the books of adjournall that he sall never returne agane within the same nor yitt exerc his office of notar under the pame of death, and that he be tane to the mercat croce of Edinburgh with a paper on his forehead, bearing a note of the caus for the quhilke he is setit there; and that he stand at the said croce bareheaded fra ellevin till twelffe of the clocke, and then to be caried back to his ward to be keepe there till the commoditie be had of some captane who will take him out of the countrie. And tuiching the said Thomas Tulloch the saids Lords advises the Justice to superseed the pronunciing of doome aganis him for some certane space during the said Lord Justice his will and pleasure and till he find meit to pronounce the same."

[Sederunt as recorded above.]

In the action pursued by Patrick Reid, skipper in Prestonpanns, against James Bruce, merchant of Edinburgh, for certain injuries and wrongs done to him by the said James within and without the country and for committing him to ward in the tolbooth of Edinburgh for not finding caution to answer at law, both parties compariring and having been heard, the Lords, finding that the chief matters in controversy are some accounts between them, which "ar mor fit to be hard be merchands or saillors thane be thame," advised them to name some friends for arranging a settlement between them. Thereupon the pursuer nominated William Rid, bailie of Leith, and William Nisbet, sailor; and the defender named Andrew Osuall and James Kintor in the Cannogat, to whom they promised to submit their differences for an amicable settlement. The Lords accordingly appoint them to deal with the matter and to have their first meeting on 20th July instant. If an agreement cannot be effected, parties are to compare before the Council on the 26th instant for knowing its further pleasure. And that the said Patrick Rid may attend the conference without trouble the Lords, with consent of James Bruce, ordain the provost and bailies of Edinburgh to liberate him from

1 This decree is again recorded at p. 434 of the Register.
their tolbooth, seeing he has presently acted himself to appear before the said arbitrators and wait upon them for settling of his accounts, and that he will not leave the burgh of Edinburgh until matters are settled and the said James Bruce satisfied under the pain of perjury, infamy and "tinsell of his credit, fame and reputation, with the tinsel of his goods."

"Forsamekle as Sir George Johnston of Caskiben, Johne Leith of Harthill, Michael Elphinston of Querrell and Arthure Forbes of Meny, pretending right to the faire callit Bartill faire, whilk is haldin upon the 24 of August, and Alexander Abicrombie of Birkinboig, Hector Abercrombie of Fetterneir and Johne Leith of Harthill, pretending right to the priviledges of the faire callit Lauren faire, qhillik is haldin upon the day of , and to the ryding of the saids faires and uplifting of the dewteis and customes thaiof, all the saids persons intend to ryde the saids faires this present yeere and to uplift the dewteis and customes of the same; and there being ane great animosity and heate amongs thame for this caus, some inconvenient will not faile to fall out to the disturbance of his Majestie peace without remeid be provydit; and thairfoir the Lords of Secret Counsell hes nominat and appointed, and be the tennor heirof nominat and appoints the laird of Drum, shireff of Aberdene, or suche as he sall nominat and be answerable for, to ryde the saids faires this present yeere, and to intromett with and uplift the customes and dewteis of the same and to make thame furthcomming to the partie that sall be found to have best right thereto, commanding heirby the said shireff and suche as he sall nominat, as said is, to accept this commission upon thame and to execute the same accordinglie; and ordains letters to be direct to command, charge and inhibit the partieis particularie abonewrittin that name of thame presoom to ryde the saids faires nor to uplift the saids dewteis and customes of the same, but that they suffer and permitt the said shireff and others persons foresaid to doe the same as they and everie ane of thame will answer upon the contrare at thair perrell and under the pane to be exemplarie punished in thair persons and goods to the terror of others to doe the like."

"The Lords of Secret Counsell, upon certane good respects and considerations moving thame, hes given and granit and be the tennor heirof gives and grante libertie and licence to Johne Leith of Harthill to negociat his affaires and to repaire saffellie to and fra in the countrie for that effect without danger of the law till the feast of Yulli nixttocome, discharging in the meane time all shireffs, stewarts, bailleis of regalitie and thair deputies, provests and bailleis of burrowes, and all judges,
officers and magistrates to burgh and land and als all messengers of armes Acta, May
of all troubling, arresting or warding of the said John for anie debts or
soumes of money or for anie of the causes for the quhilks he was latelie Fol. 260, a.
warded within the tolbooth of Edinburgh, discharging thame thairof and
of their offices in that part during the space foresaid."

[Sederunt as recorded above,]

Complaint by Marie Kello, lawful daughter of the deceased Bartilmo
Kello, "preacher of Christ's evangell," now spouse to Patrick Ainsley,
merchant burgess of Edinburgh, and Mr James Crichtoun, indweller in
Edinburgh, her curator, and Easeter Kello, spouse to the said Mr James,
hersister, for her interest, as follows:—The said Patrick Ainsley
married the said Marie Kello in December, 1632, and to her "all dewties
performable be contract of marriage wer punctuallie kepted so as she
does in good hopes of the performance not onlie of all conjugal dewties
according to the strict band of matrimonie, but also of all such others
conditions wherunto he and his freinds wer tyed be the said contract.
Nevertheless, it is of treuth that within ane year after the marriage the
said Patrick, at the instigation of certane evill disposed persons, becaus
the compleuner wald not renunce his contract of marriage, hes ever
sensyne shamefullie and unhonestlie abused hir in word and deid,
affirming that he had married hir onlie for a slave and servant and not
to be his wife, and that he had married a preiste gett; spitting on hir
face in presence of Mr Samuell Kello, parson of Suffolk, hir brother,
whom the said Patrike threatened to kill because he reproued him; as,
also, he discharged hir sister and freinds to rayre unto hir upon paine
of thair lyves; and shamefullie intermeddles with all things in the hous
even to the office of the basest servant, as putting in and putting out of
the fire, attending the pot when the caill is tane up, therafter ryping
the same with the ladell to see if the servants had reserved anie thing to
hir or thame selves, in searching the potte, pans and stoups daylie in the
kitchin, locking up the cold caill and brokin candle, marking the cheis,
bread and flesh in the almerie; with manie others base and onworthie
slaveries not worthie to be heard; by and attour the hungering of the
said compleuner and hir servants by allowing thame not so much as ane
dollar in twentie dayes to live upon, so as they had stervered yf she had
not beene supported be hir sister and freinds; and by taking away the
keeping of the keyes of the almerie, kists and coffers and government of
the hous from hir, casting hir downe on the floore upon the preaching
dayes and taking hir hat and shoes from hir to hinder hir to go to the
kirke, pretending to cullour his malice that yf she should go everye day
to the kirk and give eight penneis to the poore she wald wast
his estate; howbeit she had nothing of him for this use but was
forced to borrow the same from hir servants; whil, as he in the
mean tyme was mispending his means day and night at the cards and
dice. Be reason of quhilk base and ungodlie carriage she hes contracted ane heavie melancholie disease and fever with great sweatings and symptoms proceeding from manie obstructions of hir splene and liver, increased be greife of mynd, domestick crosses, wanting of convenient alimint and rowmes and others remedies wherein she hes lyin thir three years bygane bedfast in hazard and perrill of hir lyfe, he in the meane tyme allowing nothing to hir as hir sicklie condition required, no not so much as coale or candle, and discharging the physicians and apothecaries to come unto hir, cullouring his malicious intent by saying the[y] wer onlie ordained to take money out of mens purses; quhaisthrow she is become so weake and infirme as she is not lyke to live. Lykeas the said Patrik, as she is informed of his mother, brether, brether in law and sisters, hes still laboured to defraud hir of the benefit of hir contract of marriage, so as when she charged him to imploy hir tocher, extending to the sowme of ten thousand merks conforme to the tenor of the contract, he suspendit hir upon frivolous reasons by finding of a dyver cautioner in the suspension. Lykeas upon the threttaine of Januar last the said Patrik with diverse came about ten houres at night to hir dwelling hous where she was lying sweeting under heavie siknes, putt hir servants out of the hous, and when the neighbours gathered for hir releife, he threatened thame over the windowes upon pane of thair lyffes to come nei, and then threatened hirselfe, being alone, that he should conjure the devill out of hir, strip hir naked and tame, albeit she wer mad. And, when as she was stepping in to hir bed, being under a great sweet and fear, notwithstanding of hir manie ruthfull and pitifull requestes, they began to draw the bed out under hir so as she was forced to ryse with ane apron about hir feet and ane blanket about her bodie, not having stockings to put on hir legs, nor anie fire to sit at. And thereafter they tooke away hir servants kists with hir coffers, linings, abulyme ments of hir bodie and other ornamentals of her bodie belonging to hir and in hir possession and use since hir marriage, and withal wer therafter coffet be his saide brether, mother and others forsaids and are in thair custodie and keeping; so as the[y] left hir nothing to put on hir back but the floore to ly on, to the danger of hir lyfe and redacting hir to the extremitie of ane beggar. Lykeas upon the 13 of Februair last, betwix twelff and on in the night, the said Patrik came to her chamber in a furie lyke a madman, tooke hir out of hir naked bed be the armes in hir great seeknes and sweatings, dislocat twa fossels of hir armes, held hir be the armes for the space of three houres standing naked on the floore whill her armes and legggs swelled most pitifullie and she wes cast againe in the feiver for the space of sax weeks thereafter. And sicklyke upon the 15 day of Junij last, being the Lords Sabboth, he came in between ten and eleven at night to hir chamber wher she wes lying pyning in hir bed under hir former disease, having in the on hand an naked knife and in the other ane horse rod and great key, and in a crewell and barbarous maner presented the knife
to hir breast quherwith he peculiar her sark and gave hir manie bauch and blee strakes with the horse rod and key alonge the gardies, armes and shoulders; and not content with their hir out of hir naked bed after he had abstracted hir clothes and caused hir sitt on the baire floor all the night over naked, trembling throw feares and heavy sikness, and opened the windowes of the hous upon hir, being a windie, cold night, of purpose to worke hir destruction. And becaus hir servant woman out of pittie went to steeke the windowes and to cry for helpe, he for that onlie cause switched hir soundlie with his said rod and thereaft went up and downe the hous threatning thame with the rod and key, uttering manie mad and blasphemous speiches, affirming that albeit he had killed thame ther wald be no order gottin of him, for he wald deny it and ther was no witnesses to prove the same. Whilk is a verie wicked and godles misbehaviour and deserves exemplaire punishment.” She seeks for separation from him and that an annual aliment should be modified to her, as well as the delivery of her goods. The pursuer comparing personally and the defender by Mr Cornelius Ainsley, his brother, and Mr John Gilmour, his brother-in-law, who excused his absence on the ground that he “wes imbarqued and upon his dew course toward his port in his lawfull trade of merchandize,” the pursuer produced an inventory of her husband’s estate written with his own hand, and her contract of marriage, so that their Lordships might more readily modify an allowance to her during her husband’s absence. The Lords, after considering these documents and hearing parties, modify to her the sum of 400 merks yearly during her husband’s absence.

Complaint by James, Marquis of Hammitoun, baron of the barony of P. 440. Polmud, John Hammitoun, chamberlain of Kinneill, William Monteith of Randifurde, Monteith of Saltcattis and John Sempie of Stainfla, heritors of Abbotscarse, and vassals to the said Marquis, as follows:— A complaint was recently made to their Lordships upon Thomas Kincaid of Warestoun and his sons, who are neighbours to the complainers, of the great prejudice they sustain, especially the said John Sempie, “by the lying downe of the dykes of the lands of Hewke and Saltcattis pertaining to the said Thomas Kincaid thir three yeirs bygane, quhairthrow the compleanners lands wer overflown with the sea,” and their Lordships with consent of parties gave a commission to John Steill in Manuell, Patrick Grinlay in Ridheuche and Henry Bellenden in Little Carse, on behalf of the said Laird of Warestoun, and to James Monteith in Carsbank, James Alexander of Ridheuch and John Fleeming in Fawkirk for the complainers’ part, or any four of them, two for each party, to meet upon the ground of the said lands, estimate the damage and report to the Council. Conform thereto, on 14th instant the said Patrick Grinlay, John Steill, James Monteith, and James Alexander met upon the said lands of Heuch, and “fand the dykes thairof ruinous so as the sea overflowed the same at everie spring tyde.” The complainers dealt with them to make their report, but under the influence of the
Laird of Warestoun they postpone the same, and the "Lambmes tyde" which now approaches will again endanger the lands if timely order be not taken therewith. Charge having been given to the Laird of Warestoun and the said commissioners for the presentation of their report and to see order taken thereupon, and John Sempill complaining for himself and the remnant puruers, Thomas Kinkaid of Warestoun being likewise personally present, the report of the said commissioners was presented by the said John Sempill, and the Lords, after hearing and considering the same and hearing parties, find "that the not bigging and upholding of the saids dykes is a verie great hurt and prejudice to the saids persewar and a great hurt to the common weall," and they ordain the said Laird of Warestoun to cause build up the said dykes, and put workmen thereto within three days so that it may be completed by 10th August next under pain of making good all damage that shall accrue through his default. They also reserve to John Sempill his claim against Warestoun for bypast damage before the ordinary judge.

This day Mr Alexander Jonstoun, advocate, as procurator for the bailie of Ogilface, produced a summons at the instance of James Adie, portioner of the Strath of Torphichen, charging the said bailie to compear this day and hear himself discharged from proceeding against the said James Adie for stealing a boll of bear in April last out of the barn of James Mershell in Kelmore within the parish of Mervingsyde, and for other points of theft; and, because James Adie did not compear, he protested that the said bailie should not be held to answer again, but should proceed to administer justice upon the said James Adie, according to the laws of the kingdom. The Lords admit the protestation.

Supplication by the commissioners for the royal burghs of this kingdom, and by John Leith of Harthill, heritor of the duties of Lawrenfair, and wadsetter of the duty of Bartill fair, as follows:—The said burghs and their neighbours resorting to these two fairs are heavily oppressed, partly by great and exorbitant exactions under colour of custom at Lawrenfair, whereof Adam Abercrombie of Aldrayne uplifts the duty by virtue of his wife's liferent, and in the meantime makes the said suppli-ant, John Leith, heritor, liable to the laws made against these extor- tions; and partly by great convocations at Bartill fair, occasioned by several dispositions made of the duty thereof by the Master of Forbes, heritor thereof, to the said John Leith, the Laird of Caakiben, Michael Elphinstoun of Querrell, who all pretending right to uplift the duties come to the said fair with great convocations, whereby not only extortions but disorders and breaches of the peace arise. For prevention hereof the suppliants crave that their Lordships would grant a commission to the Laird of Leslie Forbes, the Laird of Tolquhon, and the Laird of Pittodrie, justice of peace, or any of them, to uplift the duties of these fairs for this present year and make the same forth-coming to parties having interest. The Lords, after advising, grant commission as craved to Irwing of Drum, sheriff principal of
Aberdene, or such others as he shall nominate and be responsible for; and they discharge all others from meddling with the said duties, as they shall answer at their peril.

Complaint by James Quhyt, as follows:—He has been kept in ward within the tolbooth of Edinburgh for the past half year at the instance of Robert Hay in Wester Fordell alias Bairs, as the alleged assignee of Alexander Greg in Corstorphin, for non-payment of a principal sum of £98, with two merks of expenses. He has nothing to maintain himself and is like to starve for hunger. This prosecution is most malicious as the debt has been paid long ago, but the said Robert suffers him to all appearance to die in prison. The pursuer appearing but not the defender, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer from their tolbooth in so far as he is in ward at the instance of the said Robert Hay.

Complaint by George Ramsay, son to the deceased Patrick Ramsay, merchant burgess of Edinburgh, for himself, and James, Elect of Argyle, and Mr Andrew Ramsay, minister of Edinburgh, as near kinsmen to the said George, and to whom themissive aftermentioned was sent by him, as follows;—“Alexander Hay in Leith, having by his crafty insinuating speeches inveigled the sister of the said George Ramsay and gained her to be his wyfe, and having thereby possess himselfe of his estate, which he has mis-spent upon the entertainement of faction and combustion betwene the town of Edinburgh and Leith to his great disgrace, ignominie and shame, his nixo care was to prey upon the said compleasers estate. For the better compassing whereof he possess the said com-pleaser with groundlies and panicke fears that his fathers burden was greater then his estate could beeke and that yf he did not tymouslie provide for the safte of his person that he wald be castin in ward without hope of redemption. Lykes accordingly he stirred up some to trouble the said compleaser for a small debt for the which being castin in ward the said Alexander became cautioner for his relieffe, and by that means having ingratiatate himselfe to the said compleaser he then layed befor [him] with all the circumstances of aggravation his pretendit miserable condition yf he should not goe aff the countrye for some yeirs till he should compone with his creditors. Qhahirunto the said compleaser having simpily hearkned, the said Alexander then proposed unto him that he wald secure his estate unto him and his sisters children in caise it could please God to call upon him beyond sea without children of his awin; qhahirunto the said compleaser did lykways yeeld, being well preparit thairto by large and frequent cupcakes. And having subscribed what the said Alexander presented unto him in the presence of three led wittneses, the same never being read unto him nor he at that tyme able to understand it, the said Alexander furthwith, drunk as the said compleaser was, carried him aboard of a ship without furnitour or provision and sent him beyond sea wher he has lived in great distresse. And having heard from his freinds that Alexander Hay pleaded a right
to his lands and that he had a simple disposition thairof, which the said compleuner attests God he never gave, he was much perplexed thairwith, till in end he ressavd a letter from Alexander Hay himselle wherein he wrote to the said compleuner that he had learned that his freinds had advised him to returne home, but the said Alexander his counsell was that the compleuner sould remaine and go far up the countrey wher he might not be knawin and serve some rich man, for he might expect nothing in Scotland but miserie, both in respect of the raging plague and extraordinarie scarstie and dearth of victualls. As quhilks he having remonstrat to his deare freinds by letter, his humble petition was that the saids Lords wald be pleased in the dewtie of their conscionable charge and transcendent auctoritie to tak this foull cousenage and the merit of the fact to the saids Lords thair grave consideration, and to provide remsid wharby the said supplicant, who was a young simple boy seducit, may be repond to his awne estat, and that the said Alexander Hay may be exemplarlie punished to the terror of others to offend in the lyke kynd hearafter." Parties had been cited and the case heard before their Lordships on several previous occasions, viz:—1st, 3rd, and 23rd August, 1637, and 19th July, 1638; and now this day the said James, Elect of Argyle, compere personally and also the said Alexander Hay. On 1st August, 1637, their Lordships ex nobili office ordered the said Alexander to produce the dispositions made to him by the said George Ramsay; and on 3rd August, after new debate, they ordained Alexander Hay to lodge these writs with the Clerk of Council before the next Council day upon a receipt from the said Clerk. On the 19th instant, when there compere the said George Ramsay and the Elect of Argyle and also the said Alexander Hay, the last named craved that the matter might be remitted to the Lords of Council and Session as the only competent judges for trying the validity of rights and securities; but the Lords adhered to their former act as to the exhibition of the writs and refused to consider the declinature until these were produced. Thereupon the said Alexander Hay instantly produced the following writs:—"Ane disposition made be the said George Ramsay to the said Alexander Hay of a tenement of land lying in the brugh of Anstruther be east the burne, dated the 17 day of Februar, 1634, and registrat in the Books of Counsall upon the 25 day of July, 1636. Ane disposition made be the said George Ramsey to the said Alexander Hay and Margaret Ramsey, his spouse, of certane tenements of land mentionat in the said disposition, dated at Leith the 17 of Februar, 1634, and registrat in the Books of Counsall upon the 25 of July, 1636. Ane disposition made be the said George to the said Margarit Ramsey, his sister, in lyfrent, and to the said Alexander Hay, his airs and assignayis of one tenement of land in the north syde of the bridge of Leith, dated the 17 of Februar, 1634, and registrat in the Books of Counsall 1636. Ane charter made be the said George to his said sister and to the said Alexander, his airs and assigneyes of certaine...
his lands and tennements mentioned in the said charter, dated the 17 of Februar, 1634. Ane assignation and discharge made be the said George to the said Alexander of all and everie thing that the said George crave fra the said Alexander, dated at Leith, the 17 of Februar, 1634, and registrat in the books of Counsell the 25 of July, 1635. Ane ratification made be the said George to the said Alexander and Margarit Ramsey, his spouse, of the hail dispositions above written, dated at Leith, the 21 of Februar, 1634, proportioning that he was no wayes compelled, boasted nor circumveened to the makeing of the dispositions forsaids, registrat in the sherriffe court books of Edinburgh, day and yeir forsaids. Ane seasing under the signe and subscription of David Anderson, notar, and registrat in the Register of Seazings in the sherrif dome of Edinburgh, wherof Mr Francis Hay is clerk and keeper, of certane lands of Leith mentionat and conteand in the said seasing, as the same, dated at Leith the 17 of Februar, 1634, bears. Ane other seasing under the signe and subscription of the said David Anderson, notar, of certane tenements of land pertaining to the said George Ramsey and disposed be him to the said Margarit Ramsey and Alexander Hay, dated the 14 day of Agust, 1637, and registrat in the Register of Seazings of the sherrif dome of Edinburgh on the 7 day of October, 1637. Ane seasing under the signe and subscription of the said David Anderson, notar, made and given be the said George Ramsey to his said sister in lyfrent and to the said Alexander Hay, his airs and assigneyes, of a tenement of land be north the bridge of Leith, dated the 18 of Agust, 1637, and registrat in the said book of seazings upon the 7 of October, 1637. Ane instrument of seazing under the subscription of Mr Robert Hedderweek of the said tenement in Anstruther in favours of Alexander Hay and his spouse the 25 of October, 1637, and registrat in the said Register of Seazings upon the 12 of December, 1637. Ane inhibition at the instance of the said Alexander Hay and his spouse aganis the said George Ramsey, signet the 17 of Agust, 1637, and registrat in the books of Counsell, wherof Mr Alexander Kinneir keeps the register upon the 25 of September, 1637. Ane letter of horning at the instance of the said Alexander and his spouse aganis the said George, dated the 17 of Agust, 1637. Ane letter of horning raised at the instance of the said Alexander and his spouse aganis the said George Ramsey, the 19 of Agust, 1637, anent the fulfilling to the said Alexander Hay of the discharge and assignation mentioned in the saids letters. Ane letter written and subscribted be the said George Ramsey to the said Alexander Hay anent his going off the countray testifieing that he past out of the countray without direction of anie man and went onlie on his motive and ordaind that no personould be blamed or troublit for that cause, and that the said Alexander Hay and his spouse hes done all freindlie kyndnes to him and that he past aboard aganis thair will, dated at Leith the 18 of July, 1634. Ane testificat of the said George his birth extracted be Mr Patrike Henderson, dated the 26 of November,
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Deeds.
April 1638.
February 1639.
P. 447.

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1609." The cause being of new called this day and parties being both personally present, the Lords, after hearing them and advising, find and declare that there is no violence proven against the said Alexander Hay and that there is nothing in this libel and complaint proper and competent to be heard in this judgment except only the exhibition of the write, which has been done; and they therefore remit the cause to the hearing and decision of the Lords of his Majesty's Council and Session. They also ordain the clerk to deliver back the writes to the said Alexander Hay.

Sederunt:—Treasurer; Mar; Tullibardin; Dumfreis; Belheavin. Edinburgh, 26th July 1638
Clerk of Register; Advocate; Treasurer Depute; Justice; Justice Clerk.

Supplication by Alexander Hay in Leith, as follows:—James Prymros, their Lordships' clerk, makes scruple to deliver to him the writes produced by him at their Lordships' command on Tuesday without warrant from them by word or deliverance. Seeing the production was only ex nobis officio and to satisfy their Lordships' good pleasure, and the production is registered in the Depute Clerk Register's Books whence extracts are patent to all who have interest and the supplicant presently requires the write for defence and pursuit before the Lords of Session, he craves warrant to the said Clerk accordingly. The Lords grant warrant as craved.

Registration of discharge by Alexander Hay in Leith, to James Prymros, Clerk of Secret Council, for the writes which were produced by him to the Council in the complaint against him by the Bishop of Lesmorran and George Ramsay; dated at Edinburgh, 26th July, 1638.
(Signed) Alex Hay.

Supplication by Mr Alexander Jaffrey of Kingswalls and Thomas Johnstone of Craig, his chamberlain, as follows:—Sir George Johnstone of Caskiben disposed his lands of Caskiben with the manor parts and pендices thereof, for certain great sums of money to the said Mr Alexander Jaffray, who was duly infeft therein and obtained his Majesty's confirmation, and who, with consent of the said Sir George appointed the latter's brother, the said Thomas Johnstone, his chamberlain, for uplifting the duties of these lands, placing him in possession of the house of Caskiben. The said Thomas has continued therein for the last two years until that the said Laird and his lady and sons, taking advantage of the troubles of the time to shake off his Majesty's obedience, associated with themselves a number of rebels and dissolute persons, all armed with guns and other forbidden weapons, and came to the place of Caskiben out of which they thrust the family of the said chamberlain, and meddled with his whole moneys, writes, plying and provision, They have also then and at other times searched for the said chamberlain to take his life; and they keep the house as a house of war with
men, powder and bullet, making a prey of and sorning upon the poor tenants. At the approaching harvest also "he intends ather to debare the said supplicant and his chamberlain by shotts from shearing of their corns of the Mayns of Caskiben and others twa Mayns neir by or ellis to sheare and winn the same to his own use, to the overthrow of the suppliants said chamberlane who is ingadged for the said Laird in great soumes and lyable to him and to the said supplicant for the rents of Caskiben, and now by this oppression is denuded of his baill means." This cause was before their Lordships on Tuesday last, but the said Laird absented himself, "howbeit he was in toun suborning the witnesses," and their Lordships, to take away all excuse from him, granted him protection to compear this day. But of this he has made no use, and intends to persevere in his lawless courses. The suppliants therefore crave that a commission be granted to the provost and bailies of Edinburgh to search for and apprehend the said Sir George, so that he may be brought to answer for his doings. The Lords grant commission as craved for his apprehension and exhibition before them; and they also authorise by their commissioun Thomas Areaskin of Balhagartie, William and Alexander Areaskin, his brothers, Robert Ferquharson of Invercairn, James Ferquharson of Cullich, William Ferquharson of Inverrie, Gilbert Johnstone of New Leslie, William Innes of Tibbertie, John Leslie of Bourtie, Robert Irving in Ryhill, John Keith in Aquhorsk, James Keith, younger of Kinnaldie, Robert Anderson, bailie in Kintore, Donald Ferquharson in Montarie, Robert Ferquharson of Finzeane and . . . to pass to the said place of Caskiben and remove thence the said Laird, his lady and sons and all others who are keeping the house in his name, and repose the said Thomas Johnstone as chamberlain to the said Mr Alexander; with power to use his Majesty's keys, etc.

Supplication by Sir Thomas Hope of Craighall, knight baronet, his Majesty's advocate, and Mr Alexander Jaffrey of Kingswall, late provost of Aberdeene, and Thomas Johnstone of Craig, his factor and chamberlain, on the lands of Caskiben, as follows:—The bearing and wearing of hagbuts and pistols and convocation of the leiges in arms is straitly prohibited by law, yet Sir George Johnstone of Caskiben, having disposed (narrating as in the immediately preceding entry); and shaking off "all respect to the law and dewtie of a gentleman of his qualitie hes associat to himselfe George, John and William Johnstons, his sones, John Spence, sometyne of Boddome, John Stevin, Patrik Suir and Barthol Fraser, James Watt, George Spang, James and Thomas Blakhillis, Robert Talyeour, Thomas Malleson in Ardcharrell and William Boyne, gardner in Caskiben," and by their assistance intends to make the lands of Caskiben unprofitable to the complainers. On March, 1637, "the said George, accompanied with the persons forsaid, all boddin with forbiddin weapons, came to the houses of James Johnstone and Gilbert Sangster in Muretoun, tennents to the said Mr Alexander,
brake up their kists and girkels, and tooke frome thame fourteen bolls meale, whairwith they should have payed their fermes, threatened to cutt their luggs out of their heids, to scourge thame and harle thame at hors tales; strake and woundit Walter Cassie, officer to the said Mr Alexander, violentlie threw doun his hous, took away his plenishing and bedcloaths. Lykeas upon the day of April last the said George Johnstoun came to Robert Gleny in Boyns, tennent to the said Mr Alexander, being at his pleuch, threatened him to go teill ane other mans land thairwith, and, because he refuised, he wald not suffer him to labour anie that day. And upon the second of Junij instant he came to Caskiben, and, finding the keyes of the yaird in the doore, he locked the doores and tooke away the keyes. And upon the 12 day of the same moneth the said Sir George, accompanied with the hail persons above written and his ladie, boddin with swords, gunns, pistoll and others forbiddin weapons came be way of hamesukken to the hous of Caskiben, being the dwelling hous of the said Thomas Johnstoun, himself being in the country in his lawfull affairs and nane being in the hous but a nurse with a barne not a yeer old and another servant woman, thrust thame both with the barne to the doore, and so affrighted the nurse that she lost hir milke; strake and woundit the other woman with hands, feete and staffs, dragged hir throw the close, threatened to kill hir if she delivered not the keyes of the hous or told wher they lay; thereafter brake up all the doores, meddeld with the said Thomas hail write, compts, plenishing and what ellis wes in the hous extending to... patt aff his hail goods and cattell, being pasturing about the hous and patt on thair awne goods, and do still keep the said hous as ane hous of warre with gunns, poulter and leid, holding furth muskets and swearing to kill anie that dare come neir thame, spending the said Thomas his beir and victual and other provision in the hous and oppressing and sorryng upon the poore tennents about in barbarous maner.

And upon the 19 of the same moneth the said Sir George being informed that the said Thomas, his brother, wes in the hous of John King, tennent in Caskiben, he, accompanied with his said sones, John Steven and John Spence, came furth of the place of Caskiben to the said hous and threatned to have his lyfe, quhilk they had not failed to have done yf the said Mr Alexander Jaffrey, who wes in the hous for the tymes, had not wyselie convoyed the said Sir George away. But, as he returned to the hous to the said Thomas, the dore being [open?] the said George Johnstoun came in at unawares with a drawin sword, wherwith he had undoubtedlie killed his uncle yf the said Mr Alexander had not putt him to the doore. And they still threaten yf ever the said Thomas compleane heirof that they sall have his lyfe. The lyke of quhilk insolencies have not been committit by persons of the said Sir George his qualitie in anie mans memorie." Charge having been given to the persons above named to compair before the Council on the 24th instant, and the pursuers appearing personally, the Laird of Caskiben
compared by Mr William Forbes, advocate, and declared that he would willingly compare and purge himself of these charges but for some hornings under which he lay, whereupon the Lords, finding it necessary P. 453. for the clearing of this complaint that Sir George should personally appear, granted him their protection for this purpose till the 27th instant. The matter being then called of new and the pursuers comparing personally but not the defenders, the Lords after hearing the witnesses produced in the case, and advising, find that the said Thomas Johnstoun, as chamberlain to the said Mr. Alexander Jaffrey, was in P. 454. possession of the said house of Caskiben for the past two years, and that the said Laird of Caskiben violently with guns and pistols dispossessed the servants of the said Thomas thereof and took possession, and for this insolence they ordain him to be charged to enter himself in ward within the tolbooth of Edinburgh within fifteen days and there remain until order be taken with him, under the pain of rebellion. They also command the said Laird to remove himself and all his from the said house and to repossess the said Thomas therein within three days, under pain of rebellion; wherein if he fail, he is to be denounced. The Lords also ordain that the witnesses be paid by the pursuers, every horseman ten merks and every footman five merks, for which they are to have relief against the said Laird of Caskiben.

Supplication by Dame Janet Lawaone, Lady Ednem, as follows:—
The warrant granted by their Lordships to her and her cautioners has almost expired, and meanwhile they have been very busy in bringing P. 455. matters to a good conclusion, especially as to the disposition of her estate and living for relief of her creditors. But the time has proved too short, and if “she could have some few dayes allowed unto hir for agenting of hir affairs she is in good hope to bring all hir affairs to ane good end to the full contentment of his creditors.” She therefore craves a continuation and this the Lords grant till 10th August next.

Supplication by Sir John Auchmoutie of Gosford, knight, keeper of his Majesty’s Wardrobe, as follows:—His Majesty has granted a commission to several of their Lordships for visiting his Majesty’s wardrobe and the wardrobe stuff within the same which was in the supplicant’s P. 456. keeping. Into this commission the supplicant’s own name “is ignorantlie putt in as on of the commissioners, quhillk cannot stand neither with forme nor order, becaus he is the man who must make the account to the commissioners of the hail wardrop stuffe, and he cannot make account to himself. And ther is ane other little oversight in the commission that it conteanes not ane warrand to the Director of the Chancellarie,” and for want of this the said Director makes some scruple of writing the same to the great seal. Unless, therefore, their Lordships provide some remedy this commission will be frustrated. The Lords, after consideration of the premises, “being present in Counsaill drew the said Sir Johnne Auchmoutie his name out of the said commission, and ordains and commands Sir Johnne Scot, Director
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of the Chancellarie, to pass and exped the said commission and to write out the same to the great seal," notwithstanding of the above mistakes.

Complaint by John Home of Rentoun, as follows:—He has all and sundry the teind sheaves of the lands of Steill, Fluiras, Hielawis, Press, twenty-six acres in Coldingham, eight acres near the town thereof, and of the lands of Gravestill, Halbank, Capponland, Beanrig, Mansearker, and Mawsebalke secured to him by sufficient rights and has been in possession of the same peaceably for the past nine or ten years until that lately Dame Helen Arnott, Lady Manderstoun, and William Home, brother-german to John Home of Crumstane, "stirred up agains the complainer be some persons, raisers of trouble and disorders in the country, hes resolved be way of deid and oppression to intrude thame-selfs in the possession of the said teinds," disdaining to pursue their pretended claim in a legal way. And, if the complainer maintain his right in the like violent way, great inconveniences will fall out to the disturbance of the peace of the country. Parties being cited, the pursuer compeared personally, as also did the said William Home, while Lady Manderstoun appeared by Mr Alexander Johnstoun, advocate, her procurator, when their Lordships, after hearing and advising, ordained Lady Manderstoun and William Home to desist from troubling the complainer in the peacefull possession of the said teinds, and to find caution to that effect.

Complaint by Thomas Johnstoun, tailor, and Helen Low, his spouse, against Robert Henrie, boxmaster of the tailors in the Cannogait, as follows:—On Saturday last, 21st instant, the complainer sent his said wife about 10 o'clock at night to the chamber of Lady Hundelie with a child's coat when the said Robert Henrie, having great malice against the complainers and thinking this a fit opportunity for accomplishing "his malicious intent against the complainers pure wyfe, she being solitare hir alone, the said Robert came to hir in a most barbarous and rigorous maner and patt violent hands in hir, gave her manie bach and blae straks and drew hir within his awin hous, closit his doors for quietnes, bled and woundit hir maist shamefullie at mouth and nose and harlit hir up and doun his hous, and, yf that good neighbours had not releived hir, heiring hir pitifull exclamations, he had not failed to have bereft hir of hir lyfe. And, when he had so tormented hir, he thrust hir out of his doores and take the said cott fra hir quhilk he destans as yitt. The lyke insolence hes not beene heard of and especiallie at the seat of justice." Charge having been given to the said Robert Henrie and both parties compearing personally, the Lords, after hearing and advising, and having taken the oath of verity of the defender, to which the pursuers referred for proof of their averments, which he denied, assailed the defender.

Supplication by William Hutcheson, common procurator of the sheriffdom Supplication of Renfrew, as follows:—Walter Legget in Greinbridgend and John Thomeson of Corshill and Margaret Legget, his mother, were by their
Lordships’ warrant banished from this kingdom in August last and taken acted never to return upon pain of death, they having been convicted of the theft of some coals “and a burden of kail under night, and for P. 459. leading the Laird of Minto his barne, braiking thairof and stealing furth of the same nyne stane of cheis.” The said Walter and John Thomson were delivered to Colonel Stewart and were transported by him to the wars; but these three persons have returned and go as peaceably up and down the country as if no such doom had been pronounced against them. He therefore craves that their Lordships would grant a commission to the sheriff of Renfrew and bailie of the regality of Paisley and their deputes and the justices of peace within the said sheriffdom and bailiary to apprehend these three persons and commit them to ward until their Lordships’ further pleasure about them should be indicated. The Lords grant commission as craved.

Supplication by Mr Thomas Turnbull, minister at Moshame, as P. 465. follows:—He has “raised letters for bigging and repairing of the kirk of Morehame, qhilk is so ruinous and decayed as is a reproach to place in the parish; but in regard the twa part lands of Morhame and the intramission of the maills and diewties thereoff is questionable betuix the Erle of Buccleuch and Francis Stewart, so as no certane person can be found to be charged for the saids lands toward the repairing of the said kirk, this so pious a work is verie far marred and interrupted. And whereas this diewtie is debitum fundi, and the saids Lords has given commission to Patrike Wood, merchant burges of Edinburgh, for the intramission with the rents of the saids twa part lands during the not decision of the parties differences,” the supplicant craves that Patrick Wood be charged to pay the proportion of the stent applicable to the said lands. The Lords grant the prayer of the petition.

Edinburgh, 31st July 1638.

Sederunt:—Treasurer; Privy Seal; Mairshelf; Mar; Wintoun; P. 460. Tullibardin; Lauderdale; Amont; Advocate; Treasurer Depute; Justice.

Complaint by the widow of Alexander Gordoun of Corridoun, James Rutherfoord, burgess of Elgin, her spouse, John Gordoun, son to the said deceased Alexander, and his curators for their interest, as follows:—On 29th July, 1637, John Gordoun of Innermerkie and Alexander Gordoun, his eldest son, were put to the horn at the instance of the complainers for not paying a debt of the principal sum of 1000 merks, 300 merks of expenses and the interest due thereupon; but they pay no heed to the said horning and go about the country at their pleasure. Charge having been given to these persons and the pursuers P. 461. comparing by Mr Thomas Kemp, their procurator, but the defenders not comparing, the Lords ordain the latter to be charged to render their houses to the officer who shall execute the charge and to enter
their persons in ward within the Castle of Blackness within fifteen days upon pain of treason.

Complaint by James Johnstoun of Corheid, steward principal of Annerdail, as follows:—Being charged to make payment to his Majesty’s collectors of . . . terms of this present taxation for the stowrarty of Annerdail, he for discharge of his duty directed his officers of the said stowrarty to charge the heritors and landlords there to relieve him of their respective parts thereof. Upon 14th June last they apprehended a white lugged stot and ane berrie brawn of the age of twa years old and comprised the same to fytteene pundis for the taxt of the ten pund land Blaatwood; and, on 15th July instant, they apprehended a brown naig upon the lands of Lairdholme and comprised the same to twenti merks with the sherriff’s fee; and they apprehended upon the lands of Tunnergirth that same day a brawn naig of sax yeir old and comprised the same for eighteen pundis for the ten merk land of Tunnergret; and the same day they apprehended a gray naig of twa years old upon the lands of Gunnembie and comprised the same to ten pundis for the five merk land of Gunnembie; and the same day they apprehended a blak naig upon the lands of Almigill and comprised the same to five pundis for the twelf pund land of Almigill.” When the said officers were quietly driving these animals to Lochmaben, as the head burgh of the stowrarty, to have completed the comprising, they were set upon by John Johnstoun in Lairdholme, John Johnstoun in Tunnergret, David Henrisson in Almigill, Gavin Henderson in Gunmbie and others, armed with swords, staves and other weapons, who took the pointed goods from them and pursued the officers for their lives, which they had not failed to have taken but for the providence of God and their own better defence. Charge having been given to these persons complained upon, and the pursuers comparing personally but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Robert Murray, prisoner in the tolbooth of Edinburgh, as follows:—He has been long detained in ward within the tolbooth of Edinburgh at the instance of Thomas Creichtoun, Robert Porteous, Robert Haddoway, David Cruikshanks, Andrew Osull, Janet Monteith, James Gairdine and John Greirson, indwellers in Edinburgh, for some petty sums of money. He is “but ane poore man,” unable to entertain himself and far less to pay any debt if he remains longer in ward; and he will undoubtedly perish there of famine, if their Lordships do not interpose. Charge having been given to his abovementioned incarcerators and none of them comparing save Thomas Creichtoun, who consented to the complainant’s liberation, the Lords ordain the provost and bailies of Edinburgh to release the pursuer, who was personally present, in so far as he is warded by the defenders.

Supplication by Sir Alexander Irwin of Drum, sheriff of Aberdene, by Sir Alexander Irwin of Drum, sheriff of Aberdene, Mr William Davidson, sheriff depute, Thomas Araskyne of Balhaggartie,
of Drum, sheriff of Aberdeen, and others for authority to arm a force to remove the Laird of Caskiben and his lady from the place of Caskiben.

William and Alexander Areskine, his brothers, William Seton of Mel-drum, Robert Ferquharson of Innercald, James Ferquharson of Tullich, William Ferquharson of Inverrie, Donald Ferquharson of Moraltrie, P. 466.

Robert Ferquharson of Fingzean, Gilbert Johnstoun of New Leslie, William Inneis of Tibbertie, John Fraser of Clinterlie, Mr Alexander Seaton of Tulleray, Mr William Johnstoun of Midditoun, Robert Keith of Aquorsk, John Keith, his brother, John Leslie in Bourtie, Robert Irwing in Ryhill, James Keith, younger of Kinnaldie, Robert Anderson, bailie of Kintore, Alexander Gordon of Lismor, and William Gregorie, chamberlain to the Countess of Mairshell, as follows:—Their Lordships granted commission to them for the removal of the Laird of Caskiben and his lady, sons and servants from the place of Caskiben, and the placing therein of Thomas Johnstoun, chamberlain to Mr Alexander Jaffrey of Kingswalls, whom the said Laird violently dispossessed. But, as it has been clearly proven before their Lordships that the said Laird and his assisters keep this house with guns and pistols, it will be very hazardous for the supplicants to attempt this service unless they are likewise armed. They therefore crave warrant for this, and the Lords authorise them and those accompanying them to carry hagbuts and pistols without incurring danger of the law, but for the execution of P. 467. this commission only and no otherwise.

Complaint by John Low, merchant burgess of Glasgow, as follows:—He is very heavily distressed for some petty debts which he is both able and willing to pay if his creditors would give him time, but this they will not do. Charge having been given to his said creditors, and the pursuer comparing personally but none of the defenders, the Lords grant him their protection till 1st January next so that he may go about the doing of his lawful business.

P. 468.

Complaint by John Home of Renton and George Home, his brother, as follows:—They have been charged by their Lordships at the instance of Dame Helen Arnott, Lady Manderstoun, William Home, her son, Hercules King, portioner of Coldingham, William Paxtoun, tailor there, John and James Paxtoun, his sons, Robert Sinclair and Hercules Paxtoun there, William King, brother to the said Hercules, Paul Paterson in Northfield, William King in Rickelayd, William Sherrillaw there, Ninian Barns in Coldingham, John Home of Beopark, and James Melville to find law surety to them in the books of Privy Council, the said John in £1000 and the said George in £500, and they intend, if they fail, to put them to the horn, and that wrongfully, for they have already twice found caution to the said lady and her son, once in the books of Privy Council and again in the books of Session, as two suspensions thereupon show; and as for the other persons, their names have only been borrowed by the said lady and her son without their knowledge or approbation, for none of them can make faith that they dread any harm from the complainers. In this matter the sole intention has been to trouble the complainers by a shameful abuse of the
law. However, they have found caution in their Lordships' books and now seek suspension of the charge. The persons above complained against, viz., Dame Helen Arnott, William Home, her son, Hercules King in Coldingham, William King there, Robert Sinclair there, "John, James and Hercules Paxton, his sons," [sic] William Sherrillaw there, "Jean" Malvill there, John Home of Beopark, Ninian Barns and Paul Paterson, having been cited, of whom only the said William Home compaered, and the pursuers being personally present, the Lords, after hearing parties and advising, suspend the letters in so far as concerns the defendants who are absent, but they decern the pursuers to find caution each in 1000 merks to the said William Home for his safety in the Books of Privy Council; and they likewise ordain the said William Home to find caution in £500 to the pursuers for their indemnity and not to leave the town until he do so. Caution being thus found their Lordships discharge all former acts of caution standing between parties.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mairehell; Mar; Holyrood House, 14th August 1638.
Winton; Perth; Linlithgow; Lauderdale; Hadinton; Southesk; Kinnoull; Belheaven; Angus; Dalyell; Clerk Register; Justice General; Deputy Treasurer; Advocate; Justice Clerk; Blakhall.

"Forsamekle as Thomas M'Kie, sometime shireff clerk of the shirefdome of Wigton, being conveeneed before his Majestie Justice in a justice court haldin in the tolbuith of Edinburgh upon the 16 day of January 1636, for the crime of falsett, there wes doome pronounced aganis him be warrant and direction frome the Lords of Privie Counsell, declaring him to be infamous and to lose his office, and to be incapable of anie charge in time comming and his movable goods to be escheit, as also he was ordained to be tane be the hangman of Edinburgh to the nearest mercat croze of the burgh of Edinburgh with a paper on his forehead for ane mark of his ignominie and shame, whilk paper sould conteaine thir or the like words—'I am declared infamous for falset,' and he was ordained to stand at the said mercat croze fra ellevin of the clockes in the forenoon until twelve of the clockes and to be banished this kingdome and never to returne agane under the paine of death, as ane act of adjournall made and sett doun aganis him for this effect (by the quhilk lykeways he actit him selfe for fulfilling of the sentence foresaid) at lenth beirs. And whereas it wes looked that the said Thomas M'Kie sould have departed out of this kingdome and not returned agane within the same during his lifetime, notwithstanding it is of truthe that aganis the tenor of the said act he is returned and made his address to this kingdome and to the burgh of Wigton where he committed his former falsettes and there remaines, and there and in the countrie thereabout publiclie avowing and avowedlie using the office of notare and carrying himselfe in all respects as if no suche doome nor sentence wer pronounced aganis
him, to the high contempt of our soveranne lord, misregard of his royall auctoritie and encouragement of others upon hope of impunitie to commit the like falseties, to the great greefe of his Majestie good subjects; and that their the Lords of Secret Counsell hes givin and grantit and be the tenor of this present act gives and grants full power and commission, expresse bidding and charge to the shireff of Wigtoun and his deputys and to the provest and bailleis of the burgh of Wigtoun and to all others shireffs, stewarts, bailleis of regalie, provestes and bailleis of burrowes within this kingdome, conjunctlie and severallie, to pat, searche, seeke, and take the said Thomas McKie where ever he may be apprehended, and to putt, hold and deteane him in sure firmance and captivitie whill they understand the saids Lords their farther pleasure concerning him; with power to the saids commissioner for this effect to make opin doores and use his Majestie keyes where urgent necessitie sall require; and generallie all and every others things necessarie tuichinge the apprehension of the said Thomas to doo and use, whilk in suche caises is usuall; firme and stable halding and for to halde all and whatsoever things sall be lawfullie done heerin; charging heirby all his Majesties lieges and subjects to reverence, acknowledge and obey, concurre, fortie and assist the saids commissioner, conjunctlie and severallie, in all and everie thing anent the execution of this commission, and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and ilke ane of thame will answer upon the contrare at their highest perrell."

"Anent the supplication presentit to the Lords of Secret Counsell be Alaster Grassich, sometime in Invernochtie, makand mention that quhere the saids Lords ar not unmynful of the great insolenceis and villanie committed be Johne Dow Gair and his complisses upon his Majestie good and peaceable subjects this long time bygone, speciallie within the shirefdome of Aberdene, quhilk moved the saids Lords to give furth proclamations setting the price of ane thousands pundis upon the said Johne Dow his head and the price of ane hundreth or twa hundreth pundis upon the heads of the rest of his followers, and further at the saids Lords direction to be givin to suche as sould happen respective to kill thame, as the said proclamation beirs; and trew it is that upon the 26 day of July last the suppllicant, being going out the hie way in his lawfull affaires rancounterd with one of the said Johne Dow his speciall followers named Johne Ferries McGregor, who having fiercelie persew the suppllicant of his life he did happilie in his awne defence kill the said Johne as ane testificat heirupon showin to the saids Lords beirs, in regard quhereof the suppllicant is now forced to leave his countrie and familie, for these villans doe seeke him through all the parts where he wont to remaine and resort to kill him: Humbelie desyre the saids Lords that he may have the benefite of the proclamation foresaid for killing of the said lymmar, lykesa at mair lenth is conteanit in the said supplication. Quhilk being read, heard and con-
siddedir be the saids Lords and they understanding that the said Johne Ferreis M'Gregour was one of the said John Dow Gair his followers, that the saids Lords declares the said supplicant free of the slaughter of the said Johne Ferreis, and of all crime, pane and danger of the law quhilk he may incure therethrough for ever be thir presents; and farther the saids Lords hes modified and be the tenor heirof modifieis the soume of ane bundreth merkes to be payed to him be his Majesteis Tressaur aur furth of the readiest of his Majesteis rents for his good service in the slaughter of the said Johne Ferreis M'Gregour to the effect that others may be encouraged hereafter to goe on with the greater alacrity in his Majesteis service agains suche brookin lymnars; anent the payment quhairof this act togidder with the supplicants acquittance upon the recepit heirof saill be unto the said Lord Tressaur ane warrant."

"Anent the supplication presentit to the Lords of Secret Counsell be Sir William Forbes of Cragivar for himselfe and in name and behalfe of M' Thomas Forbes, minister at Leochell, and M' George Forbes, now captive be Johne Dow Gair, rebel, makand mention that quhene the said Johne Dow Gair and his lawlesse complices have ever caried ane great hatred and deadlie feu against the said Sir William and all others his freinds and followers for his good will and fordwardnes to his Majesteis service and peace of the countrie agains the saids rebells of the Clan Gregour and their complices and in causin persue, take and present severall of thame to justice to his great charges and trouble ever since, and now, being calit heir for expending certane his affaires, the said Johne Dow Gair did on Wednesdy last, the eight of this instant under cloud and silence of night, come to the said M' Thomas Forbes houes, accompanied with 18 of his lawlesse complices, where the said M' George wes with the said M' Thomas without anie weapons, the said Johne Dow Gair having spoyled the said M' Thomas houes of all his cloathes, plenishing, moneys that wes therein, except onelie his bookes, finding the said M' George who had beene formerlie imploied agains the saids rebells and had apprehended twa of thame and sent thame over to justice, besides these takin and apprehended be umquhill Johnne Stuart, he did lay hands on the said M' George and carried him captive away with him whome he yitt deteanneth where he goes and in the bounds where he is most willinglie ressett and mainteannit; frome whiche the said John Dow hes sent a particular commission to certane of the said M' George his freinds willing thame not to perswe nor follow after thame but to send a thousand pundis of money of composition for ransome of the said M' George and his life and libertie, otherways he will cut him aff and putt him to death, quherethrough the said M' George, not being able to doo the same or worth the thrid of the money craved be the said rebel, is like to suffer for his being imploied and service doing agains thame. Quhilk concerns his Majesteis honnour, in so far as the saids rebells profess tham what they have done or sall doe to him is for his fordwardnes in that service agains thame: Humbelie desyrying
thairfoir the saids Lords to take this mater to their consideration, whiche does so muche concerne the gentlemen's life and libertie, lykes as mai rent is conteanit in the said supplication. Qhilk being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell declares be thir presents that if the said Laird of Cragivair or ane other of the said M' George his freinds sall advance for his ransom the soume of ane thousand pundis lesse or more that they sall have repetition of the same out of the readiest of the escheits and fynes of the persons who after tryvell sall be convicte of the inter-commoning with and the ressetting of the said Johne Dow Gair and his complices, and for this effect ordains letters to be direct agains the saids ressetters for their compeirance before the Counsell to underly their tryvell as accords.”

[Sederunt as recorded above.]

Supplication by Hew Mongomerie, lawful son and apparent heir of Ezekiel Mongomerie of Watlands, as follows:—He has been long detained in ward at the instance of Mr Thomas Henderson, advocate, for some money which he borrowed from him in France, for which his father, Mr Patrick Henderson, obtained a commission from their Lordships and apprehended the supplicant. They have assigned the debt to John Dalgleish, son to James Dalgleish in Mauchinhoill, by their deed, dated 25th and 26th October last, and the supplicant has now satisfied the said John Dalgleish and obtained his discharge, which he produces. He therefore craves that their Lordships will ordain the provost and bailies of Edinburgh to liberate him from their tolbooth. The Lords ordain the said provost and bailies so to do in so far as the supplicant is warded at the instance of any of the above-named persons.

[No record of sederunt.]

"Forsamekle as Johne Maxwell in Wester Linton in the [sic] kingdome is lateie tane and apprehend for imbring and outting of some false brasse turnours within this kingdome, and is now presentlie in ward within the tolbuith of Dumbartane, quhairfoir necessar it is that he be exhibite before his Majesteis Justice to be tryed, examined and censured for his crime as accords; for qhilk purpose ordains letters to be direct charging the provost and bailleis of Dumbartane to transport and carie the said Johne Maxwell to the provest and bailleis of Glasgow within six hours after the charge; as alsua charging the provost and bailleis of Glasgow to receave the said Johne from the provest and bailleis of Dumbartane and their officers within ane hour after they be presentit to thame and to transport and carie him to the provest and bailleis of Linlithgow within 24 houres thereafter; and that the saids provests and bailleis of Linlithgow receave the said Johne and transport him to the
provest and bailies of Edinburgh within 24 hours after they receive
him; and that the saids provest and bailies of Edinburgh receive the
said John and enter him in ward within their tolbooth within one
hour after he beis presentit to thame, therein to remaine till he be cen-
sured and punished for the crime foresaid conforme to the lawes of this
realme, under the pane of rebellion, etc., and, if they faillie thairin, the
spaces respective foresaid being bypass, to denunce, etc."

[No record of Sederunt.]

Supplication by Sir Alexander Strachane of Thorntoun, as follows:—He
has come to this burgh to make an account to his Majesty’s Exchequer
of his Majesty’s annuities and other duties of which the collection was
committed to his charge, but on account of some corninges which he
underlies he dare not come without their Lordships’ protection. This
therefore, he craves. The Lords grant him their warrant till 10th
September next.

[No record of sederunt.]

“Forsamekle as it is understand to the Lords of Privie Counsell that
there is some variance and contraversie like to fall out betuix Mr James
Raith of Edmistoun and James Raith, his sone, on the one part, and
Patrik Edmonston of Wolmet, on the other part, quhilk is like to draw
on farther inconvenientes to the breake of his Majesteis peace and
disquyetting of the countrie without remeie be provydit, thighour the saids
Lords of Secret Counsel ordains letters to be direct charging the partieis
abonwrightin to compeir personallie before the saids Lords upon the 21st
day of August instant to underly suche order as sall be tane with thame
tuiching the observing of his Majesteis peace and keeping good order
in the countrie under the pane of rebellion, etc., with certification, etc.

Sederunt:—Treasurer; Privy Seal; Mar; Linlithgow; Wigtoun; Holyrood
Kingorne; Hadintoun; Lauderdale; Kinnoull; Southeesk; August 1638.
Belheaven; Lorne; Naper; Clerk Register; Advocate; Treasurer
Depute; Justice; Justice Clerk; Blakhall.

Complaint by Robert, Viscount of Belheavin, heritable chamberlain of the
lordship of Dunbar, as follows:—John Schissolme, having lately
wounded John Stevinson to the effusion of his blood, was convicted of
the same before the said Viscount as chamberlain foresaid in a fended
court held at Dunbar on . . . and was thereupon delivered by him to Robert Donaldson and George Sinclair, officers of Dunbar, to be
committed to ward within the tolbooth there until he should satisfy for
this wrong and for the breach of an arreiment made by the said
chamberlain, for which he was also convicted. But the said officers
suffered the prisoner to escape, to the contempt of the said chamberlain, who is one of his Majesty's Privy Council. Charge having been given to the said officers and also to the delinquent to compear this day, and the pursuer being personally present, as also the said John Chissolme and Robert Donaldson, the Lords after hearing the parties and the confession of the said John Chissolme that he was committed to ward and commanded by the pursuer and his bailie to remain therein until he should satisfy for his wrong, but that he broke the said ward and escaped, find that he and Robert Donaldson have committed a very great insolence and contempt against the said pursuer and his bailies in wilipending and disobeying the command foresaid, and they therefore ordain the said John Chissolme to be committed to ward within the tolbooth of Edin._P. 472._

Supplication of Dame Janet Lawson, Lady Ednem, as follows:—Out of her earnest wish to relieve herself of the burden of debt which she underlies she is selling her lands and barony of Ednem and has almost closed the bargain. But as this must take place in Edinburgh with the advice of agents she must go thither but cannot without a warrant from their Lordships, which accordingly she craves. The Lords grant her their protection until 15th September next.

Complaint by George Ker, tailor burgess of Edinburgh, as follows:—P. 473._

On 14th June last he obtained from the bailies of Edinburgh a decract against Sir Patrick Home of Polwart for his removing from a dwelling house in the said burgh belonging to the complainer; and because Sir Patrick did not obey, he obtained a precept of ejection and on 28th June last "made opin doore and inventard the goods being within the said houes to be furthcummand to the said Sir Pattrick." On 24th October last the said Sir Patrick came to the said dwelling house when the said George was out of the town and forcibly breaking off the locks entered within the house, took possession thereof and keeps the same in contempt of law and justice. Parties being cited the pursuer compearred but not the defender, whereupon the Lords ordained the said Sir Patrick to be put to the horn and escheated.

Complaint by William Seatoun of Meaney, Patrick Seatoun in Cocklaw, Rannald Panton, Thomas Robertson, John Hedderweik and James Laing there, as follows:—On last Nathaniel Keith of Cocklaw, Patrick, George and Andro Davidson, George Gray, George Soot, and William Sleisour, elder and younger in Cocklaw, William Keith, John Meill and Patrick Reid, servitors to the said Nathaniel, Alexander Brig, John Paterson, James Prat in Stobbridge, John Taillyour in Starhill, Alexander Nobill in Cocklaw and others their accomplis, armed with swords, spears, lances, Loquhaber axes and other weapons, came to
the oatfield lands of Meikill Coklaw where the complainers' goods were pasturing, struck, hurt and wounded the herds, gathered the whole goods together to the number of three hundred head, "and hirded thame a long space upon his growing corns till with their feit and utherways they had trampled, consumed and destroyed neir eight score bolls victual. Thereafter they strake, woundit and chast the harmles beasts arthor the complainers lands and haynned grasse and trampled and trode the same to the complainers heave hurt and preejudice." Charge having been given to the persons complained upon and William Seatoun compooming for himself and the rest of the pursuers, but the defenders not compooming, the Lords ordain the latter to be put to the horn and escheated.

Sedunt:—Treasurer; Privy Seal; Mar; Linlithgow; Kingorne; Holyrood
Hadinton; Lauderdale; Kinnoull; Southeck; Belheaven; Lord
Lorne; Lord Naper; Lord Dalyell; Clerk Register; Justice
General; Treasurer Depute; Advocate; Justice Clerk; Blakhall.

"Forsamekle as there is great appearance of trouble like to fall out betuix Dame Janet Lawson, Ladie Ednem, on the one part, and Elizabeth Dowglas, daughter to Sir Robert Dowglas of Blakerston, knight, and the said Sir Robert, on the other part, anent the leading of the teinds of the parish of Ednem, quhilk will not faile to produce diverse inconveniences without remeid be provydit, thairfor the Lords of Secret Counsell ordains letters to be direct, charging the said Ladie Ednem and the said Sir Robert Dowglas and his said daughter to find sufficient and responsaull caution and souertie actit in the bookes of Secret Counsell that they sall observe our soveraine lords peace and keeps good rule and quyetness one with another, and that they sall not invade, trouble nor molest one another for whatsoever deid, caus or occasion otherways nor be order of law and justice fra the date of the charge and in time comming, everie ane of thame under the pane of fyve thousand merkes, within sax dayes after the charge under the pane of rebellion and putting of thame to the horne, and, if they faillie therein, the said sax dayes being bypass, to denunce the disobeyers rebells and putt thame to the horne, and to escheate, etc."

[Sedunt as recorded above, omitting Lord Dalyell.]

In the matter of John Chissolme who was committed to ward within the tolbooth of Edinburgh on 24th August instant for his contempt done to Lord Belheaven in breaking ward within the tolbooth of Dunbar, the Lords, taking to consideration what further punishment shall be inflicted upon him, remit his further censure to the said Lord Belheaven. They therefore ordain the provost and bailies of Edinburgh to release him, and they command the said John Chissolme to enter himself
in ward within the tolbooth of Dunbar before Saturday night and there remain until Lord Belheaven liberate him.

Complaint by Sir Thomas Hop of Craighall, knight baronet, his Majesty's Advocate, and John Oliver, younger, messenger in Edinburgh, the party grieved, as follows:—Upon August the said messenger was specially employed by Andrew Ousald, merchant Burgess of the said burgh, to execute letters of caption against Thomas Drysdail, P. 476. baker of the Cannogaite, for non-payment of a debt, yet "trew it is that the said messenger being cled with the said rebell and having him in his custodie and keeping be the space of sax hours or thereby it is of vertie that David Mitchell, baxter in Edinburgh, and James Rid, sone to William Rid, custoner of the meill mercat ther, accompanied with men and weomen to the number of 20 persons, all boddin in feare of weare, with swords, whingers and others weapons of invasion, cam to the said messenger wher he was coming upon the his streit of the said brugh and haueing the said rebell with him in peaceable maner going to ane hous at the desire of the said rebell to gett contentment to the said pairtie, the saids David Mitchell and James Rid with sundrie others their complices and acquaintance came maist feircie upon the said messenger with their swords and others weapons, beref of him of the rebell and openlie avowit to take his lyfe; and not content theirwith, bot strake and dang him on his face and heid to the effusion of his blood in great quantitie and gave him manie blae and bloodie straiks on his bodie and bereft him of his whinger, without anie offence done be him to thame; and yit openlie avowis to bereave him of his lyfe." Charge having been given to the said David Mitchell and James Rid, and the pursuers comparing personally and also David Mitchell, the Lords, after hearing the pursuer's witnesses, find it proven that David Mitchell struck the said officer in the execution of his office, thereby committing a very great insolence, and for this they ordain him to enter himself in ward within the tolbooth of Edinburgh and there remain until he exhibit the said rebel "in as good caise as he was when the caption was used," and to pay £20 to the said messenger. They also ordain the said James Rid to be put to the horn for his non-comparance.

Sederunt:—Commissioner; Treasurer; Privy Seal; Mar; Murray; Linlithgow; Kinorue; Hadinton; Lauderdale; Kinnoull; Belheaven; Advocate; Justice; Justice Clerk; Treasurer Depute; Blakhall.

Supplication by Colin Campbell, brother to John Campbell, iar of Calder, as follows:—"It hes pleased God to visite his said brother with ane heavie sickness whereby he is distracted in his wits and altogether unable to governo his awne persone or manage his affairs, as by ane testimoniall subscribed be his hailfreinds, ane phisitian and certane
ministers heir present to shew will appeir. And wheras his said brother may sustene harme in his person yf he be left to himselfe in this his distemperatour and his estate and living in this meanetyme throw default of government may be misguided yf some course be not tane for ordering the same,” he craves that he may be allowed “to have a care of his brothers persone and to intromett with his rents and living, he being comptable alwayses to Archibald, Lord Lorne, and such of the said supplicants brothers freinds as the said Lord sall associat to himselfe.” The Lords grant what is craved, but their warrant is to endure for one year only.

Complaint by Sir Thomas Hop of Craighall, King’s Advocate, and against James Sumervail in Throwburne, David Bockie ther, Johne Purdie in West Forth, David Johnestoun in East Forth, William Inglis ther, James Jakeon in Sobwood, William Kadnow ther, James Blak there, James Sumervail ther, William Sumervail in Hywod, William Shaw and Johne Ramsay ther, William Sumervail in West Sydwood, Hew Sumervail ther, James Sumervail in Amforlaw, John Sumervail ther, Johne Liddell in Caldlaw, Johne and Hew Lyns and James Kay in Achingray, Walter Sumervail and William Hunter in Greenfeld, Adame Sumervail and Adame Hunter in Carbrax, James Johnstoun in Saith, Johne Shaw in Cauldames and William Somervail in Greenfeld, James Forrest, writtar, notar in Lanerk, sometyme the said compleiner his tenemnts in Carnwath, and aganis whom, he, after a long processe of law, hes obteane decreits of removing, convocat and assembled themeselvs in the said baronie of Carnwath and ther in a seditious maner bandit themeselvs aganis the said compleiner never to acknowledge him as master nor to pay unto him anie of the maills, fermes or dewties and never to agree with him, and that each one of thame sall take one plane and effauld part with others ; and for this effect hes made and subscribbed ane band that each one of thame sall defend and assist one another and hes bund themeselvs to the observation thairof under the paine of perjurie and defamation.” Charge having been given to these persons, and both pursuers and defenders being present, the band foresaid was produced before their Lordships; whereupon the defenders asked instruments, and “allegdgit that this band fell not within the compass of the Act of Parliament, seing bands of manrent are onlie therby discharged. Qublik exception being heard and considerit be the saids Lords and they thairwith well advised, the Lords of Secret Counsell all in on voice, after voicing finds and declares that the band forsaid falls
within the compass of the Act of Parliament and that the makers thereof are punishable according to the said act. Quhairupon the said Lord of Dalzell for himself and his Majesties said Advocat for his Majesties entres declared that they past from all criminal persute in this business and wald rest satisfied with what the said Lords of Counsell should declare heirin." The Lords find and declare the band foresaid "to be null and to have na strenght, force, effect nor execution heirafter, and the subscribers of the said band to be punishable in their persons and goods, and ordains the said subscribers to be committed to ward within the tolbuith of Edinburgh, therein to remain upon their awne expenses during the said Lord of Dalzell his will and pleasure; and ordains the Clerk of Counsell upon the said Lord of Dalzell his warrand to give warrant for the libertie of the saids defenders out of ward. And farther, the saids Lords decerns the saids baili defenders in a fyne of three thousand merk to be payed be thame to his Majesties Thesaurer, and this sowme to be dividit among thame in that maner as they wald have payed the charges of their playes at law as is conteane in thar band."

Seizure:—Commissioner; Treasurer; Privy Seal; Mairshell; Mar; Acts, May 1636-November 1639. Holyrood House, 22nd September 1638.

Declaration by his Majesty annulling the Book of Canons, the Service-book, the Court of High Commission, and the Five Articles of Perth; ordering the meeting of a Free General Assembly and a Parliament, and requiring subscription to the Confession of Faith of 1560.

"The whilk day [the] Marques of Hamilton, Erle of Arran and Cambridge, his Majestis Commissioner, produced and exhibite before the Lords of his Majestis Privie Counsell the letters and act underwritten, quhilk being read in audience of the saids Lords and heard and considerit be thame, and they with most submissive humble and devoutfull respect acknowledging his Majestis exceeding great favor borne be his Majestie to this his native and ancient kingdome, they ordained the said letter to be insert and registrat in the booke of his Majestis Privie Counsell and publication to be made thairof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and all others places neidfull, wherethrow none of his Majestis subjects pretend ignorance of the same, of the quhilk letter and act the tenor followes:—

CHARLES R.—Seing the caus and occasion of all the distractions which have happenned of late, both in church and commoun wealth of this kingdome, have proceedit frome the conceaved feares of innovation of religion and lawes, to free all our good subjects of the least suspicion of anie intention in us to innovat anie thing ather in religion or lawes, and to satisfie not onelie thair desires, but even thair doubts, we have discharged and by these presents doe discharge the Service Booke, Booke of Canons and High Commission, and the practise of thame or anie of thame,
and by these presents annuls and rescinds all acts of Counsell, proclamations and other acts or deeds quhatsomewer that have beene made or published for establishing thame or anie of thame and declares the same to be null and to have no force nor effect in time comming. And, being informed that the urging of the practise of the fyve Articles of Pearth Assemblie has bred great distraction and division in the church and estat, we have beene graciously pleased to take the same into our consideration and for the quyet and peace of church and state doe not onelie dispense with the practise of the saids articles, but also discharge, lykeas by these we doe discharge all and whatsomewer persons frome urging the practise thairof upon ather laick or ecclesiastical person whatsomewer; and we doe hereby free all our subjects from all censure and pane, whether ecclesiastical or secular, for not urging, practising or obeying the same, notwithstanding of anie thing conteannaed in the acts of Parliament or Generall Assemblie to the contrarie. And because it hath beene to the disgrace of government dispersed and surmised throughout the kingdome that some of our subjects have exercised suche unwarranted and illimited power and have held thameselves exeemed frome censure and punishment to whiche others our subjects ar lyable, we doe by these presents declare that if anie of our subjects, whether ecclesiastical or civill, of what qualitie, title or degree soever, have or sall at anie time presoome to doe anie suche act or assume to thameselves anie suche exemption or power, that they sall, lykeas by these presents we make and ordaine thame to be lyable to the tryell and censure of Parliament, Generall Assemblie or other judicatoreis competent according to the nature and qualitie of the offence; and for the free entrie of ministers that no other oath be administrd unto thame then that whiche is conteannaed in the act of Parliament. And to give our subjects full assurance that we never intend to admitt of anie change or alteration in the trew religion alreadie established and professed in this our kingdome, and that all our good people may be fullie and cleerely satisfied of the realitie of our intentions towards the maintenance of the truthe and integritie of the said religion, we have thought fitt and expedient to injoyne and authorize, lykeas we by these presents doe require and command all the lords of our Privie Counsell, senators of the Colledge of Justice, judges and magistrates to burgh and land and all our others subjects quhatsomewer to subscribe and renew the Confession of Faith subscribed at first be our deare father and his houshold in the yeere of God 1580, thereafter be persons of all rankes in the yeere 1581, by ordinance of the Lords of Secret Counsell and acts of the Generall Assemblie, subscribed agane by all sorts of persons in the yeere 1590 by ane new ordinance of Counsell at the desire of the Generall Assemblie with the Generall Band for maintenance of the true religion and of the Kings person; and for that effect we doe require the Lords of Counsell to take suche course anent this foresaid Confession and Generall Band that it may be subscribed and renewed throughout the whole kingdome

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with all possible diligence. And because we will not leave in our subjects minds the least scruple or doubt of our royal intentions and real resolutions, we have given warrant to our Commissioner to indict a free General Assembly to be held at Glasgow, the 21st day of November, in this present yeare, 1638, and thereafter ane parliament to be held at Edinburgh, the 15th day of May, 1639, for settling a perfect peace in the church and common weal of this kingdom. And because it is likely that the disorders and distractions quhilkis have happenned of late have beene occasioned through the conceaved feares of innovation of religion and lawes and not out of anie disloyaltie or disaffection to soverynitie, we are graciously pleased absoltly to forgett what is past and freelic to forgive all bygones to all suche as sell acquiesse to this our gracious pleasure and carie themeselves peaceable as dewtiful and loyal subjectis, and sell ratifie and approve the same in our next ensowing parliament. And that this Assembly may have the better success and more happy conclusion our will is that there be a solemnme fast proclaimed and keept be all our good subjectis of this our kingdome a fourtetane dayes before the begining of the said Assembly, the causes thairof to be a begging a blessing frome God upon that Assembly and a peaceable end to the distractions of this church and kingdome, with the averstion of Gods hevie judgement frome both; and our pleasure is that this fast be keept in the most solemn maner hes beene in this church at anie time heeretofore upon the most extraordinir occasion. Frome our Court at Oatlands, the 19th of September, 1638."

"The Lords of Secret Counsell, having read and maturelie considderit his Majestis letters and particular declaration of his pleasure anent the annulling of the Service Booke, Booke of Canons and High Commission, discharging the pressing of the five articleis, making all persons ecclesiasticall and civil of what title and degree soever lyable to the tryell and censure of Parliament, General Assembly and other judicatoresis competent, anent the not administrating to ministers at their entrie anie other oath then that whiche is conteanne in the act of Parliament, anent the subscribing and renewing the Confession of Faith subscribed be his Majestis father of blessed memorie and his hushold in anno 1580 and band following thereupon, anent the induction of a General Assembly to be held at Glasgow the 21st day of November, 1638, and Parliament at Edinburgh, the 15 of May, 1639, and anent his gracious goodnes in forgettung and forgiving all bygones, and induction of a fast for craving Gods blessing to this Assembly, find themeselves so fullie satisfied therewith and the same to be so satisfactorie for removing all the feares of the subjectis anent innovation of religion or lawes that we hold ourselves bound in dewtie not onelie to acquiesce therewith as the best mane to secure both religion and lawes, but also to use our best endeavures that all his Majestis subjectis may lykewayes rest satisfied therewith, and that they with us and we with thame may testifie our thankfulnes for so great a grace and goodnes
with all the heartie expressions of dewtifulness and loyaltie, and that
our true sense heirof may more fullie appeare to our sacred soverane,
we doe by these humbelie and heartielie make offer of our lyves and
fortouns in the defending and assisting of his Majesteis sacred person
and auctoritie in the maintenance of the foresaid religion and Confession
and repressing of all suche as shall heerafter prease to disturb the peace
of this kirk and kingdome. In witnes quhairof we have heartielie and
freelie subscribed these presents with our hands at Halyrudhouse, the 22
day of September, 1638. Sic subscribitur, Hamilton, Traquaire, Rox-
burgh, Mairshell, Mar, Murrey, Linlithgow, Perth, Wigton, Kingorne,
Tullibardin, Hadinton, Annandaill, Lauderdale, Kinnoull, Dumfries,
Southeak, Belheaven, Angus, Lorne, Elphinston, Naper, Dalyley, Amont,
J. Hay, S. Thomas Hope, S. W. Elphinston, Ja. Carnichael, J. Hamilton,
Blakhall."

"The Confession of Faith of the Kirk of Scotland, subscribed at first
by the Kings Majesteis unquhile darrest father of blessed memorie and
his houshald in the yeere of God, 1580; thereafter by persons of all
ranks in the yeere of God, 1581, by ordinance of the Lords of Secreet
Counsell, and acts of the Generall Assembleíe; subscribed agane by all
sorts of persons in the yeare 1590, by a new ordinance of Counsell at
the desire of the General Assembleíe, with the Generall Band for main-
tenance of the true religion; and now renewed and subscribed agane by
his Majesteis спецiall command by the right noble marques, James,
Marques of Hamilton, Erle of Arran and Cambridge, Lord Aven and
Innerdaill, his Majesteis High Commissioner and Lords of Secreet
Counsell undersubscribing; and that of and according to the date and
tenor of the said Confession of Faith dated in Marche 1580, and of
the band dated in anno 1589."

"We all and everie one of us underwritt protest that after long
and due examination of our owne conscience in maters of true and false
religion [we] ar now throughlie resolved in the truthe by the word and spirit
of God. And thairfoir we doe beleive with our hearts, confesse with our
mouths, subscribe with our hands, and constantlie affirme before God and
the whole world that this onelie is the true christianie faith and religion,
pleasing God and bringing salvation to man, which is now by the
mercie of God revealed to the world by the preaching of the blessed
evangell, and receaved, beleived and defended by manie and sindrie
notable kirks and realmes, but cheefelie by the Kirk of Scotland, the
Kings Majestie and three estates of this realme, as Gods eternall truthe
and onelie ground of our salvation; as more particularie is expressed in
the Confession of our Faith established and publicklie confirmed by
sindrie acts of parliaments, and now of a long time hath beene openlie
professed by the Kings Majestie and whole bodie of this realme both in
burgh and land. To the whiche Confession and forme of religion we
willinglie agree in our consciences in all points as unto Gods undowtbd
truthe and veritie, grounded onelie upon his writtin word. And thairfoir
we abhorre and detest all contrarie religion and doctrine, but cheefely all kynd of papistrie in generall and particular heads, even as they ar now damned and confuted by the word of God and Kirk of Scotland; but in speciall we detest and refuse the usurped auctoritie of that Romane antichrist upon the scriptures of God, upon the Kirk, the civill magistrat and consciences of men, all his tyrannous lawes made upon indifferent things aganis our christiane libertie, his erroneous doctrine aganis the sufficience of the writtin word, the perfection of the law, the office of Christ, and his blessed evangell, his corrupt doctrine concerning originall sinne, our naturall inabilitie and rebellion to Gods law, our justification by faith onelie, our imperfect sanctification and obedience to the law, the nature, number and use of the holy sacraments, his five bastard sacraments, with all his rites, ceremoneis and false doctrine added to the ministration of the true sacraments without the word of God, his cruell judgement aganis infants departing without the sacrament, his absolute necessitie of baptisme, his blasphomous opinion of transubstantiation or reall presence of Christs bodie in the elements and receaving the same by the wicked or bodeis of men, his dispensations with solemne oathes, perjureis and degrees of marriage forbidden in the word, his crueltie aganis the innocent divorced, his devilish masse, his blasphomous preesthood, his profane sacrifice for the sinnes of the dead and quick, his canonization of men, calling upon angels or saints departed, worshipping of imagerie, relics and crosses, dedicating of kirks, altars, dayes, vowes to creatures, his purgatorie, prayer for the dead, praying or speaking in a strange language, with his processions and blasphomous letanie and multitude of advocata or mediators, his manifold orders, auricular confession, his desperat and uncertaine repentance, his generall and doubtsome faith, his satisfactions of men for their sinnes, his justificacion by workes, opus operatum, works of supererogacion; merits, pardons, peregrinations and stations, his holy water, baptising of blys, conjuring of spirites, crossing, saynning, anoynting, conjuring, hallowing of Gods good creatures with the supersticious opinion joynned therewith, his worldlie monarchie and wicked hierarchie, his three solemne vowes, with all his shavelings of sirdrie sorta, his erroneous and bloodie decres made at Trent, with all the subscribers and approvers of that bloodie band conjured against the kirk of God; and, finallie, we detest all his vain allegores, rites, signes, and traditions brought in the Kirk without or aganis the word of God and doctrine of this true reformed Kirk, to the whiche we joyne ourselves willinglie in doctrine, faith, religion, discipline and use of the holy sacraments as livelie members of the same in Christ our head; promising and swearing by the great name of the Lord our God that we sall continue in the obedience of the doctrine and discipline of this Kirk and sall defend the same according to our vocation and power all the dayes of our lyves, under the panes conteanned in the law and danger both of bodie and soule in the day of Gods fearefull judgement. And
seing that manie ar stirred up by Satan and that Romane antichrist to promise, swere, subscribe and for a time to use the holie sacraments in the Kirk decafullie againis their owne consciences, mynding heirby first under the externall cloake of religion to corrupt and subvert secreitlie Gods true religion within the Kirk and afterwards, when time may serve, to become open enemeis and persecuters of the same, under vaine hope of the Popes dispensation devisid againis the word of God to his greater confusion and their double condemnation in the day of the Lord Jesus, we, thairfoir, willing to take away all suspicion of hypocrisie and of suche double dealing with God and his Kirk, protest and call the searcher of all hearts to witnes, that our mynds and hearts doe fullie agree with this our confession, promise, oath and subscription, so that we ar not moved for anie worldlie respect, but ar perswaded in our consciences through the knowledge and love of Gods true religion printed in our hearts by the Holie Spirit, as we sall answer to him in the day when the secrets of all hearts sall be disclosed. And becaus we perceive that the quyetnes and stabilitie of our religion and Kirk doeth depend upon the saffetie and good behaviour of the King's Majestie as upon a comfortable instrument of Gods mercie grantit to this crowne for the maintenance of his Kirk and ministration of justice among us, we protest and promise with our hearts under the same oath, handwritt and panes, that we sall defend his person and auctoritie with our gear, bodeis and lyves in the defence of Christ his evangell, liberteis of our crowne, ministration of justice and punishment of iniquitie againis all enemie within this realme or without, as we desire our God to be a strong and mercifull defender to ws in the day of our death and comming of our Lord Jesus Christ; to whome with the Father and the Holie Spirit be all honnour and glorie, amen."

"We underscribing, considering the strait linke and conjunction betweene the true and christiane religion presentlie professit within this realme and our soveraine lords estat and standing, having both the selfe same freinds and commoun enemieis, and subject to the like event of standing and decay, and weyng therewithall the imminent danger threatened to the said religion (the preservation quhairof being dearer to us nor whatsoever we have darrest to us in this life), and finding in his Majestie a most honorable and christiane resolution to manifest himselfe to the world that zealous and religiouse prince whiche he hath hitherto professed, and to imploy the meane and power that God hath putt in his hands, als weill to the withstanding of whatsoever forrane force sall meane within this yland for alteration of the said religion or endangering of the present state as to the repressing of the inward enemieis thereto amongst our selves, linked with thame in the said antichristian league and confederacie, have thairfoir in the presence of almightie God, and with his Majesties authorizing and allowance, faithfullie promised and solemnelie sworne, lykeas heirby we faithfullie promise and solemnelie sweare to take a true, effild and plaine part with
his Majestie amongst our selves for diverting of the appearing danger threatened to the said religion and his Majestie standing depending thereupon by whatsoever forranze or intestine plotts and preparations; Fol. 266, b. and to that effect faithfullie and that upon our truthe and honours bind and oblige us to others to conveene and assemble our selves publickly with our freinds in armes or in quyet maner at suche times and places as we shall be required by his proclamations or by writt or message directed to us from his Majestie or anie having power frome him; and being conveened and assembled to joyne and concurre with the whole forces of our freinds and favorers aganis whatsoever forranze or intestine powers or papists and their partakers sall arive or rise within this yland or anie part thairof, ready to defend or persue as we shall be authorized and conducted by his Majestie or anie others having his power and commission, to joyne and hold hand to the execution of whatsoever meane or order sall be thought mit by his Majestie and his Counsell for suppressing of papists, promotion of the true religion and settling of his hienes estat and obedience in all the countreis and corners of this realme, to expone and hazard our lyves, lands and goods and whatsoever meanes God hath lent us in the defence of the said true and christiane religion and his Majestie person and estat, aganis whatsoever jesuits and seminarie or messe preests, condemned enemeis to God and his Majestie, to their utter wrack and externation, according to the power grantit to us by his Majestie proclamation and acts of parliament, to try, search and seke out all excommunicats, practisers and others papists whatsoever within our bounds and shire where we keepe residence, and delate shame to his hienes and his Privie Counsell, and conforme us to suche directions as frome time to time we shall receive frome his Majestie and his Counsell in their behalfe; and speciallie so mane of us as presentlie ar or heerafter sall be appointed commissioners in everie shire sall follow, persue and travell by all meanes possible to take and apprehend all suche papists, apostats and excommunicats as we shall receive in writt frome his Majestie, and we the remanent within that shire sall concurre and assist with the saids commissioners with our whole freinds and forces to that effect without respect of anie person quhatsoever; and generallie to assist in the meane time and defend everie one of us another in all and whatsoever querrells, actions,.debats moved or to be moved aganis us or anie of us upon action of the present band or other causes depending thereupon, and effauldlie joyne in defence and persute of quhatsoever sall offer or intend anie injurie or revenge aganis anie one of thame for the premises, making his caus and part that is persewed all our parts, notwithstanding quhatsoever privy grudge or displeasure standing betuix anie of us, which sall be no impediment or hinder to our said effauld joyning in the said commoun caus, but to ly over and be misknowne till they be orderlie removed and tane away by the order afterspecifite, to the whiche time we for the better furtherance of the said caus have assured and be the tenor heirof everie
ane of us taking the burden upon us for our selves and all that we may lett assure eache other to be unhurt, unharmed or anie wayes to be invaded by us or anie of our foresaid for old feed or new otherwayes nor be ordinarie course of law and justice; nather saile we nor anie of our foresaids make anie provocation or tumult, trouble or displeasure to others in anie sort as we sall answer to. God and upon our honnors and fidelitie to his Majestie. And for our further and more heartie union in this service, we ar content and consent that all whatsoever our feeds and variances fallin or that may fall out betux us be within fourtie dayes after the date heirof amicable referred and submitted to seven or five indifferent freinds choen by his Majestie of our whole number, and by their moderation and arbitrement componned and tane away; and finallie that we sall nather directlie nor indirectlie separat nor withdraw us frome the union and fellowship of the remanent by whatsoever suggestion or privat advice, or whatsoever incident, regard, or stay suche resolution as by commoun deliberation sall be takin in the premises, as we sall answer to God upon our consciences and to the world upon our truthe and honnors under the pane to be esteemed trators to God and his Majestie, and to have lost all honnour, credit and estimation in time comming. In witenes quhairof by his Majesties speciall command, allowance and protection promised to us therein, we have subscribed thir presents with our hands at ___, 1589."

"We James, Marques of Hamilton, Earle of Arran and Cambridge, Lord Aven and Innerdaill, his Majestis High Commissioner, and Lords of his Majestis Privie Counsell undersubscribing by vertue and conforme to a warrant and command signed by his sacred Majestie, of the date the 9 of September, 1638, and registrat in the booke of Counsell upon the 22 day of the said moneth, sweare and with our hearts and humble and true affections to Gods truthe and to his sacred Majestie subscribe the Confession of Faith of and according to the date and tonomor abonespecifit, and als renew, sweare and subscribe the foresaid Generall Band of the tenor abonewrittin for preservation of the true religion and maintenance of his sacred Majestis autortitie according to the tenor thairof, sicyke and als ample as the same we conceaved in favors of his Majestis umquhill blessed father of eternall memorie by the said Band. In witenes quhairof we have subscribed these presents with our hands at Halyrudhous, the 22 day of September, 1638. Sic subscribitur, Hamilton, Traquair, Roxburgh, Mairshell, Mar, Munrey, Linlithgow, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandail, Lauderdaill, Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinston, Naper, Dalyell, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichael, F. Hamilton, Blakhall."

The whilk day a noble marques, James, Marques of Hamilton, Erle of Arran and Cambridge, his Majestis Commissioner, and Lords of Secrett Counsell, in all humble and heartie affection unanimouslie sweare and subscribed the Confession of Faith abonewrittin, dated Marche, 1580.
according as it was than protest within this kingdom, togidder with the
Generall Band abonespeicifite, dated in anno, 1589; quhairuppon Sir Thomas
Hope of Craighall, his Majestis Advocat, in his Majestis name asked Fol. 287, b.
instruments."

"Forsamekle as it hes pleased the Kings Majestie, out of his pious
and religious disposition to the true religion and out of his fatherlie care
for removing of all feares, doubts and scruples which may arise in the
mynds of his subjects for preservation of the puritie thairof, and upon
diverse great and weightie considerations importing the glorie of God,
the peace of the Kirk and commoun weale of this kingdom, to appoint
and give order that a free Generall Assemblie be indacted, keeped and
haldin at the citie of Glasgow upon the 21 of November nixt, thairfor
the Lords of Secreet Counsell ordains letters to be direct charging
maisters and officers of armes to pas and make publication heirof
by opin proclamacion at the mercat croce of Edinburgh and head
burrowes of this kingdom and others places neidfull, and to warne all
and sindrie archbishops, bishops, commissioners of kirks and others
having place and vote in the Assemblie, to repair and adresses thame-
Fol. 286, a.
seylves to the said citie of Glasgow, the said 21 day of November nixto-
come, and to attend the said Assemblie induring the time thairof, and ay
and whill the same be dissolved, and to doe and performe all whiche to
their charges in suche cases apperteanneth, as they will answer to the
contrarie at their highest perrell."

"Forsamekle as it hes pleased his Majestie out of his pious and
religious disposition to the true religion, and out of his fatherlie care for
removing of all feares, doubts and scruples which may arise in the
mynds of his subjects for preservation of the puritie thairof, and upon
diverse others great and weightie causes importing the glorie of God, the
peace of the Kirk and commoun weale of this kingdom, to appoint and
give order that the soverane and high court of Parliament sall be haldin
at the citie of Edinburgh upon the 15 day of May nixto come with continu-
ation of dayes, thairfor the Lords of Secreet Counsell ordains letters to
be direct to maisters and officers of armes charging thame to pas to the
mercat croce of Edinburgh and others places neidfull, and there be opin
proclamation to make publication of the holding of the said Parliament,
and to warne all and sindrie noblemen, prelats and commissioners for the
barons and burrowes, and all others having voice and place in the said
Parliament, that they and everie ane of thame in thair most decent and
comelie maner make thair adresses to the said Parliament, attend and
await therat during the time thairof, and to discharge that dewtie whiche
is incumbernt to thame and eache of thame, as they will answer on the
contrarie at thair perrell."

"The whilk day James, Marques of Hamilton, his Majestis Com-
misisoner, produced and exhibite before the Lords of Privie Counsell the
twa missives underwrittin, signed be the Kings Majestie and direct to
the saids Lords; quhilk being read, heard and considerit be the saids
Lords, they have ordained and ordains the same to be insert and registrat of 1580 by the in the booke of Secret Counsell, therein to remaine ad futurum rei memoriam; quohereof the tenor followes:—CHARLES R.—Right trustie and under penalties.

Being certanlie informed that the distractions which have happenned of late both in kirk and commoun weale within this our ancient kingdom of Scotland have muche troubled the mynds of manie of our good and loyall subjects, and that these distractions have beene occasioned upon jealousy and feares of innovation of religion and lawes as tending to the introduction of poprie, and not without some suspicition as if we ourselfe were inclined that way, upon occasion quhairof manie of our subjects have of late subscribed a band or covenant for preserving the religion and lawes alreadie established and for defending the Kinges person and eache others in defence thairof, but the same, not being warrantied by royall auctoritie (as that whiche wes in our deare father's time), must needs of it selfe be ineffectuall, and muche prejudiciall to the ancient forme and custome of government keeped within that our kingdome of Scotland; wherefore we, out of our inborne love to our said native countrie, and for obviating these conceaued feares and satisfying of yow and all our loving people, have thought good to ordaine the Conession of Faith and Band subjouyned thereto, of the date at Edinburgh, Januar 28, 1580, and signed by our royall father, to be renewed, and to that effect have givin order to our Commissioner, with advice of our Counsell, to sett down and sattle some solide course quhairof the same may be subscribed by our Counsell, judges, magistrats of burrowes and all others our people of that kingdome. And for farther clearing of ourselfe, we declare that, as we ar and ever have beene satisfied in our judgement and conscience for the reformed religion now established and again the Romane, so we purpose by Gods grace both to live and dee in the practise thairof, and to preserve and maintaine the same in full strengthe and integritie according to the lawes of that our ancient kingdome. What we have thought farther fitting to be done at this time concerning the particulars conteannied in our subjects petitions yow sall receave our full pleasure therein from our Commissioner; and that this our declaration concerning our selfe and our pious intenion for settling the reformed religion within that our kingdome may appeare to posteritie, our pleasure is that these presents be registrat in the booke of Counsell. Oatlands, the 9 of September, 1638."

"The King's Majestie's charge to all commissioners and ministers within this realme.

"CHARLES R.—Considering that the disorders which have happenned of late within this our ancient kingdome of Scotland have beene occasioned upon feares of introducing innovations in religion, and having nothing more in our consideratiion then to secure and advance Gods true worship and the reformed religion alreadie established within this our kingdome, and to protect and defend our good subjects in the practise thairof, according to this subsequent Confession, and thairfoir to give full satisfi-
faction to thame and to all the world that we never intended the least alteration in the same, and to free our good subjects from all suspicions and feares in that kynd, we have injoyed and authorized the Lords of our Privie Counsell, to the good example of others our subjects, to subscribe the Confession of Faith formerlie signed by our deare father, anno 1580, and at his command by the most part of the kingdome, and, as he then, so we lykewayes now by these presents doe command and charge all our commissioners and ministers to subscribe and crave subscription to the same Confession of thair parochiners, and to proceed againis the refusers according to our lawes and orders of the Kirk, delivering their names and lawfull processe to the Lords of our Privie Counsell with all haste and diligence, under the pane of fourtie punds to be takin from thair stipends, that our Counsell may take order with suche proud contemners of God and our lawes. Signed by our royall hand at Oatlands, the 9 of September, 1638.”

“Most sacred Soverane, If ever faithfull and loyall subjects had reason to acknowledge extraordinarie favors shewne to a nation, and in a most submissive and heartie maner give reall demonstrations of the grace vouchesafed then we doe, we of your Majesteis Counsell of this your ancient kingdome unanimoues professe that suche acts of clemencie cannot proceed frome anie prince saving him who is the livelie image on earth of the great God, author of all goodnes. For returns of so transcendent grace fortifed with the reall expression of unparallelled pietie, royall inclination to peace and universall love, not onelie to these of our number but lykewise to all your Majesteis loyall subjects, we doe, all in one voice, with all resentment can be imagined, in all humilietie render our most boundin thankses, and offer, in testimoniue of our full satisfaction and acquiescence heerewith, to sacrifice our lyves and fortouns in secunding your sacred Majesteis commandements, and repressing all suche as sall heerafter prasse to disturbe the peace of the Kirk and kingdome. And for some small signification of our alacriteit and diligence in your sacred Majesteis service we have all, without the least shadow of anie scruple, subscribed the Confession of Faith and Band appointed to be receaved by all your Majesteis loyall subjects [and] sent the act passed in Counsell with our other proceedings, whiche we doe most humblie represent to your royall view; and we beseeche your Majeste to be pleased to be perswaded of the inviolable devotion of all heere subscribers who doe all in all humilietie pray for your Majesteis most happy and flourishing raigne. Sic subscribitur, Hamilton, Traquaire, Roxburgh, Mar, Murray, Linlithgow, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaleill, Kinnoull, Dumfreis, Southesk, Belheaven, Angus, Lorne, Elphinston, Naper, Dalylell, Amont, J. Hay, S. Thomas Hop, S. W. Elphinston, Ja. Carmichael, J. Hamilton, Blakhall.”
"The whilk day a noble Marques, James, Marques of Hamilton, Erle of Arran and Cambredge, his Majesteis Commissioner, having produced before the Lords of Secreit Counsell upon the 22 day of this instant a warrant signed by his Majestie, of the date the 9 of September instant, wherein among others his Majesteis gracious and royall expressions for preservation of the puritie of religion, and due obedience to his Majesteis auctoritie in the maintenance thairof, his Majestie did will and ordaine that the Lords themeselves sould aware and subscribe the Confession and Generall Band mentioned in his Majesteis said warrant, and also sould take suche order as all his Majesteis lieges may subscribe the same; and the saids Lords of Secreit Counsell, acknowledging his Majesteis pious and gracious disposition and affection to the puritie of Gods truth, did upon the 22 day of September instant unanimouslie and with all humble, heartie and sincere affection aware and subscribe the Confession of Faith, dated in Marche, 1580, according as it wes than profest within this kingdome, togidder with the foresaid Generall Band, dated in anno 1589, and now to the effect that all his Majesteis lieges may give the like obedience to his Majesteis so pious desire, thairfor the saids Lords have ordained and ordains all his Majesteis lieges of whatsoever estat, degree or qualitie, ecclesiasticall or civil, to aware and subscribe the said Confession dated the 2 of Marche 1580, and that according to the said date and tenor thairof and as it wes than profest within this kingdome, togidder with the said Generall Band, dated in anno 1589, as they will answer at the contrare upon their obedience; and ordains officers of armes to pas to the mercat croce of Edinburgh and make publication heirof and at all other places neidfull, wherethrow none pretend ignorance of the same."

"Forsamekle as a noble Marques, James, Marques of Hamilton, Erle of Arran and Cambredge, his Majesteis Commissioner, and Lorde of Secreit Counsell by one act of the date the 22 of this instant, have by speciall warrant of his sacred Majestie sworne and subscribed with all to enforce humble and heartie affection and unanumouslie the Confession of Faith, the Confession dated the second of Marche 1580, and at lenth insert in the books of Generall Band Privie Counsell of and according to the said date and tenor thairof and according as it wes than profest within this kingdome, togidder with the Generall Band insert therewith in the saids books of Privie Counsell, dated in anno 1589, lykwise the saids Lords of Counsell by thair act of the date of these presents acknowledging his Majesteis pious and gracious disposition and affection to the puritie of Gods truth, and as thereby they conceive themselves bound in conscience and humble dentity to use and follow furth all possible diligence for procuring the subscriptions of all his Majesteis lieges thereto, and to this effect have thought fitt that the care and diligence in procuring thairof be committed to some of his Majesteis Counsell and others of the nobilitie and gentrie..."
within the several shirefdomes and provinces of the kingdom in maner Acta, May
afterspecifit, thairfоir the said Lord Commissioner and Lords of
Secreet Counsell give power, warrant and commission to suche of thair Fol. 270, a.
number and others after following within the bounds after specifit,
viz.:-For the shirefdomе of Edinburgh principall, Williamе, Erle of
Lothiane, Archibald, Lord Naper, Sir Johnе Dalmahoy of that ilke, Sir
George Towros of Innerleith; for the burgh of Edinburgh, the provest
and bailleis of Edinburgh that ar or sall be for the time; for East
Lothiane, Robert, Erle of Roxburgh, Lord Privie Seale, Thomas, Erle of
Hadinton, Johnе, Erle of Lauderdale, Harie, Lord Ker, Sir Patriк
Murray of Elibanke, Sir Patriк Hepburne of Wauchtон and James Fol. 270, b.
Maxwell of Innerweik; for the stewartrie of Dalkeith, Johnе, Erle of
Traquair, Lord Tresaurar, William, Erle of Dalhousie, and Sir James
McGill of Craistonriddell; for the shirefdomе of Pеbles, the said Lord
Tresaurar and Johnе, Lord Yester; for the shirefdomе of Selkirk; the
said Lord Tresaurar, the Erle of Hadinton, Sir William Scot of Harden
and Generall Ruthven; for the shirefdomе of Roxburgh, the Lord Privie
Seale, the Earle of Lauderdale, the Lord Ker, Sir Anrod Ker of Green-
heid, Sir William Dowglas, sireff of Teviotdaill, and Sir Thomas Ker of
Cavers; for the shirefdomе of Bervick, the said Lord Privie Seale,
James, Erle of Home, the Erles of Hadinton and Lauderdale and Laird
of Blacader; for the shirefdomе of Fyffe, Johnе, Erle of Rothee, Charles,
Erle of Dumfermline, Johnе, Erle of Annandail, Johnе, Erle of Wemes,
, Lord Fentoun, Johnе, Lord Lindsey, David, Lord Balcarres, Sir
Thomas Hope of Craighall, knight baronnet, his Majestiee Advocat, Sir
Alexander Gibson of Durie, Sir James Learmonth of Balcolmie and Sir
Andro Murray of Balvaird; for the shirefdomе of Linlithgow, Alex-
ander, Erle of Linlithgow, James, Lord Amont, Sir Johnе Hamilton of
Orbestoun, Justice Clerk,

Dundas of that Ilke and Mr George
Dundas of Maner; for the shirefdomе of Lanerk, Johnе, Erle of
Wighton, Archibald, Lord Angus,
  , Lord Fleeming, Robert, Lord
Dalyyell, Sir William Elphinston, Cheefe Justice, Sir James Carmichaell
of that Ilke, Tresaurar Deput, the said Justice Clerk, Sir James Lokhart,
younger of Lee, Francis Dowglas of Sandelands, Gawin Hamilton of
Raploche, Sir James Hamilton of Broomhill, Robert Hamilton of
Torrence and Alexander Hamilton of Hags, shireff; for the shirefdomе of
Stirline, Johnе, Erle of Mar, William, Erle of Airth, Johnе, Erle of
Montrois, Alexander, Erle of Linlithgow, Johnе, Erle of Wighton, Johnе,
Lord Fleeming, Alexander, Lord Elphinston, James, Lord Amont, and Sir
William Murray of Polmairs; for the shirefdomе of Dumfries, William,
Erle of Queinsberrie,
  , Maister of Dalyyell, the Laird of Lag,
William Maxwell of Kirkhoue, and Johnе Dalyyell of Newton; for the
shirefdomе of Clackmannan, the said Erle of Mar, Sir Robert Bruce of
Clackmannan, Sir Thomas Hope, younger of Cars, shireff; for the shire-
dome of Wighton, Johnе, Erle of Cassills, Alexander, Erle of Galloway,
Sir Johnе Hamilton, elder and younger of Barganie, Sir Patriк McKie
of Larg, John Murrey of Brouchtoun; for the shirefdom of Air, Alexander, Erle of Eglington, Alexander, Erle of Glencarne, John, Erle of Casells, William, Erle of Dumfreis, William, Lord Crichton, John, Lord Lowdoun, the Lairds of Barganie, elder and younger, the Lairds of Gastoun and Cragiewallace; for the shirefdom of Renfrew, Alexander, Erle of Glencarne, Robert, Viscount of Belhaven, Sir Archibald Stewart of Blakhall, the Laird of Howston, Bryce Sempill of Cathcart, Sir Robert Dowglas of Blaikester and Sir John Maxwell of Pooke; for the shirefdomes of Dumbartane, Argyle and Tarbet, the saids Erles of Montrois and Wigton, the Lords Lorne and Fleeming, Sir George Stirlin of Ker and Sir William Stewart, capitane of the castell of Dumbartane; for the shirefdomes of Perth, stewartris of Monteth and Stratherne, the Erles of Airth, Montrois, Atholl, Perth, Tullibardin and Kinnoull, Mungo, Viscount of Stornmont, the Lairds of Keir and Lairds of Lawers, elder and younger, the Lairds of Duncric, elder and younger, and Blair of Baitheycok; for the shirefdom of Forfar, the Erles of Montrois, Kingorne and Southesk, the Lords Carnegie and Ogilvie, the Maister of Spynie, Pатрик Мауле of Pannure, the Constable of Dundie, Sir Andro Fletcher of Innerpeffer, the Lairds of Din, Ethie, Balnamoone, Alderbar, Bonnytoun, Fortrie, and Innerquharatie; for the shirefdom of the Mernes, the Erles of Marishell and Southesk, the Lord Carnegie, Sir Thomas Burnet of Leyes, the Lairds of Glenbervie, Arbuthnet, Morphie, Balmary and Halkerton, elder; for the shirefdom of Aberdene, the Marques of Huntlie, the Erles of Marishell and Kingorne, the Erle of Kingorne for himselfe and as tutor to the Erle of Erroll, the Lords Forbes and Fraser and Laird of Drum; for the shirefdom of Bamff, the Marques of Huntlie, the Erles of Marishell and Finlatter; for Elgine and Forres, the Erle of Murrey, the Laird of Innes, Brodie of that Ilke and Dumbar, shireff of Murrey; for the shirefdom of Innernes, the Marques of Huntlie, the Erle of Seaforth, the Lord Lovatt, the Lairds of Grant and Mcintosh; for the shirefdomes of Caithnes and Sutherland, the Erles of Sutherland, Caithnes and Seaforth, the Maister of Berriedall and Sir Robert Gordon; for Orkney and Zetland, the Erle of Cariet, Sir John Buchanann of Scotiscaig and William Stewart of Maynes; for the shirefdom of Bute, the Lord Lorne and shireff of Bute; for the Yles, the Lord Lorne; with power to thame conjunctlie and severallie to pas to the severall bounds abonewrittin at suche times and places as they sall thinke fitt, and there to exhibite the said Confession and Generall Band abonespecificit, marked and subscribed be the Clerk of Counsell, and to require all his Majesteis lieges of quyhaetsoever ranke and qualitie to subscribe the said Confession of Faith, dated the 2 of Marche, 1580, according to the said date and tenor thairof, and according as it wes than profest within this kingdome, togidder with the Generall Band, dated in anno 1589, as they will be answerable to his Majestie and the saids Lords upon thair dewtie and obedience, and to make report of thair said diligence betuix and the thritteenee day of November nixt."
Holyrood
House, 22nd
(124th)
September
1638.
Holyrood
House, 24th
September
1638.
Sir John
Dalmahoy
accepts the
Sherifftom of
Edinburgh.
Holyrood
House, 31st
October 1638.

"The whilk day James, Marques of Hamilton, his Majesteis Commisioner, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin, signed be the King's Majestie and directed to the said Lord Commissioner and Lords of his Majesteis Privie Counsell, of the whilk letter the tenor follows:—Charles R. —Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, right trustie and trustie and belovit counsellours, we greet yow well. As by your letter we find how weil yow ar satisfied with our gracious pleasure expressed in our late proclamation and declaration, so we doe expect the continuance of your care be your best endevoures to bring all our good people to a true sense of our royll intentions and reall care of preserving and advancing the good and peace of that church and kingdom, which hath alwayes beene and still is one of our cheepest cares, we give yow heartie thanks for your affection and panes in this service and doe approve your course in subserving the Confession and Band and order takin be yow for publishing and requiring the lyke dew and thankfull acceptance of our Fol. 272, a. gracious pleasure be all our good subjects. And, seing the time of the Assemble does now approache, we require yow to attend diligentie upon our Commissioner untill the time appointed for the doune sitting of the said Assemble, and further to the final end thairof, that frome time to time yow may be assisting to him with your best opinions and advices for preparing and digesting everie thing that may conduc to bring the busines to be treated upon in the Assemble to the wished peaceable happie end. And altho we will not doubt but that all our good subjects will be carefull of everie thing that may concerne us or our soverane auctoritie, yitt, becaus at suche publict and generall meetings it is not to be expected that all mens dispositions will be alike and of one temper, we require yow, and that in a particular maner, according to the trust and confidence we have in your affections to our service, carefullie to advert that if anie proposition sal be made whiche
may seeme to derogat frome soveranitie or that true estat of monarchicall
government alreadie established within that kngdome or whiche may
imped the peaceable conclusion of this Assemble, that, as good subjects
and faithfull counsellors and servants to us, yow assist our Commissioner
to withstand the same to the uttermost of your power, to whome we will
yow to give absolute trust in everie thing whiche he in our name sall
deliver or impart to yow or anie of yow in publict or in privat; and so
we bid yow farewell. From our honour of Hampton Court, the first of
October, 1638. Qhilk letter being openned in the saids Lords thair
presence, and openlie read in thair audience and at lenth considderit be
thame, they with most humble and dweitfull respect acknowledged his
Maajestis most gracious favour showin unto thame of approving of thair
weake endeavours in his Maajestis service, and they all promised to
attend his Maajestis Commissioner at and during the haill time of the
approaching Assemble and to concurre and joyne with him by thair best
advice and counsell in all his Maajestis service qhilk sall occurre at that
meeting; and they ordained missives to be directed to the rest of his
Maajestis Counsell wher absent at this time, intimating to
thame his Maajestis gracious pleasure and requiring thame to come
and attend the said Commissioner with the rest of his Maajestis
Counsell the time foresaid; and they ordained a most humble letter of
thankes to be sent up to his Maajest as ane answer to his Maajestis
letter, qhilk wes accordinglye done of the tenor following:—Most sacred
soverane, Since your Maajesties has beene pleased be your letter frome
Hampton Court, the first of October, in so gracious a way to take notice
of our weake endeavours in your Maajestis service, we conceave our
selves bound in all submisse and heartie acknowledgement of this and
manie moe your royall acts of grace and goodnes manifested to us and
to this your Maajestis ancient kngdome, not onelie to returne your
Maajest all humble and heartie thankes for the same, but, in testimonie
of our readie obedience to all your Maajestis commandements, doe faith-
fullie promise to attend and be assisting your Maajestis Commissioner
frome time to time till the finall ending of this ensowing Assemble. And
if anie sall be so unhappie or unadvised as to move or make anie pro-
position whiche may seeme to derogat frome soveranitie or the true
estat of your Maajestis monarchicall governement alreadie established
within this kngdome, as faithfull counsellors, loyall subjects and humble
servants to your Maajestie we will withstand the same to the uttermost of
our power; and sall be carefull to foresee and prepare everie thing whiche
may best conduce to the wished and peaceable end of this Assemble. And
so praying God to blesse your Maajestie with a long and happie raigne we
rest. Halyrudhous, 1º Novembris, 1638. Sic subscribitur, Traquair,
Roxburgh, Mar, Lithgow, Perth, Wigton, Tullibardin, Annerdale, Launder-
dail, Kinnoull, Dunfreis, Angus, Elphinstone, Dayell, Amont, J. Hay,
S. Thomas Hop, S. W. Elphinstone, Ja. Carmichael, J. Hamilton,
Blakhall."
The Lords ordains a letter to be writtin to the provest and bailleis of Glasgow, desyng thame to provide houses, weill prepared and furnished, for accommodating of his Majesteis Counsell and their attenders, according to a particular note quhilky they sall receive of the number of everie Counsellors traine, under the Clerk of Counsell his hand."

"The Lords ordains a letter to be writtin to the provest and bailleis of Edinburgh signifieing unto thame that the dyet appointed be his Majesteis proclamation for keeping of the fast is the seventh of November now approacheing, and to require thame to keep the saied dyet and to cause tymous advertisement to be made thairof to the ministers and inhabitants of their toun; quhilky letter wes accordinglie written and directed to the saids provest and bailleis."

Sederunt ut die predicto.

"Forsamekle as the Kings Majestie upon diverse considerations import- ing the good of his service hes thought meit and expedient, concluded and ordained that the shireffis underwritting, of whome his Majestie hes the nomination and who wer in office the yeere bygone, saill be continued in their offices for the yeere to come, viz.: M't George Dundas of Maner, shireff of Lithgow; Andrew Riddell of Hayning, shireff of Selkirk; the Laird of Lag, shireff of Dumfreis; the Laird of Fintrie, shireff of Forfar; the Laird of Baitheyock, shireff of Perth; Alexander Hamilton of Hags, shireff of Laner; the Laird of Drum, shireff of Aberdene; the Laird of Gastoun, shireff of Air; James Johnston of Coreheid, stewart of Annerdall; \(\ldots\) baillie of Kylestuart; and the Laird of Catheart, shireff of Renfrew; lykeas his Majestie continues thame in their saids offices for the yeere to come, ordaining and commanding thame to exercis their saids offices in all the libertis and privileidges thairof siclyke and als freellie in all respectis as they did or might have done this yeere bygone; and ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, quherethrow nane pretend ignorance of the same, and to command and charge the shireffis abonewritten, who served in the saied office the yeare bygone, to continew in the exercise and discharge thairof for the yeere to come, as they will be answerable on the contrare at their highest perrell."

"Forsamekle as at the dyet appointed be act of parliament to the small barons and freeholders within the severall shirefdomes of this kinglyme for their conveening and choosing of commissioners to attend all parliaments and generall counsellis during the time of their office, there fell out suche a violent storme of wind and weit and the waters grew so high within the shirefdom of Selkirk as there wes no possibilitie to the saids small barons and freeholders of that shirefdom to keepe their meiting at the burgh of Selkirk, so that there could no commissioners be chosin at that dyet, to the hinder and disappointing
of his Majestie service; that for the Lords of Secret Counsell ordsans and commands the shireff of Selkirk to appoint a new day to the saids small barons and freeholders for their convening and choosing of their commissioners to attend this approacheing parliament, and to warne and charge the saids small barons and freeholders to convene and meet at the burgh of Selkirk at the time and day to be appointed be the said shireff, and at their meeting that they make choice of commissioners, authorizing thame with full and ample power and commission to doe and performe all and everie thing incumbent to thame and proper and dew to their place and charge.

"The quhilk day the haill counsellors present gave their oath for secrerie in all maters that they sall heare propounded or debated in Counsell."

"The Lords ordsans the haill counsellors absent with the clerks and maissers to give their oath in maner foresaid."

"Ordsans the maissers of Counsell to subscribe the Confession of Faith and Band quhill his Majestie hes enjoynned to be subscribed, and ordsans the Clerk of Counsell to present the same to thame and to take thair subscriptions thereto."

Sedentum:—Commissioner; Treasurer, Privy Seal; Argile; Murrey; Hadinton; Annandail; Southesk; Angus; Elphinston; Naper; Dalryell; Amont; Clerk Register; Treasurer Depute; Justice General; Justice Clerk.

"Forsamekle as it hes pleased his Majestie upon diverse good considera-

tions to committ the charge and keeping of his great seale to his darrest
cousine and counsellor, the Marques of Hamilton, his Majestie Com-
misioner, till his Majestie sall be graciously pleased to declare his
farther will and pleasure thereanent, and whereas his Majestie hes made
choice of his said cousin, the Marques of Hamilton, to be his Majesties
Commissioner for keeping and halding of parliaments and assembleis
and doing of sindris other things at length specifit in his Majesties
commission granted to him of the date the day of , and seing
this commission must necessarie pas the privie and great seales, and
seing the great seale is now in the said Lord Commissioner his owne
keeping so as be the order of the chancellarie it cannot be exped at the
chancellarie without a warrant, that for the Lords of Secret Counsell
hes found it meit and necessar the commission foresaid pas both at the
privie and great seales, and for this effect ordsans and commands the
Lord Keeper of the Privie Seale and writter thereto and the Director of
the Chancellarie to write and exped the commission foresaid in the
ordinar forme dew to thair place and charge, and that the said Lord
Commissioner caus append the great seale thereunto; and further
ordsans and commands the said Director of the Chancellarie to write
and exped all other patent and writts concerning his charge and office

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as he did in the time of anie precedent chancellouris or during the time of the vacancie of that office, anent the doing quhairof the extract of this act sall be their warrant."

[Sederunt as recorded above.]

Complaint by Patrick Maul of Panmure, one of his Majesty’s Bedchamber, as follows:—All and whole the town and lands of Haltoun and half of Balmanno pertain to him in heritage, and Robert Mongomerie in Haltoun was recently removed therefrom in an orderly way, making a willing and legal renunciation thereof in favour of the complainer. Yet upon last he came to the said lands of Haltoun, "kuist down and razed to the ground the hous foremier posset be himselfe, entered and posset an other hous belonging to ane other tennent and keepes the same as ytt be opin bangstrie and oppression." Charge having been given to the said Robert Mongomerie, and the pursuer complaining by Keith, servitor to Mr John Rollock, but the defender not complaining, the Lords, after hearing certain witnesses produced by the pursuer, find the complaint sufficiently verified, and for the insolence thus committed by the said Robert Mongomerie they ordain him to be charged to enter in ward within the tolbooth of Edinburgh and there remain until order be taken with him, and that within ten days after the charge; failing which he is to be put to the horn and escheated.

Sederunt:—Treasurer; Privy Seal; Mar; Winton; Hadinton; Annandaill; Southesk; Elphinston; Naper; Dalyell; Advocate.

Declaration by the Marquiss of Hamilton that he had received the great seal from the Archbishop of St. Andrews, late Lord High Chancellor of this kingdom, and others in his name, of the office of Lord Chancellor, and that the said Archbishop had delivered unto him his Majesty's great seal and cashett to be kepeed be him during his Majesty's royall will and pleasure and whil his Majesty sall be pleased to give farther signification of his Majesty's pleasure, and that in the meane time, till his Majesty pleasure be returned, that his Majesty allowed and willed the said Lord Commissioner to append his Majesty's great seal to all infeftments, patents and others letters and writs whereunto the said great seal is requisite and necessarie, wherethrow his Majesty's subjects sustane no harme nor skaith be the want of the said seal and cashett."

"Forsamekle as it hes pleased the King's Majesty, upon diverse great considerations importing the glorie of God, the peace of the Kirk and the commoun weale of this realme, to appoint a Nationall Assemblie to be haldin and kepeed at the citie of Glasgow in this instant moneth of
November, at the quhilk meeting numbers of his Majestie's subjects of all
rankes and qualitie are to be present, amongs whom there being great diver-
sitie of humors, it is to be feared that some restlessse persons out of their ydle
humors and needlesse curiositie sall doe what in thame lyes to disturb
the peaceable and modest proceedings at that meeting and so disappoint
the good successe whilk his Majestie expects therefra. And whereas
his Majestie doubts not but that all good subjects, out of their dewartfull
respect to his Majesties obedience, will have a speciall care of the precise
keeping of his Majestie's peace during this meeting, yitt, because suche
meetings where there is suche diversitie of humors wants not persons
seditiously disposed to stirre up trouble and unquietness, for preventing
whairof, ordains letters to be direct to command, charge and inhibit all
and sundrie persons who hes not place nor voice at this Assembly or
sall not make the necessitie of thair comming and abode there knowne
to the Lord Commissioner, that they nor none of thame presoomne nor
take upon hand to resort nor repair to the said citie of Glasgow during
the time of the said Assembly, and that others who necessarlie must be
there, that they come in a peaceable and quyet maner, accompanied
onelie with thair household servants without unlawfull weapons; and
that in thair comming to the said citie, remaining therein and departing
therefra, they behave thesmesselves peaceablie as becometh good subjects,
and obeser his Majesties peace, kepee good rule and quyetnes, and that
they make no provocation to others in word nor deed under quhatsome-
ever cullour or pretext; certifieing thame that sall doe in the contrarie
that they sall be repute and haldin as seditious persons, raisers and
movers of trouble, and sall be pereused and punished for the same
accordinglie.

"Forsamekle as the Lords of Secret Counsell ar informed that there ar
sindrie parts on the borders of England, but speciallie the towns of
Morpet and Newcastle, infected with the contagious sickenesse of the pest,
and whereas the commerce betuix the subjects of this kingdome and
those who dwellis there may prove dangerous for increase of that sicken-
esse heir if some course be not tane for preventing thairof, thairof the
Lord Commissioner and Lords of Secret Counsell ordains letters to be
direct to command, charge and inhibit all and sundrie persons dwelling
within the bounds of Roxburgh, Berriick and Selkirk, that they nor none
of thame presoomne nor take upon hand to repair to Morpet or New-
castell or anie other part upon the borders of England upon whatsomever
cullour or pretext without a licence under the hand, at the least, of one of
the justicis of peace of the bounds where they dwell, nor have anie commerce
or trade with anie dwelling in these bounds, without the licence foresaid,
under the pane of dead; with certification to thame if they failllie the
said pane sall be execute upon thame without favour."
Supplication by Thomas M'Kie, late Sheriff Clerk of Wigtown, as follows:—Their Lordships "are not ignorant of the sentence pronounced and execute against him for the fact quhilk unhappilie fell out in his hand, whilk hes occasioned much miserie to him and his poore familie; for his debtors, taking occasion of the sentence of banishment against him, have suspendit all his debts upon pretext they will referre the matter to his oath, whilk they know he cannot give. Lykeas his hall estate is impignorat for payment of his awne debt with ane irritant claus, and his writts and evidents are all in the keeping of the Sherriff of Galloway, all quhilks disabled him to do anie thing for himself till laitlie he obteaned a remission and pardone and rehabinitation to his former estate and condition, with libertie to remaine in the countrey and to persw and defend in all causes and to exerce whatsoever offices he did formerlie" But he is informed "that some of his illwillers have procured a commission from the said Lords to apprehend him and committ him to ward," whereby he will be wrecked and undone, and disabled from settling his affairs. He craves that this commission may be discharged for a time. The Lords allow the supplicant to remain in the country for settling his affairs until Pasch next and dispense with the commission during that space, the supplicant first finding caution to obey the act of banishment after the feast of Pasch next, and to behave himself dutifully and peaceably with all his Majesty's subjects in the meantime under a penalty of £500.

This day there compeared before the Lords of Privy Council John Fraser, brother to the Laird of Philorth, and produced a summons for his compearence at the instance of James Smith, occupier of "ane plewe of Rochnache," who charges him with illegally apprehending and imprisoning him in the tolbooth of Fraserburgh, and because the said James Smith did not compear, he protested that he should not be further required to answer herein without a new citation and payment of his expenses. The Lords admit the protestation.

Complaint by Colonel Robert Monro, as follows:—By virtue of his commission and patron for levying a regiment in this kingdom for the service of the Crown of Sweden, as authorised by his Majesty and the Council, he granted on a commission to Captain George Curror, Laird of Finzeas, for raising a company thereof with the appointing of the inferior officers. In terms thereof he appointed John Drumond in Edinburgh his Ensign and gave him his patent. The complainant thereupon left Captain Curror at Edinburgh and went north, and Captain Curror should have brought his men to the port of Cromettie to be received there with their officers by the said Colonel and transported thence to Traileand in Germanie. The said Captain from the date of his patent until July last by his letters continued to assure the said Colonel of his daily diligence, and "be word and writ willed him
not to quite the said captaine nor his obeigment at all for anie respect, for he knew some did not favour his well far les his credite, and wer about to importune the said Col lonel for his pas, and thairfor willed him to continew constant in denying thair demand. Quhillk he did; quhairby he caused the Col lonel fraught a ship of a greater quantitie nor he needed, and provide the same with sufficient victualls for transporting and mainteaining him and his companie," to the complainer's great loss and expenses. For the said captain, when he perceived the ship ready to sail from Leith to Cromartie and thence to Trainsound, pretended his inability to go and thus intends to defraud the Crown of Sweden of his personal services and the complainer of the company of men and officers he was to raise, to the discredit of a gentleman of his quality and reputation and the disgrace of the nation. Charge having been given to the said Captain Curror and the pursuer compearing personally but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint at the instance of Mr Robert Blakwod, minister at Kirk-brid, as follows:—The striking and wounding of ministers is strictly prohibited by an Act of his Majesty's late parliament, yet "Mungo Park in Hoill of Kirkbride, haveing hirded twelfh hors and others goods upon the compleancers meidow and thereafter driven thame throw his growing cors and pittifullie abused the same; and not content heerwith, aganis his deway to his pastor, came upon the twentie aue of July last to the kirkysaird of Kirkbyrd, wher the complearer wes at his meditations, being Saturday and the morne thereafter ane solemen fait, and, without anie offence done be the complearer to him, verie disgracefullie he strak him over the heid with a greate tree and thane fled." The pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by George Stewart, messenger, as follows:—Robert Nisbit, observing him in the town of Dunce busied in the ingathering of his Majesty's taxation, first entered into a friendly talk with him, but there-after went to his house, "girded his sword be his syde and came furth therwith and with ane great batton in his hand, and, er ever the complearer wes aware, focht a great strake wherwith he thought to have feld the complearer upon the heid"; and he would have so done, "yf the said George in his owne defence had not closed with him and gripped his gardies. Whereat the said Robert, grudgeing thus to be disappointed of his intention, he dispitfullie strake the complearer upon the hinder part of the heid, rave his cloath, face and gorgett and rugged him above him to the ground, wherwith the fall bes woundit the compleancers hand and elbow to the effusion of his blood. And in the verie instant of the lifting of his batton he cried, 'I sall be about with yow now; ye ar not in Edinburgh.'" The pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn and escheated.
Complaint by Mr Archibald Cameron, minister at Inchcalloch, as follows:—"The kirk of Inchcalloch, being ruinous without a roofe and the syde walls all broken down, so as thir manie yeirs ther was no, 485. 

Complaint by Mr Archibald Cameron, minister at Inchcalloch, against the Lairds of Buchanan, elder and younger, for debarring him from the use of the chapel of Buchanan which has been legally granted to the complainant for purposes of worship. 

Complaint by Mr Archibald Cameron, minister at Inchcalloch, as follows:—"The kirk of Inchcalloch, being ruinous without a roofe and the syde walls all broken down, so as thir manie yeirs ther was no. 

Complaint by Mr Archibald Cameron, minister at Inchcalloch, as follows:—"The kirk of Inchcalloch, being ruinous without a roofe and the syde walls all broken down, so as thir manie yeirs ther was no. 485. 

preaching therein, and this matter being tane to hart be the Synodall Assembleie of Glasgow upon the seven of Februar, 1617, it was concluded that the compleuner could exercise his ministrie to his parisioners by ministration of the sacraments and other ministeriall dewties in the chappell of Buchanan till the Kirk of Inchcalloch wer repaired, and P. 486. 

this ordinance was ratified at the Synodall Assembleie at Glasgow, 1629, with consent of George Buchanan, fear of that ilke; and last, be ane act of Cousall 1630, the same ordinance was ratified with consent of the said George, as the saids acts bears. 

Comforme quhairunto, the compleuner has used his ministeriell function therunto these manie yeirs bygane till now latlie that Walter Buchanan of Drummakill, George Buchanan in Achinmar, Patrike Buchanan, his sone, Alexander Buchanan of Blairvokkie, George Buchanan in Garkincaber, Alexander Buchanan in Gleanie, and Duncan Moir McFarlane of Brachearne, of the speciall causing and direction of the said Lard of Buchanan, younger, have colluded together to debar the compleuner from using his ministrie at the said chappell. And for this effect, upon the thrid day of Junij last, being Sunday, when the kirk officer was comeing to ferrie the compleuner over to the chappell, and left the key in the dore, Johne Dow Finlason Buchanan, domestik servant to Drummakill, at the direction of the persons forsaid, toke the key out of the dore after he had locked the same, so as the compleuner could have no entrice to preach neither that day nor the Sunday therafter. And whereas upon the thrid Sunday, being the 17 of Junij, he came to the said chappell and required entrice to preach and produced the acts of Synod and Cousall forsaid for his warrants and stayed till twelft hours, yitt he could have no entrice to preach, as instruments tane heirupon bears. 

Qhilk being remonstrat be the compleuner to the presbyterie of Dumbartane, they directed M' Luk Stirling, minister at Killmarronoke, to go the first of July nixt to the said chappell and ther to preach and to require the doores to be made patent to the compleuner, qhilk he did bott could have no entrice; qhairof report being made to the presbyterie the[y] directed M' Robert Mure, minister at Drimmen, to go to the said chappell the second tyme upon Sunday nixt to the effect forsaid, qhilk he also did, bot could find no entrice, as instruments tane heirupon also bears. Wherthrow ther hes beene no divine service ministred to the compleuners parishonaris the sax weiks bygane, to thair heavie greife and prejudice. And it is not unknowne to the Lords of Privie Counsell what heavie trouble and charges the compleuner hes susteaned these manie yeiris bygane in pay- 

ment of his stipend dew to him from the Lairds of Buchanan, elder and younger, and the matter being submitted, the said young Laird was decerned to pay to the compleuner the sowme of twa hundredth pund for his expenses and charges, but hes never gottin anie thing thairof nor
of his stipend these twa yeirs, howbeit he hes used letters of treason and all other execution aganis shame for the same, by quhilk meanes the compleuner is driven to extreme miserie and necessitie and his parochiners defrauded of the comfort of his ministrie, to their great greife, offence of God, and contempt of anctoritie." · Charge having been given to the parties above complained upon, and the pursuer compearing personally, but George Buchanan, apparent of that Ilk, in name of the remanent defenders, being called and not compearing, the Lords, having seen and perused the said acts and instruments, which were produced to them, find that the pursuer has been debarred from the exercise of his ministry at the chapel of Buchanan as aforesaid, and has also been driven to great expense in consequence thereof in following out this matter, while his parishioners have also been defrauded of the benefit of the kirk to the great grief of both, and therefore they ordain the said George Buchanan to make the doors of the said chapel "patent and readie at all occasions to the said persewer for the exercise of his function and ministrie," and letters to be directed to him for this effect under the penalty of 3000 merks, with certification that, if he shall make any further hindrance to the complainer in this matter, he shall be decerned to have incurred this penalty. And, seeing he has disobeyed their Lordships' charges to pay the £200 of former expenses, they now add thereto another £100, and ordain letters to be directed to him for payment hereof within six days, under the penalty of the same being doubled; with certification that if he fail he shall be decerned to have incurred the said penalty of £600 and measures taken accordingly.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and Mr William Cunningham of Brumhill, party grieved, as follows:—Open and manifest oppression, the carrying of bagbute and pistols, and convocation of the lieges have been often prohibited by the laws. Now the said complainer, Mr William Cunningham, is heritably infeft in the lands of Cremmar with pertinents in the sheriffdom of Stirling, and holds immediately of his Majesty upon a comprising led in 1633 at the complainer's instance against Sir John Buchanan of that Ilk, having, for his further security therein, obtained the gift of the liferent of the said Sir John, so far as concerned these lands. He has also obtained declarator against the said Sir John, and when the tenants of these lands raised a suspension upon quadruple poining against the complainer and the said Sir John and George Buchanan, fiar of that Ilk, the complainer was declared by decree of the Lords to have best right to the rents and duties of the said lands for the years 1635, 1636 and 1637. Accordingly, in September last he went with a messenger of arms to poinde their goods, and, having "poyned and apprised all their...
hors, nolt and sheep" to the value contained in the letters, was con-
veying the same to the market cross of Stirlin, but as he was crossing
the march of the said lands the tenants, unwilling to have their goods p. 488.
driven off, voluntarily promised to pay their duties to him before "Hallowmes" next thereafter, and, if they failed, he was to point them p. 489.
thereafter. But the said George Buchanan, hearing that the complainer
was pressing to point the said tenants, sent "this bodword unto thame the last Wednesday of September last bygane that the compleiner
durst not poynd his tennents for his hanging. And, not content heir-
with, he, be way of opin and manifest oppression, and with convocation
of his Majestys lieges to the number of ane hundred persons or therby,
among whom these following wer the principalls, viz. :—Walter
Buchanan of Drumakill, John Buchanan of Rosse, Thomas Buchanan of
Garbeth, Johne Buchanan, fear of Garbeth, Thomas Buchanan of
Boquhen, Edward Buchanen of Spittill, Johne McLauchlan of Achin-
croig, Johne Buchanan of Caalin, Johne Buchanan of Drumfad, William
Buchanan, brother german to Johne Buchanan of Rosse, Alaster Buchanan,
callit Glenie, etc., all boddin in fear of wear with bowes, darloches,
hasqbuts and pistols, came to the compleiners saids lands, and on his
pretendit maner held ane court upon the saids lands in his awne name
or some borrowed name, fenced his court and creat the members and
officers thairof, to the great contempt and mokage of justice; caused call
a number of the said compleiners tennents to have decreits and sentences
aganis thame for payment of the said compleiners maills and dewties to
him, and threatened his tennents yf they brought not his maills and
dewties to him and made him payment thairof, so that a number of the
compleiners tennents for feare of thair lives wer compelled to deliver
thare bestiell and goods to him, and such as refusid he boasted and
threatened them with all rigor and extremitie. Lykewise he violentlie
tooke frome the compleiners saids tennents a great number of hores and
nolt which wer of the number of the goods which the compleiner
apprised befor, and forder threatened the compleiners tennents with all
rigor yf they sould bring anie of thair corns to his milne, to which they
have beene ever thirled past all memorie of man, and the said George, at
his going aff the saids lands, left Walter McLauchlan of Auchinclraig as
baillie for to him to the saids lands with a strait command to hinder the
said compleiner fra all upliftling of the saids maills and dewties of the
saids lands in poynding of the tennents thairof for the same. And
sicklyk the said George and his said baillie, be way of manifest oppres-
sion, hinders all persons with whom the compleiner is dealing to tak
such part of the saids lands as is wast, whairthrow the compleiners saids
lands will remaine still wast and unlaboured, to his verie great hurt and
prejudice; and, as the compleiner is informed, he hes seth his said wast
lands to his said baillie, who intends either to intrude himself therin or
to sett the same to some broken men; wherthrow as the said George and
his complices forsaid have violat his Majesties lawis and acts of parlia-
ment made againis the bearing and wearing of such unlawfull weapons, so he has most presumptuosuallie contemned his Majestie by usurping upon him the place of a judge wher he had na lawfull power nor commission. By the quhilkis and for their malapart presumption to breake the peace of the countruye, quhilk the compleaneir hes ever studied to preserve and keepe unviolat on his part, and hes patientlie comported with the wrongs done to him upon hope of redresse by course of law, the saids persons ought to be exemplarlie punished in their persons and goods to the terror of others." Charge having been given to the persons above complained upon, and the pursuers compereing, but not the defenders, the Lords, after hearing pursuers and their witnesses, find that the said George Buchanan, apparent of that Ilk, convocated his Majestye's liesges with unlawful and forbidden weapons, and so ordain him to enter into ward within the tolbooth of Edinburgh within six days, and there remain until order be taken with him, upon the pain of rebellion. And they further ordain him to desist from molesting the said Mr William Cunninghame, and his men, tenants and servants in his possession of the said lands otherwise than by order of law, under the penalty of £1000, certifying him that, if he fail herein, he shall be decerned to have incurred the said penalty.

Sedent:—Commissioner; Treasurer; Privy Seal; Argile; Lin- lithgow; Perth; Wigtoun; Tullibardin; Hadinton; Annandaill; Launderdaill; Kinnoull; Dumfreis; Southesk; Angus; Naper; Dalyell; Amont; Clerk Register; Treasurer Depute; Justice General; Justice Clerk; Blakhall.

The whilk day the Lord Commissioner and Lords of Secret Counsell having read, heard and considerit the letter of deputation underwritten made be James Primrose, Clerk to his Majestyes Privie Counsell, in favors of Archibald Primrose, his sone, making and constituting the his son, Arch- said Archibald (for the reason therein conteaneit) his deputie to supplie his place of Clerk of Counsell during the time of this Assemble, and farther during the said James his lyftyme, as the said letter of deputation of the date at Edinburgh, the xv day of November instant, more fullie proprots; and the saids Lords, considering the long and faithfull service done be the said James in that office, and finding his desire conteaneit in the said deputation to be just and reasonable, they have theirfoir allowed the same and interpons their auctoritie thereunto. Lykeas the said Archibald Primrose, being personallie present, was accordingly receaved and gave his oath of secrecie and fidelitie, of the quhilk letter of deputation the tennon followes:—Be it kent till all men be thir present letters Mr James Prymrois, Clerk of his Majestyes Privie Counsell, forsamekle as it hes pleased God to visite me with some in- firmitie and sickenesse sua that I cannot attend his Majesties service at this Nationall Assemble appointed to be haldin at Glasgow in this
instant moneth of November, and I, being loath that his Majestis service should be neglected by my absence, and knowing the sufficiency of Archibald Primerose, my son, to supple my absence at this time, thairfor I have made and constitute, and be the tenor heirof, makes and constitutis the said Archibald my deput to supple my place and absence during the time of the said Assemblie, and farther during my lyftyme allanerlie, with power to him to use and exercize my place and service during the time foresaid and farther during my awne lyftyme allanerlie, and to doe and performe all and everie thing concerning my service quhilk I might doe my selve if I wer personallie present, humeblie requesting the Lords of Privie Counsell in consideration of my long attendance upon that service, now be the space of three score yeeres, to receave and admitt the said Archibald as deput to me to use and exercize the said office in my absence and during the space abovewritten allanerlie and no farther. In witnes quhaireof I have subscribed thir presents with my hand at Edinburgh, the fyftene day of November, jwyj threttie eight yeeres, before thir witnesses: M' James Prymeroys, my sone, and M' John Calendar, my servant. Sic subscribitur, J. Prymrois, J. Prymerose, witnes, M' J. Callendar, witnes.

The whilk day James, Marques of Hamilton, his Majestis Commissioner, producde and exhibited before the Lords of Privie Counsell the missive letter underwriten signed be the King's Majestie and directed to him and the saids Lords. Quhilk being read and considerit be thame, they ordain the same to be insert and registrat in the bookes of Privie Counsell, therein to remaine ad futurum rei memoriam, quhaireof the tenor followes:—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 ye weill. We ar weill pleased by your letter to us to see how willing yow ar to concurre with our Commissioner and to assist him according to the letter we had writen unto yow, for whiche we give yow heartie thanks; and, though we cannot foresee everie particular accident that maifall out, yet we ar confident both of your affection and endeavours for the furthering of our service as the occasion sall require, and cheefelie for mainteining of our royall auctoritie by which yow all subsist. And as we have entrusted our Commissioner with that whiche doeth concerne our service, we require you (as we doubt not yow will) to contribute your best endeavours for advancing thairof, whairof we will take particular notice, and doe bid yow farewell. Frome our Court at Whitehall, the 8th of November, 1638.

The Lord Commissioner and Lords of Secret Counsell ordains all suche noblemen and others to whome commission was grantit for procuring subscriptions to the Confession of Faith to give in the same to the Clerk of Counsell, whome the saids Lords ordains to make a note of the recep of the same.
The quhilk day the Lords of Secret Councell thought fit and expedient that a missive sould be written and sent from thame to his Majestie of the tenor following, quhilk wes accordinglie done:—Most Sacred Soverane, In obedience to your Majesties royall commande, wee have attendit your Majesties Commissioner heirit at Glasgow, since the 17th of this instant, and, according to our bund dewtie in so exigent occasion, have not beene wanting with our humble and best advyces. And altho we doe remit the particular relation of what is past to his Grace selfe as best knawin to him, yit we can not for truthes sake be so silent as not to acknowledge to your Majestie that never servant did with more industrie, care, judgement and patience, go about the discharge of so great a trust. And albeit the successes hes not answered his desyres, rather yit his extraordinarie paines (and as we confidentlie affirme) most dexterious and adyvisit courses taken to compas the just commande of so gracious a King, yit his deserveings heirin merite to be remembred to posterity. And since your Majestie hes beene pleased to renew to us your former acts of grace exprest in your proclamation and declaration anent the maintenance of the true religion and us in the defence and profession thairoff, wee doe in all humilietie and hartie acknowledgment of so great goodnes returne to your Majestie the offer of our lyves and fortunes in defence of your sacred person and maintenance of your royal auctoritie, and sall in all our actions approve our selves your Majesties most loyalty subjects and humble servants. Glasgow, 28 November, 1638. Subscirbitus, Traquaire, Roxburgh, Mar, Murray, Lithgow, Perth, Wigtoun, Kingorne, Tullibardin, Hadinton, Gallouay, Anandail, Lauderdale, Kinnoul, Dumfries, Southesk, Angus, Elphinstoun, Naper, Dalyel, J. Hay, W. Elphinstoun, Ja. Carmichael, J. Hamilton, Blackhal.

Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovite, etc., heraulde pursuante, our shireffe in that part, conjunctlie and severallie, speciallie constitutit, greiting. Forsameikelie as out of the royall and fatherlie care quhilk wes have had of the good and peace of this our ancient and native kingdome, havinge taken to our serious consideration all suche things as might have given contentment to our good and loyal subjects, and to this end had discharged by open proclamation the Service Booke, Booke of Canons and Hie Commission, fred and liberat all men from the practise of the fyve articles, made all our subjects both ecclesiasticall and civil lyable to the censure of Parliament, General Assemblie or anie other judicatarie competent, according to the nature and qualitie of the offence

Letter to his Majesty expressing approval of the manner in which the Commissioner has discharged his duty during the meeting of General Assembly at Glasgow.
and for the frie entrie of the ministers, that no other oath be administrat Acta. May 1638. Novem.
unto thame then that which is conteaned in the Act of Parliament; 1639.
had declared all bygone disorders absoulutelie forgotten and forgiven, Fol. 276, a.
and for the more full and cleare extirpating all ground and occasoin of
feares of innovation of religion, wee had commandit the Confession of
Faith and Band for maintenance thairof and of auctoritie in defence of
the same subscribit by our deare father and his household in anno 1580, Fol. 276, b.
to be renewed and subscribit againe be our subjects heire; lykeas for settling
of a perfyte peace in the church and commonwealthe of this kimgdome,
wee caused indict a free Generall Assemble to be holdan at Glasgow,
the 21th of this instant, and thairafter ane Parliament in 1639; by
whiche clement dealing, wee looked assuredlie to have reduced our
subjects to thair former quiet behaviour and dutifull cariage quhairo
they are bund by the Word of God and lawis, both nationall and munici
pall, to us thair native and soveraine prince. And albeit the wished
effects did not follow, but, on the contrare, by our so gracios proceder
they were rather emboldned not onlie to continow in thair stubborne
and unlawfull wayes, but daylie add to thair former procedors acts of
neglect and contempt of auctoritie, as evidentiallie appeird by open
opposing of our just and religious pleasure and command exprest in
our last proclamation anent the discharge of the Service Booke, Booke
of Canons, Heich Commission, etc., protesting against the same and stryveing
by manie indirect maners to withdraw the harts of our good people, not
onelie from a hartie acknowledgment of our gracios dealing with
thame, but also from the dew obedience to those our just and religious
commandes, notwithstanding wee had beene formerlie so oft petitioned
be thameselves for the same, by thair daylie and hourelie guardeing and
watcheing about our castle of Edinburgh, suffering nothing to be
imported thairin bot at thair discretion, and openlie stoppeing and
impeding anie importation of ammunition or other necessaries quhatsom
ever to anie other of our housses within that kimgdome; denying to us,
thair soveraine lord, that libertie and freedom whiche the meanest of
thame assume to thameselves (ane act without precedent or example in this
Christian world); by makeing of convocations and counsell tables of nobil
itie, gentrie, burowis and ministers within the citee of Edinburgh, quhair
not according to the laws of the kimgdome, they without warrand of auctoritie
conveene, assemble and treat upon maters alsweele ecclesiasticall as civil,
send thair injunctions and directions throughout the countrie to thair
subordinat tables and other under ministers appoynted be thame for that
effect, and, under cullor and pretext of religion, exercing ane unwarranted
and unboundit libertie, requyre obedience to thair illegall and unlawfull
procedors and directions, to the great and seene prejudice of auctoritie
and lawfull monarchichall governement. And notwithstanding it wees Fol. 277, a.
evidentiallie manifest by the unformall and illegall course taken in the elec
tion of thair commissioners for the Assembleie, quhairof some are under the
cessure of this churche, some under the censure of the churche
of Ireland, and some long since banished for open and avowed teaching against monarchical, others of thame suspendit, and some admitted to the ministrie contrarie to the forme prescriyed be the lawis of this kingdome, others of thame a long tyme since denounced rebels and putt to the horse, who be all law and inviolable custome and practive of this kingdome, ar and ever have beene incapable either to persewe or defend before anie judicatorie, farre lesse to be judges themeselves; some of thame confyned and all of thame bund by oath and subscription to the overthrow of episcopal government, and by this and other thair underhand workeing, privat informations and persuasions, have given just ground of suspicion of thair partialitie heirin, and so made themeselves unfit judges of what concerneth episcopacie. And als it was sufficientlie cleared by the peremptor and illegall procedors of the presbiteries, who, at thair awne hand, by order of law and without dew forme of processe thrust out the moderators lawfullie established, and placed others whom they fund most inclynable to their turbulent humours, associat to thameselves for the choosing of the saids commissioners for the Assemblie, ane laik elder out of each parish, who, being in most places equal if not moe in number then the ministrie, made choise both of the ministers who sould be commissioners from the presbyterie, as also of ane ruling elder, being directed thairin more be the warranda frome the foresaid pretend tables then be thair awne judgments, as appeire be the severall privat instructions sent frome thame, farre contrare to the lawis of the countrey, and lowable custome of the churche; by whiche it is to manifest that no calme nor peaceable procedor or course could have beene expected frome this Assemblie for setling of the present disorders and distractions. Yit wee were pleased heirin in some sort to blindfold our awne judgments and overlooke the saids disorders and distractions and patientlie to attend the meting of the said Assemblie, still hopeing that, when they were mett togidder, by our Commissioner his presence and assistance of suche other weele disposed who were to be thair, and by thair awne sиеing the real performance of all that was promised by our last proclamation they shoulde have beene induced to returns to thair dew obedience of subjects. Bot, perceaving that thair seditious disposition still encreaseth by thair repaireing to the said Assemblie with great bands and troupes of men, all boddin in feare of warre, with gunns and pistolets contrare to the lawis of this kingdome, custome observed in all assemblies and in heich contempt of our last proclamation at Edinburgh the 16\textsuperscript{th} of this instant; as also by thair peremptorie refusinge of our assessors authorised be us (altho fewer in number then our dearest father was in use to have at diverse Assemblies) the power of voting in this Assemblie, as formerlie they have done in other Assemblies, and by thair partiall, unjust and unchristian refusinge and not suffering to be red the reasons and arguments given in be the bishops and thair adherents to our Commissioner, why the Assemblie ought not to proceed to the election of ane moderator without thame,
nather yt to the admitting of anie of the commissioners of the saids commissioners from presbiteries before they were hard object againis the same, the earnestly requered be our Commissioner in our name; and Fol. 277, b. notwithstanding that our Commissioner, be warrand frome us, gave in a sufficient declaration of all that was conteaned in our late proclamation and deliberation, the same bearing lykewayes our pleasure of the registration of the same in the books of Assemblie, for the full assurance of the trew religion to all our good subjects; and yt not resting satisfied thairwith, least the continouance of their metting togidder might produce other the lyke dangerous acts derogatorie to royal auctoritie, wee have thought good for preveening thairof and for the haill cause and reasons abnomentioned and divers others importing the trew monarchiall governement of this estate, to dissolve and breake up the said Assemblie, and thairfore our will is and wee doe discharge and inhibit all and quhatsomever pretendit commissioners and others members of the said pretendit Assemblie of all furder metting and conveeneing, tretatting and concludeing anie thing belonginge to the said pretendit Assemblie, under the pains of treason, declaring all and quhatsomever that they sall happin to doe in anie pretendit metting thairafter, to be null, of no strenth, force nor effect with all that may follow thairupon; prohibiting and discharging all our leiges to give obedience thairto, and Fol. 278, a. declareing thame and everie one of thame free and exempt frome the same, and of all hazard that may ensow for not obeying thairof. And for this effect wee command and charge all the forsaid pretendit commissioners and others members of the said Assemblie to depart furthe of this toune of Glasgow within the space of 24 hours after the publicatation heirof, and to repaire home to their owne houses or that they goo about their owne privat affaires in a quiet maner, with special provision aways that the forsaid declaration, given in our Commissioners hand with all thairin conteaned, sall notwithstanding heirof, stand full, firme and sure to all our good subjects in all tyme cominge for the full assurance to thame of the trew religion. And our will is and we command and charge that, incontinent thir our letters scene, yow pas and make publication heirof be opin proclamation at the mercat croce of Glasgow and others places neidfull, quhairthrow nane pretend ignorance of the same. Given under our signe at Edinburgh, the 29th of November, and of our raigne the 14th yeere, 1638. Sic subscribitur, Hamilton, Traquaire, Roxburgh, Murray, Linlithgow, Perth, Kingorne, Tullibardin, Hadinton, Galloway, Annandale, Lauderdale, Kinnoul, Dumfreis, Southesk, Belheaven, Angus, Dalyle, J. Hay, W. Elphinston, Ja. Carmichal, Hamilton.”

“A proclamation to discharge and dissolve the Assemblie under the paine of treason.”
The quhilk 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, ressessed and admitted Sir James Hamilton to be one of his Majesties Privie Counsell of this Kingdome, and to buikie and enjoy all honors, titles, dignities, priviledges and prerogatives proper and dew to that place. Lykeas the said Sir James Hamilton, being personallie present, and acknowledging with all humble and dewtfull respect his Majesties gratious favor shawin to him in preferring and advancing him to this heich place of honor and dignitie, he, with all submissive reverence on his knees made and gave the oath of allegiance and of a privie counsellor. Followis the tenor of his Majesties missive for warrand of the act abonewritten.—CHARLES R.—Right trustie and wellbeloved cousin and counsellor, and right trustie and weilbeloved counsellors, and right trustie and trustie and weilbeloved counsellors, wee greet yow welle. Being informed of the abilities of our trustie and wellbeloved Sir James Hamilton, and of his affection to our service, wherof wee have had alreddie experience, wee are heiby the more willing for his better encouragement and inabill of him thairunto heirafter to promove him to be one of our Privie Counsell of that our kingdome. It is thairfore our pleasure that, haveing administered unto him the oath accustomed in the lykke caisses, yow admit him among yow, as one of your number, and for so doing these sal be unto yow a sufficient warrand. Wee bid yow fareweele. Frome our court at Quythbal, the 4th of December, 1638.

Sederunt:—Commissioner; Treasurer; Privy Seal; Linlithgow; Holyrood House, 15th December 1638.

Tullibardin; Annandail; Lauderdale; Dumfreis; Angus; Dalry; Clerk Register; Treasurer Depute; Justice; Justice Clerk; 1638.

Sir Ja. Hamilton.

The quhilk day James, Marques of Hamilton, his Majesties Commissioner, produced and exhibit before the Lords of Privie Counsell the proclamation underwritten, signed be his sacred Majestie; quhilk being red, hard and considerit be the saids Lords, they with all dutifull respect acknowledged his Majestie's gratious favor borne to this his ancient kingdome in giving full assurance of the trew religion to all his good subjects thairin, and ordaned the said proclamation to be insert and registrat in the books of the Privie Counsel and publication to be made thaifor be opin proclamation at the mercat croce of Edinburgh and others places neidful, quhaithrow nane pretend ignorance of the same. Of the quhilk proclamation the tenor followis:—CHARLES R.—Charles, be the grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to our lovitz, etc., maissers, heraulds, pursevants, our shireffs
in that part, conjunctlie and severallie, speciallie constitutte, greiting Acta May
Whereas, for the removing the disorders which had hapned of late
within this our kigndome and for setting of a perfect peace in the Vol. 278, b.
church and commonwealth thairof, wee were pleased to caus direct a
free General Assemblie to be halden at Glasgow the twentiie ane day of Fol. 279, a.
November last, and, for our subjects thair better content and assurance
that they shoulde be fred of all suche things as by their petitions and sup-
plications given in to the Lords of our Privie Counsell they seemed to
be greived at, wee in some sort preveened the Assemblie by discharging
by our proclamation the Service Booke, Booke of Canons and His Com-
misson, fred and liberat our subjects frome the practising of the fyve
articles, eximed all ministers at thair entrie frome gieving anie other oath
then that whiche is conteaned in the act of Parliament, made all persons
both ecclesiasticall and civill lyable to the censure of Parliament, General
Assemblie or anie other judicatiorie competent, according to the nature
of thair offence, had declared all bygone dissorters absolutelie forgotten
and forgiven, and last, for secureing to all posteriorie the truth and
libertie of religion, did command the Confession of Faith and Band for
maintenance thairof and of auctoritie in defence of the same, subscrwayed
by our deare father and his household in anno 1580, to be renewed and
subscrwayed againe be our subjects heere. And, albeit that this our
gratious and pious command, in stead of obedience and submission, ran-
countred open and publick opposition, and protestation against the
same, and that they continowed thair daylie and hourely guarding and
watching our castle of Edinburgh, suffering nothing to be imported
therein bot at thair discretion, stoppeing and impeding anie importation
of ammunition, or other necessities quhatsomever to anie of our houses
within this kigndome, denying to us, thair soverane lord, that libertie
and freedome whiche the meanest of thame assume to thameselves (an act
without precedent or example in the christian world); lykeas they
spared not boldlie and openlie to continow thair conventions and counsel
tables of nobilitie, gentrie, ministers and burgess within the citie of
Edinburgh, quhaire, not regarding the lawis of the kigndome, without war-
rand of auctoritie they convened, assembled and treated upon matters,
as weele ecclesiasticall as civill, sent thair injunctions and directions
throughout the countrey to thair subordinat table and other ministers
appoynted be thame for that effect, and, under cullor and pretext of
religion exercing ane unwarranted libertie, requeryd obediance to thair
unlawfull and illegall directions, to the scene prejudice of auctoritie and
lawfull monarchical governement; and notwithstanding it was evidently
manifest by the illegal and unformal course taken in the election of the
commissioners for the Assemblie, quhairof some were under the censure Fol. 279, b.
of this churche, some under the censure of the churche of Ireland, some
long since banished for oppin and avowed teachinge againist monarchie,
others of thame suspendit, and some admitted to the ministris contrarie
to the forme prescryved be the lawis of this kigndome, others of thame
rebells and at the horne, some of thame confyned, and all of thame by oath and subscription bund to the overthrow of Episcopall governement, and by this and other their underhand workeing and privat informations and persuasions have given just ground of suspition of their partialitie, and somade thameselves unift judges of what concerneth episcopacie. And als albeit it was sufficientlie cleared by the peremptorie and illegall procedors of the presbiteries, who, at their awne hand, by order of law and without dew forme of processe, thrust out moderators lawfullie established and placed others whome they fund most inclinable to their turbulente rumors, associat to thameselves for chooseing of the commissoners to the Assemble a laik elder out of each parish, who, being in most places equal if not moe in numbre then the ministrie, made choise both of the ministers whoould be commisioners from the presbiteries as also of a laik elder (whiche in tyme will prove to be of a dangerous consequence, and import a heavie burden to the libertie of church and churchmen), being more directed thairin be the warrants of the forsaid pretendit tables then be thair awne judgements, as appeird by the severall instructions sent frome thame (farre contrare to the laws of the countrey and lowable custome of this churche), some quhailor were produced and exhibit be our Commissioner and publicitie red, one quhailor direct to the noblemen and barons of each presbiterie doth among many odd passages requyre diligence, least (say they) by our awne sillines and treacherie wee lose so faire ane occasion of our libertie, both christian and civil, a strange phrase to proceid from dutiful or loyal hairted subjects: The other to the moderators of the severall presbiteries under the title of Privat Instructicns, August 27, first conteaneath that these privat instructions salbe discovered to none, bot to brethren weele affected to the cause; secondlie, order must be taken that none be choisin ruleing elders, bot covenanters and these wee have affected to the bussines; thirdlie, that, quhair the minister is not weele affected, the ruleing elder be choisin be the commisioners of the shyre and spoken to particularlie for that effect; fourthlie, that they be carefull that no chappel men, chapter men or a minister, justice of peace, be choisin, altho covenanters, except they have publicitie renounced or declared the unlawfulness of their places; fultlie, that the ruleing elders come from everie churche in equal number with the ministers, and if the minister oppose to putt thameselves in possession, notwithstanding anie opposition; seultlie, that the commisioner of the shyre cause conveene before him the ruleing elder of everie kirk choisin before the day of the election and enjoyne thame upon thair oath, that they give voice to none, bot to these who are named alreddie at the meting at Edinburgh; seventlie, that quhair thair is ane nobleman in the bounds of the presbiterie he be choisin, and quhair there is none there be choisin ane baron, or ane of the best qualitie, and he onelie a covenanter; eightlie, that the ablest man in everie presbiterie be provydid to dispute de potestate suprmi magistratus in ecclesiasticis pre-
serrim in co[n] vocandis consilis, etc.; whereby it is most evident what prelimations, indirect and partial courses and dangerous propositions have been used in the preparations and elections to this pretendit Assembly: By whiche unlawful doings, altho' wee had sufficient reason to have discharged the meeting of the said Assembly, yet wee were pleased patientlie to attend the same, still hoping that when they were met togidder, by the presence of our Commissioner and assistance of some weele affected subjects, who were to be there, and by their awne seeing the real performance of what was promised by our proclamation, they should have beene moved to returne to the due obedience of subjects; but when wee perceaved that their turbulent dispositions did encrease, as was manifest by their repaireing to the said pretendit Assembly with great bands and troupes of men, all boddin in feare of warre with guns and pistolets, contrare to the lawis of this kingdome and in heich contempt of our proclamation at Edinburgh, the 16th of November last, as also by their peremptorie refusinge to the assessors authorised be ws (altho' fewer in number then our dearest father wee in use to have) the power of voting in this Assembly as formerlie they have done in all others, openlie averreing that wee nor our Commissioner had no furder power there then the lewest commissioner of their number, and by their partial and unjust refusinge and not suffering to be red the reasons and arguments given in be the bishops and their adherents to our Commissioner why they aught not to proicide to the election of ane moderator, nather yit to the trying and admitting of the commissioners before they were hard, tho' in our name they were earnestlie requyred thairto by our Commissioner; and notwithstanding that our Commissioner by warrand frome ws gave in under his hand a sufficient declaration of all that was conteaned in our late proclamation, Fol. 280, h. beareinge lykewayes our pleasure of the registration of the same in the books of Assembly for full assurance of the truth and purifie of religion to all our good subjects, as doth cleirlie appeare by the declaration it selfe wherof the tenor followis:—The King's Majestie, being informed that manie of his good subjects have apprehendit that, by the introduceinge of the Service Booke and Booke of Canons the imbringeing of superstition hath beene intendid, hath beene gratiouslie pleased to discharge, lykeas by these presents he doth discharge the Service Booke and Booke of Canons and the practise of thame and either of thame, and annuls and rescinde all acts of Counsell, proclamations and other acts and deids quhatsomever that hath beene made or published for establishing thame or either of thame, and declares the same to be null and to have no force nor effect in tyme coming. The King's Majestie, as he conceived, for the ease and benefit of the subjects, established the Heich Co[m]mision that they by justice might be administrat, and the faults and errours of suche persons as are made lyable thairto tane order with and punished with the more convenienie and lesse trouble to the people, bot, findeing his gratious intention thairin to be mistaken,
hath beene pleased to discharge, lykeas by these he doth discharge the same, and all acts and deids quhatsaever made for the establishing thairof. And the King's Majestie, being informed that the urging of the fyve articles of Perthe Assemblie hath bred distraction in the churche and state, hath beene gratiously pleased to take the same into his royal consideration, and for the quiet and peace of this countrey hath not onelie dispensed with the practise of the saide articles, but also discharged all and quhatsaever persons frome urging the practise thairof upon either laik or ecclesiastike person quhatsaever, and hath fred all his subjects frome all censure and pains whither ecclesiastical or secular for not urgeing, practiseing or obeying thame or anie of thame, notwithstanding anie thing conteaned in the acts of Parliament or General Assemblie to the contrare. And his Majestie is farder content that the Assemblie take the same so farre to thair consideration as to represent it to the nixt Parliament, there to be ratiffied, as the Estates sall find fittting: And because it hath beene pretendit that oathes hath beene administrat different frome that whiche is sett done in the acts of Parliament, his Majestie is content to declare be me that no other oath sall be requyred of anie minister at his entrie nor that whiche is sett done in the act of Parliament. And that it may appeare how carefull his Majestie is that no corruption or innovation sall creep into this churche, nather yt anie scandal, vice or fault of anie person quhatsaever censurable or punishable by the Assemblie goe along unpunished, his Majestie is content to declare by me and assure all his good people that General Assemblies sall be kept so oft and als oft as the affaires of this church sall requyre, and, that none of his good subjects may have cause of greevances againis the proceedings of the prelats, his Majestie is content that all and eveirie one of the present bishops and thair successors sall be answerable and accordinglie frome tyme to tyme censurable according to thair merits by the General Assemblie. And to give all his Majesties good people full assurance that he never intendit to admy anie alteration or change in the trew religion profest within this kingdome, and that they may be trewlie and fullie satisfied of the realitie of his intentions and integritie of the same, his Majestie has beene pleased to requyre and command all his good subjects to subscribe the Confession of Faith and Band for maintenance thairof and of his Majesties person and auctoritie formerlie signed be his deare father in anno 1580, and now also requyreth all these of this present Assemblie to subscribe the same; and it is his Majestie's will that this be insert and registrat in the books of Assemblie as a testimonie to posteritie not onelie of the sinceritie of his intentions to the said trew religion, but also of his resolution to mainteane and defend the same and his subjects in the profession thairof. Whiche declaration webe our special command and direction given in and subscribbed be our Commissioner upon protestation made be him that his assenting to the registration thairof sould be no approbation of the lawfulness of this Assemblie nor of anie of the acts or deids
done or to be done thairin. And findeing thame in lyke sort no wayes to be satisfied thairwith and that nothing els was able to give thame contentment except at thair owne pleasure they were permitted to over-throw all episcopal government in the churche, and thereby to abrogate our publict lawis standing in vigor by the space of manie yeeres bygone, and to alter the fundamentall government of this kingdome in taking away one of the three Estates contrare to expressse acts of Parliament; and lest the continuance of thair meitings might have produced other the lyke dangerous acts so derogatorie to royal auctoritie, wee were forder for preveening thairof, and for the reasons and cause abone mentioned, and diverse others importing trew monarchical government to dissolve and breake up the said pretendit Assembly and to discharge Fol. 281, b. thame of all farder meiting, treating and concluding anie thing thairin; and yit in that calme and peacable way as our Commissioner before his removing desyred thair pretendit moderator for that tyme to have sayd prayer and so concludit that dayes session, that so they might have had tyme to thinke upon the just reasons of his refusing to assist or be anie longer present at the said pretendit Assembly; and of the causes moving us to the dissolving thairof. And notwithstanding his earnest urging the same, and being willing to retorne the nixt morning to heere thair answer, in place of all other satisfaction to his so reasonable and moderate deseires it wes refused and mett with a protestation of ane heich and extraordinarie strayne, thairby presoomeing to cito and call our Counsell in question for thair dutifull assistance and obedience to us and our Commissioner. And, findeing thair disobedience thus to encrease, wee were constrayned to discharge thame of new againe the nixt day thairafter by publicit proclamation under the paine of treason. And, albeit thair contumacie is such as hath not beene hard of in former tymes, yit they sall never move us to alter the least poynit or article of that wee have alreddie declared by proclamiotion or declaratiouns under our Commissioners hand. All whiche wes publickly red, and be our Commissioner requyred to be insert and registrat in the books of Assembly, thairin to remaine as a testimonie to posteritie, not onelie of the sinceritie of our intentions to the true religion, but also of our resoluition to mainteane and defend the same and our subjects in the profession thairof. And perceaving lykewayes that in contempt of our proclamation at Glasgow the 29 of November they goe still on to convene, meit and to make illegall and unwarrantable acts, wee have conceaved it fitting to forwarne all our good subjects of the danger that they may incure by being insnare by these thair unlawfull proceders, and to this purpose doe not onelie liberat and free thame from all obedience to any of the pretendit acts, made or to be made, at the said pretendit Assembly or committees direct thairfra, but also doe free thame from all paine or censure whiche the said pretendit Assembly sall inflict upon thame or anie of thame; and thairfore doe discharge and prohibit all our subjects that they nor name of thame acknowledge nor give Fol. 282, a.
obedience to anie pretendit acts nor constitutions made or to be made at the said pretendit meitings under all heichest paines. And we command, charge and inhibit all presbiteries, sessions of kirkis, ministers with[in] this realme, that none of thame presoome nor take upon hand privatlie nor publictile in thair sessions and meitings nor in thair conferences, sermons nor no other maner [of] way to authorise, approve, justifie or allow the said unlawfull meiting or Assemble at Glasgow, nather yit to make thairupon nor to doe anie other thing privat or publict whiche may seeme to countenance the said unlawfull Assemble, under the paine to be repute, holden and esteemed and persewed as guiltie of thair unlawful meiting, and to be punished thairfore with all rigor. And siclyke wee command all and sundrie noblemen, barons, gentlemen, magistrate, and all other our leiges who sall happen to be present and heere anie ministers, either in publicke or privat conferences and speeches or in thair sermons to approve and allow the said unlawfull Assemble, raile and utter anie speeches against our royall commandments or proceedings of us or our Counsell for punisheing or suppressing suche enormities, that they make relation and report thairfo to our Counsel and furnish probation, to the effect the same may be accordinglie punished, as they will answer to us thairupon, certifieing thame who sall heare and conceale the saide speeches that they salbe esteemed as allowers of the same and saill accordinglie be tane order with, and punished thairfore without favor. And to this effect wee lykewayes straittile charge and command all judges quhatsoever within this realme, clerkes and writers not to grant or passe anie bill, summond, letters, or anie other execution quhatoever upon anie act or deid proceeding from the said pretendit Assemble, and all keepers of the signet, from signeting thairfo and under all heichest paine. And becaus wee gawe order and warrant to our Commissioner to make open declaration, not onelie of our sense bot even of the trew meaning of the Confession of Faith in anno 1580, by whiche it may clerlie appeare that as wee never intendt thairby to exclude episcopacie, so by no right construction can it be otherwayes interpreted, as is more nor evident in the reasons conteained in the said declaration and manie moe, whiche for brevitie (the thing being in it selfe so cleare) are omitted, heirfore wee doe not onelie prohibit and discharge all our subjects from subscribyng anie band, or giving anie writ, subscription or oath to or upon anie act or deid that proceeds from the foirsaid pretendit Assemble, bot also doe requyre thame not to subscriye nor swear the said Confession in no other sense than that whiche is conteained in the said Declaration and manifest emittet be our Commissioner under all heichest paines; and that none of our good subjects who in thair dutie and bund obedience to us sall refuse to acknowledge the said pretendit Assemble or anie of the pretendit acts, constitutions, warrands or directions proceeding thairfro, may have just ground of feare of danger or harme by doing thairfo, we doe by these promise and
upon the word of a King oblige our selves by all the royall auctoritie 
quhairwith God hath endewed us to protect and defend thame and everie 
one of thame in thair persons, fortuns and goods, aganis all and quhat- 
somever person or persons who sall darre to presune or call in question, 
trouble or anie waies molest thame or anie of thame thairfore. And 
our will is and wee charge yow straitlie and commands that, incontinent 
thir our letters seene, yow pas and make publication hereof be opin 
proclamation at the mercat croze of Edinburgh and others places neidful, 
quhairthrow none pretend ignorance of the same. Given frome our 
Court at Whythal, the eith day of December and of our raigne the 
14th yeere, 1639. Per Regem."

"Forsameikle as the King's Majestie hes beene pleased to appoynt 
Alexander Abercrombie of Birkeinbog to be shirreff principal of the 
shirefdome of Bamff for the yeere to come, and Sir Donald M' Donald of 
Slait to be shirreff principal of the shirefdome of Innersnes for the 
said yeere, and quhaires it is [un]necessar that the saids tua shirreffis sall 
give thair appairence before his Majestie's Counsell to give thair oath 
for administration of thair office, since the same may be done with als 
great convenience and lesse charges to the gentlemen thame selves in 
the bounds where they dwell, thairfore the Lords of Secreit Counsell 
gives and grants commision be thir presents to George, Marques of 
Huntlie, and James, Earle of Finlater, or either of thame, to take the 
oath of the said shirreff of Bamff, and to George, Marques of Huntlie, and 
George, Earle of Seafort, or either of thame, to take the oath of the said Fol. 283, a. 
shirreff of Innersnes for the faithfull administration of thair offices within 
the bounds of their jurisdictions respective, and to make ane note and 
report of the same to his Majestie's Counsell, to the effect the same may 
be registrat in the bookes of Privie Counsell ad futurum ret memoriam; 
and ordains the saids tua shirreffs to make thair addresses to the 
Counsellers foresaidis respective with convenient diligence to give thair 
oath in maner foresaid, to the effect they may goe on in the execution of 
their offices for the good of his Majestie's service and benefite of the 
lieges."

Sederunt:—Treasurer; Privy Seal; Argile; Southesk; Naper; Fol. 284, a. 
Treasurer Deput; Justice General; Advocate.

"Forsameikle as the King's Majestie hes beene pleased to appoint Francis 
Sinclar, sone to the Earle of Caithnes, to be shirreff principal of the 
shirefdome of Caithnes for the yeere to come, and whereas it is unnecesar 
that the said shirreff sall give his appearance before his Majestie's 
Counsell to give his oath for administration of his office, since the same 
may be done with als great convenience and lesse charges to the gentle-
man himselfe in the bounds where he dwells, thairfor the Lords of Secreit 
Counsell gives and grants commision be thir presents to George, Marques 
of Huntlie, to take the oath of the said shirreff of Caithnes for the faith-

full administration of his office, and to make ane note and report of the same to his Majestie Counsell to the effect the same may be registret in the booke of Privie Counsell ad futuram rei memoriam; and ordains the said shireiff to make his addresse with convenient diligence to the said Marques to give his oath in maner foresaid, to the effect he may go on in the execution of his office for the good of his Majestie's service and benefite of the lieges.'

"Forsamekle as John Gray, tinckler, sometime at the Kirk of Tyrie, Charge for the conveyance from Aberdeen to Edinburgh of James Gray, ar late lie James Gray be William, Earle Mairshill, and committed him within the tolbuith of Aberdene, where they have confest the coyn- in Ellon and others accused of uttering of false dollars, as their depositions beirs; and whereas it is requisite for the further cleering of this mater that the said persons be exhibite and tried before his Majestie's Justice, thairfor the Lords of Secret Counsell ordains letters to be direct charging the provest and bailie of Aberdene to deliver the saide three persons to the shireiff of Aberdene or his deput within ane hour after the charge, and that the said shireiff or his deputes receave the saide persons and transport thame to the shireiff of Kincardin or his deput within 24 hours thereafter; and that the said shireiff of Kincardin or his deputes receave the saide persons and transport thame to the shireiff of Forfar or his deput within 24 hours; as alas that the said shireiff of Forfar and his deputes receave the saide persons and transport thame within 24 hours thereafter to the provest and bailie of Dundie, and that the saide provest and bailie of Dundie receave the saide persons and transport thame within 24 hours thereafter to the shireiff of Fyffe or his deputes; and that the said shireiff of Fyffe or his deputes receave the saide persons and transport thame to the bailie of Kingorne or Bruntilland with 24 hours thereafter; and that they also receave the saide persons and transport thame to the bailie of Leith or to the provest and bailie of Edinburgh within 24 hours thereafter; and that the saide bailie of Leith or the provest and bailie of Edinburgh receave the saide persons, committh thame to waird and detaine thame therein within ane hour after the charge, under the pane of rebellion, &c. And if anie of the magistrate foresaide disobey the charge, the times respective foresaide being bypass, to denunce, &c."

Sederunt:—Treasurer; Privy Seal; Argile; Southesk; Naper; Holyrood House, 29th December 1638.
Treasurer Depute; Justice General; Advocate.

"The Lords of Secret Counsell, according to ane warrant and direction in writ signed by the Kings Majestie, and this day presentit to thame, gives and grants commission and warrant to Androw, Lord Gray, to levy and take up within this kigdomme ane thousand men for the service of his Majestie's brother, the French King, quhairin the said Lord Gray is now employed, with power to the said Lord Gray to doe
and performe all and sundrie things quhilks towards the uplifting and transporting of the said thousands men ar necessar and may be lawfully done, and that with all suche libertie and priviledges as at anie time heirtfoire have beene grantit to anie person quhatsomever in the like caises; charging heirby all our soverane lords judges, officers and magis-

acts. May 1638—November 1639.

Fol. 294, b.

heirtfoire have beene grantit to anie person quhatsomever in the like caises; charging heirby all our soverane lords judges, officers and magis-

Fol. 295, a.

trats, and all others his Majesteis subjects to burgh and land, to concurre and assist the said Lord Gray in the leveying and transporting of the said thousand men, and that they nor none of thame make anie trouble to him therein as they will answer on the contrare at thair perrell; provided that the said Lord Gray or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall best condescend upon, conforme to the custome observed in the like caises. His Majesteis missive for the Act abonewrittin:—CHARLES R.—Right trustie and right wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, and right trusty and trusty and belovit counsellers, we greit yow weill. Whereas at this time we have required our right trusty and wellbelovit Androw, Lord Gray, to levey one thousand men within that our kingdome for the service of our brother the French King, wherein the said Lord Grey is now imposed, our pleasure is that yow grant unto him a warrant with a sufficient commission for leveying and transporting of the said number for the use foresaid, with all suche large and beneficial privile-

ledges as at anie time heirtfoire have beene grantit to anie person whatsoeuer in the like kynde, for which these presents sall be your warrant; provided that the said Lord Gray or some in his name doe mutuallie agree with everie one of the said number upon suche conditions as they sall best condescend upon. We bid you farewell. From our Court at Whitehall, the 4 of December, 1638.”

Sederunt: — Treasurer; Lauderdale; Naper; Clerk Register; Advocate; Treasurer Depute; Justice; Justice Clerk.

Complaint by Alexander Burnet, elder, and Robert Cruikshanks, merchants in Aberdeen, as follows:—On the last George Gordoun of Geicht was put to the horn at their instance for non-payment to them of “seven hundreth punds money of this realme for the price of everie boll of the number of twa thousand foure hundreth bolis good sit meale not delivered be him to thame conforme to his band”; but he pays no heed thereto, “bot haunts and repaires wher he pleases, bruiks his houses, uplifts his rents, as yf he wer ane good and obedient subject.” Charge having been given to the said George Gordoun, and the pursuers com-

pearing by Mr Robert Petrie, their procurator, but the defender not comparing, the Lords ordains heralds or pursuivants to charge the defender and all havers of his houses of to deliver up the same to them, and to enter himself in ward within the Castle of Blaknies within fifteen days upon pain of treason.
Supplication by Patrick Stewart, burgess of Aberdeene, as follows:—He was committed to ward within the tolbooth of Edinburgh, and has remained therein for the past ten months at the instance of the deceased John Russell, servitor to Mr John Russell, advocate, for non-payment of a principal sum of 250 merks with some interest and penalty contained in a bond granted by the supplicant to Thomas Gordoun of Grandoun who assigned the same to the said John Russell. The supplicant was apprehended without the knowledge of the said deceased John, as his testimonial to that effect, here produced, shows, and the said Thomas, as cedent foresaid, has consented to the supplicant’s liberation in so far as he is warded for this debt, provided this consent infer no discharge thereof, but that he shall be at liberty to seek payment hereof in a lawful way. But the provost and bailies of Edinburgh refuse to release him without a warrant, and this he craves from their Lordships. The Lords, after hearing and advising, ordain the supplicant to give in to the Lords of Council and Session on the morrow a suspension and relaxation upon the reasons foresaid, and upon this being passed by them they ordain letters of horning to be granted against the provost and bailies of Edinburgh to put the supplicant at liberty within twenty-four hours, so far as he is warded on the above charge, wherein if they fail they are to be put to the horn.

Complaint by William Meldrum in Straquharne, tutor testamentar to Margaret and Isabel Kennedy, lawful daughters of the deceased Hew Kennedy of Burrailley, as follows:—On 13th November, 1634, and 11th May, 1635, Alexander Gordoun of Achinnachie and Alexander Gordoun of Newtown of Garrie were put to the horn for non-payment of 2750 merks, with interest and expenses thereof; but to these hornings they pay no heed. The pursuer compearing by Mr James Kennedy his procurator, but the defenders not compearing, the Lords ordain the said Alexander Gordoun of Auchinnachie and Alexander Gordoun of Garrie, now in Doune, to deliver up their houses to the herald or pursuivant who shall execute this charge, and to enter themselves in ward within the Castle of Blaknes within fifteen days upon pain of treason.

Sederrunt:—Treasurer; Mar; Angus; Elphinstoun; Naper; Amont; Edinburgh, Clerk Register; Advocate; Treasurer Depute; Justice; Justice 22nd January 1639.

[No record of business.]

Sederrunt:—Treasurer; Mar; Murray; Wintoun; Elphinstoun; Edinburgh, Naper; Amont; Clerk Register; Advocate; Treasurer Depute; 1639. 24th January
Justice; Justice Clerk.

[No record of business.]
Letter from his Majesty stating that he intends to repair to York about Easter.

"The whilke day the missive letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presentit to the saids Lords and read in their audience, of the quhilke the tenor followes:—CHARLES R.—Right trusty and right weilbelovit cousine and counsellor, right trusty and weilbelovit counsellours, we greit yow weil. Whereas we intend to repair in person to York about Easter next that we may be the more neere to that our kingdome for accommodating our affaires there in a faire maner, which course we always affted as we still doe, these ar to advertise yow of this our resolution, being confident that in the meane time yow will not be wanting in that which may concerne the good of our service, and as we sall acquaint yow from time to time with our further proceedings, so, if any thing occurre wherein yow would advise us, lett us lykeways be acquainted therewith, because we will specially rely upon your judgement, and so we bid you farewell. Frome our Court at Whitehall, the 18 of Januari, 1639, stilo Scotico. Quhilke missive being heard and considerit be the saids Lords, they ordain the same to be insert and registrat in the booke of Privie Counsell."
entered thereto, as also that he will not trouble the said George Deans in his possession thereof hereafter under the penalty of £100.

Sederunt:—Treasurer; Argile; Mar; Elphinstoun; Naper; Clerk
Register; Advocate; Justice General; Treasurer Depute; Justice
Clerk.

"The Lords having read, heard and considerit a petition given in this
day be some noblemen and others, they find that the mater therein
concerned deserves the consideration of a fuller number of the Counsell,
and thairfor continewes the answering thairof till this day eight dayes
that some of the Counsell be warned to be present."

"The Lords ordains the provest and bailieis of Edinburgh to putt
David Home to libertie, becaus he hes actit himselfe to keepe the Kings
peace under the paine of iij merkes."

"The Lords, having met this day to consult upon the answer that
would be writtin to his Majesteis letter presented on Tuisday last, and in
the meane time there being a petition presentit be some noblemen,
gentlemen and others for thaim selves and in name of some others to
thame, and being read in thair audience and considerit be thame, they
find the mater herein continewed to be of great consequence as that
the consideration thairof requires a more full and frequent number of the
Counsell then ar present for the time. And thairfor the Lords contin-
ewes the answering of this petition till this day eight dayes, agane
what time a greater number of the Counsell is to be warned to be
present; and siclyk continewes the giving answer to his Majesteis letter
till that day. And, that it may appeare that the Lords hes receewed
and tane notice of his Majesteis letter, they recommend to the Lord
Treasurer to informe his Majestie of this continuation and of the
reasons moving thame thereto."

Sederunt:—Treasurer; Mar; Elphinstoun; Naper; Clerk Register;
Treasurer Depute; Justice; Justice Clerk.

Complaint by Alexander Sumervail, merchant burgess of Edinburgh, as
follows:—There was a deed recently drawn up between him and Lilias
Sumervail, daughter and heir of the deceased James Sumervail, mer-
chant burgess of Edinburgh, and sister to the deceased Janet Sumervail,
wherein the said Lilias, among other things therein contained, discharged P. 496.
him of a sum of 9000 merks and also assigned to him the sum of 4000
merks on the terms contained in the said deed, which is dated 8th
August last. This deed was delivered to the complainor as his property
and was in his possession for six weeks, when Alexander Crawford,
spose to the said Lilias, asked a sight of it upon the pretext that he
would give the complainor a more valid deed, affirming that this one
contained some particular prejudicial to him. The complainor there-
upon simply entrusted the deed to William King, notary, in the chamber of James Gibson, advocate, on last for the above purpose, but, as soon as it had been placed in the notary's hands, the said Alexander Crawfurdf "reft the same out of the notary's hand and cancelled and destroyed" it. Both pursuer and defender appearing, and they and witnesses having been heard, the Lords find Alexander Crawfurdf guilty as libelled, and for this "verie great insolence of a pernicious and wicked example" they ordain him to be warded in the tolbooth of Edinburgh until "he make up to the said persewart the tenor, date and substance of the writte cancelled and destroyed be him, and ford for ay and whill the said Lords tak sik fordor course for his punishment as they sall think meitt and expedient." Whereupon he was presently committed to ward within the said tolbooth.

Supplication by Dame Jennet Lawson, Lady Ednem, as follows:— Supplication by Dame, Janet Lawon, Lady Ednams, for continuance of protection. The negotiations for the sale of the lands of Ednem are now brought to a good conclusion, the only hindrance being the discussion of some actions in the Court of Session which she hopes to get out during this session if she had liberty to come to Edinburgh and personally attend the same. For this she craves their Lordships' warrant, and they grant her her protection until 1st March next.

"The qhillk day the Erle of Mar undertooke to exhibit the Laird of Craiginchelt, shirf-deput of Stirline, before the Counsell upon Tuesdays next, to answer for what saill be layed to his charge anent the taxatiouns."

Sedunt:—Treasurer; Mar; Moray; Dumfries; Angus; Elphinstoun; Clerk Register; Treasurer Depute; Justice; Justice Clerk.

Complaint by James Cubin, prisoner in the tolbooth of Edinburgh, as follows:—He has been long a prisoner in the tolbooth of Edinburgh by the procurement of John Falconer, Master Coiner, upon a charge made against him before the Lord Chief Justice, but in which he does not now insist. Falconer, however, refuses to provide for the complainant's maintenance in terms of the direction of the Lord Justice. Both parties compearing and having been heard, the Lords ordain the Lord Justice to appoint a diet for the trial of the complainant for the crimes for which he was committed to ward, and the said John Falconer undertook to pursue the said James Cubin for these crimes before this day month.

Sedunt:—Treasurer; Mar; Dumfries; Angus; Naper; Clerk Edinburgh; Register; Advocate; Justice; Treasurer Depute; Justice Clerk; Blakhall.

Supplication by James Crichton, lawful son to the Earl of Dumfries, and bailie of the barony of Sanguhar, as follows:—John Bradfoote, natural son of the deceased Andrew Bradfoote, sometime in Todhills, a
notorious thief, who has frequently been apprehended with the fang and
committed to ward not only by the supplicant (whose ward he has twice
broken) but also by the Sheriff of Air, who has taken him acted never P. 499.
to be seen within his bounds upon pain of death; after which he again
came within the supplicant’s bounds, and being taken with several fangs
was committed to ward on the 4th instant. He then willingly acted
himself never to be seen within the said barony again under the pain
of death without the benefit of an assize, notwithstanding whereof he was
of new taken stealing within the said barony thereafter, and is now in
ward. He craves direction how to deal with him. The Lords ordain
him to take the said John judicially acted to leave the kingdome
and never return upon pain of death; and to make sure of this he is to hand
him over to Captain Murray to be sent by him to the wars.

Complaint by Mr Archibald Halden, constable of the Castle of Edin-
burgh, as follows:—For the past eight days he has been imprisoned
in the tolbooth of Edinburgh upon some misinformation by William
Geddes, indweller in Edinburgh, and being wrongfully detained and
having nothing wherewith to maintain himself, is obliged to have P. 500.
recourse to their Lordships for his liberty. Both pursuer and defender
comparing, the former being produced by the provost and bailies of
Edinburgh at the direction of the Lords, the said William Geddes
declared that the pursuer had beenwarded for not finding law-surety
to him, and craved that before he were liberated he should be made to do
so. The pursuer said he could find no caution, but upon his great and
solemn oath he obliged himself that the defender and his wife, tenants,
children, men and servants should not be molested by him under the
pain of perjury, infamy, defamation and loss of credit in all time coming.
The pursuer then craved that he might have law-surety of the defender,
declaring upon oath that he dreaded bodily harm from him; whereupon
the defender similarly obliged himself towards the pursuer and his under
the penalty of 200 merks. Thereupon the Lords ordained the provost
and bailies of Edinburgh to liberate the pursuer.

Complaint by Thomas Broun, elder, smith to his Majesty, and burgess P. 501.
of Edinburgh, as follows:—He has been apprehended and warded in the
tolbooth of Edinburgh as cautioner for the deceased George Sinclair,
master-wright to his Majesty, for non-payment of some debts to the
persons aforementioned due by the said George, viz., to Robert Tailefer,
painter, for 200 merks of principal and interest and expenses; Agnes
Young, servitrix to William Symson, merchant, for 50 merks and interest
and expenses; to Alexander Chancheller at the West Port for £50 and
interest and expenses; to Robert Cranston as cautioner to Jonet
Adamsone, widow, for £12 for the rent of a cellar; to Thomas Wilson,
saddler, as cautioner for John Milne, master-mason to his Majesty, for
200 merks with interest and expenses; and to Archibald Law, cordiner,
as cautioner for John Kello, armourer, for 200 merks with interest; and
in the said ward he has been detained miserably for twenty days,
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“almost suffocat for want of wholesome aire and be reason of a corrupte and confused aire in the said prison, the said complemar being of a sillie, weake, flegmatik complexion, not able to subsist wanting free aire, and in the meane tyme hes none of his awne means in my hand wherewith to intereane himselfe far les to bestaw upon phisians, but all is in debtors hands, wha on na wayes will answer him anie of his awne in respect of the present stirs in the kingdome, sua that all his refuge under God wes in his handie labour, wherfra he is abstracted be the violence of his creditors. Qhairfor to provent the evident occasion of death quhilk may befall him be suffocation be the corrupt air, and als in regard that he hes the credite to be his Majesties smitt, necessit it is that either his creditors consent to his libertie upon ane assignation to his haill meanes, or otherwayes intereane him in ward, or at leist that he may be transported fra the warding place of the tolbooth of Edinburgh, wher he remains, to the Castell of Edinburgh, wher he may live but feare of suffocation ay and whill he be orderlie fred and relieved thairfra.” Charge having been given to the said Robert Tailiefer, Agnes Young, Alexander Chancellar, Thomas Wilson, Janet Adamson, and Archibald Law, as also to the provost and bailies of Edinburgh and the constable of the Castle of Edinburgh, and the said Robert Tailiefer and Janet Adamson compearing, and consenting to the removal of the pursuer, the Lords ordain letters to be directed to the provost and bailies foresaid to transport the pursuer from their tolbooth to the Castle of Edinburgh within twenty-four hours, and to the constable and keepers of the said castle to receive him and keep him in sure firmance there upon his own expenses until he be orderly released, under the pain of rebellion.

Complaint by Alexander Barclay in Kirkhill, as follows:—Thomas Kennedy of Kirkhill has conceived a deadly hatred towards him and seeks to take his life. “He hes not onlie threatened with fearfull oathers to do the same, but also sought all occasions how to putt his bloodie purpose to execution”; therefore the complainer was obliged to com plain to the justices of peace of the bailiary of Caricet, and they on 20th July last put the said Thomas Kennedy upon his great oath not to harm the complainer. But that very afternoon Thomas Kennedy, servitor to the said Thomas, at his master’s instigation, lay in wait “for the complemar in a busse, and as he was going home fiercelie sett upon him with a drawne sworde behind his backe ere ever he wes aware, and gave him twentie-five bloodie straks upon the heid, shoulders and both armes and left him for deid, and thereafter went home to his master, who ressavd him kindlie, gave him his best horse with ane cloake and moneyes and putt him away, thinking the complemar had beene dead; bot, hearing he was likelie to live, he threatened to come to his awne house and kill him in his bed.” The said justices charged him therafter to find caution to keep the peace, but he proudly refused, and still keeps his said servant in his house, hounding him out at all occasions to take
the complainer's life. The pursuer compearing personally but the
defender not, the Lords ordain the latter to be put to the horn and
escheated.

Edinburgh,
21st February
1639.

Sederunt:—Treasurer; Argile; Mar; Wigton; Dumfreis; Angus;
Elphinston; Naper; Clerk Register; Treasurer Depute; Advo-
cate; Justice; Justice Clerk; Blakhall.

Charge to the
magistrates of
Edinburgh to
delay the
execution of
Henry Speedy.

"The Lords of Secreit Counsell ordains and commands the provest and
baillie of Edinburgh to continew and superseed the execution of the
sentence of death pronounced aganis Henrie Speedie till Tuisday nixt at
twa afternoone."

[SDerunt as recorded above.]

Edinburgh,
21st February
1639.

Complaint by
James Mowat
of Favawde
against
George Home,
chief domestic
of the com-
plainer, for
seducing and
carrying off
his daughter,
and for hame-
sucken.

Complaint by his Majesty's Advocate, and James Mowatt of Fawwyde.

Writer to the Signet, party grieved, as follows:—The carrying of
hagbuts and pistols is straitly prohibited by law, yet "George Home,
sone to umquhile John Home, cooike in Kelso, being household man to
the said James and having the trust and charge of his house, bot, being
most unworthie of the same, he unthankfullie and craftillie aganis his
dewtie seduced the compleinars onelie barne, ane damosell of xviiij yeirs
old, and tooke hir away and kept hir in his companie the space of
ane yeir unmarried, he being all this tyme aneggarlie boy, as he is
yitt. Quherwith the complenar, having patientlie comported and with
others shamefull disgraces these foure yeirs bygane, the said George, not
content heirwith, accompanied with his wyffe and ten children, James
Home, his brother, and Margaret Meike, his servant, came upon the
penult of August last be way of hame suckin to the compleinars dwelling
house, entered within the hall, pulled furth ane pistoll and sword,
threatening with manie fearfull and execrable oathes that he, his wyfe
and family sould byde within the house whether the complenar wald or
not as long as ther wes a stone within the same. And the complenar,
having with great wrestling putt thame to the doore, thane the saids
persons tooke thame to the kitchin and settled thameselves ther, and
possese the same as yitt. And when as upon the thrid day of October
last the complenar desired thame to remove frome his house, the said
George of new pulled furth his pistolet and fired the samen to the
complenar breast, and drew his sword, protesting that he wald not
remove for the complenar nor nane that wald take his part." And
when the complainer caused the said George to be charged to find law-
bruros to him, he proudly disdainede the charge, "past to the horne,
and lyes registrat thairat." Charge having been given to the said
George and James Home, and the pursuer compearing personally but
not the defenders, the Lords, after hearing witnesses, find the complaint P. 505.

verified against the said George Home, and they therefore ordain him to
be charged to enter prisoner within the tolbooth of Edinburgh within six days until further order be taken with him, upon pain of horning.

Complaint by Mr Alexander Jaffrey of Kingswallis and Thomas Johnston of Craig, chamberlain of the lands of Caskiben, as follows:— On 1st August instant Sir George Johnstoun of Caskiben, George, John and William Johnstoun, his sons, Dame Elizabeth Forbes, his spouse, John Spence, sometime of Boddome, John Steven, Patrick Stuir, Bartill Fraser, James Watt, George Spring, James and Thomas Blackhill, Robert Tailseour and Thomas Millisone in Ardiarrell and William Boyne, gardiner in Caskiben, were put to the horn for not compearing before their Lordships to answer to the charge of dispossessing the said chamberlain of the house of Caskiben; as also upon the 18th August the said Sir George was further denounced for not removing from the place of Caskiben and repossessing the said chamberlain therein, and not entering himself in ward within the tolbooth of Edinburgh. All these persons still go about and contempt the said hornings. Charge having been given to them, and the pursuers compearing by Mr Robert Ferquhar, but none of the defenders compearing, the Lords ordain letters of treason to be issued against them for rendering their houses and entering their persons in ward within the Castle of Blaknes within fifteen days.¹

**Sederunt**:—Treasurer; Argile; Mar; Murrey; Wigtoun; Dum-Edinburgh, freis; Angus; Elphinstoun; Naper; Amont; Clerk Register; 22nd February 1639. Treasurer Depute; Justice; Justice Clerk; Blakhall.

"The Lords having read and considerit the petition givin in to thame be some noblemen, barons, burgesses, ministers and commouns within this kingdom againis George and John Stirlines and the desires therein conteanned, for the first they have allowed and allows the course taken be the provest and baillies of Edinburgh anent the putting of George Stirlin under caution for his compaireance to answer to what sall be layed to his charge, and ordains the caution found be the said George Stirling to stand in force againis him till farther order be givin be his Majestie and the saids Lords concerning him. And if the said John Stirling come within their bounds, ordains the provest and baillies to take the like caution of him. And as for the other part of the petition the Lords resolves to acquaint his Majestie therewith."

"The Lords appoint thair nift meeting to be the morne at seven next meeting of Council houres in the morning."

**Sederunt ut die Predicto.**

"The Lords appoint thair nift meeting to be on Moonday at two next meeting of Council afternoone."

¹ There is now a hiatus in the Decreta until 30th November 1641.
Proclamation anent the observance of Lent.

"Forsamekle as the slaying and selling of flesh in time of Lent has beene upon verie good respects and considerations by diverse acts of parliament and Secret Counsell straitly prohibite and forbidde within this kingdom under certain panes mentionned and conteanneid thairin, nevertheless the Lords of Secret Counsell ar informed that diverse persons of all ranks and qualitez, preferring thair privat contentment to the obedience of the law, cease not in time of Lent to slay, sell and eate flesh at thair pleasure, to the great hurt of the commoun weale and contempt of all good order and gouvernement; and whereas the persons offending in this kynde presomme of oversight and impunitie be reason of the connivence allged showin to thame in time bygone, quhilk is ane great inducement to thame to continew in thair wilfull contempt and breake of the law, thairfor the Lords of Secret Counsell has resolved that with all rigour and extremitie they will execute the law againis all suche persons as darre beare thereafter presomme to violat the same in this point; thairfor ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects, of what estat, qualitte and degree so ever they be, be opin proclamation at the mercat croess of the head burrowes of this kingdome and others places needfull, that none of thame presomme nor take upon hand during this forbidde time of Lent to eate or make readie for eating anie kynde of flesh under the panes following to be uplifted of everie person contraveneeing, so oft as they faillie, that is to say, of everie erle ane hundredth pundis, of everie lord ane hundredth merkes, of everie baron fourtie pundis, of everie burgis, castiter and commoun cook that sellis meate 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 tryed; as alsua that no fleshers presomme nor take upon hand to sell or slay flesh during the time foresaid of Lent under the pane of fourtie pundis, so oft as they faillie, and by and attour the payment of the pecuniell soumes foresaid the offenders sall be punished in thair persons at the discretion of his Majesteis Counsell; and siclyke to command and charge all and sindrie shirreffis, stewartis, provests and baillies within burgh and all others bearing anie publick office and charge within this kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regard to see this present act observed in everie point, and where they sall happen to discover anie person or persons contraveneeing thir presents that they take notice of thair names and informe his Majesteis Counsell thairof, to the intent the offenders may be callit to thair answer and punished accordinglie."
Sederunt:—Treasurer; Argile; Mar; Murrey; Wigton; Kingorne; Edinburgh, 1st March 1639.
Lauderdale; Southesk; Angus; Elphinston, Naper; Amont;
Clerk Register; Advocate; Justice General; Treasurer Depute;
Justice Clerk; Blakhall.

"The whilk day the Lords of Secreit Counsell ordained ane missive to be writtin to his Majestie conteining ane answer to his Majestie's missive formerly sent unto thame and insert in the booke of Privy Counsell anent his Majestie's comning to Yorke, whilk was accordinglie done, of York. the date and tennor following:—Most sacred soverane, By your Majestie's letter, the 18 of Januar, your Majestie was graciously pleased not onelie to lett us know your Majestie's resolution to come to Yorke to be so muche nearer this kingdome for accommodating your Majestie's affaires heere in a faire maner, whiche course your Majestie graciously expresseth yow still affect, but also require us that if there be anie thing wherein we would advise your Majestie that we sould acquaint your Majestie therewith. Wherefore, least we sould be wanting in that dewtie whiche your Majestie may justlie expect from us as humble and faithfull counsellors, or seeome unworthy of the place and rounes which by your Majestie's speciall favour we injoy in this kingdome, we cannot but acquaint your Majestie with ane supplication givin in to us by ane great manie noblemen, barons, burgesses and others of this kingdome, whiche for your Majestie's better information we presoome to send you heerwith; and with all we cannot bot lett your Majestie know that for farther clerering their innocencie thairof they have offered publictie at Counsell table by thair oathes and subscriptions to justifie thameselves and thair intentions heerin. And least upon this or some suche informations your Majestie might be the more easlie moved to thinke upon harder courses then your Majestie heirtofore hath been pleased to keepe with this your ancient and native kingdome and subjects therein, we concewe ourselves bound in dewtie and in obedience to your royall commandments to represent to your Majestie wise and grave consideration this thair petition; and seing the peace of your Majestie's government, wherein consisteth our earthlie happines and wealefare of this kingdome dependeth upon your Majestie's resolutions and the course yow sall be graciously pleased to keepe in the prosecution of thir matters now in hand, we humblie suppliecat your Majestie, in your accustomed fatherlie care of the good and preservation of this your ancient kingdome and of your faithfull subjects, therin to resolve upon some suche course as without force of armes or showing of your princelie power the deplorable estat of this kingdome may be settled, whereby your Majestie may receave contentment, and we, your humble and faithfull subjects, enjoy the wounded blinkes of your Majestie's favoure in ane happie and peaceable governement. And so with our humble and heartie prayers to God to direct your Majestie in this great and important bussines after suche a maner as sall be most agreeable to your Majestie's honnour and the
peace of the kingdom, we rest, etc. Edinburgh, primo Martij, 1639. Acts, May 1638-Novem-
Sic subscribuit, Traquair, Argile, Mar, Murray, Wigton, Kingorne, ber 1639.
Lauderdale, Southesk, Angus, Elphinston, Naper, Amont, J. Hay, S. Pol. 287, b.
Thomas Hop, S. W. Elphinston, Ja. Carmichael, J. Hamilton, Blakhall."

Sederunt:—Treasurer; Mar; Dumfreis; Justice General; Advocate; Fol. 288, a.
Treasurer Depute; Justice Clerk.

His Majesty's reply to the above letter.

"The whilk day the missive letter underwrittin, signed by 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 tenuor followes:—CHARLES R.—Right trusty and right weilbelovit counsies and counsellers, right trusty and trusty and weilbelovit counsellors, we greit yow well. We have perceaved by your letter wherein yow make mention of that whiche we expressed in a letter formerlie of our repairing to Yorke to be the more neere to that kingdom for accommodating our affaires there in a faire maner, and withall yow expresse your desire how the deplorable estat of that kingdom might be settled without force of armes or showing of our princelic power. We have shewn our care hitherto by our actions for that effect, nather ar we yitt averse frome continuing in that course, but, if in the meane time anie of our good subjects sell suffer for their affection to our service in obedience to our commands, we will be verry sensibles therof, and have a speciall care to see thame fullie repaired; and so expecting that yow of our Counsell, as yow ar honnourde by us to be first in place, will stryve to goe before others by your good example in advancing of our service, we bid yow heartilie farewell. Frome our Court at Whitehall, the 15 of Marche, 1639, stilo Scotico. Qhillk missive being heard and considirrit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell."

Sederunt:—The Lords of Secret Counsell underwrittin, viz:—
The Earles of Mar, Perth, Wigton, Gallouay, Lauderdale, and Southesk; the Lords Elphinston and Naper; the Advocate and Treasurer Depute, togidder with the Lords of Session afermentioned, viz:—The Lords Durie, Innertieill, Foderance, Innerpeffer, Balcolmie, Cranston Riddell, Craighall, Scotstarvet, and Eastbanke.

"The Lords of his Majestis Privie Counsell and Session, having tane to Fol. 288, b.
their consideration the deplorable and calamitous estat of this kirk and
kingdome, and understanding that one of the greatest causis thairof
arises from his Majestis offence taken aganis the late proceedings
within the same, and they being fullie persawed that his Majestie will
be pleased to heare of thame the simple truthe as they sail be answer
able to God and his Majestie without anie privat respect but allanerie
his Majestie's honnour and the saiffetie of this kingdome, that it may be necessarie and incumbent to thame, out of their humble and bound affermation to the weale, honnour and happines of his Majestie person and government and for preventing the imminent dangers hanging over this kingdome, that they all unanimously should present thameselves to his sacred Majestie, and falling down at his royall feete deprecat his Majestie's wrath agains his subjects; and thairfor they all in ane voice have resolved to take journey with all expedition towards his Majestie for the affer comand.

"Forsamekle as the Lords of Privie Counsell and Session have resolved to take journey towards his Majestie for supplicating his Majestie anent the calamitous estat of this kirk and kingdome, and whereas Sir John Scot of Scotaltaur, one of the saids Lords of Session, has represented that, in respect of his publick place of Director of the Chancellarie, he is unwilling to be absent from his charge in attending his Majestie's service therein without speciall warrant from the saids Lords, thairfor the saids Lords declares that the said Sir John his absence at this time from attending of the said charge upon the occasion foresaid sall no ways be prejudicial to him, speciallie seing the time of his absence is to be short and that during the time thairof there is no great appearance of dispatche of busines at that office be reason of not sitting of the Exchecker."

"Motion being made who scould preside at this meeting, it was thought fitt that the Lord Elphinstoun as eldest counsellor scould preside according to the warrant of the commission of Counsell."

Sederunt:—Argile; Mar; Perth; Wigton; Galloway; Lauderdale; Edinbrough; Southesk; Naper; Advocate; Treasurer Depute; Sir Robert 1639.

"The Lords nominate and appointe Johne, Earle of Perth, to be president at this meeting."

"The whilk day the Lords of Secret Counsell and Session underwritten ordaind ane missive to be writtin and directed to James Marques of Hamilton, his Majestie's Commissioner, quhilk was accordingly done, of the tenor following:— Please your Grace, We of his Majestie Secret Counsell and Session being by your Grace convened in this lamentable estat of kirk and kingdome to consider on some fitt and convenient way for averting the evills hanging over this countrey, quhilks to our great greefe ar too farre advanced, have thought it incumbent to us in our dewteis to acquaint your Grace, who represents his sacred Majestie as his High Commissioner, that our intention is, if your Grace will be pleased to allow of this motion, to appoint some of our number to confer with your Grace concerning this busines, and to advise with
your Grace if anie faire way can be found out for accommodation of the same. Whairof, if your Grace be pleased to allow, we doe expect to be advertised be your Grace of the time, place, manner and way of thair saife addresse, whereaenent, expecting your Grace's answer, we rest, etc. Edinburgh, 10 May, 1639. 


Sederunt: — Ut die predicto.

Edinburgh,
11th May 1639.

The Duke of Hamilton agrees to receive the Commissioners of the Council aboard the Rainbow, now in Leith Road.

"The whilk day the missive letter underwritten, direct frome the Marques of Hamilton, his Majestis Commissioner, to the Lords of Secret Counsell and Session abonewrittin, wes produced before the saids Lords and read in thair audience, of the whilk the tennor followes:— My Lords, I receaved this morning your Lordships letter, and sall be verie willing to embrace all faire occasions whiche may tend to the accommodation of this unhappie bussines as one who, in all my proceedings both before and since my comming thither, have givin sufficient testimonie thairof. Your Lordships being counsellors and judges aucht to be als carefull of what may concern his Majestis honnour as my selfe, so I hope no motion will proceed frome yow that sall tend to the diminution thairof; and if upon Moonday betimes in the morning ane sall come so instructed frome yow aboard of this ship I sall speedlie by thame returne suche ane answer as is fitting for me his Majestis Commissioner to give. So I rest, etc. Subscribavit, Hamilton. Frome aboard 'The Rainebow,' in Leith raid, the xi of May, 1639. Qwhilk Fol. 299, h.

missive being heard and considerit be the saids Lords, they have nominat and be the tennor heirof nominats David, Earle of Soustek, and Sir Andro Fletcher of Innerpeffer, knight, to goe aboard his Majestis ship callit The Rainebow, wherein his Majestis Commissioner is for the present, and thar to confer with his Grace anent suche things as may best conduce to the accommodation and setteling of the present troubles wherewith this countrie is threatened."

Edinburgh,
19th May 1639.

Sederunt: — Argile; Mar; Perth; Lauderdaill; Naper; Advocate; Treasurer Depute; Sir Robert Gordoun.

"The whilk day in presence of the Lords of Secret Counsell compeiried personallie Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, and produced and exhibite before the saids Lords ane commission under his Majestis hand to certane persons nominat therein for fencing his Majestis Parliament and continewing the same to the 23 day of July nxt. Qwhilk commission being read in presence and audience of the saids Lords, they have ordained and ordains the same to be past his Majestis quarter seale, and that the Director of the
Chancellarie caus append the said quarter seale thereunto; and ordains the commissioners nominat be his Majestie in the said commission to conveene upon the 15 day of May instant, whilk is the day whereunto the said Parliament wes proclaimed, and to proceed to the fenceing and prorogating of the said Parliament according to the warrant and commission foresaid grantit to thame for that effect. And siclyke ordains the hail counsellors who sall be in this toun for the time to be present and to assist his Majestis commissioners in the action foresaid."

_Sederunt_:—Mar; Perth; Gallouay; Lauderdaill; Southesk; Naper; Edinburgh, 15th May 1639.

Advocate; Treasurer Depute.

"The whilk day in presence of the Lords of Secret Counsell compeired personallie Sir Thomas Hope of Craighall, knight baronnet, his Majestie's Advocat, and Sir James Carmichaell of that Ilke, Deputie Treasurer, and expounded and declared that they and either of thame had severalle deall and travelled with the noblemen and others for procuring thair warrant refused them and libertie to repaire towards his Majestie, conforme to his Majestie's warrant and command directed to the said Sir Thomas for his addresse to his Majestie with convenient diligence and conforme to the order observed universallie (for the said Sir James who came late from his Majestie, and was bound and tyed to returne with the report of his diligence in the service committed to him), and that they being diverse times refused in end they both, upon the 13 of May instant, past to the place and meiting of the said nobilitie where they were conveene for the time, and expounded unto thame the necessitie injoyne unto thame for thair addresse unto his Majestie, whilk notwithstanding was refused. Quhereupon they humblelie desired the Lords of Counsell and Session, who wer joynetlie mett upon the 14 of this instant, to send twa of thair number to the said nobilitie and to intreate thame for libertie of passage, and that the Earl of Mar and Lord Durie, being nominat and appointed for this effect, the said Earl of Mar reported that he and the said Lord Durie, having earnestlie interceeded with the said noblemen for libertie of passage to the said Lord Advocat and Treasurer Deput, they wer notwithstanding still refused, and no libertie nor warrant could be granted unto thame, and upon this thair declaration they asked act."

_Sederunt_:—Treasurer; Privy Seal; Marquis of Huntlie; Winton; Holyrood House, 1st July 1639.

Perth; Hadinton; Lauderdaill; Kinnoull; Treasurer Depute; Justice General; Sir James Hamilton.

"Forsamekile as his Majestie hes now givin order for the full settling of the peace of this his Majestis ancient kingdom, and in the mean time that the Court of Session resume its sittings now proceed to the dew administration of justice as his Majestis subjects"
sall have occasion to require the same, thairfoir the Lords of Secret Counsell, according to his Majesteis warrant and direction givin to thame in writt, ordains and appoints all the judges and others members of the Session and Colledge of Justice to conveene and sitt down the 9 day of July instant, and to administer justice to all suche of his Majesteis subjects as sall require the same; and for that effect ordains heralds and purservants to pas to the mercat croce of Edinburgh and others heid burrowes of this kimgdome, and there be opin proclamation to make publication heirof and to warne all and sindrie judges and others members of the Colledge of Justice to conveene and sitt down the 9 day of July instant, and als to make intimation heirof to all his Majesteis lieges who hes or may have anie bussines before the Session, that none of thame may pretend ignorance of the same. Followes his Majesteis missive for warrant of the Act abonewritten:—Charles R.—Right trusty and weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit cousines and counsellers, we greit yow weill. Whereas we have now givin order for the full settlin of the peace of that our ancient kimgdome, and in the meane time, being willing that our Colledge of Justice doe sitt and proceed to the dew administration of justice as our good subjects sall have occasion to require the same, it is our pleasure (howsoever the time of thair sitting will be short) that yow give order with all diligence unto our Judges thairof to sitt at Edinburgh immediatlie als soone as a competent number may be had, and to that effect that yow caus make suche dew and lawfull warning unto thame and our lieges as the time will permitt, and after suche maner as in the like caises hes beene accus-tomed or as yow sall find necessarie for the time, for which these presents sall be your warrant. We bid yow farewell. Frome our Court at Beruick, the 29 of June, 1639.”

“The whilck day the missive letter underwrittin, signed be the King’s Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilck the tennon followes:—Charles R.—Right trusty and right weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellers, and right trusty and belovit counsellers, we greit yow weill. Whereas we wer pleased of late to require our subjects in the North to proceed no further in anie thing tuiching hostilitie, whiche if our letters have come timelie to thair hands, we doubt not they have obeyed, yitt least anie trouble hath since fallen out or sall happen to fall out of new, we have heibry thought fitt to require yow to give speedie order for the repressing thairof after suche maner as yow sall find to be most necessarie at this time; whiche remittin to your judgements and not doubting of your care, we bid yow farewell. From our Court at Beruick, 29 Junij, 1639.”

“Forsamekle as amongs the manie preparations quhilkis must be tymouslie foersoned and in readines aganis the time of his Majesteis comming to this kimgdome, that of his Majesteis carrass is not the least,
but doeth als neerelie concerne his Majesteis honnour and service and credit of the countrie as anie other service that will occurre in all his Majesteis progresse throughout this countrie; and whereas this service cannot be done but be the helpe of the inhabitants of the shirefdomes through quliqks his Majesteis progresse will ly and of the most adjacent parts, as was done the time of his Majesteis last comming to this kingdome, thairfoir the Lords of Secrete Counsell ordains letters to be direct charging the shiriffs of Berwick and Roxburgh for the east part of Teviotdail, and baillie of Lauderdaill, the shireiffs of Hadinton, Linlithgow and Edinburgh and Stewart of Dalkeith and their deputys, and the conveenners of the justices of peace within the saids bounds, that they and everie one of thame, in thair owne offices respective, convene the barons and landed gentlemen within their bounds with all convenient diligence, and at thair meeting that they resolve and conclude upon some certane solide and sure course how his Majesteis carrage may be caryed 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 carts and hors for carrage everie parish may furnishe, and that they appoint a constable for everie parish who sall be answerable that the carts and hors for carrage 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 shire who sall have the charge to adverteist the constables of the parish to have the carts and horses for carrage in readines at the times to be appointed, and lykeways that they appoint twa constables for each shirefdom who sall be answerable to the maister of his Majesteis carrage that they sall caus the other constables appointed in everie parish have the horses and carts for carrage designed to the parish in readines to come and lift his Majesteis carrage at suche times and places as they sall be commanded thereto be the maister of the carrage, under the pane of rebellion, etc., with certificacive, etc."

"Forsamekle as the Kings Majestie is resolved, God willing, to honnour his ancient kingdome with his royall presence, and whereas there will be a number of occasions daylie interveening concerning his Majesteis contented reception heri for the honnour and credit of the countrie which will require the daylie sitting of some of the Counsell and may not abide the ordinare meitings of a full number thereof, and the Lords of Secrete Counsell being carefull to foresee all things quliqke may advance the tymous dispatch and orderlie disposing and provyding of all things concerning this important mater, thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants full power and commission to John, Earle of Traquair, Lord High Treasure of this Kingdome, Archibald, Lord Naper, Sir Thomas Hope of Craigball, knight baronnet, his Majesteis Advocat, Sir Williame Elphinstoun, knight, Cheefe Justice, Sir James Carmichael of that Ilke, Deputie Treasurer,
and Sir John Hamiltoun of Orbeston, Justice Clerk, or anie three of Acts, May thame with the said Treasurer or Deputie Treasurer, to convene and 1636–Novem- meet in his Majesties Exchequer so oft as they sall think expedient, and ber 1583. Fol. 291, b. to begin the morne the second of July instant at nyne of the clocke in the forenoon, and to confer, advise, conclude, consult and determine upon all and everie thing fitting and requisite to be prepared and provided againis his Majestis heir comming, and to give directions thereanent be missives or other wayes as they sall think expedite; firme and stable halding and for to hald all and quhatsoeever things sall be lawfullie done hererin."

"Anent the supplication presentit to the Lords of Secrett Counsell be George, Marques of Huntlie, makand mention that qhahir he has pleased the Kings Majestie upon diverse good considerations to pas and exped unto him ane warrant under his royall hand to be untroubled, arrested or warded for anie debts or soumes of money dew be him as principall or cautioner, as the said warrant more fullie proports; and whereas the Director of the Chancellarie and Keeper of the Great Seale ar both absent, so as the said Marques cannot get his warrant orderlie exped, he is thereby like to be frustrat and prejudged of his Majestis gracius favour shawin to him, and his creditors lykewise will be prejudged and hindered of all satisfaction, quhairof he is most solist and carefull and in short time would give thame all contentment if he be not interrupted and hindered be the rigour of some few of his creditors, who upon sinistrous feare and others privat respects of thair awne intends to make thair benefite of the not expeding of the said Marques his warrant through the Chancellarie and great seales, and so unnesessarie to trouble the said Marques to thair owne hinder and prejudice; humbelie desyring thairfoir the saids Lords to grant unto him ane warrant to be untroubled, arrested or warded till he get this warrant past and exped the great seale, lykess at mair lenth is conteannned in the said supplication. Qhilk being read, heard and considerit be thae said Lords, and they having lykewise seene and considerit the warrant grantiit be his Majestie to the said Marques in the maner abonewritten, and finding his desire to be reasonable, thairfoir the saids Lords discharges all shireiffs, stewartis, provostis, and bailies with burgh and all others judges, officers and ministers of his Majestie lawes to burgh and land and thair deputs, and als all messengers of armes of all taking, apprehending, warding or arresting of the said Marques for anie debts or soumes of money dew be him as principall or cautioner untill the last day of July instant, discharging thame thairfoir of and thair offices in that part, to the intent that in this meanie time the said Marques may get the warrant foresaid grantit be his Majestie to him past and exped."

"Forsameike as the Kings most sacred Majestie, by his gracious pro- clamation latelie published of the date the 18th of Junij last, hes beene pleased out of his pious and religious disposition to the trew religion, and out of his fatherlie care for removinge all feares and doubts quhilks may
arrise in the mynds of his subjects, and upon diverse great and weightie considerations importing the glorie of God, the peace of the Kirk and commonweele of this kynghtome, to appoynt and give order that a General Assemblie be indicted, kept and holdyn in the cite of Edinburgh upon the twelde day of August nixto come with continewation of dayes, thairfoir the Lords of Secret Counsell, according to his Majestye's warrand and direction given to thame in writ, ordane letters to be directe charging his Majestye heraulds to pas and make publication heirof by open proclamation at the mercat croce of Edinburgh and others places neidful, and to warne all and sundrie archbishops, bishops, commissioner of kyrks and others having place and voice in the Assemblie to repaire and addresse themselves to the said cite of Edinburgh the said twelde day of August nixto come, and to attend the said Assemblie dureing the tyme thairfoir and ay and whil the same be dissolved, and to doe and performe all quhilk to thair charge in sic caises apperetanees, as they will answer on the contrare at thair perrell. Followis his Majestye missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weelbeloved cousen and counsellor, right trustie and weelbeloved cousins and counsellers, right trustie and trustie and beloved counsellers, wee greet yow weel. Havinge by our declaration of the date the 18th of this moneth signified our pleasure for holding a General Assemblie at Edinburgh, where wee intend to be (God willing) present in person, it is our pleasure that yow indict the said Assemblie to belden the twelde day of August nixt in the place aforesaid, causing warne to that purpose all archbishops, bishops, commissioners of kyrks and others having place and voice in the Assemblie according to the proclamation made for the indictment of the late pretendit General Assemblie at Glasgow, for whiche these presents salbe your warrand. Wee bid yow farowewe. Frome our Court at Berwick, the 29th of June, 1639."

Sedanunt:—Treasurer; Privy Seal; Perth; Hadinton; Lauderdale; Holyrood
Treasurer Depute; Sir James Hamilton.

"Forsamekle as the King's Majestie is mynded, God willing, to honnour this his ancient kynghtome with his royall presence in this instant moneth of July, and it being verie necessar and most expedient for the honnour and credite of the said kynghtome, and for his Majestye more contented reception heir, that tymous provision be made and foreseen of all suche things as may accommodat his Majestye tryne, court and followers, his Majestye hes thairfoir directed and sent before him Peter Watsone, gentleman, harbenger, Nicolas Widkell, Thomas Brewerton, Tarlieis, Thomas Creaie and Philip Phips to provide, designe and marke loodgins, houses and stables for all his Majestye tryne and followers throughout all the parts of this kynghtome where his Majestye progress progresse sail ly, and it is necessar that the persons foresaidis, his Majestye harbengers, thair officers and deputis be acknowledged in all and everie
thing concerning their charge, and that no opposition be made unto thame; for quhilk purpose ordains letters to be direct charging all his Majestie's lieges and subjects whome these presents doe or may concern to reverence, acknowledge and obey the saids gentlemen harbengers and their servants and deputies in all things belonging to their office and charge, and for this effect to make their houses and stables patent to thame, and to suffer thame to designe and marke the same to suche of his Majestie's trinie and followers as they sall appoint; and that they receave in their houses the persons to be allotted and directed to thame and in no wayes presume after the marking of their houses to receave anie other therein but suche as sall be allowed and allotted to thame; and if anie person or persons sall or darre presume to withstand the directions of the saids harbengers in anie point concerning their charge, to charge all magistrats to burgh and land and als all landlords within whois bounds the dissobedient persons dwells to apprehend their persons and committ thame to waerd till direction be givin for their further punishment, as the saids magistrates and landlords will answer on the contrare at thair perrell."

Edinburgh, 22nd July 1639.

Sederunt:—Earle Mairstell; Lord Naper; Justice General; Fol. 293, a.
Advocate; Justice Clerk.

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane Lord, produced before the Lords of Privie Counsell the missive letter underwritten signed be the King's Majestie and direct to the saids Lords, of the quhilk the tennon followes:—

CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, right trusty and trustie and weilbelovit counsellors, we greit yow weill. Whereas our pleasure was signified for indicting of ane Parliament to be heldin at Edinburgh, the 23 of July instant, whiche now for good considerations knoone to us and other necessary occasions interveening cannot be so convenientlie keeped, we have thairfoir of new beene pleased to signe a commission for prorogation of the said high court of Parliament untill the 26 day of August nixt ensowing. It is our pleasure that yow see the said commission performed by causing the said court to be dewlie fenced and publication made for prorogating of the said parliament till the said 26 of August nixt, and that yow doe what further sall be thought necessarie tuicheing this purpose as in the like caises hes beene accustomed; for whiche these presents sall be your warrant. We bid yow farewell. Frome our Court at Bervick, the 22 of July, 1639.

Holyrood House, 8th August 1639.

Sederunt:—Treasurer; Huntlie; Argile; Mar; Airth; Winton; Wigton; Annandaill; Launderdall; Kinnoull; Dumfreis; Southesk;
Elphinstoun; Naper; Dalyell; Justice General; Advocate; Treasurer Depute; Justice Clerk; Blakhall.

"Forasamekle as the King's Majestie was pleased by his letter direct to the Lords of his Privie Counsell to enlarge William, Earle of Airth, from his confynement, as ane act made to this effect beirs, his Majestie hes lykewyse beene graciously pleased by another letter direct to the saids Lords to give command and warrant that the said Earle be admitted hereafter to all the meitings of the Counsell as one of the number thairof. In humle and dewtifull obedience of quhilk letter the saids Lords hes receaved and admitted and be the tenor heirof receaves and admits the said Earle of Airth to be present at all the meitings and consultations of the Privy Counsell as one of the ordinair members thairof. Lykees the said Earle, being personallie present and acknowledging this his Majesties gracious favour shawn to him, he with all dew reverence accepted the place and charge upon him. Followes his Majesties missive for warrant of the act abovewritten.—CHARLES R.—Right trustie and weelbelovit cousine and counsellor, right trusty and weelbelovit cousines and counsellers, and right trusty and trusty and belovit counsellers, we greit yow weill. Whereas we wer pleased by a former letter to yow to caus enlarge our right trustie and weelbelovit cousine and counsellor, the Earle of Airth, frome confynement, quhairupon ane act of Counsell wes made, it is our expresse pleasure and command that yow now call for him and admit him hereafter to all your meitings and consultations of our Privie Counsell as one of your number, causing ane act thairof to be made hereupon; for both whiche these presents sall be your warrant. We bid yow farewell. From our Court at Beruick, 24 June, 1639."

"Forasamkele as Sir Donnald Gorme of Slait, Sir Lauchlane McLaine of Dowart, Johne McLeod of Dynvagane, Johne McRannald of Moyder, McLaine of Coill, McNeill of Bara, McKynnon of that ilk and Hector McLaine of Lochbey, being putt under caution for great soumes of money for their personall appearance before the Lords of Privie Counsel upon the tenth day of July yeerelie to have underlyne suche order as fra yeere to yeere sould have beene injoyned to thame tuicheing the peace and quyetnes of the Yles, they, upon some privat respects of their owne, and without warrant from his Majesteis Counsell, neglected thair compeirance this yeere, and thereby hes givin verie evil example to the rest of the Ylanders to breake louse and to renew thair former disorders within the Yles, quhilks by his Majesteis prudent governement wer suppressed; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the Ylanders particularie abonewrittin to compeir personallie before the Lords of Privie Counsel upon the 7 day of November nixt to answer upon thair proud neglect of the dyet of thair compeirance this yeere and to underly suche order

Regarding the Earl of Airth and his former deprivation of all his public offices, see Index to Vol. V., Sec. Ser., t.v. Airth, Earl of .
as sall be tane thereanent, under the pane of rebellion, etc., with certifi-
cation, etc. And the Lords of Secret Counsell ordains intimation to
be made to the agents of the saids Ylanders that if they or anie of thame
fol. 293, b. compeir before the saids Lords at anie time before the dyet foresaid that
they sall be fred of their conpeirance upon the said sevint day of
November. Followes his Majesteis missive for warrant of the act abone-
written:—CHARLES R.—Right trustie and right weilbelovit cousine and
counsellor, right trusty and weilbelovit cousines and counsellers, right
trustye and weilbelovit counsellers, we greit yow weill.
Whereas the danger and inconvenientis arising by these late troubles
being likelie to spread in the remote parts and Yles of that our kingdome
and to disquyet the peace of our good subjects there, we for the more
timelie preventing thairof have thought it necessarie at this time (how-
soever the cheefe of clannes and Ylanders are bound to compeir before
yow yecreleis) that they be now particularlie cited, thairfor it is our
pleasure that with all diligence yow charge in suche forme as yow sall
find to be most necessarie the persons whois names ar mentionied in this
enclosed list, with suche others as yow sall thinke neidfull at this time, to
appeare the sixt of August nixt before us or yow at Edinburghe or
where we sall happen to be for the time within the said kingdome, under
suche panes as yow sall thinke fitt to prescrib. We bid yow farewell.
Frome our Court at Bereick, the 15 of July 1639."

Appoints the nixt meting to be the morne at twa afternoones.

Sederunts, February
1638–November
1643.

Sederunt:—Treasurer; Privy Seal; Huntlie; Argile; Mar; Win-
ton; Perth; Wigton; Tullibardin; Annandail; Launderall; Kinnoull; Southesk; Naper; Dallyell; Advocate; Treasurer
Depute; Justice General; Justice Clerk; Blakhall.

Order to the
sheriff and
magistrates of
Wigtown and
others to
apprehend
Thomas M'Kie,
who has
returned from
banishament
corony to his
sentence.

Forsamekle as Thomas M'Kie wes be act of adjournall in a Justice
Court haldin at Edinburghe upon the day of ordained to be
banished the kingdome and that he returne not agane within the same
under the panes conteanne in the said act, notwithstanding the Lords
of Secret Counsell ar certanelie informed that the said Thomas hes
presumptuoulsie returned to this countrie agane without warrant, and
daylie goes avoweldie to kirk and mercat in high and proud contempt
of his Majesteis auctoritie and lawes; thairfors the Lords of Secret
Counsell ordains letters to be direct charging the shireff of Wigtoun
and the provest and bailleis of Wigtoun and all others judges and
magistrat, in whois bounds the said Thomas M'Kie sall reside, to pas,
searche, seek and take the said Thomas M'Kie where ever he may be
apprehended and to enter and commit him in the jayle nixt to the
place where he sall be takin and to kepe him fast therein till order be
givin be his Majesteis Counsell concerning him. And for this effect
that they advertise the saids Lords how soon he sall be apprehended, as fol. 294, b.
they and everie one of thame will answer upon the dewtiful discharge of their offices at their highest charge and perrell."

"Forsamekle as the Lords of Secreta Counsell ar informed that there is some appearance of trouble like to fall out betuix Mr William Ker, brother to John Ker of Lochtour, and Andro Ker, brother to Robert Ker of Graden, upon occasion of ane cartall and challenge to the combat direct from the said Mr William to the said Andro aganis the lawes and acts of parliament, quhairupon greater inconveniences ar likelie to ensue without remeid be provydet, thairfoir the saids Lords ordinand letters to be direct charging both the saids partes to compeir personallie before his Majesteis Counsell upon the 13 day of August instant to underly suche order as sall be tane anent this mater under the pane of rebellion, etc., with certification, etc.; and in the meantime to command, charge and inhibite both the saids partes that none of thame presoome nor take upon hand to invade, trouble or molest one another or to keepe the said combat either of thame under the pane of ane thousand pundis, and farther under the pane to be searelie punished in their persons and goods conforme to the lawes of the countrie provided in that behalfe; certifieing thame that does in the contrare that the said pane sall be execute upon thame without favour, and they sall be decerned to have incurred the soumes particularie abowenwritten and letters sall be direct for payment thairof in forme as afferis."

Sederunt:—Treasurer; Privy Seal; Huntlie; Argyle; Mar; Winton; Holyrood House, 10th August 1639.
Perth; Wigton; Kingorne; Tullibardin; Annandaill; Hadinton; Lauderdale; Kinnoull; Southesk; Dalzell; Advocate; Treasurer Depute; Justice; Justice Clerk; Blakhall.

"The whilk day the missive letter underwritten signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the quhill the tennor followes:—CHARLES R.—Right trustie and right weibelovit cousine and counsellor, right trustie and right weibelovit cousines and counsellers, and right trustie and right weibelovit counsellors, we gret yow weil. Whereas we did formerlie by our commissiion under the great seale of that our kingdome nominat and appoint our right trustie and right weibelovit cousine and counsellor, James, Marques of Hamilton, our High Commissioner, in the executing of whiche place (as you have oft expressed unto us) we have found his singulare fidelitie and zeale to our service, and at this present his attendance upon our person being necessarie, we have thought good to nominat and appoint our trustie and weibelovit cousine and counsellor, the Earle of Traquair, our Treasurer, to be our Commissioner in this nixt ensewing Assemble and Parliament, quhairof we will yow to take speciall notice and not onelie to attend at the said Assemble and Parliament but to concurre and assist our said Commissioner in everie thing may concerne our service as he sall require
yow or communicat with yow frome time to time. So we bid yow fare-
well. Frome our Court at Whitehall, the sixt day of August, 1639.
Whiche missive being read, heard and considéravit be the saids Lords and Fol. 295, a.
they acknowledging his Majesteis singular wisdome in the choice of the said Lord Treasurer to be his Majesteis Commissioner at the ensewing Parliament and Assemble, they in all humble obedience promeist to attend at the said Assemble and Parliament and to concurre with the said Lord Commissioners Grace in everie thing conforme to his Majesteis said letter; and ordained ane missive to be writtin to his Majesteis hear-
ament of the tenor following:—Most sacred soverane, In obdience of your Majesteis command, signifit to us by the Lord Treasurer, we did convene heir on Thursday last, the eight of this instant, expecting since your Majesteis gracious pleasure quhilk this day was represented unto us by your Majesteis letter of the date, the sixt of August instant; and whereas your Majestie hes beene pleased, in place of the Marques of Hamilton, last Commissioner, and in respect of his necessar attendance upon your Majesteis person there, to nominat and appoint the Lord Treasurer to be your Majesteis Commissioner in the ensewing Assemble and Parliament, we doe humble acknowledge your Majesteis singular wisdome therein, and in the choice of the person who, in respect of his former notice, care and vigilancie in all the proceedings of this publict busines and of his awne abilitie to performe and fidelity to approve himselfe in this service worthie of your Majesteis choice, is in all our opinions a most fitt person for so great ane employment; and we all, as becommeth us, sall not onlie attend at the said Assemble and Parlia-
ment with our humble and best affections, but also sall concurre and assist your Majesteis Commissioner in everie thing that sall concerne your Majesteis service as he sall require us or communicat the same to us from time to time. And so praying God, etc. Halyrudhous, 10 August, 1639. Subscribitur, Roxburgh, Huntlie, Argile, Mar, Winton, Perth, Wigton, Kingorne, Tullibardin, Hadinton, Annandaill, Lauderdaill, Kinnoull, Southesk, Dalyell, Advocaet, Treasurer Deput, Justice, Justice Clerk, Blakhall."

Sederunt ut die predicto (except Winton) together with Naper.

"The whilk day in presence of the Lords of Secrret Counsell compeired personalie Johne, Earle of Traquair, Lord High Treasurer of this king-
dome, and produced and exhibite before the saids Lords ane commission granted be our soverane lord to the said Lord Treasurer, with the quhilk his Majestie hes nominat him to be High Commissioner for his Majestie at the ensewing Assemble and Parliament, as in the said commission past his Majesteis hand upon the day of August instant and sealed upon the day of the same moneth at lenth is conteanne; quhilk commission being read in the presence and hearing of the saidis Lords and they being well advised therewith, they all in one voice with
all devoutfull respect acknowledged the choice made be his Majestie of the said Lord Treasurer for so great an employment, as a person most fitt for the same in regard of his former notice, care and vigilance in all the proceedings of the public bussines and of his owne abilities to performe and fidelity to approove himselfe in this service worthie of his Majestie choice; Lykes the said Lord Treasurer, with all submissive reverence, accepted the said commission upon him and promise to doe his best endeavoures therein for his Majestie honour and the peace and quyet of this his Majestie ancient kingdome.”

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Edinburgh, Airth; Perth; Wigtoun; Kingorne; Tullibardin; Hadinton; Annandaill; Lauderdaill; Kinnoull; Soutaske; Elphinstoun; Naper; Advocate; Treasurer Depute; Justice; Justice Clerk; Blakhall.

“The Lords ordains their nixt meeting to be at Edinburgh on Thursday next meeting of Council in the afternoone, and continewis all actions depending before the Counsell till that dyet.”

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Edinburgh, Airth; Perth; Wigtoun; Kingorne; Tullibardin; Hadinton; Annandaill; Lauderdaill; Soutaske; Kinnoull; Elphinston; Naper; Dalzell; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall.

“Anent our soverane Lords letters direct makand mention forsomekle Mr. William Ker put to the horn. as the Lords of Privie Counsell ar informed that there is some appearance of trouble like to fall out betuix M’ William Ker, brother to John Ker of Lochtour, and Andrew Ker, brother to Robert Ker of Graden, upon occasion of ane cartall and challenge to the combat direct frome the said M’ William to the said Androw againis his Majestie express acts of parliament, quhaurupon greater inconveniences ar likeis to ensaw without remeild be provydit; and anent the charge givin to the saids M’ William and Andro Ker to have compeird personellie before the Lords of Privie Counsell at a certane day bygane bringand with thame the said challenge and cartall to have beene scene and considderit be the saids Lords and to have underlyne suche order as fond be tane theranent for the peace of the countrie, under the pane of rebellion and putting of thame to the horne, with certification, &c., lykes at mair lenth is conteann in the saids letters, executions and indorsations thairof: Qhilks being callit and the said Andro Ker compeirand personallie and the said M’ William Ker being offtymes callit and not compeirand, the Lords of Secret Counsell ordains letters to be direct

1 In the Sederunt it is added that hereupon “the Advocate asked instruments.”

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charging officers of armes to pass and denunce the said M' William Ker our soverane lords rebell and putt him to the horror and to escheit, etc."

Sederunt:—Commissioner; Privy Seal; Airth; Perth; Southesk; Advocate; Justice Clerk; Blakhall.

[No record of business.]

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mar; Airth; Linlithgow; Perth; Wigtoun; Kingorne; Tullibardine; Hadinton; Lauderdaill; Kinnoull; Southesk; Naper; Dalzell; Advocate; Treasurer Depute; Justice General; Justice Clerk; Blakhall.

"Forsamekle as the Kings Majestie hes appointed his soverane court of Parliament of this kingdome to be haldin at the burgh of Edinburgh the 26 of this instant with continewation of dayes, wherein his Majestie will be most willing to give all his subjects content, ather be generall lawes or particular acts, quhill being rypelie advised sall be found expedient to be past; but whereas experience in bypassed parliaments is yit receit how diverse persons, partlie by ignorance and partlie be fraud, ar accustomed preseoming upon the short sitting of the Parliament to give in manie bills or articles conteaining matters prejudicial ather to his Majesties crowne or to his subjects, whilk the shortness of time or multitude of busines permitteth not to be so narrowlie examind as need wer, thairfor his Majestie ordains that all suche persons as intends to give in anie articles or petitions to this approacheing parliament sall give in and deliver the same to M' William Hay, Deput, speciallie constitute for that effect, to the Clerk Register during his absence, who is ordained to attend the recept thairof within his Majesties Excheker daylie untill the Parliamant sitt doune betuix ten and twelffe houres in the forenoon and three and fyve houres in the afternoone, and the first dyet to be the morn at three houres, to be presented be him to the Commissioners Grace and Lords of Privie Counsell to the effect that things reasonable and necessarie may be formallie made and presented in a booke to the Lords of the Articles in the Parliament time, and that all impertinent, frivolous and improper maters may be rejected, and that no article or supplication wanting a speciall title undersubscribed be the presenter sall be read or answered in Parliament except suche as sall be givin in be his Majestie or his Commissioner under their hand and sall be thought good be thame for the commounweale of the kingdome; and ordains publication to be made heirof, etc."

Sederunt:—Commissioner; Privy Seal; Huntlye; Argyl; Lair; Tullibardin; Hadinton; Galloway; Seafort; Annandail; Lauder. Acta, May 1636-November 1639.
"The whilk day in presence of the Lord Commissioner and Lords of Privie Counsell compeirid personallie Johne, Earle of Rothes, James, Earle of Montrose, Johne, Lord Loudoun, Sir George Stirling of Keir, Sir William Douglas of Cavers, Sir Harie Wood of Bonytoun, Johne Smith, burges of Edinburgh, Mr Robert Barclay, Provest of Irving, Mr Alexander Henderson, minister at Edinburgh, and Mr Archibald John- stoun, clerke to the General Assemble, and in name of the present sitting General Assemble gave in to the saide Lords the petition under written, quhairof the tenor followis:—Wee, the General Assemble, considering with all humble and thankful acknowledgment the manifold recent favors bestowed on us by his Majestie, and that there rested nothing for crowning his Majesties incomparable goodnes toward us, but that all the members of this kirk and kingdom might be joyned in one and the same confession of faith with God, with the Kings Majestie and among ourselves, and conceaving the maine lett and impediment to this so good a worke and so muche wished be all to have beene the informations made to his Majestie of our intentions to shaike of civil and dutifull obedience due to soveranietie and to diminish the Kings greatnes and auctoritie, and being most willing and desireous to remove this and all suche impediments which may hinder and impede so full and peryte one union and for clerieving of our loyalty, wee in our name, and in name of all the rest of the subjects and congregations whom wee represent doe now in all humilitie represent to your Grace, his Majesties Commissioner, and to the Lords of his Majesties honorable Privie Counsell, and declare before God and the world that wee never had nor have any thought of withdrawing our selves frome that humble and dutifull subjection and obedience to his Majestie and his governement which by the descent and under the raigne of ane hundreth and seven kings is most cheirfullie acknowledgit by us and our predecessors, and that wee never had nor have any intention or desyer to attempt any thing that may tend to the dishonor of God or diminution of the Kings greatnes and auctoritie; but, on the contrarie, acknowledgging our quietnes, stabilitie and happines to depend upon the saiftie of the Kings Majesties person and maintenance of his greatnes and royall auctoritie as Gods vicegerent sett over us for maintenance of religion and ministration of justice, wee have solemnelie suorne and doe swear, not onelie our mutual concurrence and assistance for the caus of religion, and to the uttermost of our power, with our meanes and lyves to stand to the defence of our dread soveraine, his person and auctoritie, in the preservation and defence of the said true religion, liberties and laws of this kirk and kingdom, but also in everie thing whiche may concerne his Majesties honor saill, according to the lawis of this kingdome and dutie of good subjectes,
concur with our friends and followers in quiet manner or in arms as Acta, May 1636—November 1639.

imputation of this kind, following the laudable example of our predecessors in anno 1589, do most humbly supplicate your Grace, his Majesties Commissioner, and the Lords of his Majesties most honourable Privy Council to enjoin be act of Council that the Confession and Covenant, which as a testimonial of our fidelity to God and loyalty to our King, we have subscribed, be subscribed be all his Majesties subjects of what rank and quality soever, in tyne coming. Qhilk being red, hard and considerit be the said Lord Commissioner and Lords of Privy Council, they have ordainit and ordains the same to be insert and registrat in the books of Privy Counsell, and according to the desyre theirof ordains the said Confession and Covenant to be subscribed in tyne coming be all his Majesties subjects of this kingdom of what rank and quality soever;"

"And siclyke, the foresaid day, the Lord Commissioner desyre of the Lords of Privy Counsell that the severall declarations made and emitted be him in the Generall Assemblie might be insert and registrat in the books of Privy Counsel, therein to remaine ad futuram rei memoriam, qhilk desyre the saids Lordis fand reasonable, and have ordainit and ordains the saids declarations to be insert and registrat in the books of Privy Counsell, quairof the tenor followis:—I Johne, Earle of Trequaire, his Majesties Commissioner in this present Assemblie, doe in his Majesties name declare that, notwithstanding of his Majesties awne inclination and manie other grave and weightie reasons moving him, yit suche is his incomparable goodness towards his subjects of this kingdom, that for giving satisfaction to his people and for quieting of the present distractions, he doth consent that the five articles of Perth, the governement of the kirk by bishops, [and] civil places and power of kirkmen, be declared unlawfull within this kirk as contrarie to the constitutions therof."

"And I doe alwaysherby declare that the practise of the premises prohibit within this kirk and kingdom all neither bind nor interfere censure agains the practisers outwith the kingdom; and farder I declare that the word occasional in the end of the act of the date the 17th of this instant was not in the draught agreed upon with me in presence of the Council, but was thereafter addit in the Assemblie without my knowledge or consent. Farther I declare whatever is allowed be me in this Assemblie is meirlie and onelie as ane act of this Assemblie without anie respect or relation quhatsomever to the last pretendit Assemblie at Glasgow. And becaus that manie things have occurred in this present Assemblie which may concerne patronages, belonging either to the Crowne, bishopricks or others his Majesties good subjects, as also by findeing civil places and power of kirkmen unlawfull his Majestie may be prejudgit in Parliament, and least heirby or by anie other act, civil
power and authoritie may be wronged by my weaknes or not tymelie animadverting therto, I declare and protest, that his Majestie may be hard for redresse in its awne tyme and place."

"And I declare lykewyes that whatever commission and commissions are direct frome this Assemblie whiche may import or occasion anie other meitings or conventions of the subjects than the ordinarie meitings of kirk sessions, presbiteries, synods and suche as are allowed be the lawis of this kingdome, that the same is null and of no effect and altogiddier dissasent to by me."

"Forsamekle as Mr William Ker, brother to Johne Ker of Lochtour, having latelie cartalled Andro Ker, brother to Robert Ker of Graden, and challenged him to the combat, and being thereupon conveenned before the Lords of Privie Counsell, and to have underlyne some course for observing his Majestie peace, he refused to give his appearance and was for that cause upon the 23 of this instant orderlie denunced his Majestie rebell and putt to the horne, as the letters of horning diewlie execute, indorsat and registraat aganis him, shewin to the saids Lords beirs; at the processe quhairof the said Mr William still continewes, resolving at his best opportunitie to invade the said Androw and so to violate his Majestie peace, in proud contemp of his Majestie auctoritie, without remed be provydit; thairfoir the saids Lords ordains letters to be direct charging all and sindrie shireffs, stewarts, bailleis, of realitities and thair deputs, provoste and bailleis of burrowes, and all others judges, officers and magistratsto burgh and land, and als all messengers of armes, evere ane of thame within thair awne bounds and jurisdictions, to pas, searche, seeke and take the said Mr William Ker where ever he may be apprehended, and to kepe and detesne him in sure firmanse and captivitie till he be orderlie fred and releewed, within three dayes after the charge, under the pane of rebellion and putting of thame to the horne, with certifcation to thame, and they faillie, letters sall be direct charging thame simpliciter to the effect foresaid; becaus the saids Lords hes seene the letters of horning abonewrittin diewlie execute, indorsat and registraat aganis him."

Sederunt: — Airth; Lithgow; Perth; Tullibardin; Kingorne; Edinburgh, Galloway; Annadail; Elphinston; Sir Robert Gordon; Blackhall.

"The Lord Elphinstoun, as eldest counsellor, wes nominat to preside."

Bodem die, post meridiem.

Sederunt: — Commissioner; Privy Seal; Huntly; Argyl; Mairshel; Mar; Airth; Perth; Wigtoun; Kingorne; Tullibardin; Galloway; Seafort; Annadail; Lauderdale; Kinnoul; Southak;
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Elphinston; Dalyle; Advocate; Treasurer Depute; Justice Sederunt.
Clerk; Sir Robert Gordon; Blackhall.

[No record of business.]

Sederunt ut die predicto, post meridiem.

[No record of business.]

Edinburgh, 14th September 1639.

Holyrood House, 20th September 1639.

Existing sheriffs to continue in their offices for another year.

"Forsamekle as the Lord Commissioner and Lords of Privie Counsell, understanding the prejudice quhilk is like to ensue to his Majestie's service throw the not timelie election of the shireffs, of whom his Majestie hes the nomination, for the yeere to come, and als seing those who wer shireffs this last yeere have not as yitt cleereed their comptes anent the ingaddering of his Majesties taxations and imbringering of the annuities to his Majestie's Exchequer, nor performed suche other things as is incumbent to thair charge, thairfor the saids Lords hes thought meit and expedient, concluded and ordained that the saids shireffs who ar presentlie in office and who have served this yeere bygane be contynewed in thair offices for the yeere to come, ordaining and commanding thame to use and exercie thair said office in all the liberties and privileges thairof sicylke and als frellie in all respects as they might have done the yeere bygane; and ordains heralds and pursevants to make publication heirof be opin proclamation at all places neidfull, quhahirthrow none pretend ignorance of the same, and to command and charge the shireffs who served in office this yeere bygane to contynew in the exercise and discharge thairof for the yeere to come, as they and everie ane of thame will answer on the contrary at thair highest perrell."

"Forsamekle as albeit there hes beene manie good acts of parliament, convention and Secret Counsell made and published heeretofore againis the bearing and wearing of hacquebuts under diverse panes mentionned and conteanned in the saids acts, notwithstanding quhairoff that contempt and breache of the law is now become as frequent and commoun as it wea in anie time proceeding, and it is come to that hight that undewtfull and lawlesse persons ar not affrayed to come to the burgh of Edinburgh, where the soverane and high court of Parliament is now sitting, armed with hacquebuts and pistolets awaiting the occasions to execut thair wicked designs to the high and proude contempt of his Majestie's auctoritie and lawes; thairfoir the Lord Commissioner and Lords of Secret Counsell ordains heralds and pursevants to pas and, be opin proclamation at the mercat croce of Edinburgh and others places neidfull, to command, charge and inhibit all his Majestie's lieges and
subjects that none of thame presomne nor take upon hand to beare or
weare hacquebutts and pistoles in anie part of this kingdome in time
comming under the panes conteanned in the saids acts and proclama-
tions formerlie made heeranent; and that they presomne not to repaire
toward or about the saied burgh of Edinbrough armed with suche unlaw-
full weapons during the time of this Parliament, certifieing thame that
sall doe in the contrare heirof that they sall be apprehended, persewed
and punished conforme to the saids acts without mercie, and that they
sall be farther punished be his Majesteis Counsell as they sall find the
contempt heirof to deserve."

"Forsamekle as the Lords of Secret Counsell ar informed that there
is a verie great abuse (quhilk wes formerlie supprest by force of
actoritie) now renewed be a number of young boyes and pages, footmen,
lakeyes, and coachemen, servants to noblemen, barons and gentlemens
who when when they find ane boy newlie entered in service or paierie
(as they terme it) they lay hands upon thame and impose upon thame
some certane dewartie to be spent in drinking, ryot and excessse for
receaving him in their societie and brotherhood, and, if anie of thir new
intran boyes, lakeyes or coachemen refuse to condescend to thame, they
doe than shamefullie and unhonnestlie misuse thame, awaiting all times
and occasions to disgrace thame; and thair follie and insolence is now
come to this hight that they spaire not to putt hands in thir new intrant
boyes, lakeyes and coachemen at thair maisters backes, so that oftyns
some jarres and miscontentments betuix the maisters of thir foolish and
ydle boyes, pages, lakeyes and coachemen ar like to fall out, as if they
wer countenanced be thair maisters in thair foolish and ydle doings, to
the high disgrace of actoritie and breaking of the peace, without remeid
be provydit; thairfor the Lords of Secret Counsell ordeins heralds or
pursewants to pas to the mercat croce of Edinbrough, the Cannogait
and others places neidfull, and there in our soverane Lord's name and
actoritie to command, charge and inhibit all and sindrie boyes, lakeyes,
pages and coachemen, of what ranke, qualitty or degree so ever they be,
be opin proclamacion at the saids mercat croces, that none of thame
presomne nor take upon hand at anie time heirafter to trouble or vexe
anie other boyes, pages, lakeyes or coachemen or to lay hands upon thame
or to burden thame with the payment of anie dewartie to be
bestowed upon drinking or otherwayes for receaving thame in thair
societie and brotherhood, as they terme it, but that they conteane thame-
selves in quetnes as becometh good and mannerlie boyes, lakeyes, pages,
and coachemen, under the pane to be takin, apprehended, warded and
punished in thair persons at the arbitrement of his Majesteis Counsell,
certifieing thame that failleis or does in the contrare that not onelie sall
the saids panes be execute upon thame but with that thair maisters sall
be charged to enter and present thame to receave thair deserved punish-
ment."
“Forsameke as there is some appearance of trouble like to fall out betuix Francis Stewart, sone to John Stewart of Coldinghame, and Lieutenant Colonell Sinclar, on the one part, Sir Robert Bruce of Clackmannan, Mr Andro, Johne, William and George Bruce, his sones, on the other part, to the disturbance of his Majesties peace, without remeide be provydet, thairfor the Lords of Secret Counsell ordains letters to be direct charging both the saids partieis, personallie or at thair dwelling places, and the said Laird of Clackmannans sones at thair father’s dwelling place and mercat croce of Clackmannan, to comper personallie before the saids Lords upon the first of October nixt to underly suche order as saill be prescribed to thame for keeping his Majesties peace, under the pane of rebellion, etc., with certification, etc.; And in the meane time to command and charge both the saids partieis to observe our soverane lords peace, and that they nor none of thame presoom nor take upon hand to invade, trouble or persewe one another for quhatsomever deid, caus or occasion otherways nor be order of law and justice, everie one of thame under the pane of fyve thousand merkes; certifeing thame that does in the contrare that they saill be decerned to have incurred and to incurre the saids panes, and letters and executoriallls saill be direct aganis thame for payment thairof in forme as effeirs.”

“The Lords of Secret Counsell, according to ane warrant and direction in writ, signed be the Kings Majestie and presented to thame, gives and grants commision and warrant to his Majesties servant, Alexander Araskyne, lawfull sone to umquhill Johne, Earle of Mar, to levey and take up within this kingdome ane thousand men for the service of his Majesties brother, the Frenche King, wherein the said Alexander is now imploied; with power to him to caus towck drums, display cullours and doe and performe all and sindrie things quhilks toward the uplifting and transporting of the said thousand men ar necessar and may be lawfullie done, and that with all such libertieis as at anie time heirtore have beene granted in the like caises; charging heirby all our soverane lords lieiges, judges, officers and magistrates to burgh and land to concurre and assist the said Alexander in the leveying and transporting of the said thousand men, and that they nor none of thame make anie trouble to him therein as they will answer on the contrare at thair perrell, provided that the said Alexander or some in his name doe mutuellie agree with everie one of the said number upon suche conditions as they saill condessend conforme to the custome observed in the like caises. Followes his Majesties missive for warrant of the act abonewritin:—CHARLES R.—Right trustie and right weibelovit cousine and counsellor, right trustie and weibelovit cousines and counsellers, right trustie and trustie and belovit counsellers, we greet yow weell. Whereas, for good considerations moving us, we ar willing that a present levey of a thousand men be made within that our kingdome for the service of our darrest brother, the Frenche
king, our pleasure is that to this purpose you give warrant with all the convenience that may be unto Alexander Arskine, our servant, with all ample and beneficial a commission and privileges both for their speedy levying and transportation as formercely hee beene granted to anie in the like kynde, for which these presents shall be your warrant; provided that he or others in his behalfe agree with thame after the maner accustomed. We bid you farewell. Frome our Court at Whitehall, the 14 of Januar, 1639."

Sedertunt:—Mar; Galloway; Annandail; Seafort; Naper; Sir Robert Gordon; Blackhall.

[No record of business.]

Sedertunt:—Mar; Lithgow; Wigtoun; Kingorne; Tullibardin; Edinburgh, Annandail; Kinnoull; Sir Robert Gordon.

[No record of business.]

"Anent the soveraine Lords letters direct makand mentiou, forsakemkle as there is some great appearance of trouble like to fall out betwixt Francis Stuart, sone to John Stuart of Coldingham, and Lieutenent Colonell Sinclar, on the one part, and Mr. Andro, Johne, William and George Bruce, on the other part, to the disturbance of his Majestie's peace, without remeid be provydyt; and anent the charge givin to the saids Lieutenent Colonell Sinclar, Mr. Andro, Johne, William and George Bruce to have comperied personnlie before the Lords of Privy Counsell this present first day of October instant to have underlyne suche order as sould be prescribed to thame for keeping his Majestie's peace, under the pane of rebellion, etc., with certification, etc., lykeas at mair lenth is conteanne in the saids letters, executions and indorsations thairof; quhilkes being callit, and the saids Lieutenent Colonell Sinclar and Mr. Andrew Bruce compeirand personnallie, and the saids William, George and Johne Bruce being oftymes callit and not compeirand, the Lords of Secret Counsell ordains letters to be direct to denence thame our soveraine lords rebells and putt thame to the horne, and to escheite, etc. Mr. Andro Bruce actit and oblest himselfe to keepe good rule and quyetnes in the countrie and not to invade, trouble nor molest the said Francis Stuart and Lieutenent Colonell Sinclar otherwais nor be order of law and justice, under the pane of fynce thousand merkes and tinsell of credite and reputation; lykeas alsua the said Lieutenent Colonell Sinclar actit himselfe not to invade, trouble nor molest the saids Mr. Androw, Johne, George and William Bruce, under the same pane."
Sedereunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Acts, May 1632-November 1639.
Linlithgow; Perth; Kinorne; Hadinton; Galloway, Seafort; Launderaill; Kinnoull; Southesk; Dalyell; Advocate; Treasurer Fol. 300, a.
Depute; Justice Clerk; Blakhall.

Anent a dispute concerning the Dowager Lady Mar's seat in the church of Stirling.

"Forsamekle as mutuell actions being persequed before the Counsell betuix Dame Marie Stuart, Countesse of Mar, on the ane part, and Johne, Earle of Mar, and Johne, Lord Areskine, on the other, anent my Ladie Dowagers right of possession of ane seat and desk in the kirk of Stirlin'; and the Lords of Privie Counsell having heard the Earles of Argile and Southesk, to whom all questions betuix the saids partieis ar submitted, who declared in presence of the Counsell and partieis compeirand personallie that they thought it expedient and reasonable that the said Countesse of Mar sould bruike the possession of the said seat in time comming as she hes done in time bygane untill she be putt frome the same be order of law. Thairfor and for preventing all questions that may arise betuix the saids partieis anent the said seat heerafter, the Lords of Privie Counsell have ordained and ordains the said Countesse Dowager of Mar to injoy and keep the possession of the said seat in time comming, as she hes done in time bygane, and that ay and whill she be putt frome the same be order of law; and it is heriby declared that in the meane time the Earle of Mars ladie may also sitt in that seat when it pleaseth her."

Sedereunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Sedereunts, February 1635-November 1643.
Mar; Airth; Perth; Wigtoun; Tullibardin; Kinorne; Annerdaleill; Launderaill; Kinnoull; Elphinstoun; Naper; Advocate; Treasurer Depute; Justice Clerk; Blakhall.

[No record of business.]

Sedereunt:—Airth; Wigtoun; Kinorne; Perth; Tullibardin; Annerdaleill; Galloway; Kinnoull; Elphinstoun; Naper; Blakhall.

Lord Elphiston chosen president of Council.

"The quhilck day the Lord Elphistoun, as eldest counsellor, wes chosin preses."

Sedereunt:—Commissioner; Privy Seal; Tullibardin; Hadinton; Acts, May 1632-November 1639.
Kinnoull; Southesk; Justice Clerk; Blakhall.

Anent the patent creating Sir John Carnegie of Ethie a Lord of Parliament.

"Forsamekle as in the patent granted be his Majestie to Sir Johne Carnegie of Ethie of the title and dignitie of ane lord and baron of parliament there is no claus conteanneed therein bearing warrant to the Director of the Chancellarie to write the same to the great seale; and the Lords of Privie Counsell being unwilling that upon this oversight the said patent sould receave anie stay, thairfor the saids Lords ordains
and commands Sir John Scot of Scotstarvet, Director of the Chancel-
larie, to write the said patent to the greate seale, quhereanent thir 
presents sall be to him als sufficient warrant, as if the said patent did 
beare ane express warrant to him for that effect."

Sederunt:—Commissioner; Privy Seal; Huntlie; Argile; Mairshell; Holyrood  
Mar; Linlithgow; Perth; Wigtoun; Kingorne; Tullibardin;  
Hadinton; Galloway; Seafor; Annerdall; Lauderdaill; Kinnoull; Southesk; Elphinstoun; Naper; Advocate; Treasurer  
Depute; Justice Clerk; Blakhall.

"A letter to his Majestie anent the prorogation of the parliament."
"Acts anent the deliverie of the Erles of Lanerk, Airlie and Carnwath, 
the Lords Lorne and Ettrick thair patents."

Prorogation of Parliament.
The patents of the Earl of Lanark and others.

Sederunt:—Commissioner; Privy Seal1; Argile; Kingorne; Seafor;  
Annerdall; Lauderdaill; Southesk; Advocate; Treasurer Depute;  
Blakhall.

"The Lords of Secret Counsell, considering the great hurt and prejudice 
quhilk this countrie hes susteanned thir yeares bygane by the great  
abundance of copper money, and namelie of the turnours latelie printed  
within this kingdom, and by the importation of great quantitie of  
counterfoote turnours, quhilkis promiscuouslie hes had course with the  
others, quhereupon great inconveniencis hes fallin out to all rankes and  
degrees of persons within the said kingdom, for remeid quhairof in time  
comming the saids Lords, after grave advice and deliberation, hes thought  
meit and expedient, concluded and ordained that the saids turnours of  
late printed and strickin within this kingdom sall have no course  
heerin after the date heirof, but allanerlie for a pennie the peece. And  
the saids Lords hes discharged and be the tennor heirof discharges the  
importation of anie turnours at anie time heerafter under the pane of  
death, certifieing all persons who sall or darre presooome to import anie  
turnours that the said pane of death sall be execute upon thame without  
favour; and als discharges the course and passage of anie false and  
counterfoote turnours not printed and stricken within the said kingdom.  
And tuicheing all other species of gold and of silver the saids Lords  
ordains the same to have course and passage as formerlie they had in  
time bygane; and ordains publication to be made heirof at all places  
neidfull quhairsthrowayne nane pretend ignorance of the same."

1 The Sederunts add Roxburgh here.
the great abundance of copper money and namelie of the turnours latelie printed within this kingdome, they thairfor and for preventing the like in time comming be thair act of the date the secund of this instant did ordaine that the saids turnours latelie printed and strickin within this kingdome, could have no course thereafter but allanerlie for a pennie the pence, as the said act more fullie proports; and the provest and baillies of Edinburgh having this day represented to the saids Lords that the act foresaid and publishing of it is not likelie to worke the end for whiche it was intended, but that the loose will be heavey upon the poor, who both to burgh and land have the most part of thir turnours in thair hands, thairfor the saids Lords of Privie Counsell have of new declared and declares that, notwithstanding of the act abowenwrittin, the saids turnours sall have course and passage among his Majestie's subjects hereafter, siclyke as they had before the making of the said act, and the saids Lords have of new discharged and discharges the importation of anie turnours within the kingdome at anie time hereafter under the pane of death, certifieing all persons who sall presomne to import anie turnours that the said pane of death sall be execute upon thame without favour; and als they have discharged the course and passage of all turnours not strickin and printed within the kingdome; and for all other speces of gold and silver ordains the same to have course as they have done formerlie in all time bygane; and ordains a maissier of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamation to make publication heirof, quhairthrow none pretend ignorance of the same."

"The quhilk day ane commission wes past for establishing justices of peace within the shiredfome of Orkey to the persons underwrittin, viz.: the Lord Treasurer; the Lords Privie Counsell and Session; William Stewart of Mayns; Sir John Buchanan of Scotscraig; Adam Bannatyne, apparent thairof; Hew Halcro of that ilk; Laurence Sinclar of Bruch; Patrik Smith of Brake; William Sinclar of Saba; George Sinclar of Ropnes; Patrik Balfoure of Garth; David Hart of Rusland; William Cragie of Carsay; James Baikie of Tankerness; James Cok of Lopnes; James Fin of Claistrem; Hew Sinclar of Damsay; William Irwing of Garstay; Maus Tailyeour, merchant in Kirkwall. The Laird of Mayns, conveenner."¹

¹ End of the Register of the Justice of Peace.
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Sederunt:—Commissioner; Privy Seal; Huntly; Argyle; Airth; Holyrood House, 19th November 1639.
Kingorne; Hadinton; Lauderdale; Naper; Treasurer Depute; Advocate; Justice Clerk.

"The whilk day John, Earle of Traquair, his Majesties High Commissioneer, having required Mr. Alexander Gibsons, younger of Durie, one of the Clerks of the Parliament, to produce the act of the proceedings of the prorogation of the Parliament on the 14 of November last, the said Mr. Alexander produced in a paper the proceedings of the said prorogation, and delivered the same to his Majesties Commissioner, quhilk his Grace delivered to his Majesties Advocaat to be considerit of. And the said Mr. Alexander, being then required be the Lord Commissioner in presence of the Counsell to mend the same in some particulars remembred be the commissioners quhilk wer not substantail to the perfection thairfo, he answered he could not adde, eik nor impaire anie thing frome that quhilk wes produced. And thereafter being required to subscribe the same as it was conceaved and writtin be him, he answered it wes needlesse, becaus it wes all writtin be his owne hand, quhilk he affirmed in the point of truthe to be equivalent to his subscription and refused to subscribe the same.

"The Lord Commissioner and Lords of Privie Counsell, having considerit the declaration abonewrittin made be the said Mr. Alexander Gibsons and his refusall to subscribe the paper produced be him of the proceedings of the prorogation of the parliament, as said is, they find the samine paper in so far as concerns the point of truthe of the proceedings mentiouned therein to be as valide and sufficient as if the samine had been subscribed be the said Mr. Alexander Gibsons.

"Thereafter the said Commissioner, having in presence of the saids Lords asked the Lord Advocaat if be what is done in the foresaid prorogation his Majesties warrants givin for that effect be fullie obeyed, the Lord Advocaat answered that in his opinion, as being his Majesties Advocaat, he thought his Majesties warrants fullie obeyed by reading openlie in Parliament in presence of the commissioners his Majesties warrants for prorogating thairfo. Quhairupon he, as his Majesties Advocaat, did then take instruments and required the clerk to prorogat and doe his dewtie according to the custome, quhilk he refused, and that his refusall could not prejudge the legalitie of the prorogation; and the said Lord Advocaat desired the Commissioner to crave the judgement of the Counsell anent his opinion foresaid, and thair voices being asked be his Grace thereupon, they declared they knew nothing to the contrarie thairfo.

Sederunt:—Commissioner; Privy Seal; Huntly; Argyle; Mar; Holyrood House, 19th November 1639.
Lithgow; Kingorne; Hadinton; Lauderdale; Naper; Advocaat; Justice Clerk; Treasurer Depute.

"The quhilk day the Commissioner, having called for some of the Anent the prorogation of Parliament,

1 There is a hiatus in the Sederunts from 26th November 1639 to 18th November 1641.
noblemen, barons and burgesses, who were in town and signified unto them thame his Majesties pleasure anent the prorogation of the Parliament, they promise to give answer thereto the morn."

"The Lords appoynts a solemnne meetinge of Counsell to be kept at Halyruhous on Thursday come fyfteen dayes, being the of December."

Sederunt :—Commissioner; Privy Seal; Huntlie; Argile; Mar; Linlithgow; Kingorne; Hadinton; Lauderdale; Naper; Treasurer Depute; Advocate; Justice Clerk.

"The Lord Commissioner, having upon the 19 of this instante called for some of the nobilitie, commissioners frome shires, and burgesses who wer in town, and signified unto them his Majestie pleasure that, if they should presoome to protest, sitt still and dissoybe his Majestie royall command anent the prorogation of the parliament, his Grace was commanded to discharge their so doing under the pane of treason; and, in caise they did not protest, but rise and dissolve according to his Majestie command, that his Majestie would not onelie admitt to his presence whome they sould thinke fitt to send to represent their desires and reasons thairof, but will lykewayes, as he was alwaies readie to doe, punctuallie performe whatseomever he did promise, this day compeered Johne, Earle of Rothes, James, Earle of Montrose, Sir William Douglas of Cavers, Sir David Hume of Wedderburne, Johnne Smith, burges of Edinburgh, James Fletcher, provest of Dundie, and Thomas Bruce, provest of Stirline, for themeselves and in name of the remanent noblemen, barons and burgesses, and, as they had formerlie done to the Commissioner himselfe, declared that in respect these whom they had formerlie sent to his Majestie wer not admitted to his presence, they would not presoome to send anie of new without his Majestie particular allowance, which they wer to desire by humble supplication to his Majestie, and als declared that they had not protested againis his Majestie command for prorogating the Parliament on the 14 of November instant, rather disobeyed his Majestie warrant by sitting still, but wer humbelie to represent their desires to his Majestie when he sould be pleased to allow thame access."

[There is now a hiatus in the Register until 18th November 1641.]

"The qhillk day the noblemen and uthers underwritten, nominat be his Majestie with advyce and appropbaton of the Estates of Parliament to be of the Privie Counsell of the kingdome of Scotland; they are to say, John, Earle of Loudon, Lord Heich Chancellour, Archibald, Marques of Argyle, etc., Johne, Earle of Sutherland, Johne, Earle of Mar, William, Earl of Morton, Allexander, Earle of Eglintron, Johne, Earle of Caisills, Earle of Glencairne, John, Earle of Perthe, Charles, Earle of
Dunfermline, John, Earle of Wigtoun, John, Earle of Kingorne, Robert, Earle of Roxburgh, John, Earle of Lauderdale, William, Earle of Lothian, David, Earle of Sousthek, John, Earle of Weimes, William, Earle of Dalhousie, James, Earle of Finlater, William, Earle of Lanerk, Archibald Lord Angus, John, Lord Lindsay, John, Lord Yester, John, Lord Sinclair, Alexander, Lord Elphinston, John, Lord Balmerino, Robert, Lord Bureley, James, Lord Amont, Alexander, Lord Balcarras, Sir Thomas Hop of Craighal, knight barronet, his Majesteis Advocat, Sir John Hamilton of Orbestoun, Justice Clerke, Sir James Carmichael of that Ilk, Thessaurar Depute, Sir James Gallouay, knight, Maister of Requests, Sir Robert Gordon of Drenie, Sir Patrick Hepburne of Wauchton, Sir Alexander Areaken of Din, Sir Robert Innes of that ilk, Sir [Robert] Grahame of Morphie, Sir William Douglas of Cavers, John Dundas of that ilk, Sir Thomas Morton of Cambo, and Sir Alexander Clerke, provest of Edinburgh for the tyme, compeirand personalie, and the said John, Earle of Loudon, Lord Heich Chanceller, haweing produced and exhibit before thame the commission granted to thame be his Majestie with advyce and approbation of the saids Estates, and the samen being red in thair audience, they all and everie one of thame accepted the said commission upon thame, and ordaned the same to be registret in the books of Privie Counsell, and gave the oathes of allegiance and of a Privie Counsellor, of the qubilk Commission and oathes the tenor followis:

—in the parliament haldin at Edinburgh the sextene day of November Commission of the Council.

the yeere of God j*mvi* and fourtie one yeeres our soverane Lord, with advyce and consent of the Estates of Parliament, considering that his Majestie being now actuallie present in his royall persone in this his native and ancient kingdome and willing before his returne to Ingland (quhair his Majesties more ordinarie residence hes beene heirtfoore and will apparellie be in tyme comming) to leive behind him suche a pledge and testimonie of his tender respect, royal care and fatherlie affection for establisheing the good and happie governement of this his Majesties ancient kingdome, as in some measure may supplie the want of his royal presence among thame, hes to this effect, out of his native goodness, condescendit to ane Act made in this present session of Parliament, with consent of the Estates, quhairby his Majestie for himselfe and his successors hes willed, inactit and ordand, that now and in all tyme cominge the Officers of State, Lords of Secret Counsel, and Lords of Session, on whose care, wisdome and fidelitie in thair several jucdicatories qubilks, nixt unto the supreme court of Parliament, are the cheife and principall jucdicatories, depends the weele and happines of the government, salt be chosin now and in all tyme cominge be his Majestie and his successors, with advyce and approbation of the estats of Parliament when they are sitting, and for the interim with the advyce of the Lords of Secret Counsel and Session respective, as in the said Act of Parliament at more lente is contenande. Thairfoir his Majestie hes with special advyce and approbation of the saids estates, nominat, electit, and chosin the persons
after following, John, Lord Loudon, Chancellor, James, Duke of Lennox, Acts, November 1641.

James, Marques of Hamilton, Archibald, Earle of Argyll, William, Earle of Marischal, John, Earle of Sutherland, John, Earle of Mar, William, Fol. 1, b.

Earle of Morton, Allexander, Earle of Eglinton, Johne, Earle of Cassills,

Earle of Glencairne, James, Earle of Murray, John, Earle of Perth, Charles, Earle of Dunfermlin, John, Earle of Wigtoun, John, Earle of Kington, Robert, Earle of Roxburgh, George, Earle of Seaforth, John, Earle of Lauderdale, William, Earle of Lothian, George, Earle of Kinnoul, David, Earle of Southesk, John Earle of Weimes,


Grahame of Fintrie, Sir Thomas Myretoun of Cambo, Sir Alexander Areskine of Din, Sir Robert Innes of that Ilk, Grahame of Morphie, The Provest of Edinburgh for the tyme being; and the supernumerarie counsellors;

English, viz.:—

Earle of Arundell, Earle of Pembroke,

Earle of Salisburie, Henrie, Earle of Holland: To whome or anie Fol. 2, a.

nyne of thame, by these supernumerarie abovewrittin, his Majestie, with advyce and consent of the saide Estates, hee committed and committs the administration and government of this his Majesties native kigndome, in all affaires concerning the peace, good and happynesse that of which, be the law and custome of this kigndome, perteanes to the judgment, cognition and determination of his Majesties Privie Council, with power to thame or anie nyne of thame, as said is, to meit and conveene at the place appoynted for the ordinaire residence of this his Majesties Privie Counsell at Edinburgh, or at anie other place or places which be common consent, in caise of anie necessitie or urgent occasion thairof, salbe fund most fit and convenient, and there to advyce, consult, deliberat, conclude, decerne and determine upon all and sundrie affaires, purposes, and actions quhilkis may concern the good and peace of the kigndome, according to the lawis and acts of Parliament established, or to be establishe within the same, and to hear, decyde and determine upon all causes and actions betuix subject and subject proper to be decydit be the Lords of his Majesties Privie Counsel; and that none be present at thair meitings but suche as are of the Privie Counsell, with the Clerke of Privie Counsell, whome his Majestie with advyce forsaids continiouwis in his place as of before. His Majestie with advyce forsaids heis lykeways given and granted, and be the tenor heirof gives and grants full power and commission to the said Counsell and everie one of thame upon anie
interveening occasion of disorder or trouble in suche parts of the countrey quhair they shall remaine for the tyme, to command and charge the person or persons, committers of suche disorders, to observe and keepe his Majesties peace, and to charge the contraveneers thairof to enter thair persons in warde in suche part or places or within suche a short space, as the said counseller shall thinke meet, thair to remaine till order be tane be a full number of the Counsell in the mater quhairin they have offendit; provyding alwayes that he be comptable to his Majestie and the rest of the Counsell, and that no just cause of complaint be heard aganis him; and if the person or persoues he chargit to ward sall happen to disobey and contemne the charge, his Majestie, with advyce and consent of the saide estats, declaris that, upon report thairof to the Counsell, a pecunial soume salbe imposed upon the offender, according to the qualitie of his persone and nature of his offence, and the Counsell is to apprehend the offenders and to committ thame to warde; with power lykewyes to the said Counsell to make and sett doune acts and ordinances for government of the kingdom and suppressing of disorders within the same; with power lykewyes to the said Counsell to give and appoint assessors to the Justice Generall and his deputys in caise of necessitie, and to give warrant to the said Justice, his deputys and assessors, for continouing execution after conviction or for mitigating the punishment of the law in criminal causes, if the nature and qualitie of the crymes sall requyre; and to grant commissions of Justiciarie in maters criminal and others commissions in maters concerning the weele of the kingdom, and also with power to give warrand to the said Justice General his deputys and others commissioners forsaiys for imponing of fynes or pecuniall soumes upon the crymes of adulterie, bearing and wearing of haquebuts and pistolets, usurie, and suche other transgressions of the acts of Parliament quhair the punishment be the law is inflicted upon bodie or goods or left to the arbitrimet of the judge; and lykewyes with power to thame to grant exemptions frome oasts, raids, assyses and licences to depart out of the kingdom, according to the conditions conteaned in the act of Parliament; as also with power to the said Counsell in caise ane open and avowed rebellion sall happen to be raised within the said kingdom, quhilk cannot be supprest bot be force, to give commission of leitutenendrie and justitiarie for suppressing of the said rebellion, and to direct charges to suche parts of the countrie as they sall thinke fit, for concurrence to be given in the execution of the said commission, and to give order and direction to furnish and advance the soumes of money that salbe requisit in suche expeditions; with power lykewyes to the said Counsell to raise the session upon interveening occasion or necessitie, and to appoynt tymes and places of thair doun sitting; and generallie with power to the said Counsell to doe, use and exercce all and everie thing whiche the Counsell of the said kingdome did or might have done the time of his Majesties late father: provyding alwayes, lykeas his Majestie expreslie provyds,
with advyce and consent forsaide, that this commission shall be no wayes prejudiciall to the Commission of Exchequer; and it is declarit, that anie nyne of the said Councell salbe a sufficient number and make a session, Fol. 2, b. provyding the Lord Chancellour be one of the nyne, and in cause of the absence of the Lord Chancellour it is declared it shall be lawfull to anie nyne or moe of the Councell, conveend in the ordinar place and at the indicted tyme of meeting, to choise one of their number conveend, who shall preside at their meeting as oft as the Lord Chancellour salbe absent.

And his Majestie and the Estates considering that the often absence of Fol. 3, a. the most part of the Councell and their not attendance on the charge and trust conereit unto thame will be a great empediment and hinderance to his Majesties service, thairfore his Majestie, with advyce forsaide, declares that it is his specclall pleasure and command that the Lord Chancellour or president of the Counsel to be elected, as said is, doe and provyde that the Councell be frequent, specialie in great and weightie matters of estate, and if upon occasion that requireth the number of the Counsel to be more full then the quorum, the Lord Chancellour or president to be electit in maner forsaide sally write to suche others of the Councell as they thinke fit to be present, and to give their attendance; in which caise if anie disobey without a licence obteane from his Majestie or the quorum of the Counsel or without some reasonable cause, either of whiche shall excuse their absence, then in that caise his Majestie, with advyce forsaide, wills that the absent salbe censured be the Councell as a neglecter of his Majesties service and that his Majestie be advertised heirof: and it is declared that if anie of the saide counsellors places vaile be decease, dimission or deprivaition, that his Majestie in the interim sal nominate ane other of that same degree and qualitie in the vacant place, with advyce of the most part of the Lords of Privie Councell, they being all present at the election, at the least lawfullie warnt to that effect upon 15 dayes warning conforme to the Act of parliament made thairanent, quhilk election, made in the interim as said is, salbe allowed or disallowed be his Majestie with consent of the Estates in the next ensuing Parliament as they salbe thinke expedient. As also his Majestie with consent of the Estates gives power to the saids Lords of Secret Councell or anie nyne of thame, as said is, to sett doune suche rules and orders for their meetings and attendance, and spaces and tymes thairof as they sall ordane among thameselues, and wills and declares that the saids Lords of Secret Councell now nominat, as said is, and these who sal be surrogat in thair places in the interim in maner forsaide, sal have, bruike and enjoy thair places ad vitam vel ad culpam and salbe lyable to the censure of his Majestie and the Estates of Parliament anent thair proceedings: firme and stable holding, and for to hold all and quhatsomever be the saids Lords or anie nyne of thame, as said is, salbe lawfullie done in the premises; and decaens and ordans all his Majesties leiges and subjects to reverence, acknowledge and obey the saids Lords of his Majesties Privie Councell in all things concerning the
charge and trust committed to thame, as said is, under all heichest paine that after may follow: and this commission to endure whil the nixt Parliament, and longer, ay and whil the same be expresse dischargit. Extractit out of the books and records of parliament be me, Sir Allexander Gibson, yonger of Durie, knicht, Clerk of his Majesties registers and rolls, under my signe and subscription manual. Sic subscribitur, Allex' Gibson, Cls. Regri.

The oath of Alledgeance.

I (N), for testification of my faithfull obedience to my most gracious and redoubted soverane, Charles, King of Great Britane, France and Ireland, Defender of the Faith, etc., affirm, testifie and declare by this my solemne oath, that I acknowledge my said soverane ondie supreme governor of this kingdome, over all persons, and in all causes, as is exprest in our National Covenant, and that no forrayne prince, power, state nor person, civil or ecclesiastique, hath anie jurisdiction, power or superioritie over the same; and thairfore I doe utterlie renunce and forsake all forrayne jurisdictions, powers and auctoritie, and sall at my utmost power defend, assist and maintene his Majesties jurisdiction for-said agains all deadlie, and never decline his Majesties power nor jurisdiction, as I sall answear to God.

The oath of a Privie Counsellor.

I suear to be a trew and faithfull servant unto the Kings Majestie as one of his Privie Counsell. I sall not know nor understand of anie maner of things to be attempted, done or spokin agains his Majesties person, crowne or dignitie royall, but I sall lett and withstand the same to the utmost of my power, and either caus it to be revealed to his Majestie himselfe or to suche of his Privie Counsell as sall advertise his hienes of the same. I sall in all things to be moved, treated and debated in Counsell, faithfullie and trewlie declare my mynde and opinion, according to my heart and conscience, and sall keepe secret all maters committed and revealed unto me or that sall be treated of secretlie in Counsell; and, if anie of the same treaties or counsells sall tuiche anie of the counsellers, I sall not reveall it unto him, but sall keepe the same untill suche tyme as by the consent of his Majestie or of the Counsell publication sall be made thairof; and generallie in all things I sall doe as a faithfull and trew servant and subject ought to doe to his Majestie, so help me God."

"The quhilk day in presence of the Lords of Secret Counsell com-peird personalie M'r John Paip, yonger, advocat, as procurator for James Philp, late Clerke of Counsell, and gave in the dimission underwritten, desyryng the same to be insert and registrat in the books of Privie Counsell, thairin to remaine ad futuram rei memoriam. Quhilk desyre
the saids Lords findeing reasonable, they have ordant and ordans the Act. Novem-
the same to be insert and registra in the books of Privie Counsel, in maner
and to the effect thairin conteaneit, of the quhil dimission the tenor Fol. 4, a.
follows:—Be it kent to all men be this present letter, me, James
Philip, Clerke of his Majesties Privie Counsel, forsameikle as I being
now struckin in yeares and subject to inermitie and weake of my
bode so as I cannot gudlie attend all occasions of my service as Clerke to
his Majesties Counsel, and being loath that his Majesties service shoul
suffer thairthrow but that the place shoul be filled with some sufficient and
able person to discharge the same, thairfore Witt yee me to have deimit,
lykies be the tenor heirow I doe dimit my saide office and charge of
Clerke of Privie Counsel of this kingdome granted be his Majestie to me
under his great seal of the date at Quythall the day of 1640,
and als my place of wryter of the commissions of the justices of peace,
and all other things, libertyes, privilegdes, offices or causallies conteane
in the said gift or whiche have beene or are competet to the Clerke of
his Majesties Counsel, in favours of Archibald PrimeRose, son lawfull to
umquhile James PrimeRose, my predecesser in the said office; and I doe
declare the same vacant be all maner of vacancie quhilke can flow frome
me; and saill never appear in the contrare heirow, but so oft as neid beis
sall renew and ratifie thir presents in als ample ane way as law will
requyre; and I am content that thir presents be insert and registra in
the books of Privie Counsel, thairin to remaine ad futurum rei
memoriam; and for that effect constitutte Mr John Paie, yonger
advocat, my procurator. In witnes quhailrof I have subscribit thir
presents with my hand, written be the said Archibald PrimeRose at my
desyre, at Halyruidhous, the first day of September, the yeere of God
jvi and xlii yeeres, before thir witnes, Mr Patrick Broune, presenter of
the signaturs in Excheker, and James PrimeRose, son lawfull to Mr David
PrimeRose, advocat. Sic subscriitur, James Philip, M. P. Browne, witnes,
J. Prymerose, witnes.”

“The quhilke day in presence of the Lords of Secret Counsell com-
peird personalie Archibald PrimeRose, son lawfull to umquhile James
PrimeRose, late Clerke of Counsell, and produced and exhibit a patent
under his Majesties great seal, bearing date at Halyruidhous, the second
day of September last, quhairy his Majestie hes made and constititute
him, dureing all the dayes of his lyftime, sole and onelie Clerke of his
Majesties Privie Counsel and sole and onelie wryter of the commissions
of justitarie of peace within this kingdome, and hes given to him the
sald places, with the halil libertyes, privilegdes, fees and casualties con-
taneit in the said gift and dew to the saide places or quhailrof anie
Clerke of Counsel hath beene in possession at anie tymne bygane, as is
more fullie conteaneit in the said patent; quhilke being red, hard and
considerit be the saids Lords, and they acknowledging with all dewtfull
respect the choise made be his Majestie of the said Archibald as a Fol. 4, a.
person most fit and able for suche ane employment, they furthwith
Acta, November 1641
October 1644.
Fol. 4, b.

reassured and admitted the said Archibald to the exercise of the saids
tua places conforme to the said patent, and tooke his oath of fidelity
t and secrecie."

"The quhilk day in presence of the Lords of Secret Counsel compeirid
personalie Sir James Gallouay, Maister of Requests, and protested that
the admission of Archibald Primrose this day to be sole clerke of the
Privie Counsell conforme to his gift under the great seale could not be
prejudicail to him and the right and privileges he may claime be
vertew of his office as Maister of Requests of presenting bills be himselfe
or his deputees to the Counsell; lykewas the said Archibald Primrose,
being personalie present, protested in the contrare, in regard to his
admission to the said office of Clerkship, quhaireby the sole power of
presenting of bills to the Counsell belongs to him, and quhaurof his
unquhile father and others his predecessors hes beene in continowall
possession without interruption."

"The Lords of Secret Counsell gives warrand and commission to the
Commission to
Marques of Argyle, the Earles of Roxburgh and Southesk, and Lords
the Marquis of
Burley, to deal with Sir William Dick or anie others they shall think fit
Argyll and
for advancing of money for payment of the souldeours of these regiments
other others to treat
with Sir
William Dick
or others for
quhilks ar yit on foote in this kingdome undisbandit, and quhilks the
payment of
the payment of
the Lords ordans to be disbandit betuix the eight day of December nixt."
the soldiers
who are not
discharded.

"A commission to the Chancellor, Argyle, Eglinton, Balmerino, and
Commission
Amont, with the Lord General, to convene and sett downe the instruc-
ament the
the rebellion in
tions to be sent to the Parliament anent the maner of the supplie from
Scotland for suppressing the rebellion in Ireland and to report."

Sedereunt:—Chancellor; Argyle; Sutherland; Morton; Eglinton;
Edinburgh,
Cassills; Glencaine; Dunfermline; Wigtoune; Lauderdale;
19th Novem-
Louthian; Southesk; Weimes; Dalhoushie; Finlater; Angus;
der 1641.
Lindsay; Yester; Sinclar; Elphinston; Amont; Balcarres; Advo-
cate; Treasurer Depute; Master of Requests; Sir Robert
Gordon; Wauchton; Innes; Dundas; Cambo; Provost of Edin-
burgh.

"The quhilk day William, Earle of Marischal,1 James, Earle of Murray,2
and George, Earle of Seaforf,3 compereand personalie in presence of the
Lords of Privie Counsell, were according to the Commission of Counsell
grantit be his Majestie and the Parliament admitted on Counsell, and
gave the oaths of allegedance and of a privie counsellor."

"The quhilk day John, Earle of Loudon, Lord Heich Chancellor of this
kingdome, produced and exhibit before the Lords of Privie Counsell, a
letter written to his Lordship be the Duke of Lennox, togidder with a
declaration and some instructions of the Parliament of England thair-

1 William, seventh Earl Marischal.
2 James, third Earl of Moray.
3 George, second Earl of Seaforth. He after-

The Earl of
London reports
a letter from
the Duke of
Lennox, to-
gether with a
communication
from the
English
Parliament.
with sent hither; quhilks being red and considerit be the saids [Lords], they have ordand and ordans the same to be insert and registrat in the books of Privie Counsell, quhairof the tennor followis.

The Dukis Letter.

‘My Lord, these two papers whiche his Majestie hes commandit me to send to your Lordship were heer presented to him upon his arryvall. By what these conteane you will perceave his Majesties returne was not held certane. Now the Parliament is risen and the power of it (for what may concerne Ireland) devolvd upon the Counsel. His Majestie desires your Lordship to call the Counsell, if you are not mett, as you exprest, to remember his birthday, and to what other effect of your affections will be to add this one, to perfect the instructions of these noble persons who are to be sent up to treat with the English Parliament, that they may be dispatcht with thame, that suche tymelie resolutions may be takin as may prove for the good of both kingdomes, and the setting of a thrid to that dutie and obedience it ought, whiche to it will be a greater happines than to prevail in mischiefe. Bot his Majesties and this whole flands interest in that is sufficient to move all care and diligence, whiche is his desire to your Lordship to intimat to the Counsel. And after that I may present my awne that you will please to esteeme me your Lordships humble servant. Subscribitur, J. Lennox and Richmond.—Postcript. His Majestie hath directed my Lord General, who, at his returne will assist your Lordship, in what you will (no doubt) have weele prepared. Barwik, 18 November. Directed on the backe, For the Lord Chancellor.’

‘The Lords and Commons in this present Parliament, being advertised of the dangerous conspiracie and rebellion in Ireland by the treacherous and wicked instagation of Romish priests and jesuits for the bloodie massacre and distruccion of all the protestants liveing thair, and others his Majesties loyal subjects of English blood, tho of the Romish religion (being ancient inhabitants in severall counties and parts of that realme, who have always in former rebellions given testimonie of their fidelitie to this crowne) and for the utter depreyving of his royall Majestie and the crowne of Ingland from the government of that kingdome, under pretence of setting up the popish religion, have thairupon taken into thair serious consideration how these mischeivous attempts might be most speedilie and effectuelle prevented, wherein the honor, safetie and interest of this kingdome are most neirlie and fullie concerned. Wherefore they doe heerby declare that they doe intend to serve his Majestie with thair lyves and fortunes for the repressing of this wicked rebellion in suche a way as saill be thought most effectuell by the wisdome and auctoritie of Parliament, and thairupon have ordered and provydit for a present supplie of money for raisinge of the number of 6000 foote and 2000 horse to be sent from England, being the full proportion desired.
by the Lords Justices and his Majesties Counsell resident in that kingdom, with a resolution to add suche further succors as the necessitie of these affaires sall require. They have also resolved of provyding armes and munition not onelie for these men bot lykewayes for his Majesties faithfull subjects in that kingdom, with store of victuals and others necessaries as there salbe occasion; and [that] these provisions may more convenientlie be transported thither they have appoynted three severall parts of this kingdom, that is to say, Bristol, Westchester and one other in Cumberland, quhair the magasens and storehouses salbe kept for the supplie of the several parts of Ireland. They have lykewayes resolved to be humble mediators to his most excellent Majestie for the encouragement of those English or Irish, who sall upon their awne charges raise anie number of horse or foote for his service against the rebells, that they salbe honorable rewardit with lands of inheritance in Ireland, according to their demerit; and for the better inducinge the rebells to repent of their wicked attempts, they doe heirby recommend it to the Lord Leutenant of Ireland or in his absence to the Lord Deutie or Lords Justices thair, according to the power of the commision granted thame in that behalf, to bestow his Majesties gratious pardon to all suche as within a convenient tymes to be declared by the Lord Leutenant, Lord Deutie, or Lords Justices and Counsell of that kingdom, sall returne to thair due obedience, the greatest part quhoarf they conceave have beene seduced upon false grounds by the cunning and subtile practises of some of the malignant rebells, enemies to this state and to the reformed religion, and lykewayes to bestow suche rewards as sall be thought fit and published be the said Lord Leutenant, Lord Deutie, and Lords Justices and Commissioners upon all those who sall arrest the persons, or bring in the goods of suche traytors as sall be personallie named in anie proclamation published be the state thair. And they doe heirby expect and requyre all his Majesties loveing subjects both in this and that kingdom to remember thair dutie and conscience to God and his religion, and the great and imminent danger which will involve this whole kingdom in general and thameselfes in particular if this abominable treason be not tymelie suppress, and, thairfor, with all reddines, bountie and cheirfulnes to conferre thair assistance in thair persons or estates to this so important and necessarie a service for the common good of all. Subscribitur, Manchester. William Lenthall, Speaker.

Instructions of the Lords and Commons of Parliament to the Committees of both Housees, now attending his Majesty in Scotland.

1. Yow sall humblelyme enforme his Majestie that the proposition made to the Parliament of Scotland concerning thair assistance for suppressing the rebells in Ireland hath beene fullie considerd and debated by both Houses of Parliament heere, and thaire wye and brotherlie proceedings and expressions are apprehendit and enterteaned by ws, not onelie with approbation bot with thankfulnes. Wherfore wee desyre that his
Majestie will be pleased that yow may in name of the Lords and Commons of England, give publick thanks to the Estates of the Parliament of Scotland for their care and redlines to employ the forces of that kingdom for reducing the rebellious subjects of Ireland to their due obedience to his Majestie and the crowne of England.

2. Yow sall further make known to his Majestie that, in respect of the great and almost universall revolt of the natives of Ireland cherishit and fomented, as wee have caus to doubt, by the secret practises and encouragements of some forayyn states ill affected to this crowne, and that the northerne part of that kingdom may with much more ease and speed be supplied from Scotland then from England, wee humbly advise and beseeche his Majestie to make use of the assistance of his Parliament and subjects of Scotland, as is more particulatlie specifieit in the 5 article, for the present releif of those parts of Ireland, which ly neirest to thame, according to the treatie agreed upon, and confirmed in both Parliaments and the affectionat and freindlie disposition now latelie exprest.

3. Yow sall present to his Majestie the copie enclosed of the declaration whiche wee have sent to Ireland for the encouragement of his good subjects thair, and for the more speedie and effectual opposing of the rebells, and in execution and performance of our expressions thairin made of zeal and faithfulnes to his Majesties service. Wee have alreadie taken care for 50,000l. to be presentlie borroewed and secured by Parliament. Wee have lykewyse resolved to hasten the Earle of Leicester, Lord Leuitenant of Ireland, verie speedlie to repaire thither, and forthwith to raise a convenient number of horse and foote for securing Dublin and the English pale with suche other parts as remaine in his Majesties subjection, intending to second the same with a farre greater supplie.

4. Wee have further ordered and directed that his Majesties armes and munition lying in the citie of Carleill salbe transported to the northerne parts of Ireland for the supplie of Carriectfergus and others his Majesties forts and garrisons there, and that a convenient number of men salbe sent from the north parts of Ingland for the better guard and defence of these forts and countries adjoyning. Besyds wee have taken order for diverse officers to be sent for the heading of two regiments to be leveyed off the inhabitantis thair, and that a larger proportion of armes and other munition salbe speedelie conveyed out of his Majesties stores to Westchester to be disposed according to the direction of the Lord Leuitenant of Ireland for armeing the men to be sent from Ingland and suche others his loyall subjects as may be raised in Ireland.

5. And, becaus wee understand that the rebells are lyke with strengt to attempt the ruine and destruction of the British plantations in Ulster, wee humbly advise his Majestie by the counsell and auctoritie of the Parliament in Scotland to provyde that the full number of 10,000 may be raised of his Majesties subjects in Scotland at suche tymes and in suche maner as salbe thought fit by the Parliament here, of which
number for the present wee desire that 5000, furnisht and accomplisht with all necessarie armes and munition as saill seeme best to their great wisdome and experience, may with all possible speed be transported into Ireland under the command of suche worthie persons weelee affected to the reformed religion and the peace of both kingdomes, and weelee enabled with skill, judgment and reputation for suche ane employment; whiche forces wee desire may be disposed in these northern parts for opposing the rebells and confort and assistance of his Majesties good subjects thair, with instructions from his Majestie and the Parliament of Scotland, that they sall upon all occasions pursue and observe the directions of the Lord Leuitenten, his Leuitenten general, and others governors of Ireland, according to thair auctoritie derived from his Majestie and the crowne of England.

6. And as tuicheing the wages and other neidfull charges quhilk this assistance will requyre, wee would have yow, in our name, to beseexe his Majestie to commend it to our brethren, the Estates of the Parliament of Scotland to take into thair care in the behalfe of his Majestie and this kingdome, to make suche agreement with all the commanders and soulsdiers to be iemployd as they would doe in the lyke case for thame selfes, and to lett thame know for our part wee doe whollie rely upon thair honorable and freindlie dealling with us, and will take care that satisfaction be made accordinglie. *Sic subscribitur, Manchester. Wm Lenthal, Speaker.*

"Forsameikle as there is certane quantitie of his Majesties plait peultor and other household stuffe in missing by the careless and negligent keeping of these to whose charge the same apperteand, and is kept by some persons to thair awne privat use, thairfore the Lords of Secret Counsell ordans heraulds or maiessers to pas to the mercat croce of Edinburch and others places neidfull and there be opin proclamation to command and charge all and sundrie persons in whose hands anie of his Majesties plait, peulter or other household stuffs now in missing is, to bring in and deluyer the same to the Thesaurer Deput within 24 hours after the publication heirof, under the paine to be persewed thairfore as theeves."

"A patent produced under the great seale creating the Laird of Barganie ane lord of Parliament, quhilk was red and deluyerit be the Chancellor to the said Lord Barganie, who ressaved the same on his knees."

"The Earles of Cassillis, Glencairne, Launderdaill and the Laird of Commission Innes adjoynd to the commissioners appoynted for the Instruction about the Irish Rebellion, the Irish bussines."
“The quhilk day George, Earle of Kinnoul,1 and Alexander, Earle of Levin,2 compeirand personalie in presence of the Lords of Privie Counsell, were, according to the commission of Counsel granted be the Kings Majestie with advyce and approbation of the Estatis of Parliament, admitted on Counsell, and gave the oathes of allgedance, and of a privie counsellor.”

“The quhilk day in presence of the Lords of Privie Counsell compeirand personalie Mr John Paip, younger, advocat, as procurator for the principall and cautioner underwritten and gave in the band after specifit, desyryng the same to be insert and registrat in the books of Privie Counsell to the effect thairin conteanit, quhilk desyre, etc., of the quhilk band the tenor followis:— I, Lieutenent Colonell Alexander Stuart, forsameikle as I being committed be warrand frome the Parliament to the keeping of John Fleeming, one of the baillies of Edinburgh, in his hous, and now being to be relieved and putt at libertie and not deteaned anie longer under that restraint and in respect thairof, I, being most willinglie resolved to behave my selfe in a peaceable and legal way, thairfo I, for my selfe and John Cunyngham, sone to Mr John Cunyngham, sometyme of Boqhan, as cautioner for me, bind and oblieus us conjunctlie and severallie that I, the said Lieutenent Colonell Alexander Stuart, sall carie and behave my selfe in ane peaceable and sober way to all his Majesties leis as becometh ane dutifull and obedient subject, and conforme to the lawis and acts of Parliament of this kingdome; and especiallie that I sall carie and behave my selfe in ane sober and discreet maner toward Captane William Stuart in maner abone rehearsed, and that I sall not trouble, molest nor anie wayes perturbe or Squable with him in anie sort, and that under all heichest paine and punishment it sall pleasure the Lords of Secret Counsell to infict incase I contravene. Lykeas I, the said John Cunyghame, become bund and oblieus as cautioner for the said Alexander Stuart his good behaviour and cairgie generallie and particularlie above rehearset under the paine forsaid, and I, the said Lieutenent Colonell Alexander Stuart, become not onelie acit and oblieit for my selfe to the effect forsaid, but also I bind and oblieus me to releive my cautioner of his cautionerie abonementomat and of all danger he may incurre thairthrow; and wee baith consent thir presents be registrat in the books of Privie Counsell, with all execution neidfull to pas heirupon, and thairfoe constititts Mr John Paip, advocat, our procurator to compeir and consent to the effect forsaid. In witnes quhairof wee have subscribed thir presents at Edinburgh, the 19th of November, 1641 yeeres, before thir witnes, John Fleeming, baillie, William Balfour, my nephew, and Robert Burdon [sic] servitor to the

1 George, second Earl of Kinnoul.
2 Alexander Leslie, first Earl of Leven. He had been raised to this dignity on 11th October 1641.
said John Fleming. (Sic subscribitur), A. Stuart, John Cunynghame, John Flemyng, baillie, witnes, W. Balfour, witnes, Ro. Burbon, witnes.”

Sederunt ante meridiem:—Chancellor; Argyl; Sutherland; Mar; Eglinton; Cassila; Glencairne; Murray; Dunfermlin; Kingorne; Seafor; Lauderdaill; Louthian; Kinnoul; Southesk; Dalhousie; Finlater; Lanerc; Levin; Angus; Elphinston; Sinclair; Balmernio; Balcarres; Advocate; Treasurer Depute; Master of Requests; Sir Robert Gordon; Wauchton; Innes.

“The quhilck day Sir Allexander Gibson, yonger of Durie, Clerk of Register,3 compeirand personalie in presence of the Lords of Privie Counsell was according to the commission of Counsel granted be his Majestie with advyoe and approbation of the Estates of Parliament, admitted on Counsel, and gave the oathes of allegiance and of a privie counsellor.”

Bodem die post meridiem; sederunt ut ante meridiem exceptis Murray; Dunfermlin; Kingorne; Louthian; Kinnoul; Levin; Angus; Yester and Sinclair.

“The quhilck day John, Earle of Loudon, Lord Heich Chancellour of this kingdome, haveing acquainted the Lords of Privie Counsell with a lettre direct to his lordship be the Duke of Lennox at his Majesties direction and with ane declaration and instructions sent frome the Parliament of Ingland that with tuicheing their desyre of assistance frome this kingdome for suppressing the Yrish rebellion; and considering that be ane act of the Parliament, haldin at Edinburgh the 16 of November instant, commission is given to a certane number of the three Estates or anie fuyve of thame, there being fuyve at the least, quhairfoe one of everye estate, to treatt concerning suche of the articles of the treatie quhilks ar not yit concludit but referred to be treated betuix the Commissioners of both kingdomes, and that among these articles there is one anent what assistance salve given be this kingdome for suppressing the said rebellion; and quhairas the whole Commissioners cannot be readie to repaire to England so soone as it is requisit some answer be given to the Parliament of England in this exigent of so great importance, thairfore the Lords of Privie Counsell have made choise of the Earles of Louthian and Lindsay, tua of the Commissioners nominat in the said Act, unto whome they have given a letter to his Majestie with certane articles and instructions for furthering and advancing of the said assistance, who are to repaire to the King’s Majestie and . . . . . .

[There is a hiatus in the register here.]

1 Yester is added here in the Sederunts.
2 It was only the circumstances of his position that constrainned Charles to admit Gibson as a Privy Councillor. From the outbreak of the religious troubles he had taken a firm stand on the side of the Covenanting party.
Edinburgh, 22nd November 1641.

Lord Almond created Earl of Callender.

“A patent produced under the great seal creating the Lord Almond Earl of Callender, red, allowed and deliver'd be the Chancellor to himself, who ressav'd it on his knees.”

“A patent creating the Laird of Arbuthnet, Viscount of Arbuthnet, and ane other creating the Laird of Balvaird Lord of Balvaird, presented, red, allowed, and in respect of the parties absence were both deliver'd be the Chancellor to the Earle of Southesk, who ressav'd thame on his knees.”

Eodem die, post meridiem.

The Secretary and Sir James Galloway.

“A letter to his Majestie anent the Secretar and Sir James Galloway.” Fol. 75, a.

“The Earl of Southesek and my Lord Carnegie ordain to be ressav'd as cautioners for the Earl of Traquaire, conforme to the Act of Parliament made thairnent.”

“The qhillk day the Earle of Finlater and the Earle of Airlie and the Laird of Bamff, compeirand in presence of the Counsell, declared that thair wes no maleice nor ill will betuix thame, and thairfore chopit hands and promist to keepe his Majesties peace one with another and to live as freinds oucht to doe.”

“A warrant to write the Commissioners of Parliament thair commissiun for England to the great seal.”

Sederunt:—Chancellor; Mar; Southerland; Eglinton; Cassillis; Kingorne; Finlater; Elphinstone; Clerk Register; Advocate; Sir Robert Gordon; Wauchtoun.

Edinburgh, 23rd November 1641.

The Earl of Finlater and Lord Ogilvy.

“Letters direct agains the Earle of Finlater and Lord Ogilvie for keeping the peace, finding caution for that effect, and for thair appearance before the Counsell the 24 of Januar nixt . . . . . . . . . . . . .

nor molest one another otherways than be order of law and justice under the pane of ten thousand merks, and that they find present caution actit in the books of Privie Counsell for this effect, certifieing thame that doin in the contrare that thay sall be decerned to have encur'd the said paune fra the date of the charge given for that effect, and letters salbe direct againis thame for payment thairof in forme as effeires, and that thay sall be farther censured and punished in thair persons and goods at the arbitrement of the Counsel.”

“The qhillk day in presence of the Lords of Secret Counsel compeirand personalie Sir Donald M'Donald of Slait and became actit and obleist as cautioner for Angus M'Donald, appeirand of Glengarrie, that he sall compeir personalie before the saids Lorde this day eight dayes and keepe warde within the toune of Edinburgh in the meane tyme, under the paine of ten thousand merks.”
"Forsameikle as the commission of Exchequer is not yit fullie exped bot is to be done with convenient diligence, and quhaires, in regarde of the successse of that judicatorie these diverse yeeres bygane, upon occasion of the late troubles, it is thought fitting that by warrant and auctoritie of the Lords of Privie Counsel (to whose care this matter is incumbent) in respect the said judicatorie of Exchequer is not yit established) intimacion sall be made to his Majesties good subjects in maner following; thatfere the Lords of Secret Counsel ordans letters to be direct charging officers of armes to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamation to intimat and declare to all his Majesties leiges and subjects that the said judicatorie of Exchequer is to convene and meet at Edinburgh upon the eight day of Januar nixt, and at that tyme and thairafter to kepe their ordinar diets of meting for expedjing and componing of signatories, for giveng order anent the collecting and upliftung his Majesties customes and imposts . . . the same, and als for discussing and determineing in [all] actions and causes quhilk be the lawis of the kingdom and [acts] of Parliament are proper and competent to the said judicatorie; and to warne all persons having enteresse to attend the diets of the said judicatorie of the Exchequer in maner forsaid, with intimation as effeires."

"Anent the supplication presented to the Lords of Secret Counsel by William, Earl of Marischal, makand mention that quhairin the tyme of the sitting of the late parliament the crowne, sword and scepter have beene in his keeping and possession, as due to the office of Marischal, and the parliament being now endit so that there is no more present use to be made of thame, humblie desyryng thairfore the saids Lords to resavve the saids honors aff his hands and be act of Counsel to exoner him thairof, lykweise at more lenthe is conteained in the said supplication: Quhilk being red, hard and considderit be the saids Lords and they weale advysit thairwith, the Lords of Secret Counsell, in respect of the production of the said crowne, scepter and sword instantlie made before the saids Lords be Arthur Stratton, wryter to his Majesties signet, in name of the said Earl of Marischal, exoner the said Earl and his servants hавeinge charge under him of the saids three honors."

"The quhilk day in presence of the Lords of Privie Counsel compeird personallie Robert Hepburne, advocat, and product and exhibit before the saida Lords fuyve keyis, quhilk he declared were the keyes of some rumes and kista in the castle, quhaire the honors were in use to ly and were entrusted to his keeping be the Committee of Estates. Lykewise compeird personallie Arthur Stratton, writer, and in name of the Earl of Marischal produced the crowne, sword and scepter, quhairof the
said Earle had charge the tyme of the late Parliament. Qubilk's honors Acta, November 1641-October 1646. and keyis being sighted be the saids Lords, they ressavew the same from the said Arthur Stratton and Robert Hepburne and delveryer thame to \textit{Fol. 8, b.}
Sir James Carmichael, Thesaurer Depute, to be layed up be him in the Castle of Edinбурgh, and ordaned the Earle of Cassills and Laird of Wauchton to respire to the Castle with the Thesaurer Deput to sie the honors layed; qubilk they acordinglie did, and reproducit the saids keyis, qubilk were then redelyvered to the Thesaurer Depute to be keept be him."

"The Lords of Privie Counsell gives warrand and commissiion to the Earle of Southesk, the Lord Elphinston, the shireff of Teviotdail and Sir Robert Gordon to conveene and consider the commissiion granted be the Committee of Estates to the Laird Innes and some others aganus the resetters of the Clan Gregor,\footnote{"Againis some persons in the North," is the wording of the entry in the Sederunts, \textit{fol. 75, b.}} and to consider the proceeders of the Commissioners, and to report."

\textit{Apud} Edinburgh \textit{ultimo Novembris 1641. Sederunt:—Joannes, Comes de Loudoun, Cancellarius; Archibaldus, Marchio de Argile; Willelmus, Comes de Morton; Joannes, Cassillis;\footnote{Full sederunt at the commencement of a new volume.} Comes; Jacobus, Moravia Comes; Georgius, Comes de Seafort; Georgius, Comes de Kinnoull; Alexander, Comes de Leven; Dominus Alexander Gibson de Durie, Clericus Registri; Dominus Thomas Hop de Craighall, Advocatus; Dominus Jacobus Carmichael de Eodem, Thesaurarius deputatus; Dominus Robertus Gordon, miles; Dominus Willelmus Douglas de Cavers; Dominus Robertus Innes de Eodem.\footnote{Complaint by Francis Edmistoun, servitor to Captain William Douglas, as follows:—He was scrivener to the said Captain's company at Newcastle, and one George Jardane, "being a runaway of this company" for his more easy escape, forged a pass under the said Captain's hand. About Martinmas 1640 the complainant was sent hom to bring up the fugitives of the company, especially the said George Jardane, and he went to Patrick Edmonstoun of Wolmet, master to the said George, who sent his servant, Alexander Ros, with the complainant, to apprehend him. When the time came for him to return to Newcastle, he went to the said George's house to desire him according to the public order of the Committee of Estates, to go back to his service, but the said George, as soon as he saw him and knew his errand, "drew his sword and uttered manie opprobrious speeches aganis him and put him to his owne defence; at which tyme the said George alldges he receaved a wound on his hand." And now, when the complainant has come home from his service and matters are settled, the said George has raised letters against the complainant for mutilation. These letters he pleads should be set aside,}
as the said wound (if any be) was given in the discharge of his duty, and the said George Jardane was a runaway, who by the orders of war deserved to die. Parties being summoned and both compairing, the Lords, after hearing them and several witnesses, find “that the said George Jardane was a runaway and that the persecuer had commission to apprehend him and carie him back, and that anie wounds he receaved was in opposing the said commissioun, and that he procured the same deservedlie,” and therefore they ordain the Justice and his deputes to desert the criminal diet against the complainer, but reserve to the said George any lawfull action he has against the said Francis for loss sustaine in his goode.

“The Lords recomends to the Lord Chancellor to grant a commission for visiting the hospital of Aberdene foundit be Gawin Dunbar, bishop their, and to report their proceedings to the Counsell.”

“The casket exhibit be Archibald Primrose and delyverit to the Lord Chancellor to be keepe be him.”

Sederrunt:—Chancellor; Levin, General; Argyl; Caesills; Murray; Sea福特; Kinnoul; Southesk; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Laird Innes; Wauchtoun; Provost of Edinburgh.

“Forsameikle as there was a commission granted be the Committee of Estates in the moneth of December last to James, Earle of Murray, James, Earle of Finlater, Sir Robert Innes of that Ilk, James Grant of Frewchie, James Creichton of Fendraucht, Allexander Dunbar of Westfield, shireff of Murray, Sir William Forbes of Cragievar, Robert Cumyn of Alter, Thomas Mckenzie of Plascarden, Allexander Abercrombie, elder of Birkinbo, Sir Allexander Abercrombie his son, and Robert Leslie of Finresie, or anie fyve of thame, the saids Earles of Murray and Finlater or suche as they souold appoynt for thame in thair absence being alwaies one of the quorum, for doing justice uppon sorners, theesves, oppressors, lawless persons and thair ressetters, and for fyneing the delinquents whose states do not exceed fyve hundreth merks of yeerlie rent, as in the said commissioun more fullie is exprest; quhilk commission, togidder with tua rolments of courtis haldin be the saids commissioners (the one in the Tolbuith of Elgin in the monethis of Februarie and Marche last, quhairin the delinquents are convict and fyned conforme to the said commission, and the other at the Kirk of Keith in the moneth of May thairafter, quhairin they have procest and convict certane delinquents bot not fyned thame) being be the Lords of Privie Counsell referred to the tryell and examination of some of thair nomber, and they haveing this day made thair report thairinrent, quhairwith the saids Lords being weele advysed and findeing the saids commissioners thair proceedings in the saids tua rolments to be honorable and just, conforme to the trust committed to thame be the said commission, they have allowed thairof
and ordains letters of horning and pounding to be past aganis suche as Acta, November 1641.–
are fynned for payment to the commissioners of the saids fynes, conforme to the tenor of the said commission, upon a simple charge of twentie Fol. 9, a.
dayes, and tucheing suche as are proceest and convict bot not fynned, the saids Lords ordans the saids commissioners to conveene and meet at their best conveniencie in maner prescrybed be their commission abowewritten, and to proceed and goe on in fyneing of the saids persons, and uplifting of the fynes conforme to the tenor of the said commission, quhairrenent thir presents saul be to thame a warrant.

"Forsameikle as the King’s Majestie, being humblie petitioned in Fol. 9, b. behalfe of the coalemaisters within this kingdome for ane cease of the double custome imposed in June 1634 upon all coalles exported furth thatairof, and being thairwithall informed that since that tyme the trade of coals hath not onelie beene deserted by strangers, in regards of the said extraordinarie imposition, to the undoing of manie of his Majesties poore subjects who had thair subsistence thairby, bot also to the utter ruine of the maisters of the saids coale works, and his Majestie, considering that he did no waie intend at that time to prejuudge the trade or awners of the coalpots, and being yit unwilling to give anie just cau of discouragement to the maisters of the saids coaleworks, thairfoir his Majestie, with advyce of the Lords of Secret Counsell, hes discharged and doth heirby discharge the said new custome in all tyme coming, and declaris that no further custome salbe exacted heirafter then wes formerlie in use to be payed before the granting of the said warrand for the custome foresaid, and act of Counsell following thairupon in June, 1634; quhilik act of Councell the Lords of Privie Counsell doth heirby rescind and annul, and ordans the same and all that hath followed thairupon to be of no force nor effect in tyme coming, bot to be voyde and null in thame-
selves, as if the samen had never beene. Followes his Majesties missive for warrand of the act abowewrittin:—CHARLES R.—Right trustie and right weilbeloved cousins and counsellers, right trustie and trustie and weilbeloved counsellers, wee greet yow weele. Being humblie petitioned in behalfe of the coalemaisters within this our kingdome for ane cease of the double custome imposed in June, 1634, upon all coalles exported furth thairof, wherby wee did no waies intend at that tyme to prejuudge the trade, or awners of the coalpots, yit being informed (as by the petition sent heirwith will appear) that since that tyme the said trade hath not onelie beene deserted by strangers in regards of the said extra-
ordinarie imposition, to the undoing of manie of our poore subjects who had thair subsistence thairby, but also to the utter ruine of the maisters of the saids coaleworks, to whome wee would be unwilling to give anie just cause of discouragement, wee, haveing taken the same into our royall consideration, are heirby gratiously pleased that the said new custome then imposed be fullie discharged in all tyme coming; and for that effect it is our will and pleasure that yow give order for discharging the same and that no further custome be exacted then wes formerlie in use
to be payed before the granting of our warrant, and act of Counciill following thairupon in June, 1634, and to this purpose you gie suche further directions as salbe fund necessarie; for doing quhairof these presents (which wee will be registrat in the books of Council) salbe unto you, and others whome it may concerne, sufficient warrand. Wee bid you farewesle. Frome our Palace of Halyrudhous, the 15th of November, 1641."

"The quhilk day John, Earle of Loudon, Lord Heich Chancellour of Mr, John Rollock appointed Sheriff-Depute of Stirling.

this kingdome, produced and exhibit before the Lords of Privie Counsell; ane gift under the Privie Seale of the date at Halyrudhous, the tent of November last, quhairby his Majestie, for the reasons mentioned in the said gift, hes made and constitut M' John Rollock, Commisar of Dunblane, shireff depute of the shirefdome of Stirlinie, and baillie depute of the Lordship thairof, dureing all the dayes of his lyftyme, as the said gift more fullie proports. Lykeas the said M' John Rollock compeirand personlie before the saids Lords, and his Majesties favor and respect to him in preferring him to the said office and charge being intimat to the said M' John, he with all dew reverence acknowledgit the same, and accepted the said office of shireff deput of Stirlinie and baillierie of the lordship thairof upon him, and gave his oath de fidel administratione."

"The quhilk day John, Earle of Loudon, Lord Heich Chancellour of Mr, William Hog appointed Sheriff-Depute of Haddington.

this kingdome, produced and exhibit before the saids Lords ane gift under the Privie Seale of the date at Halyrudhous, the first day of November last, quhairby his Majestie, for the reasons thairin mentioned, had made and constitut M' William Hog, advocat, shireff depute of Hadinton, dureing all the dayes of his lyftyme, as the said gift more fullie proports. Lykeas the said M' William Hog compeirand personlie before the saids Lords, and his Majesties favor and respect in preferring him to the said office being intimat to him, he with all due reverence acknowledgit the same and accepted the said office of shireff deput of Hadinton, and gave his oath de fidel administratione."

Sederunt:—Chancellor; General; Argyl; Mar; Cassillis; Murray; Edinburgh, Dumfermline; Seafort; Kinnoul; Southesk; Dalhousie; Angus; Sinclair; Elphiston; Balmerino; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordon; Innes; Cavers.

"The Lords of Privie Counsell, haweing tane to thair consideration the singular good offices done to the publict these three yeeres bygone be Thomas Cunynghame, factor in Campheir, they find that he hes caried himselfe worthilie, and thairfore recommends the said Thomas to the favor of the toun of Edinburgh and remnant burrowis of this kingdome, that they may shaw him anie favor which they lawfullie can."
The quhilk day in presence of the Lords of Privie Counsell com- pired personallie Alexander, Earl of Leven, Lord General, and produc and exhibit ane act of the last parliament under the hand and sub- scription: Sir Alexander Gibson, yonger of Durie, Clerk of Register, of the date the 17 of November last, quhairby his Majestie, with advyce and approbation of the Estates of Parliament, nominated and elected the said Alexander, Earle of Leven, to be capitaine and keeper of the Castle of Edinburgh, quhilkis his Majestie and the Estates ordaned to be putt and keepit in the condition the same was before the last troubles. Quhilk act being red and considerit be the saids Lords, and they, acknowledging with all deu'thill respect the favor shawn be his Majestie and Parliament to the said Earle of Leven, did admitt the said Earle of Leven to be capitaine and keeper of the Castle of Edinburgh, conforme to the said Act, and thairby gave commissioun to John, Lord Balmerino, to repaire to the castle and sie the same deilvered to the said Earle. Lykes the said Earle gave his oath for the faithfull discharge of the trust committed to him.

[Sederunt as recorded above.]

Complaint by John Stuart of Coldinghame, as follows:—He is greatly injured in his estate by the intromission of Sir Robert Douglas of Blakerston who has uplifted his rents for many years past. At the late Parliament he petitioned the Estates to call him to an account, and for this purpose they appointed a committee, but at their closing, the Parliament referred the matter to their Lordships. Sir Robert Douglas having been cited and he and the pursuer both comparing, the defender pled that no process could be granted at this time because the Lord Cranstoun and the heirs of the deceased Mr Robert Craig and others who were interested had not been cited. The Lords continue the matter p. 3, until the 6th January next, and ordain all parties to be cited. The parties present are warned apud acta.

The Lords recomends to the Generall the givinge of present orders for bringeing of Sinclar's regiment from the north.

Sederunt:—Chancellor; General; Argyl; Murray; Dunfermline; Seafort; Kinnoul; Souteshk; Elphinston; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Innes; Sheriff of Teviotdale.

The quhilk day in presence of the Lords of Secret Counsell com-pired personallie David, Earle of Souteshk, and declared that conforme to the Act of Parliament the Earle of Traquair was willing to find caution actit in the books of Privie Counsell for his appearance before the Commissioners appoynted for trying the incendiaries and plots; and that the Earle of Kinnoul and his Lordship were to be cautioners,
and desyred that warrant might be given for ressavaing of the said caution. Lykewise Sir Thomas Hope of Craighal, his Majesties Advocat, being lykeways personalie present, did be command of the Lord Chancellor, in his Majesties name, intimat to the said Earl of Southesk, as cautioner forsaid, that the first diet of the Earle of Traquaires apperance before the saids Commissioners is and sould be the fourt day of Januar nixtocomes; in respect of quhilk intimationoun the Lords ordans the cautioners to be ressavaed in maner forsaid.”

Instructions from the Lords of his Majesties Privie Council to the Commissioners direct be his Majestie and the parliament to England for concluding the articles of the remainder of the Trettie, etc.

“First as concerning those articles quhilkis were proposed and not concluded in the late Trettie bot were remitted to a new commission to be appoynted to that effect, you are to insist thairupon and to endevor to be all faire meanes to obtane the same as they ar conceaved, and to enforce the granting thairof by all the arguments and reasons which may conduce to that end. And, if the same cannot be obtaneed, you are to obtane so muche thairof as possible you can, that you may make report thairof to the nixt Parliament. You are to remember the payement of the brotherlie assistance at the dayes appoynted, and to condiscend upon the maner of the saife convoy thairof, and the frame of the discharge to the Parliament of England upon the payement of the same; as also to try upon what termes the saide brotherlie assistance may be advanced to us before the day of payment, either be the Parliament of England, or be anie others who will undertak the advancement thairof upon reasonable conditions. And thairwithal frome tyme to tyme to advertise the committie appoynted for the common burdens.

“As concerning the Yrish bussines, you are to proceed thairin according to the particular instructions now given yow thairinan, and frome tyme to tyme to advertise the Privie Counsell of your progresse thairin that yow may resseave thair advice before anie final conclusion be made.”

“Anent the bussines of the Palatinat, you sall acquaint us with his Majesties and the Parliament of England’s resolution thairin, that wee may send yow full and particular instructions thairinan.

“You are to seie that the commissioun for conserveing of the peace betuix the tua kingdomes be drawin and exped according to that article of the Trettie.

“You are to labour dureing your abode thair by all meanes to kepe a right understanding betuix the Kings Majestie and his people and betuix the tuo nations, and to confirme that brotherlie affection begun betuix thame, to advance thair unitie be all lawfull meanes to the glorye of God and peace of the church and states of both kingdomes, and to prevent all jealousies and mistakings quhilk may aryse betuix thame.”
"To render thanks to the Parliament of England for their assistance Act, November 1641, given to this kingdom in the settling of the late troubles thairof, quahirin, nixt to the providence of God, and the Kings Majesties goodness and justice, wee cannot but acknowledge our selves most beholdin to their mediation and brotherlie kyndnes in manie respects, and especiallie in confisprovoking to the Kings Majesties doun cominge to us in the midst of their greatest auries, quhairof wee have tasted the sweet and comfortable fruits; and doe wish hartlie that they may have the lyke happiness in his Majesties returne to tham; and for this end to profer your mediation for removing all jealousies and mistakes quhilks may arisse betuix his Majestie and that kyndome, and your best endeavours to the better establishment of the auries and quiet of the same for his Majesties honor and the good and peace of both kingdoms which are mutuellie entresse in the welefare of others.

"Yow ar to give frequent advertisments to us of your proceedings in the particulars above written, and to give us intelligence of all occurrences quhairin this kyndome may be anie wwayes concerned. Subscriptur:—Loudon; Canuus; Argyle; Cassilis; Murray; Dunfermline; Kinnoul; Callander; Elphinston; Yester; Sinclair; Advocate; Thea's Deput; Innes."

"The Lords of Secret Counsell having considerit the petition given in to thame be Thomas Cunyngham, factor at Campbeir, desiring that the Lords would recomend to the Commissioners of Parliament presentlie going to England to conclude the trettie to use their best endeavours with his Majestie for presenting of the said Thomas to the office of Conservator, and they, remembiring the good offices done by the said Thomas to this his native countrie, and his abilities to undergo that charge and service, and with all the earnest desyre of the burrowis (whome the mater doth most concernme) that the said Thomas sall be preferred to [this] charge; thairfore the saids Lords hes recommendit, and be thir presents recomends this mater to the saids commissioners thair best care and instance with his Majestie, by all the lawfull wyes they can to procure his royall warrant and grant of the said office to the said Thomas, quhairamet thir presents sall be unto thame a sufficient warrand."

"The Lords of Secret Counsell gives warrand and comission to the Lords Register, Advocat, Justice Clerk and Treasurer Deputie, or anie of thame, to passe all bills of summons or citations before the Counsell that sall occurre dureing the not sitting of the Counsell, and to anie tua of them to passe suspensions, advocationes, letters of horning or others of that kynde, quhairamet thir presents salbe to thame warrand."

"The Lords of Secret Counsell, having considerit the comission exhibit to the Kings Majestie and Estates in the late Parliament anent the repressing of the dissorders in certain parts of the Hiellandes of this kyndome, togidder with the reference made be his Majestie and Estates of Parliament of the said commision to the Lords of Privie Counsel, with this declaration that whatsoever the saids Lords sall inact therein sall
have the auctorite, force and validitie of ane act of Parliament, and the
sais Lords, haveing maturelie advysed and deliverit anent the tenor and
particulars of the said commission, they have ordant and ordans ane
commission of the tenor afterspecifieit to be drawin up and past. Lykwise
the same wes this day exped in Counsell, quhilk the sais Lords ordans to
be insert and registrat in the books of Privie Counsell, and to passe
the quarter seale, and ordans the same to be published, quhairof the tenor
followeth.—Our soveraine Lord, considering that in the late Parliament
haldin at Edinburgh in the moneth of November last great paines wes
taken anent some solide course for punishinge of malefactors and delin-
quents and for the peace and quiet of his Majesties good subiects, speeciallie such as dwell and resort within the Hielands of this king-
dome, for whiche purpose it wes thought expedient that circuit cours
of justitiarie sicould be established within the shirefdomes aftspecifieit,
for trying and punishinge of all theevs, sournes, robbers and thair
ressetters within the sais bounds, quhairupon commission of justitiarie
wes drawin up and exhibit to his Majestie and Estates of Parliament,
who be thair reference of the 16 of November last did remitt the same
to the Lords of Secret Counsell, with this declaration, that what the sais
Lords sould conclude and inact thairin sould have the auctoritie, force
and validitie of ane act of Parliament, as the said reference beires. And
his Majestie, understanding that the sais Lords, after grave and mature
advysce and deliberations in this mater, hes fund be thair act of the date
of thir presents the necessitie and expedienie of granting commission in
maner underwritten for the punishment of delinquentes and good of his
Majesties loyal subiects within the bounds following, thairfore his
Majestie, with advysce of the sais Lords of Privie Counsell, ordans a
commission to be past and exped under the testimonial of his Majesties
great seale in due and ample forme, makeing, nominating and constitut-
ing, lykwise his Majestie with advysce forsaid maks, nominate and con-
stitutts Sir Thomas Hop of Kerse, his Majesties Justice General, Mr
Allexander Colvill of Blair and Mr James Robertoun, advocat, his
Majesties Justice Deuputs, and faillieing of thame suche as the said
Justice General sall deputie to the service after specifieit, and als the
uther persons undernamed conforme to the division of the tua quorums
aftermentiont, his Majesties Justices in that part within the ten shiref-
domes following, viz:—The shirefdomes of Dunbartane, Stirline, Perthe,
Forfar, Kincardin, Aberdene, Bamff, Eligne, Forres, Naime, and Innermes:
They are to say, for the said shirefdom of Dunbartane, Archibald,
Marque of Argyle, William Semple of Foulwood, Walter McAulay of
Ardocaple and Sir Umphra Colquhonn of Balvie; for the shirefdom of
Stirline, the said Marque of Argyl, John, Earl of Mar, James, Earl
of Callander, Sir Lodovick Houston of that Ilk, George Buchanan, fear
of that Ilk, and Mr William Cunyingham of Broomehill; for the shiref-
dome of Perthe, John, Earl of Athol, John, Earl of Perthe, Mungo,
Viscount of Stormont, Sir Robert Campbel of Glenurquhie, Sir Thomas
Stuart, fear of Garnetullie, Sir Mungo Campbel, fear of Lawer, M' Acta, Novem-
the shirefdom of Forfar, John, Earl of Kingorne, James, Lord Fol. 12, b.
George Grahame of Inchbrakie, and James Stuart of Ardvorliche; for October 1646.
Carnegie, Sir David Grahame of Fintrie, Sir John Arekene of Din, Sir
the shirefdom of Aberdene, George, Marques of Huntlie, William,
Gilbert Grahame of Morphie, and James Wood of Babegno; for the
Earle of Mairsel, George, Lord Gordon, John, Lord Arekene, Andro,
shirefdom of Aberdene, George, Marques of Huntlie, William,
Lord Fraser, Sir Alexander Irving of Drum, James Creichton of Fend-
Earle of Mairsel, George, Lord Gordon, John, Lord Arekene, Andro,
straucht, Sir William Forbes of Craigievar, John Forbes of Leslie,
Lord Fraser, Sir Alexander Irving of Drum, James Creichton of Fend-
Alexander Strachan of Glenkindie and Robert Ferquharson of Inner-
straucht, Sir William Forbes of Craigievar, John Forbes of Leslie,
cald; for the shirefdom of Bamff, James, Earle of Findlater, James
Alexander Strachan of Glenkindie and Robert Ferquharson of Inner-
Creichton of Fendraught, Sir Alexander Abercrombie, yonger of Birkin-
cald; for the shirefdom of Bamff, James, Earle of Findlater, James
bog, Walter Barclay of Towie and Alexander Ogilvie of Kempcairn;
Creichton of Fendraught, Sir Alexander Abercrombie, yonger of Birkin-
for the shirefdomes of Elgin, Forres and Nairne, James, Earle of Murray,
bog, Walter Barclay of Towie and Alexander Ogilvie of Kempcairn;
Sir Robert Innes of that Ilk, Sutherland of Duffus,
for the shirefdomes of Elgin, Forres and Nairne, James, Earle of Murray,
Dunbar, shireff of Murray, shireff of Nairne, Thomas M'Kenzie
 Sir Robert Innes of that Ilk, Sutherland of Duffus,
of Pluscardie, James Grant of that Ilk, John Grant of Moynes, Hew
Dunbar, shireff of Murray, shireff of Nairne, Thomas M'Kenzie
Ros of Kilraeock and Alexander Brodie of Letham; for the shirefdom of
of Pluscardie, James Grant of that Ilk, John Grant of Moynes, Hew
shirefdom of Inernes, James, Earle of Murray, George, Earle of Seaforth,
Ros of Kilraeock and Alexander Brodie of Letham; for the shirefdom of
Maister of Lovat, William M'Intosh of that Ilk, James Fraser of Bray,
shirefdomes forsaid or anie part thairof als oft as neid beis, to sett,
M' Alexander M'Kenzie of Gilcouie and Duncan Forbes of Cullon;
affixe, affirme, hold and continow, and at suche tymes as they shall thinkin
givand, grantand and committand to the forenamed persons and ilk
expedient tyme ilk yeere dureing the service of this commission, viz.,
quorum thairof afterspecifit, his Majesties full power and commission to
at anie tyme fra the midst of Apryle to the last of May for that season
the effect underwritten, court or courts of justitiarie within anie of the
of the yeere, and in August thairafter til the 15th of September nixt
shirefdomes forsaid or anie part thairof als oft as neid beis, to sett,
following; and to begin this service in the moneth of Apryle 1642, and
efficient tyme ilk yeere dureing the service of this commission, viz.,
to caus call and convenee before thame all and quhatsomever persons
who are denuncit rebells and fugitives for criminal causes, their assissers,
within the saids shirefdomes who shall be dilate guiltie of committing
resetters and partakers, and all and quhatsomever persons within the
thiefs, depedations, bearships, slaughters, murders and fyre raisings or
the saids shirefdomes who are guiltie of ressetting and supplieing the saids
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thieves, rebells, fugitives and others persons forsaid since the com-
who are denuncit rebells and fugitives for criminal causes, their assissers,
mitting of the crymes abonewritten, and who sall happin to supplie,
ressett thame and thair complices or anie of thame
maintean and ressett thame and thair complices or anie of thame
thairther, contrarie to the law and acts of parliament, to underly the
thairther, contrarie to the law and acts of parliament, to underly the
law for anie of the crymes forsaid committed be thame, and to proceed
the law for anie of the crymes forsaid committed be thame, and to proceed
thairin conforme to the order used before the Justice General and his
deputes; and for that effect to charge thame by precepts and letters of
for that effect to charge thame by precepts and letters of
horning to underly the law be opin proclamation at the parish kirk of
horning to underly the law be opin proclamation at the parish kirk of
the parish, within the whiche they doe most resort, upon a Sunday be-
the parish, within the whiche they doe most resort, upon a Sunday be-
forenoone, and at the mercat croces of the shirefdomes quhair they ofttest
reipare, within sex dayes after the charge, whiche forme of citation is
heirly declared to be als sufficient as if everie one of thame were charged
personalie apprehendid, and, if they faillye, to denunce thame to the
borne, and suche as shall happen to compeir to putt thame to ane assysse,
and if they be convict to doe justice upon thame, either by death,
banishment or otherwayes, as their crymes doe merit and deserve, als
weele in lyffe, lands as goods, conforme to the lawis of the kingdome, sicy-
lyke and in als ample and free maner as anie of his Majesties Justice
Generals or Justices be commission within this kingdome hes beene in
use to doe, use or exercice of before, be vertew of their commissions and
offices in that place at ane tyme bygane; assysses ane or mae, als ait as
neid beis, to summond, warne, choose, and caus be sworne, and to cause
charge the saieds assysors to attend upon the saids justices be commis-
sion dureing the sitting of the saids justice courts, to passe upon the
saids malefactors thair assysses, ilk person of inquest under the paine of
an hundredth merks toties quoties as they sell faillye; sutes to mak be
callit, absents to unlaw and amerciament, transgressors to punish, clerks,
serjants, dempesters, procurators fiscalls and all other members of court
neidfull to make, creat, substituttce and caus be sworne, upon and with
the conditions after specifit; decreits, judgments, rolments, acts, testi-
monies, precepts and others writts necessar thairupon to give out and
the samen to due execution to caus be putt; scheits, unlawis, amercia-
ments and other ducties and casualties of the saids courts quhatesoever
to exact, uplift and ressawe, and to apply so muche thairof to thair awne
proper use as will beare their charges in prosecuttung of the premises,
and to be comptable for the rest and superplus, if anie be, to his
Majesties Exchecker, or anie whome they sell appoynt to that effect, and,
if neid beis, to poynd and distrenzie thairfore be thair awne decreits and
precepts of poynding as accordis; and als with power to the saide com-
missioners or anie guorum thairof to caus summond all partes necessar
within the saids shirefdomes, to come in and find cautioyn for keeping the
Kings peace in tyme coming; with power to thame or either of the saids
tau guorum, as said is, if neid beis, to remitt and pardon quhatsoumever
person or persons fund guiltie and convict before thame, if they find the
same may conduce for the good and peace of the countraye; with this
provision alwayes that the saids persons find cautioyn to parties
damnified be thame according to thair meanes, and for thair good
behaviour in tyme coming and that they sell passe thair remissions in
forme as effeires; and generallie all and sindyrie other things to doe, use
and exercice anent the premises sicylyke and als freellie in all respects as
anie of his Majesties justices, generall or be commission, or thair deputs
hes beene in use to doe in the lyke affaires at anie tyme bygane be
vertew of thair offices in that part, promitten to hald firme and stable all
and quhatsoumever things his Majesties justices forsaiid or anie guorum
thairof in the due and lawfull executioyn of thair offices in that
part in the premisse righteouslie dois, bot prejudice to his Majesties
Advocat, and Justice Clerke, of their offices and places in the saids justice courts and of their priviledges thairof, quhilk sall not be prejudgit be vertew heirof; with this provision alwayes and no other-ways, that if his Majesties said Advocat and Justice Clerke sall not have depute under thame, being advertised of the diets thairof, be the space of twentie dayes before to attend the saids commissioners in the execution of the said commission, then and in that case it sall be lawfull to thame, and ilk quorum of thame to choose their awne procurator fiscall and clerke in manner forsaid; and it is hereby declared that the saids commissioners sall divyde thamselfes in tua severall quorums as they thinke most expedient, haweing alwayes one of the justice deputys, or suche as sall be deput in thair places, present at ilk quorum at the expedition and execution of the forsaid service; and to the effect the saids Justice General and justice deputys and commissioners forsaid may accept the said commission upon thame and make faith de fidei administratius, his Majestie, with advyce of the saids Lords, ordans thame to meit and convene at Perthe the first Wednesday of Apryle nextoconme, ilk person under the paie of fyve hundreth merks incaise of faylie, to the effect they may resolve upon thair division and making of the saids tua quorum, and thairafter to take suche course for thair proceedings in the premises as may best conduce for the weeal and good of the service forsaid. And his Majestie, with advyce forsaid, ordans that at the first meiting the most part of the commissioners abonespecifit sall be a quorum and ordans the saids commissioners and justices to report thair proceedings and diligence in the premises conforme to the tenor of this commission to the saids Lords of Privie Counsell tuyeye yeere after the termes forsais prescribyed for holding the saids courts. And, becaus it is thought expedient that six score men sall be leveyed for attending and assisting the execution of the said commission alweele for imbring of malefactors to underly the law in the saids justice courts as for putting the sentences thairof to due and lawfull execution, thairfore his Majestie with consent of the Lords of Secret Counsel ordans the said number of six score men to be led under a captane and commander to be chosin be the saids commissioners or the most part of thame, unto whome his Majestie, with consent forsaid, gives full power to levey the said number of six score men, and to arme and provyde thame with all kynd of armes, as gunns, hacquebutts, pistolets and other warlyke furniture; with power to the said captane or commander of the said six score men to prosecutte with all hostilitie al and sundrie persons within the saids shirefdomes guilitie of the crimes forsais or anie of thame, or who are denunced rebells and fugitives frome the lawis for criminall causes, their assisters, partakers and ressetters, and all and everie person guilitie of the resettting and supplying of the saids theves, rebells, fugitivas and others criminall forsaid within the saids shirefdomes, since the committing of the crymes forsaid or who sall happen to mainteane, suppleie and resset thame and thair
complices or anie of thame thairafter, and to bring thame in to the
commissioners forsaids to underly the law for the saids crymes at suche
tymes and places within the saids shiresthomes, as the saids commissioners
shall thinke expedient, in maner and to the effect conteand in the said
commission; and, if the saids rebells or others criminal forsaids or anie
of thame sall flee to strenthes and houses, with power to the said
captane and his companie to pas, follow and persew thame, assigege
the saids strenthes and houses, raise fyre, and use all kynde of force and
warlyke engine that can be had for winning and recoverie of the same,
and apprehending the criminals being thairin; with power to the captane
to putt in warde and imprison all suche persons as he or his companie
sall happin to apprehend be vertew of this commision, or els to bring
thame to the commissioners forsaids to the effect justice may be execute
upon thame as accordes; ordaneing heirby all magistrates of burrowis
to make thair jayles patent to the said captane for imprisoning suche as
be his warrand sall be apprehendit and direct to thair prisons; and, if in
execution of this service, it sall happen the criminals forsaids or anie of
thame to be hurt, woundit, mutilat or slaine, thair goods to be tane or
fyre to be raised or anie other inconvenient to follow thairupon, his
Majestie, with advyce forsaid, declares that the same sall not be impute
to the said captane nor anie of his companie as cryme nor offence, and
that they nor none of thame sall be called nor accused thairfore crimina-
nallic nor cívillie be anie maner of way in tyme coming, dispenseeing
thairwith and with the carying of haquebuts and pistolets simpliciter
be thir presents; and generallie all and sundrie other things to doe, use
and exercis quhilks of the law and consuetude of this realme for
execution of this commision are knawin to appertae: firme and stable
holding and for to hold all and quhatsomever things sall be lawfullie
done thairin. It is always heirby declared that, if the said captane or
anie of his followers sall dannifie or wrong anie of his Majesties good
subjects within the bounds forsaids in thair lands, rents, goods and geir
dureing the tyme of thair service, in that caise, upon complaint of partie,
they salbe haldin to repaire the losses of parties skaithed. And it is
heirby ordand that the said captane and companie sall be susteaned,
mainteand and have thair wages furthe of the fynes, amerchiaments and
unlawis of the saids justice courts, if thair sall be anie reserved, the
expenses of the judges and officers of court being first payed out of the
saids fynes; and quhairin the saids fynes sall enlaik toward the pay-
ment of the said captane and his companie thair fees and allowances,
ordans the same to be payed out of his Majesties Exchecker,
quhilk his Majestie, with advyce forsaid, is gracioulsie pleased to
grant for advancement of the said service; provydeing his Majesties
Exchecker be no further burdend in payment of the said fees frome
the beginning till the finisheing of this service at the next parlia-
ment, bot allanerlie for the sowme of ane thousand punds sterlind and
no further. And his Majestie, with advyce forsaid, ordans the com-
missioners to informe thameselves be all the lawful ways and means they can of all rebells, criminalls and their resetters forsaid, within the several bounds quhairin they are commissioner, and of sufficient dittay to be given aganis thame, and ordans eevie heretor within his awne bounds in the several shirefdomes forsaid to give up in roll the names of all theves, sorners and others criminals forsaid to the saids commissioners in their several shyres, and to give up particular dittay of the severall crymes quhairof they are guiltie, as the saids heretors will answer upon thair perrell, and thairafter the saids commissioners sall be haldin to give up a list of the names of the saids criminals, quhair they dwell and resort, to the said captan and commander to be brought in be him before the commissioners to underly thair tryel; and ordans proclamation to be made of this commission at the mercat croces of the said borrowis of the shirefdomes forsaid and others places neifull, quhairthrow none pretend ignorance of the same, and to command and charge all and quhatsomever his Majesties lieges and subjects to reverence, acknowledge, obey, ryse, concurre, fortifie and assist the saids commissioners and captane of his companie, in all and everie thing tending to the execution of this commission, and to doe nor attempt nothing in the contrare, as they and everie one of thame will answer upon the contrare at thair heichest charge. And it is hereby declared that this commission sall no ways be extendit to the bounds nor no part thairof, quhairof the Marques of Argyle is heretable Justice be his infeftment ratified in Parliament, bot that the saids haill bounds are and sall be expresslie excepted and reserved furthe thairof; and ordans this commission expyre at the nixt Parliament or sooner if the same sall be expresslie discharged be his Majestie and Lords of Secret Counsel; and ordans the said commission to be harder extendit in the best forme with all clauses neifull; ordaneing hereby the Director of the Chancellarie to wryte the same to the quarter scale gratis and the said Director of the Chancellarie to append the scale also thairto gratis without pass- ing anie other registers or scales; quhairanent thir presents salbe a sufficient warrand. Given at Edinburgh, the thrid of December, 1641. Subscribitur, Loudon; Canthius; Murray; Cassills; Seafor; Kinnoul; Yester; Elphinston; Tho. Hope; Ja. Carmichel; J. Hamilton."

Orders frome the Counsel anent the levy of fyve thousand men for assisting Ingland to supprese the rebellion in Ireland. 3 December 1641.
licentiat, that the Lord Generall take course for leveying of so manie others as will make up the saids tua regiments to the number of tua thousand men. It is lykewayes thought fitt that order be given to the severall shyres for listeing of 3000 men, quhairf oone thousand to be Hielanders according to the division following, viz.:—The burgh of Edinburgh 200 men, the shiref dome of Edinburgh 150 men, the shiref dome of Hadinton 150, Fyffe 200 men, Linlithgow 80 men, Berwick 150, Roxburgh 200, Selkirk 80, Peebles 80, Laner 250, Renfrew 80, Air 250, Wigtoun 150, Dumfreis 150, Perthayre 200, Dumbartane, Bute and Braes of Stirline 108, Argyll 300, Innernes 300. It is thought fit that the Lord Generall take some course for appoynting of the colonels, lieutenant colonels, and majors, and that the captans, lieutenants and ensignes be choosin be advyce of the noblemen, gentlemen, and heretors of the shyres or counsel of the burghs, according to the number and proportion of men to be sent out be the shyre or burgh, and that the captane be sent out of the shyre or bounds that arof that send out the greatest proportion, the lieutenant with the nixt proportion and the ensigne with the least, and that the serjants come with the captans and lieutenants, and that special care be had that the captans and leutenents be soulsidours who have served abroad in the warres, and at least, if the captane be a countrey gentleman, that the leutenant be a sooldiour who hath served abroad, and that all the soulsidours, at least as manie of thame as may be of thame that were leveyed before. And it is heirly declared that, before they be requeryd to marche in this expedition, they sall have compleat payment of their bygone arrears due to thame, and that thair pay sall be the same quhilk sall be allowed to the armie that gois out of England for that service.

"And if the number cannot be gottin compleat of the soulsidours that were in the armie before, the lyke condition is heirly offered to others who sall be inducet to goe for the tyme to come, and course sall be takin that everie soulsidour fra he begin his march till he come to Ireland, quhair he is to enter upon the English pay, sall have sixpence a day and the officers proportionable; and it is ordand that the forsaid particular number of men to be leveyed out of everie shyre be in redines to march within six dayes after the nixt advertisement, and suche of that regiment appoynted to be Hieland men, as sall furnish themselve with armes sall resave satisfaction for the same frome the publict. And the rest of the soulsidours to be leveyed by these alreddie on foote salbe furnished out of the publict magasen."

"The Lords of Secret Counsell, for the more speedie and saffe transport of fve thousand men to Ireland for suppressing the rebellion there, doth heirly give warrand to the Marques of Argyle, the Earl of Glencairne, provest and baillyes of Glasgow, Dumbartan and Renfrew, and to the Lairds of Greenock, Newark, and Bishopton, for all ships, barks or Ireland. boats betuix the Cloche ston and Irwing inclusive; and to the Lord Chan- celler, Earle of Cassilla, and provest and baillyes of Air for all ships,
barks and boats of Air, to conveene, transact and agree with all the owners, maisters, skippers, saillers of ships, barks and boats within the former bounds respective for transporting of the armie to Ireland, with power to anie one of the noblemen within the bounds respective above-named to arrest the saids ships, barks and boats, and that they make report of their diligence therein betuix and the day of , and of what ships, barks and boats for transporting they can make sure, and of the conditions of the transport.”

[Sederunt as recorded above, with the addition of Cassillias.] 

Complaint by Anna Inglis, lawful daughter of the deceased Thomas Inglis of Corsflat and now spouse to William Cuninghame of Aiket, as follows:—The deceased Anna Peebles, her mother, having, after her father’s death, married the deceased Allan Lokhart of Hessilheidwood, he, at Lannam, 1626, carried the complainer away when she was but twelve years of age to the place of Aiket, and there caused her to subscribe a contract of marriage with her said husband, and next day, by a warrant from the late pretended Bishop of Glasgow, she was married quietly in the kirk of Dunlop, “since whilk time now be the space of 15 yeeres he hes ever behaved himselfe most unkindlie to the said compleaneer, separating himselfe from her companie and conversing with others suspect persons, for which he is under present censure before the Presbytery of Paisley. And whereas her said umquhill mother did enterteane her during her lifetime, now after her said mothers death she hes beene putt to great necessitie and extremitie in shifting for her life; lykeas her said husband hes most maliciouslie raised inhibition againis her upon scandalous informations, and she hes often dealt with her freinds to move him to cohabite with her, which he did so long as they wer in companie with thame but thereafter removed, leaving the compleaner nothing to live upon, but cruellie strake her with his hands and feit diverse times. Lykeas in July, 1634, he, having remained foure dayes with her, he urged her to dispone her lyverent worth 40,000 merks; and because with reason she did refuse, he dang her head to the board, kuisst her to the ground and left her for death; and ever since she has lived separat frome him.” In July last she made a representation of her case to the Committee of Estates who appointed her to receive 200 merks for a month’s maintenance, expecting that her husband would have lived with her before the expiry of that time and “used her christianelie, but he doeth still remaine in his old behaviour.” She also remonstrated matters to the Parliament and sought a maintenance out of his estate, but they have remitted the matter to their Lordships. Both pursuer and defender compearing, the Lords, after hearing them, continue sentence until 6th January next, but meanwhile modify a payment of 200 merks to be made by him to her until that time, within four days, wherein if he fail he is to be compelled to pay twice that amount.
Supplication by William McIntoshe of Torcastell, as master, the widow of Lachlan McIntoshe and William Miller and their remnant kin and friends, as follows:—On 20th September last John McInnald in Innergarie; John McInnald, his brother; Alexander McInnald in Culeaschie, also his brother; Rorie McGillespick, John McInnald VeInnes; Alexander McGillespick, Alaster McInnald VeGorrie, Dougal McConchie VeInnes; Angus McGillichallum VeConchie, Rorie Dow McInnes Roy; Donald McInnald VeInnes in Stronchoarack, John McInnald in Achnadarrach, Justice certain of his tenants who have been guilty of man-slaughter.

Allan McAllan VeInnes and McAllan, his two sons; Angus McEane VeInnes Oig in Kytrak; John Bayne McInnes VeAlaster in Kilianane, John McEwin VeEane Vatch in Fochin, John McInnes VeRannald VeAllan there, Donald Owir, his brother there; John McInnald VeEane Voir in Dam, Neil McInnald VeEwin Roy in Kyltir, Donald McInnald Buy VeEwin in Drynachan, John McEwin VeEane Dwy in Laggan, Alaster Dow McInnald VeAlaster VeEwin, Alaster Beg, his brother; McGillespick McConchie, son to Gilespick McConchie, officer in Abirchallader, Angus McRannald VeAllan in Ardbeg, Donald McEane VeEwin Duy, Donald McInnes VeAllan VeInnes Voir, with their two uncles, Allans McInnes Voir, with others their accomplices, all kinsmen, tenants and servants to the Laird of Glengarie; as also Duncan McMartine alias Camron in Lettitfinlay, and John McRorie VeConnochie in Stronaba, were all put to the horn for not finding caution in the books of adjournal to compear before the Justice on 16th October last and underlie the law for the cruel slaughter of the said Lachlan McIntoshe and William Miller, committed by them within the burgh of Inverness upon a Sabbath day; and they remain in their rebellion, having disposed of their means and gathered together in companies under one head, for the purpose of disturbing the peace of the country far more than they have hitherto done. The Laird of Glengarie, who is chief, master and landlord to these men, is present in Edinburgh, and as he ought to be answerable for them and produce them to justice, it is craved that he may be dealt with according to the acts of Parliament, as the only means of bringing these rebels to obedience, and that he be committed to ward until they are produced or find sufficient caution for their compearance. It is further craved that the suppliants may have commission and letters of intercommuning against the said rebels. Angus McInnald, oy (grandson) to the Laird of Glengarie, being called to answer hereto, and he compearing, and the said William McIntoshe compearing by his brother Lachlan, the Lords, after hearing parties, in regard of the known old age and infirmity "of the old Laird of Glengarie, being near an hundred yeeres of age," and that the said Angus, his grandson, is apparent heir of the estate, has the management thereof, and is followed and acknowledged by the whole tenants of the bounds, find that he is liable for the exhibition of these rebels. This being intimated to him and he ordained to find caution as above for the compearance of these persons in June next, and meanwhile for the
keeping of the peace, refused to do so. Wherefore the Lords ordained him to be committed to ward within the Castle of Edinburgh until he find the said caution and is relieved therefrom. They also grant letters of intercommuning against the rebels as craved.

Supplication by John Innes of Leuchars as follows:—By a patent ratified in the late Parliament his Majesty appointed him keeper of the house of Spynie, which for the past two years has been in possession of the Committee of Estates and held by them. He was about to enter upon possession, but is informed that the Earl of Murray, at least some of his servants at his direction, have violently taken possession of the said castle, putting out those who kept it in the Committee's name, and have put a number of men therein so as to debar the supplicant from entering. He therefore charges that their Lordships will take such order therewith that he may receive possession. The Lords, having heard the Earl of Murray, who was personally present, ordain the said house to be sequestrated in the keeping of Mr John Hay, provost of Elgin, till it be found who has best right thereto. They therefore ordain the said Earl P. 7 to be charged to deliver the said house of Spynie to Mr John Hay before 25th December next, and Mr John Hay to be charged to take care thereof, and his expenses are to be paid by the party who shall be found entitled to the house. This judgment is to be without prejudice to either party.

Edinburgh, 3rd December 1641.

Sir Donald Mc'Donald of Sleat.

Caution by the Earl of Traquair as an Inocendary, for his future good behaviour.

Sedent ante meridiem as in Acta, with the addition of Cassillis.

"Sir Donald Mc'Donald of Slait tyenced to goe home."

[No record of Sederunt.]
as may conduce most for the peace of the kingdom, and according to the acts of Parliament, and that they sall appeare before the commissioners appointed be the King and Parliament for trying the incendiaries and plotters, or quorum of the saids commissioners conteaned in the commission granted heirenant whensover and at suche tymes as they sall be required thereto, and that upon the findeing of this caution the saids persons sall have libertie of their persons, ordaininge the same caution to be ressavd be the Lords of Privie Counsel as the said act (bearing this declaration that this act of caution sall onelie stand obligator againis the cautioners dueing the tymes of the forsaid commission appointed for the saide tryel quhilkendures onelie till the first day of Marche nextoome) more fullie proports conforme quhairunto witt yee us, the saids principall and cautioners, and our aires and executors, to be bund and obligd, conjunctlie and severallie, as said is, for me the said John, Earle of Traquaire, that I sall behave myselfe in suche a quiet maner as may conduce most for the peace of the kingdom, and according to the acts of Parliament, wherein if I failie, the favor granted to me be the King and Parliament to be null; as also that I sall appeare before the commissioners appointed be the King and Parliament for trying the incendiaries and plotters, or quorum of the saids commissioners conteaned in the commission granted heirenant, whensover and at suche tymes as I sall be requyred thairto, according to the tenor of the said act of Parliament in all poyns lykees I, the said Earle of Traquair bind and oblies me and my aires to warrand and relieve my cautioners of all skaith and danger they may incurre heithrow for ever; consenting that thir presents be insert and registrat in the books of Privie Counsel to the effect execution may pas thairupon in forme as effaires, and for this effect constitutta Mr John Paip our procurators [sic]; in witnes quhairof we have subscribit thir presents, written be Mr John Callender, servitor to Archbald Primrose, Clerke to his Majesties Privie Counsell, at Edinburgh, the eight day of December, 1641 yeeres, before thir witnes, the said Archbald Primrose and Mr James McKnath. Subscribitur, Traquaire, Kinnoul; Southesk; A. Primerose, witnes; J. Maenath, witnes."

Sederunt:—Morton; Eglinton; Dunfermline; Kinnoul; Callander; Canongate, Yester; Balmerino; Clerk Register; Advocate; Provost of Edinburgh.

Morton chosin to be Preses of this meetin.

"The quhilk day the Lords of Privie Counsell, haveinge scene and considerit the letter direct frome the Lord Chancellor to the Lord Advocat, with the papers and depositions enclosed thairin, concerning Captaine Winter, they thinkes fit, and accordinglie ordains the said Captaine to be committed to warde within the Castle of Edinburgh, thairin to remayne upon his owne expenses till the Lord Chancellor, be advyce of the Counsell, give farther directions concerning him. And the Lords
rejects the Plea of the Councell to sic the said Captaine committed, as said is, and to seale his cabines or coffers where his writhe are, to be made furthcovermand as the Lords sall have occasion to call for thame."

Sederunt:—Chancellor; Cassills; Dumfermlin; Lauderdaill; Kinnoul; Weemes; Dalhousie; Angus; Burley; Clerk Register; Justice Clerk; Treasurer Depute; Waughtoun; Dundas; Provost of Edinburgh.

"The Lords of Secret Counsell ordans and commands the Provost of Edinburgh to produce and exhibit before the Counsell the more the box or cabinet pertaining to Captaine Winter and quhilk was sealed be the Clerk of Counsell, and is presentlie in a dresser almerie in Eufame Wilsones houe."

"The Lords of Secret Counsel nominate and appoynte the Earles of Cassills and Lauderdaill, the Lord Burley, the Clerk of Register, the Lairds of Waughtoun, Dundas, and Provost of Edinburgh, or anie three of thame, not excluding anie of the Counsell, to examine Derbie, Schannagan and Captaine Winter's boy, now prisoners within the Tolbuith of Edinburgh, and to report their depositions to the Counsell."

"The Lords recommends to the Lord Chancellor and Earle of Lauderdaill to view the registers being within the castle of Edinburgh upon Fryday nixt, and ordans Mr William Hay, sone to the late Clerk of Register, to attend and be present with the keyes of the roumes and presses quhair the saids registers doth ly."

"Proclamation anent the dyets of the Counsell."

"A letter from the Earle of Lothian to the Counsell anent his proceedings in his commision in England."

"The Lords recommends to the committe for the commoun burdens to give order that compt and reckoning may be made with all diligence with Major Monro and Lieutenant Colonell Home anent the moneys dew unto thame and their regiment for byganes, and report made thairof to the Counsell upon Tuesayd nixt."

"A letter to the Counsell from the Viscount Chichester and some others in Ireland anent the furnishing of some armes to James Edmonstone, Esquire, upon his band, for the use of the Britsh in Ire-land aganis the Yrish; quheranent ordains the Generall of the Artillerie to be warned to the morne at 2 houres, quherof intimation was made to the said James Edmonstone."

"The Lords contynues all actions till the morne afternoone."

"A letter from his Majestie for continewin Bryce Sempill in the shirefsip of Renfrew and bailillery of Paisley for three yeares, quherof the Counsell will take notice at the election of the shirefis."
"Forsameikle as the Lords of Privie Counsell, having at leneth the hard and considerit the missive letter direct unto thame be Eduard, Vicount Chichester, Captane Arthur Chichester, his eldest sone, Sir Arthure Tirringhame, knight, one of his Majesties Privie Counsell of Ireland, and Arthure Hil of Kilwalden in the countie of Doune, Esquyre, togidder with the letter of attorney given be thame to M' James Edmestoun of Brodiland in Antrim, to bargan and buy for their use aganis the rebels in Ireland, ane thousand muskets with bandeliers, tua thousand swords, fyve hundreth and fiftie picks, fyve hundreth horsemen peces with snaphances, or, for want of suche, fyve hundreth carbynes and three full peeces of three or foure pond bullet, upon suretie to be given be the attorney in their names to suche as sall furnish the saida armes within this kynsdome, that the saida Lords, in garde of the present necessitie for his Majesties good subjects in Ireland, finds it expedient that they be furnished with suche armes as may be best spaird furthe of the public magazen, and recommends to the Committee for the common burdens to condiscend anent the quantitie and number of armes to be given and prices qhairyof, and to take suretie thairfore as they sall thinke fitting, and accordinglie to give warrant for delyverie of the armes condiscendit on."

[Seiserunt as recorded above.]

Complaint by Sir Alexander Meinzie of Weme, as follows:—"The oppressions and barbariteis, committed be the Clangegour aganis his Majesties good subjects and the compleanne and his tennants in speciall these manie yeares bygane," are not unknown to their Lordships, and they have now begun to renew them in the time of the late troubles. Not only so, but, "when as a happe peace wes settled be his Majestie and the Parliament, Patrik Murray (who aganis the Acts of Counsell doth also designe himself M'Gregour) within these fourteene dayes did send ane imperious charge and command to the compleanne to possesse the said Patrik in the lands of the Rannachie pertaineing to the compleanne," and, because he refused, the said Patrik on November came with forty or fifty of "his lawlessse and brokin clan, armed with all sort of houstile furniture and setteld himself doune upon that part of the compleannes lands of the Rannachie called Kindachrie and others rounes there," and there they yet remain, uplifting his rents and sorning upon and oppressinge his tenants, as if the arm of justice was not able to reach him. Charge having been given to the said Patrick Murray, as party, and to Duncan Meinysie alias M'Gregour in Learg, John
McAlexander VcInnes in Aulich, John McKeinyie Ure there, Duncan McIndou VcCondochie in Lerane, Donald McAulay Roy in Killechoun, McDonie, John Sinclair in Camserachoie Beig, Gillandreis Beig in Innercombe, and John McErcher there, as witnesses; and the pursuer comparing, by Meinyeia, his son, but neither the defender nor the witnesses comparing, the Lords ordain both defender and witnesses to be put to the horn.

"A letter from the Commissioners at Londoun anent the intente management of the forces heir on foot be the English from the 8 of December to the end of the tratie."

"A letter from the Secretar to the Advocat (quhilk the Advocat produced) declaring that it is his Majesteis pleasure that the shirefs be continued this yeere."

"The Lords ordainis the Erle of Dalhoussie, the Lord Angus, the Justice Clerk and Laird of Wauchton to peruse the list givin in be the Advocat of the names of the Commissioners to be insert in the conjunct commission of the Middle Shires and to advise thereupon with the Lord Cranstoun, the Shireff of Tiviotdaill, and such others as they think fit, and to report to the Counsell their opinion upon Tuesday nxt."

"The Lords declares the ordinar time of their melting for commoun affaires betuix partie and partie to be at swa hours, and to sitt till fyve at night an no longer, except in the publick service of the King and countrie."

Sederunt: — Chancellor; Leven; Argyl; Cassills; Glencairne; Acts, November 1641—October 1646. Murrey; Dumfermlin; Lauderdale; Southeak; Weemes; Dalhoussie; Angus; Sinclair; Burley; Balcarras; Clerk Register; Fol. 17, a. Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Morphie; Provost of Edinburgh.

Captain of Privie Counsell recommends to the Lord Chancellor, the Earle of Lauderdale and Lord Burley, or anie tua of thame, to opin Captane Winters coffer, quhilk wes this day exhibit in counsel be the Proveit of Edinburgh, and to peruse the haill writs and papers being thairin, and to report to the Counsell what they find thairin, and ordans a maiser of Counsell to passe to Captane Winter and to require the key of the boxe frome him, that the same may be opened and not broken up."

[Decreta, November 1641—October 1646.]

Edinburgh, 6th January 1642.

Anent the maintenance of soldiers by the English.

Sheriffs to be continued in their offices.

Conjunct commission of the Middle Shires.

Hours appointed for common business.

Sederunt: —

Edinburgh, 11th January 1642.

Captain
Winter's box.
See note, p. 176.

Complaint by Robert Hay of Strowie, and Francis and Robert Hay, his sons, as follows:—Upon 16th October last Robert Coventrie in Little Feildie, George Coventrie, his brother, and George Fothringhame in Balmano, p. 9. "boddin with stings, trees and long dureses, came to the ground of the lands of Parise where the compleanners wer in peaceable maner attending their
affaires, and without anie offence done be thame to the saids persons Little Feidie, pursued thame of their lyffes. And the said George Coventrie first stakke the said Robert Hay, elder, upon the head with a gad and brake the same upon him. Thereafter the said Robert Coventrie drew a long dourk and gave him twa strokes therewith on the head, another in at the short ribe and another in at the thigh, wherewith he having fallen to the ground and foundered, they gave him other twa bloodie wounds with their saids dorks on his legges and cutted his cloaths in six parts. Lykeas the said Robert Coventrie stakke the said Francis Hay on the head with a durk, and the said George Fotheringham felde the said Robert Hay, younger, with a tree so as the blood came out of his mouth, and they gave him a cruell strake with a durke in at the left side foure inch depee, and another on the thigh, so as he and his father lay there after six weekes bedfast without hope of recoverie, and by this means their cornes wer neglected and lost, to thair heavie hurt and prejudice." Charge having been given to the said Robert and George Coventrie and George Fotheringham, and both pursuers and defenders comparring, the latter "confest that there wes some squabbling and strokes betuix thame and the persewrs the time libelled." The Lords, having heard parties and certain witnesses, find the complaint verified and ordain the defenders to be warded in the tolbooth of Edinburgh upon their own expenses until their Lordships release them.

"A letter frome the Commissioners at Londoun to the Counsell anent Edinburgh, their proceedings in the Yrish bussines, with twa papers of articles givin in be the Commissioners to this appointed to treate with thame in England. The Lords nominates the Erles of Leven, Cassills and Southeek, the Lord Burlie, the Lord Register, the Lairds of Wauchtoun and Morphie or anie three of thame, with the said Erle of Leven, to meet the morn at ten hours and to confer the saids articles with the instructions givin be the Counsell to the saids Commissioners and to report upon Thursday."

Sedevant:—Chancellor; Leven; Marquis of Argile; Cassills; Glen-Edinburgh, carne; Lauderdaill; Southesk; Wemes; Angus; Sinclair; Burlie; 16th January 1642.
Balcarras; Clerk Register; Justice Clerk; Wauchtoun;
Dundas.

"The Lords, having heard the report of the committee appointed for comparing the propositions givin be the Commissioners at Londoun to the English with thair instructions, they find the saids Commissioners hes faithfulie discharged thair trust, and thairupon a generall letter was writtin to thame."

"The Lords continewes the dyett appointed to the Erle of Galloway The Earl of Galloway and the town of Wigtoun anent thair submission till the first of Februa- pnx, t."
Sederunt:—Chancellor; Leven; Argyl; Mar: Cassills; Glencairnie; Kingorne; Lauderdaill; Southesk; Weemes; Dalhousie; October 1641.
Angus; Burley; Balcarres; Clerk Register; Advocate; Treas. Fol. 17, &c.
Surer Depute; Dundas; Provost of Edinburgh.

Continuance of Forsameikle as the King's Majestie, having these diverse yeeres by- gone (through the distractions of the tyme) omitted the prickeing of the shireffs which are at his Majesties nomination in the ordinar forme, and seing for this yeere thairof there is so much past alreaddie, his Majestie cannot convenientlie make choice of new, yit, least his subjectsould suffer be want of justice and his Majestie lykeways be prejudgit in his awne particular service, his Majestie, with advyce of the Lords of Secret Counsell, hes continewd and be the tenor heirof continuow Sir John Dalmahoy, late shireff of Edinburgh, Sir John Achinnoutie, shireff of Hadinton, the Laird of Swinton, shireff of Berwick, M't George Dundas of Maner, shireff of Lithgow, the Laird of Lag, shireff of Dunfreis, shireff of Dunbartan, the Laird of Fintrie, shireff of Forfar, the Laird of Baltheyock, shireff of Perthe, Allexander Hamilton of Hags, shireff of Lanerk, Sir Alexander Irving of Drum, shireff of Aberden, Sir Alexander Abercrombie of Birkinbog, shireff of Bamff, Thomas Fraser, elder of Streschin, shireff of Innernes, James Jonston of Corsheid, stuart of Annerdal,
Foullerton of Dreghorne, baillie of Kylestuart, and Bryce Semple of Catchart, shireff of Renfrew and baillie of Paisley, in thair several offices of shireship within the particular shiredomes, stuarties, and bailliaries abovementioned for the remainder of this present yeere and till the ordinar tyme of election, and ordans letters to be direct chargeing the persons particularlie abovementioned to attend thair several offices and services and to goe on in all and everie thing qubilk concernes the faithful discharge of the same, as they respect his Majesties obedience and service and weele of the country, and will answer on the contrare at thair heichest perrell; and ordans publication to be made heirof at the mercat croces of the heid borrowis of the shiredomes abovement written quhairethow nane pretend ignorance of the same, and to command and charge all his Majesties leiges and subjects of whatever ranke and qualitie soever to reverence, acknowledge, obey, concurre and assist the saids shireffs and thair deputie in everie thing conducing to the furtherance of thair service, under all heichest paine and charge that after may follow. Followis his Majesties missive direct to the saids Lords for warrand of the Act abovement written:—Charles R.—Right trystie, etc., Having these diverse yeeres by past (through the distractions of the tyme) omitted the prickeing of the shireffs in the ordinarie forme, and seing for this yeere (quhairethow there is so muche past alreaddie) wee cannot convenientlie make choice of new, yit, least our subjectsould suffer throw want of justice, and wee lykeways prejudgit in our awne particular service, wee have heirby thought fitt to requyre yow to contiow suche as are alreaddie in place. And in caise there be anie
wanting, either be deceasse or inabilitie, we doe heirby lykewayes authorize yow (whiche we declare sall be no president for the future) to make choice of suche able and qualified men in their placies for the remainder of this present yeere as yow in your judgments sall thinke fit; and for your so doing these presents (whiche we will be registrat in our books of Counsell) sall be unto yow sufficient warrant. Wee bid yow farewell. Frome our honor of Hampton Court, the 11 of Januar 1642, stilo Scotico.

[Sederunt as recorded above.]

Complaint by George Bruce of Carnock, Mr Robert Bruce, his brother, and John Rynd and James Murrey, younger, merchants, burgesses of Edinburgh, as follows:—On 7th June last Sir John Blacader of Tulliallance was put to the horn at thair instance for not removing from the place, lands and barony of Tulliallance, and at this horning he proudly and contemnously remains, taking no heed thereto. The said George Bruce, compearing by Peter Algeo, his procurator, and the other three pursuers and the defender personally, the Lords, after hearing parties, ordain the defender to enter in ward within the Castle of Blackness, and he and the keepers of his house of Tulliallance to deliver the same to the herald or pursuivant who shall execute this charge, and that within six days upon pain of treason.

Suppletion by Sir John Blacader of Tulliallance, as follows:—He has been cited to compear this day at the instance of the said George Bruce and certain merchants of Edinburgh, but, whereas there have been some documents drawn up between them in reference to a settlement which are in the hands of the Earl of Airth whose presence and the production of these writes would satisfy their Lordships and remove the ground of this complaint, he craves a continuance of the matter until Thursday come eight days, that the Laird of Airth may attend and that he may have a protection meanwhile. The Lords, in respect of their foregoing decree, supersede the outhing thereof till this day eight days that in the meantime he may do his best to give his creditors satisfaction.

Complaint by Robert, Earl of Nithdaill, as follows:—In the article of capitulation between the said Earl and Lieutenant-Colonel Home authorized by the Committee of Estates, there is one anent the restitution of the goods taken from him and his tenants, “That what course should be tane with others of thair condition be tane with them”; and there was another article condescended upon by the said Lieutenant-Colonel upon his oath and promise, “That his hous of Langholmie sould be delievered to him the very first night after his departure frome Carlaverock.” But, contrary thereto, James Johnstoun of Westraw, taking advantage of the late troubles, has intruded himself into the lands underwritten possessed by the said Earl and his tenants, and of
which he and his predecessors have been in peaceable possession past memory of man, viz.,—the five merk land of Bagnay possessed by Hector Cranstoun; the five merk land of Arkin and five merk land of Qhuitecheils and Tiffetaheils possessed by William Armstrang, younger of Kirkton; the ten merk land of Stenhous Water and two merk land of Little Harperquhat possessed by Archibald Thomson in Boikin and his tenants; the five merk land of Throchhope possessed by Adie Armstrang and John Greene and their tenants; the five merk land of Maydoull possessed by Ninian Armstrang and his tenants; and the seven merk land of Bilholme possessed by Archibald Thomesone in Holl and his tenants; and he threatened and compelled them to give up their possessions to him, bringing for this purpose John Richartsone, messenger, "to put out the fire and to kindle the same in his owne name, as if he did all be order of law. And in like maner with a number of souldiours, armed with gwnnes, musketts and all other warlike provision, the said James manned the said Earles houes of Langholme and keepes the same as yitt, notwithstanding he was required to deliver the same. be Captane Arnot according to the capitialiou. The Earl remonstrated the matter to his Majesty and the late Parliament, and they, by their act dated 16th November last, remitted the matter to their Lordships. Charge having been given to the said James Johnstoun of Westraw, and the Earl compearing personally, but the defender by Mr Laurence Oliphant, advocate, his procurator, and they and certain witnesses having been heard, the Lords find that in the year 1640, "about the time of the besieging of the houes of Carlawerock, James Johnstoun of Westraw intruded himselfe in the possession" of the lands named and possessed as above, and also in the house of Langholme, of all which the said Earl and his tenants were formerly in possession and specially for the past twenty years, wherein the said James Johnstoun has done wrong. Therefore the Lords ordain him to remove himself and his followers therefrom, so that they may be peaceably possessed by the said Earl as formerly without trouble or molestation. And the Lords ordain the Sheriff of Dumfreis or messengers, one or more, to see the same done.

"The Lords recommends to the Generall, the Erles of Mar and Glen- carne, the Lords Angus, Burrie and Balcarres, and the Laird of Dundas, or anie three whom the Generall pleases to call to himselfe, to meit in the forenoones or afternoones as they find occasion and to consider and peruse the reports givin in be the shires anent the Yrish supplie and to thinke upon the best wayes and meanes for accelerating of the said supplie, if the same sall be craved, and to sett downe their opinion in euerie thing qhilk may conduce to the good and furtherance of the service, and to report to the Counsell at thair best convienience."

"The Lords appoints a meeting of Counsell to be on Thursday nixt in the new Excheker house at ten of the clocke in the forenoone to consult and advise anent the course of the copper coyne, and recommends to the provest of Edinburgh to confer with some of the most under-
standing merchants in the town and to caus thame to attend the Counsell the said day."

"The Lords recommends to the provest of Edinburgh to represent to the town counsell the great abuses committed within their town in exorbitant prices set upon commoditieis and exacted from the lieges attending upon the Counsell, Session and others judicatoreis, and to see the same redressed."

Sederunt:—Chancellor; General; Argyle; Mar; Cassills; Glencairne; Kingorne; Southesk; Dalhousie; Finlater; Angus; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Dundas.

"The quhilk day Mr William Hay, one of the Clerks of the Session, Agent the hauing be command of the saids Lords and in name of Sir John Hay, late Clerk of Register, his father, produced before the Counsell the keyes of the roumes in the Castle and Exchequer Hous, quhair the publict registers are keept, the same were furthwith delvered be the Lord Chancellor to Sir Alexander Gibson of Durie, present Clerk of Registers, who, being personallie present, accepted the same and immediatellie thairafter redelyvered the same to the Lord Chancellor to be keipt till the registers and wriitts being in these roumes sould be inventard; and protested that he might be free of anie harme or skaith quhilk might in the interm befall to the saids registers or wriitts or anie of thame. And the saids Lords of Privie Counsell gives commission be thir presents to the Earles of Lauderdale and Findlater to call for the said Sir John Hay or to goe to him, as they sall find expedient, and to take his oath that he hes delvered all the registers quhilkis he resaved and that none of thame is to his knowledge abstracted. Quhilk oath being made and returned to the Councell, the Lords declares they will pass ane act of exoneration in favours of the said Sir John Hay."

"The quhilk day the Lords of Privie Counsell, according to his Majesties letter direct unto thame, nominat Sir William Scot of Harden appointed Sheriff of Selkirk for the remainder of this yeere, and Sir Hew Campbel of Cessnock to be shireff of Air, and accordinglie past commission to thame."

[Sederunt as recorded above.]

Supplication by Robert and George Coventrie, and by George Fotheringhame, their servant, as follows:—On the 11th instant their Lordships committed them, at the instance of Robert Hay and his sons, to ward in the tolbooth of Edinburgh, "where they have lyin miserably without fire or light as malefactors, and they ar but poor labourers of the ground, unable to interset themsellves long in this prisson, and what they did they wer necessitat thereto in thair just and necessar defence which
they could not eshew without hazard of their lyffes," and they now crave that their Lordships would give order to the provost and bailies of Edinburgh to liberate them. The suppliants being personally present and having enacted themselves to remove at Whitsunday next from the lands where they presently dwell and not to take other lands nor dwell within four miles of the said Robert Hay under the penalty of 500 merks, and also in the same penalty to discharge hereby all actions at their instance against the said Robert Hay in this matter, and with respect to the corns which were on the ground, and that they will not molest the said Robert Hay nor his three sons, nor their tenants and servants, the lords give order for their being put to liberty.

Edinburgh, 24th January 1642.

Soderunt:—Chancellor; Argyle; Cassils; Glencairne; Lauderdale; Southesk; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; provost of Edinburgh.

Edinburgh, 24th January 1642.

Oath by Sir John Hay, late Clerk Register, that he has delivered all the documents of which he had charge.

“ The quhilk day in presence of the Earls of Lauderdale and Finlater, commissioners appoynted be the Councell for taking Sir John Hayes oath in maner following compered personalie Sir John Hay, late Clerk of Register, and gave his oath that he hes delyvered and left quhair they were the hail registers and others papers quhilks he ressavied vol. 13, b. as belonginge to the office of the Clerk of Register, and that to his knowlidge there is none of thame abstracted; as also that he ressavied a register of parliament from M’ John Oliphant, quhilk he lykewyses hes putt in with the rest of the registers, and eight books of registers quhilks he ressavied fra Sir John Scot. Bot in his absence in England there wes tua diet books and a wardrop compt tane out be warrant of the Committee of Estates, and delyvered to M’ James Durnham who hes thame as yit.”

Edinburgh, 25th January 1642.

Soderunt:—Chancellor; Argyl; Mar; Cassills; Kingorne; Southesk; Finlater; Angus; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Justice Clerk; Sheriff of Teviotdale.

Discharge to Sir John Hay for the delivery of the Registers.

“ The Lords of Privie Counsell, having ressavied frome M’ William Hay, one of the Clerks of the Session, in name of Sir John Hay, his father, late Clerke of Register, the keyes of the roumes in the castle and Exchecker hous, quhair the publict registers ly, and withal havinge red, hard and considererit the said Sir John his oath given before the Earles of Lauderdale and Finlater be warrant of the Counsell anent the registers and writs quhairwith he was entrusted as Clerk of Register, and being weele advisit with them, they exoner the said Sir John of the saide hail registers and writs, and declars him free thairof and of all that may follow thairupon in tymes coming, and recommends to the

1 In the Soderunts this minute is signed by J. Hay, Lauderdale, and Finlater.
Lord Chancellor and others to whome the reviseing of the saids register is entrust to have a care to putt that mater to a poynt with convenient diligence."

[Sederunt as recorded above.]

Supplication by Archibald, Marques of Argile, as follows:—During the late troubles "he caused big a fortification in Loch Kilkerran, opposite to the kingdom of Ireland, whilk he wes of intention to demolish"; but he has thought it better to advise with their Lordships as to this. The Lords, "having tane to their consideration the great rebellion in Ireland unto the which diverse of the clan Donald, speciallie Coill McGillespicks sons and others, followers of the Earle of Antrim, have joynned themselwes, and there is great suspicion of the said Earle his accession thereto, thairfor and becaus of the knowne inmitie of the said Earle of Antrim and the Clan Donald aganis the said Marques of Argile and his friends, and of the neerness of their bounds to the said Marques his lands of Kintyre and others parts, the saids Lords ordains the said Marques to keepe up the said fortification and to doe everie other thing requisit for strenthening himselfe, his freinds and followers and defence of their bounds from the incursions of the rebells in Ireland and their adherents."

Supplication by Archibald, Marques of Argile, as follows:—In the time of the late troubles he caused apprehend Coill McGillespicks McDonalid and two of his sons, John McDonalid and Donald Gorme, for not finding caution to answer certain criminal charges made against them, and he has ever since kept them in ward at great trouble and expense. He has been lately informed that other two of his sons, with a number of their friends, broken and lawless men, who during the late troubles committed many insolences against himself and his vassalls, have joined his Majesty's rebels in Ireland, doing there all the mischief that in them lies. He therefore craves that, as these persons named, who are now in his ward as heritable Justiciar within the bounds, have had no means to maintain themselves nor their keepers this long time past, their Lordships would prescribe what should be done with them, whether they should be brought to Edinburgh or what otherwise they should think best, and for the meantime and the past time that they would allow him his expenses. The Lords approve of what the Marques has done, and ordain him still to keep these persons as public prisoners on his Majesty's expenses. They also modify to him the sum of forty merks weekly for the maintenance of the said five persons and their five keepers since Whitsunday last and in time coming till order be taken further in the matter. And they ordain the Lords of Exchequer and Commissioners of his Majesty's rents to make payment of this allowance.
Forasmuch as George Buchanan, apparent of that Ilk, is cited at the instance of Mr William Cuninghame of Broomhill to compear and answer for certain oppressions, but cannot do so for fear of the danger of the law for debts, the Lords, to enable him to appear on the 27th inst., suspend all captions and other warrants against him until Saturday at night, the 29th inst.

Complaint by James Ramsay of Ogill, as follows:—In June last Lord Gordoun became cautioner for him before the Committee of Estates for the indemnity of Mr Alexander Pitcairne, minister at Tannadyce, in 5000 merks, and for payment of the like sum if he should be “found art and part of the wrongs alleged done to the said Mr Alexander.” On 29th September last the matter came before his Majesty and the Estates of Parliament, when, the minister and complainer having been heard, they ordained this caution to continue in force until 8th January following, the minister meanwhile to do his diligence in proving the guilt of the complainer, and if he failed that the said bond of caution should then fall. The complainer has since that time remained in this town at considerable expense and to the neglect of his affairs awaiting the proceedings against him by the said minister, seeing he had brought his name in question before his Majesty and the supreme judicatures, yet now the diet is deserted and he has not so much as endeavoured to do anything conform to the Act of Parliament. And now their Lordships are the only judges who can deal with this violation. Both pursuer and P. 18. defender comparring personally and having been heard, the Lords, with consent of both parties, discharge the bond of caution foresaid, and as to any other matter between the said parties, especially as to the said minister’s indemnity in time coming, they submitted themselves to John, Earl of Kingorne, and promised to obey whatever decision he should give herein.

“The quhilk day the Lord Chancellor produced a patent under the great seale creating Sir James Dowglas Lord Mordington, quhilk was delivered to the Lord Angus in name of the said Sir James.”

“A letter from the Commissioners at Court with some papers of advice given be thame to the Kings Majestie and the Parliament of England for composing their differences; quhairainet ordains a letter to be returned and drawin up be the clerke to be subscribed the morn at eight houres, at quhilk time ordains the Counsell to meithe.”

“Sederunt:—Chancellor; General; Argyll; Mar; Eglinton; Cassills; Acts, November 1641—October 1641. 規定
Kingorne; Southesk; Angus; Burley; Balcarres; Clerk
Register; Treasurer Depute; Cavers; Din.

Sir William Scott of Harden continued in the Sheriffdom of Selkirk.

“The quhilk day in presence of the Lords of Privie Counsell compeered personallie Sir William Scot of Harden, and accepted upon him the office of Shireif of Selkirk for the remainder of this present yeere and gave his [oath] de fidei administratione.”
Complaint by William Colvein, brother to James Colvein of Preistoun, as follows:—On 14th January he was in peaceable manner in the house of John Douglas in Quhittinghame in company with John Douglas there, William Douglas, his brother, James Mure, his mother’s brother, John Park, servitor to Sir Arthur Douglas of Quhittinghame, and Archibald and James Neilson there, when, without any offence given by him in word or deed, “they first abused him with contumelious and upbraiding speeches, thereafter past violent hands in his person and gave him manie bauche, blae and bloodie straikes in diverse parts of his bodie to the great effusion of his blood, rave his cloathes, robbed him of his weapons and purse, wherein there wer twa peeces of gold and other moneys, and, as if he had beene a condemnd theefe, patt a tedder about his neck and had almost strangled him therewith, so as he hardlie escaped with his life.” Charge having been given to the said John and William Douglas and Archibald Neilson, and both pursuer and defenders comparing personally, the Lords, after hearing parties, assizlie the defenders, because, upon the pursuer referring probation to their oaths of verity, they denied the complaint upon oath. The defenders then craved that the pursuer might be obliged to find caution for their indemnity because he had troubled them in their own house and they had reason to fear bodily harm and oppression from him, and upon this they gave their oaths, whereupon the Lords ordained the pursuer to find caution for their indemnity in the sum of 500 merks and to be committed to ward till he found the same.

Complaint by John Black and Thomas Black, his son, as follows:—They, being prissouners in the pledge chamber of Dumfreis this twa yeeres bygane, keeped in the yrne and likelie to sterve for famine for the suspicion of the death of Johnne Maxwell of Middlebie quhairof they ar innocent,” petitioned his Majesty and the late Parliament for their liberty and a speedy trial, who, after hearing the husband of the said John Maxwell’s widow, ordained the complainers to be tried in Edinburgh before his Majesty’s Justice before 30th November now past; also that they should be relieved of the irons, and that the party should pay for the maintenance of each of them 40d. daily from 4th October thereafter during their remaining in prison. But the party has neither raised process against them nor paid this modification, and they intend to do neither but to suffer them to famish to death in the said prison. They crave their liberation and an order for payment of the said modification. Charge having been given to Marion Maxwell, the relict, Andrew Stewart, her spouse, Robert and William Maxwell, her children, and to Robert, Earl of Nithsdale, for his interest; and the pursuers comparing by . . . . , wife to the said John Black, but not the defenders, the Lords ordain the provost and bailies of Dumfreis to liberate the pursuers in so far as they are warded for the above cause.
The Lords continue the advising of the depositions of the witnesses produced by Anna Inglis, spouse of William Cunninghame of Aikett, in her complaint against him until 24th February next, so that the said William may be present to hear the decret and sentence therein, for which purpose they ordain him to be cited for that day. And meanwhile they modify £200 to be paid by him to the said Anna as aliment for the months of January and February, of which one half is to be paid within six days after the charge and the other half before 1st March next, under pain of horning.

His Majesty and the Estates of Parliament having remitted to their Lordships the humble desire of John Stewart of Coldingham for the appointment of a committee to audit the accounts between him and Sir Robert Douglas of Blaikerstoun anent the living of Coldingham and the said John’s tuck duty of Orkney, the Lords, having on several occasions heard the parties, now hereby nominate Sir William Gray, bailie of Edinburgh, Edward Edgar, James Rouchie, and John Jowisie, merchants burgesses of Edinburgh, to be auditors of these accounts, giving them or any two of them power to receive John Stewart’s claim and rental of his living, to admit probation, if necessary, and hear and cognose upon the accounts of the said Sir Robert’s intimissions with the above and any other accounts to be given in by either party, and to report to their Lordships with all convenient diligence in writing. The parties are hereby obliged to attend the diets appointed by the said commissioners, who, being present, accepted the commission upon them and promised their best diligence in the discharge of the same.

“The Laird of Buchanan’s protection contiowed till the 2 of Februar.”

Complaint by Isabell Hunter, widow of Michael Roresone of Caldsie, for herself and in name of William Roresone, son and heir served to the said deceased Michael, and of her other four fatherless children, as the Register.

[Entered out of its place in the Register.]
lamb he trulie found dead in the feilds, who, after he had deteanned him in captivitie in the pit of Sanquhar in great miserie, he banished him the countrie and sent him to the warres, where shortlie after he died. And albeit the said unquhile Andrew Roerose was never infest in the foresaid lands of Caldsaid, yitt the said James Crichtoun, upon his said pretended conviction, hes takin the gift of his forefaltour of the saids lands and thinks thereby to defend and mainteane himself in his cruell oppressioniun and intrusion foresaid, and hes takin upon him the stile of the saids lands, calling himselfe James Crichton of Caldsaid; and hes compelled the tennentes and possessors thairof to pay to him the maills and dueteis of the same thir six or seven yeares bygane.

Thereby she and her four fatherless and friendless children have lived these seven years past “in great and extreme miserie, leaving upon the charitie of others, not being able to make anie shift for themselvses.”

The complainers represented the matter to the Estates of Parliament, and they on 16th November last remitted the matter to their Lordships. Charge having been given to the said James Crichton to compear before the Council on a certain day bypass to have heard himselfe deemed to remove from the said lands and to repossesse the complainers, as also to deliver their writs and evidents for which they have recovered decrees before the Lords of Session, and to restore the rents of the said lands which are valued at 300 merks yearly, and find caution for the indemnity of the complainers in time coming, both pursuer and defender compeared personally, and agreed to submit the trial of this complaint and all differences betwene between them to the arbitration of John, Earl of Cassills, John, Earl of Lauderdaill, and Sir James Carmichael of that Ilk, Treasurer Depute, or any two of them, and to accept their decision without appeal. The said judges, being personally present, accepted the reference, and the Lords ordained the parties to attend upon the diets fixed by them; and the judges they recommend to meet and deal with the matter at their best convenience.

“Edinburgh, 27th January 1642.

The Lords ordains the commissioners formerlie appointed for examining Captane Winters [writs] to meet on Saturday in the afternoon and examine thame.”

“The Lords recommends to the Clerk Register to speeke Archibald Sydserfe anent the meale being in his possession and the way how to carie the same to Ireland be ship.”

Sederunt:—Chancellor; Leven; Argile; Mar; Cassills; Murrey; Edinburgh, Southesk; Finlatter; Angus; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sheriff of Tiviotdaill; Dunn.

“Edinburgh, 1st February 1642.

Forsameikle as be the crueltie of the rebells in Ireland great numbers of his Majesties good subjects and our countrie men thair are daylie forced to flee out of Ireland to those parts in the west countrie quhair they...”
find best occasion of landing, the multitude of whiche poore people is become so great, and thair necessities and wants so pressing as the
parishes in the west quhair they land have exhausted the boxes of thair
poore, and collections among themselues and other parts neere about [*This Act omitted in its
people, who in that regard are lyke to be in worse condition here,
quhair they looked for succor and refreshment, in so farre as be flight
having escaped the sword of the enemie, by famine they will miser-
able perish if they be not tymouslie supplied; and the Lords of Privie
Council, findeing themselvses everie way obledged to helpe and releive
the calamitous condition of these poore people, and perswading them-
selves that the cause for whiche they suffer, being loyaltie and religion,
will be powerful motives with all good subiects and true haerd christian
liberallie to contribut of thair best meanes for the refreshment and
confort of so manie christian soules, specialie being our owne country
men and knowing perffytic that the ministrie of this kingdom will not
be deficient but will use thair best endevors in so pious and necessar
a worke, thairfore the Lords have recommendit and be the tenor heirof
recommends the saide distressed christian and thair deplorable condi-
tion to the moderators, bretheren and elders of the hail presbyteries within
the kingdom, requesting and desiring thame with all convenient
diligence to give tymous and soliel orders to the severall ministers and
eiders of parishes within thair particular presbyteries for collecting of
the christian benevolence of thair parishioners towards the relieffe of
thair distressed christian, and that the saide ministers use all the
powerfull and persuasive waiye they can, in thair sermons and other waiyes,
to stirre up thair flocks liberallie and cheirfullie to contribut in this erand;
and that thair minister of everie parish bring in his contributeion
to the moderator of the presbiterie to be sent be him to the persons
underwritten, appoynted be the saide Lords for resseeving the same in
maner after specifick, viz.:—the moderators of the presbiteries of the
provincials of Fyffe, Angus, Aberdene, Murray, Rosse, and all others
on the other syde of Forthe, as also the moderators of the presbiteries
of the provincials of the Merce, Tivedail, Louthian, and Peebles, to send
in and delyver the collections of the saide presbiteries at the burgh of
Edinburgh to James Stuart, John Meyn, and Samuel Lockhart, merchants
burgesses of Edinburgh, or anie of thame, and the moderators of the
presbiteries within the provincials of Stirline, Glasgow, Air, Argyl,
Galloway and Dumfreis, to send in and delyver the collections of the
saide presbiteries at the burgh of Air to John Osbourne and Robert Gordon,
merchants burgesses, or either of thame, whiche persons, ressavers of the
saids collections, are men of approven credit and honestie and will deale
faithfullie in this so important a caus according to the orders to be
prescrebyd to thame be the Lords of Privie Councell for the distribu-
tions of the saide collections among the saide poore people. And it is
heirby declared that the charge of carieing the contributions abonewritten
1642.

CHARLES I.

Acta Novem-
ber 1644.

October 1646.

Fol. 20. a.

Sederunt,
February 1638.
November
1643.

Fol. 80. a.

Committee to
arrange for the
sending of
2500 footmen
to Ireland.

The collectors in Edinburgh or Air sail be payed out of the reddest of the collections."

"A letter from the Commissioners, with some articles anent the sending over the 2500 men on foot, qubahirant o'raedns the Counsell to meet the monre at nyne hours in the Excheker Hous, and recom-
mends to the Generall, the Marques of Argile, the Erles of Cassills and Launderall, the Schireff of Tiviockail and Laird of Dun to meet in the Generalls Hous at 7 hours in the morning and to consider the best ways and meanes for accelerating the expedition, and to report to the Counsell at 9 hours."

"The Lords recommends to the Erle of Southesk and Laird of Din Victual for the Irish regi-
ments, to deale and travell with merchants anent provision of victuall for the regiments going to Ireland."

Sederunt: — Chancellor; General; Argyle; Mairshel; Mar; Cassills; Edinburgh,
Launderdall; Southesk; Angus; Burley; Balcarres; Clerk
Register; Advocate; Din; Dundas.

("The quhilk day John, Earle of Lound, Lord Heich Chancellor of this kingdome, exhibit to the Lords of Privie Councl the missive letter underwritten, directed from the Kings Majestie to the saids Lords, quairof the tenor followeth:—CHARLES R.—Right trustie, etc. The miseries and calamities quhikls our good subjects of Ireland are reduced unto through the inhumane and barbarous cruelties committed by the rebells thair hath induced us to thinke upon all possible meanes of sending suche necessarie supplies thither as may, if not free, yt ease thame of thair sufferings. The present distractions in this kingdome delays the sending of that assistance whiche they ought to expect from hence, and thair necessaries are so great as the least delay brings ruine to thame. Thairfore, out of our real sense of thair sufferings, wee have thought fit to move yow that those forces yow have alreadie on foote may be presentlie transported thither, whiche, when wee were about to dispatche to yow, wee find wee muche at the same time propound be this Parliament to the Scots Commissioners; and to this purpose wee [have] written to our Chancellor to offer to yow frome us suche particulars as wee thinke will most conducel to the advancement of so good and necessarie a worke, qubahirin wee doubt not bot your resolutions will be suche as will expresse your respect to us, and affection to your distressed brethren in Ireland. Our Chancellor will lykewyse layt yow know frome us some particulars that of late hath past betuix us and our Scots Commissioners, qubahirin wee are confident yow will take suche a course as will expresse your affection and fidelitie to us and your desires to shunn suche disputts and jealousies as may occasion anie interruption of that happie understanding now established betuix us and that our kingdome, whiche on our part (as wee have ever done so) we sall still studie to preserve. Wee bid yow hartelie fareweele. Frome"
our honor of Winesore, the 27 of January, 1642, stilo Scotico. Qubik
letter being red in the hearing of the saids Lordes, they have contion
and continwis the answer thairof till the eight of this instant, and Fol. 19, a.
ordans the counsellers to be warned to attend that diet frequentlie."

"Apud Edinburgh eodem die post meridiem, Sederunt, ut supra,
unacum Justice Clerk and Shireff of Tiviot[dail]."

"A letter from his Majestie to the Counsell for sending over the regi
ments on foot to Ireland."

Sederunt: — Chancellor; General; Argyle; Mairshel; Mar; Eglin—
nt; Cassills; Southesk; Weimes; Dalhoushie; Finlater; October 1646.
Burle; Balcarres; Clerk Register; Advocate; Justice Clerk; Fol. 19, a.
Cavers; Dundas; Morphie; Din.

John Gylour, servaunt on the pass, to be
branded on the cheek and
banished for unnatural
crime.

"The Lords of Secret Council, haveing red, hard and considerit the
verdict of the assaye pronounced againis John Gylour, servaunt in the Bas,
quhairby they have fund him convict of the forseing of Jonet Boussie,
ae yong virgin not past ten yeeres, and blooding her in her secret parts
and being advised heirant and anent the atrocitie of the said cryme,
the said John being a maried person, they ordane his Majesties Justice
and his Deput to pronounce doome and sentence againis him, ordaneyng Fol. 19, b.
him to be scourged throw the tooun of Edinburgh, brunt in the cheeke
with ane hote iron, and banished the kingdom, never to returne againe
under the paine of death to be inflicted upon him in caise of faylie
without favor. Quhairainth this presents sal to be thame a warrand."

"The Lords of Secret Counsell recommends to the Lord Generall and
Earle of Eglington to call for the General of the Artellierie and Major
Monro and to sett doun orders anent the deleyverie and transport of the
ammunition necessar for the expedition of the tua thousand and fyve
hundrith men to Glasgow and for baikin of bisket necessar for the
souldiers in their voyage, and also to call George Porterfeild before
thame and to give order to him to agree for close barks for the trans-
port of the souldiers, and according to the directions to be given be
thame for debarseing of moneys requisite for this service. The Lords
recommends to the committee for the common burdens to see the same
advanced, as also to compt and reckin with the officers of these regiments
on foote, and siclyke ordans the General to give warrand to Monro and
Home for making up thair regiments to the number of 2000 men, and
to the Lair of Lawers for leveying of fyve hundrith men of the first of
his regiments; as lykewaes the Lords thinke fit that the Marques of
Argyle his advyce be taken for the acceleratting and more speedie
prosecution of the busines,"
Complaint by Mr Andrew Watson, vicar at Peebles, as follows:—Upon May last, "James Williamsone, younger in Peebles, who had oftentimes vowed to tirre the said ministers hous in Peebles abone his head, to effectuate his resolution on came arie in the morning before daylight to his said dwelling hous, clam up to the top thairof and with a grapnel koust doun a great part of the thack and divvettie of the said hous. And upon the day of Junij thereafter he, understanding that the compleaner wes at St Andrewes, came with Johne Mure in Peebles to the said hous and tirred the halfe of the high hous and chamber, so as when the compleaner returned all the utensiles and plenishing of his hous wer spoyled with rayne and the hous made unhabitable. And, not content thus to spoile the said hous, but resolving also to take his life, they came upon the day of October thereafter under cloud and silence of night to the compleaners said hous, entered by a bak doore within the turnpycke, past up the staire, rave up the side and ground thairof and all the dailles aff the same, so as, wer not the providence of God, the compleaner had fallin doun betuix the head of the turnpyck and his chamber doore, and so have beene killed, whilk wes their intention." Charge having been given to the said James Williamsone and John Mure, and complainer and defenders all compearing, the Lords assoilzie the latter, because, probation being referred to the defenders' oaths of verity, they denied the charges against them. And because the pursuer has thus without grounds troubled the said James Williamsone and the said John Mure, who is but a minor, in drawing them bither for five days to attend this business, the Lords ordain the pursuer to pay to each of them ten merks within six days on pain of horning.

Complaint by the provost, bailies and council of the burgh of Lanerk, as follows:—David Munt, fisher in their town, against the duty of a burgess, has raised letters of lawburrows at his own instance and at the instance of fourteen or fifteen other persons of their town whose names "he hes falselie usurped without their knowledge against the most consideriable part of the bodie of the said burgh who have ather beene or are in office and magistracie within the same," without any just ground and only to vex and trouble the town. Sometimes he charges them at the instance of one person, and now of another, either to bring them under the danger of horning or to put them to "exorbitant charges and fashrie." For example, "The first man whome he hes insert in thir letters is one Johne Inglis, old baillie, a person of four score four yeeres, againas whome he can pretend no cause of feare or danger." As this is a matter of grave consequence, they have thought good to represent it to their Lordships for the punishment of the said David and prevention of the like in time coming. Charge having been given to the said David
Munt, and the pursuers compearing by Gideon Weir, their clerk, who produced a declaration under the hand of Gideon Jack and John Dick, bailies of Lanerk, and also of the said clerk, stating that upon the raising of letters of l awburrows against their burgesses as above and a charge given to Robert Forrest, one of them, they summoned the said David Munt before them, and desired to know upon what ground he had so charged Robert Forrest, when he answered that it was because the said Robert refused to pay for some barked leather he had sold to him. They then pointed out to him that that was no ground for such a charge and desired him to pass from it and sue him before them for the debt, but he refused, saying it would cost him 500 merks before he abandoned the charge. Thereupon the bailies sent for John, James and William Munt, brothers of the said David, whose names he had inserted in the letters, and inquired of them if they were cognisant of them, and this they denied. The Lords having called and heard the said David, who was personally present, find that he has done wrong in the course he has pursued, and ordain him to be committed to ward within the tolbooth of Edinburgh until he is orderly released.

Complaint by Adam Irwing, son of the deceased William Irwing of P. 25. Bonshaw, as follows:—In his pursuit before their Lordships of John Rewme of Dalswintoun for his illegal apprehension and imprisonment in the jail of Dumfreis, their Lordships ordained the provost and bailies of Dumfreis to be charged to exhibit the complainer and to declare upon what warrant they received him and do keep him in their jail. Charge having been given to Mr John Corsane, provost, Roger Kirkpatrik and John Johnestoun, bailies, and the pursuer compearing by Harbert Irwing, his brother, and the defenders by John Copland, treasurer of Dumfreis, the Lords, after hearing parties, and the said Harbert Irwing acting himself as cautioner in 500 merks that his brother will appear before their Lordships on fifteen days' warning and answer to anything laid to his charge, ordain the said provost and bailies to liberate the pursuer.

The Lords, having continued the action at the instance of William Monteith of Caribber, merchant burgess of Edinburgh, against Sir Alexander Nisbit of that Ilk and Philip Nisbit, his son, for the delivery of their houses and the entry of their persons in ward within the castle of P. 26. Blackness till this day eight days, the 10th instant, for the better enabling of the said Sir Alexander and Philip Nisbit to appear that day, and to do business meanwhile, the said William Monteith and their other creditors supersede the execution of all hirings and other letters issued against them till the 11th instant at night.

Complaint by Mr John Williamsone, as follows:—Marion Master- toun, his mother-in-law, the widow of John Murrey [sic] of Sandfurd, and Archibald Mude, her son, his brother-in-law, "having conceived an unjust malice aganis the compleaner thir 14 yeeris bygane or thereby, have devised and practised all meanes to ruine him, speciallie by their
unnaturall withdrawing of the heart and affection of his wife and childredne from him. And first in a subtle way, pretending his weale and the preservation of his estat, they moved him to denude himselfe of his hailme in favors of the said Archibald Mudie, upon two several backbands givin be the said Archibald, one in favors of his wife for the maintenance of her and her famillie during all the days of her lifetime so far as could extend to the annualrent of the principal soume renounced, which could have been registrat or delivered to the compleanner for that effect, but was not done, and another in his own favors for maintenance of him and his famillie after the decease of his wife in maner foresaid. But, being once maisters of the compleanners estat, they wrought such inmitie betuix his wife and him that she would not suffer him to come in her companie, and so brought him to that desperate and miserable condition that, having intented actioun aganis thame upon the said backbond competent to his wife and aganis her for adherence, he was forced by povertie, not being able to be at the expence of law, to pas from his pursuite and to consent to a voluntarie sequestration for seven yeeres and that for the soume of viij Merks, quhairof he onelie receaved the soume of 230 Merks in hand, they alleging that arrestments wer layed upon the rest, but procured be thame, and rather payed hym nor his creditors. Lykeas before they would give him the 230 Merks they urged hym to subscribe a band, obliging him at the expiring of the saied seven yeeres of sequestration to compeir judicailie and consent to another seven yeeres sequestration and so furth so long as he lived, thereby to divorce him for ever from his lawfull wife. And diverse times since, taking advantage of his distresse and miserie, they have urged him for a small support of his meanes to grant new bands of the same qualitie tending ather to divorcement or banishment aganis all law, and in end forced him to goe out of the countrie sometimes to England, Holland and other parts, to seeke his living, where, being pinched with necessitie, he was forced to come back and have recourse to their commiseration and compassion of his distress, which they have most unchristianelie refused and would not looke upon him nor his pitifull desires when he went several times to thair hous of Sandfurt, where his wife is deteanned from him, but closed the doores, denying him access to her and his childredne to make his meanes to thame. Charge having been given to the said Marion Mastertoun and Archibald and Jonet Mudie to compear and see order taken anent their unchristian conduct, and for the complainer's wife's adherence to him, at least " for a sufficient meanes to be given him out of his owne estat whereby he may live," and the pursuer compearing personally and the defenders by the said Archibald, who answered for his mother and sister, both parties agreed to submit the matter to the arbitration of Sir Alexander Gibson of Durie, Clerk Register, and to accept his decision, and Sir Alexander accepted the reference and promised to give his judgment at "his best convenience."
Sederunt:—Chancellor; Argyl; Mar; Eglinton; Cassills; Glencairn; Landerdail; Southesk; Weemes; Finlater; Burlie; Clerk Register; Advocate; Morphee; Din; Provost of Edinburgh.

Warrant for the providing of biscuit for the troops embarking for Ireland.

"Forsameikle as for the more speedie and safe transport of the 2500 [men] presentlie to be sent from this kynge for assisting his Majesties good subjects and suppressing the rebells in Ireland it is necessarie that order be given for provyding of victuall and carradges for their ammunition in their voyage from this to the place of their embarkinge, thairfore the Lords doth hereby give warrand and commissioun to George Porterfeld, burges of Glasgow, to deale with the provost and bailliffes of Glasgow for provyding of threttie thousand pund weight of bisket of the whyt bread weyning halfe pund the unce, and als gives warrand to the said George to reseave suche peeces of ordnance, ammunition and others necessaries for the armie as sall be directed frome this unto him, and to have a care and provyde for the saife conduct of the same from thence to Greenook and Air or to anie other seaport to be appoynted for randeuous of the regiments quhair they are to embarke."

Warrant for providing shipping, ales, and herring for the troops embarking for Ireland.

"Forsameikle as the Committee appoynted for dispatche of the regiments to Ireland hath condiscendit with Allexander, Earle of Eglinton, and Shaw of Greenock upon the articles following, viz.:—That the said Earle, with the help of the tounes of Air, Iruing, and the coast-syde sall have ships and barks in reddines betwix Fairlie road and the toun of Air againe Thursday, the viii of this instant, wind and weather serveing, for transporting one of the saide regiments to the number of ane thousand men, and that the Laird of Greenock with the tounes of Glasgow, Dunbartan and Renfrew, sall have shipping reddie for transporting of the other regiment the said day, and the fraught for eache man to be threttie shillings Scottis, with a consideration of ly dayes after the rate of fyve pundis per diem for everie barke so long as they ly after the tyme of the randeuous, haweing faire winde and seasonable weather for the voyage; as also that the said Earle of Eglinton and Laird of Greenock sall caus putt aboard in everie bark tua barrels of the best herring at the cheapest prycy they can agree, as lykewayes with advyse of the forsaidis touns respective, they sall have in reddines either of thame fyve hundredth gallons of all of the best sort, being after the calculation of halfe a gallon of all for eack soule. Thairfore and for the said Earle of Eglinton and Laird of Greenock thair more warrantable procedor herein, the Lords of Secret Counsell gives commissioun to bhe presentes to the said Earle of Eglinton to agree with all ships and closse barks frome the Clochestane to the toun of Air, and gives the lyke commissioun to the Laird of Greenock within the bounds on the river of Clyde; with power to thame, if neid beis, to arrest the saids ships and barks, and to take the saillles frome the races and to doe all and everie thing els for assureing the same towards the reddie and tymous transport of the saids tua regiments and provyding of the furnisheing forsaid; firme and
stable halding and for to hald all and quhatsomever things they sall law-
fullie doe heerin; commanding heirby the magistrats of the tounes
respective abovewritten and all others his Majesties leiges and subjects
to burgh and land to be aidinge and assisting to the saids commissioners
and either of thame in all and everie thing conducinge to the advance-
ment of that service and quhairin the saids commissioners sall require
their concurrence as they respect his Majesties service, the credit of this
countrey and the wealfare of thair distrest brethen in Ireland."

"The quhilk day the articles underwritten tuching Sir Mungo
Campel, fear of Lawers, his present employment for Ireland, being
presented to the Lords of Privie Counsel and red in thair audience, and
they being weele advysit thairwith, the saids Lords allowed of the same
and ordnas the saids articles to be insert and registrat in the books of
Privie Councell, quhairof the tenor followeth:—At Edinburgh, the 5 of
Februar, 1642. The committee appoynted for dispetche of the regi-
ments to Ireland, viz., the Generall, the Marques of Argyll, the Earles
of Mairsbel, Eglinton, General [of] Arteillerie and Major Monro, agreed
with the Laird of Lawers for the levey of fyve hundrath men upon the
conditions following:—1st That the Laird sall have in rediness the
said 500 men at thair randevous in Dunbartan upon Thursday the
thrid of Marche following. 2. That so manie of the saids men as were
formerlie in service of the countrey sall have thair full arrees payed to
thame, quhilk sould serve for levey money, they producinge ane suffici-
etestationoun upon oath from thair commanders that they were accord-
inglie employed in the saids service. 3. That for so manie of his men
as were not formerlie in the service of the armie the Laird sall have
allowance of tua dollers of levey money for eache of these men. 4. That
so manie of his men as he can furnish with sufficient armes of bowis
and haquebute, he sall have, in consideration of these sufficient armes,
ten merks for each man, and the armes to continow properlie thair
awne. 5. That each man of the said 500 sall have allowance of a halff
doller as conduct money to thair randevous. 6. That upon advertis-
ment spaire armes sall be sent to Dunbartane for so manie as he cannot
sufficientlie arm. 7. That six thousand merks be presentlie delveried
to him toward the said levey. 8. That a commission be granted to
him from the Counsell."

[In the Sederunt is added the Sheriff of Teviotdale.]

"The Lords recommends to the Erles of Mar, Eglintoun and Cassills and
Laird of Dun to revise the Yrisman's papers."

Sederunt:—Chancellor; General; Argyll; Mairsbel; Mar; Morton; Edinburgh,
Eglinton; Cassills; Glencaire; Murray; Dunfermline; Wig-
tonne; Lauderdale; Southesk; Weimes; Dalhousie; Finlater;
Callander; Angus; Yester; Elphinston; Burtie; Balcarres;
2600 men to be sent to Ireland.

Letter from his Majesty signifying that the Scots Commissioners in London should not intervene between him and the English Parliament.

The Lords of Privie Counsell, having againe red, hard, and considerit his Majesties letter of the 27 of January last and qhilk was exhibit to the saids Lords the second of this instant anent the sending over of these forces now on foot in this kingdom to Ireland, they accordingly thinke fit that all diligence be used for their transport and recommends the same to the Lord Generals care."

"The qhilk day the Lord Chancellor declared in presence of the Lords of Privie [Counsell] that the particulars whiche his Majestie be his letter had commandit his Lordship to signifie to the Counsel were these. 1. That order be given to the Commissioners to acquaint the king with the several instructions given or to be given thame in thair commission. 2. That the Commissioners should be desired be the Counsell not to medle betuix the King and Parliament of England without his Majesties knowledge and approbation. 3. That some course be tane that anie passages that occurred heere at the late Parliament be not a preparative to the Parliament of England. Qhilkas particulars represented, as said is, being considerit be the Lords, they returned to the King the answer following:—Most sacred Sovereane, The respect wee owe to the advancement of your Majesties service and our sense of the distress of your good subjects in Ireland did induce us, before the receipt of your Majesties letter, to desyre our Commissioners to be earnest and humble sutors to your Majestie that the forces whiche are here on foot might, be your Majesties auctoritie and the Parliament of England, be speedilie transported to Ireland; and, findeing the same desyre proponed be the Parliament to our Commissioners, who did represent the same to your Majestie, and that wee are now warranted by your Majesties royal command, wee are with all possible diligence going about the transport of the forces, who, upon the receipt of your Majesties commission and moneys promised for their use, are reddie to marche; and for what farther of your royal pleasure was imparted to us be the Lord Chancellor concerning our Commissioners, our advyce to thame ever hath and shall be that thair hail departments may be suche as may best express our affection and fidelitie to your Majestie and continow that right understanding now established betuix your Majestie and this your native kingdome, which, as wee esteeme to be our greatest happiness, so it is our earnest and heartie desyre that the lyke understanding may be established betuix your Majestie and your subjects of all other your dominions, and, to end, wee intend shortlie to send the Marques of Argyl (if it may be acceptable to your Majestie and the Parliament there) to wittest our redlines to contribut our best endeovors and humble service with that tender respect of your Majesties honor qhilk becometh your Majesties most humble and faithful subjects and servants."
"The quhilk day the Lord Chancellor, for himselfe and in name of the remenant commissionrs appoynted for tryell of the incendiaries and plotters, represented to the Counsell, that the commission granted to thame in that earnd being limited and to endure onelie whill the first of Marche nixt, and that in respect of the remissnesse of the Lord Advocat and procurators of Estate in doing their dutie, and insisting in these process the tryel is not lyke to take effect; and thairfor desired that the Counsell would command the Lord Advocat and procurators of Estate to attend and insist in the said process, according to the tenor of the act of parliament commanding thame so to doe. Quhilk desyre being considerit be the Counsell, they have ordand and commandit, and be thir presents ordans and commands the said Lord Advocat and procurators of Estate to attend and insist in the process againis the incendiaries and plotters and to [do] everie thing belonging to thair places faithfullie and diligentlie, as they will answer upon thair perrell."

"Forsamekle as upon occasion of the late troubles the lawdable course tane be his Majesties unquhile darrest father of good memorie anent the yeerlie compeirance of the Ilanders has beene neglected these diverse yeeres bygome, so as the Lords of Privie Council cannot throughlie know in what estate the saids Ilanders and thair cautioners are for the present, and they findeing upon considerable grounds that the setting of this mater is of great importance and cannot be delayed till the ordinair diet of the Ilanders thair compeirance upon the 10th of July, thairfore the saids Lords have concludit and ordand, and be these presents concludes and ordans that the saids Ilanders sall give thair appearance this yeere upon the day of Apryle nixtocome; and for this effect ordans letters to be direct chargeing Sir Donald Gorim of Slait, Sir Lauchlaine McClaine of Dowart, John M'Cleud of Dunevagan, John M'Randal of Moidert, M'Laine of Coill, M'Kynnon of that ilk and Hector M'Laine of Lochbuy to compeir personallie before the saids Lords the day forsaid, prepared to renew thair caution as the saids Lords sall thinke fitting, and to underly suche order as sall be prescrypted for the good and peace of the Illes, under the pane of rebellion and putting of thame to thorrne, with certification to thame if they failiey other letters sall be direct simpliciter to putt thame thatiro."

"The Lords appoints the Chancellor, the Marquis of Argile, the Erles of Morton, Lauderdaill and Southesk, the Clerk Register, Justice Clerk, and Wauchtoun to draw up draughts of letters to his Majesties and the Commissioners, and to report the same to the Counsell the morne at 9 hours."

"The Lords continewes all actions till Thursday nixt."

"Sederunt ut die predicto."

"Charges aganis the Ylanders for thair apareirance upon the day of Aprile nixt."

[This entry deleted.]
Captain
Winter and
his men.
Sedum, p. 189.

Edinburgh,
10th February
1642.

Sedemunt:—Chancellor; General; Argyle; Mairshel; Mar; Cas-
sills; Glencairne; Dumfermline; Wigtoun; Lauderdale; South-
wek; Weimes; Dalhousie; Findlater; Callender; Angus; Fol. 22, a.
Elphinston; Burley; Clerk Register; Justice Clerk; Treasurer
Depute; Wauchtoun; Din; Dundas; Morphie; Provost of
Edinburgh.

"Forsameikle as some of the souldiers under General Major Monro
his command haveing latelie disbandit and left thair curlors and fled to
Fyffe, the General send over direction to the Laird of Fairnie, shireff
deput of Fyffe, to apprehend some of the saids fugitives, who in obedience
thairof went about that service with all diligence, and among others of
the saids fugitives he apprehendit at the hous of George Clepone] of Car-
logie, beleiving that the gentleman soulde have beene als willing to
further the service as anie. Nevertheles, when the said Laird of Fairnie
had tua several tymes shawin the Generals warrand and craved obedience
thairto, he most disdainfullie refused so much as to looke upon
the same and would not suffer the said Laird of Fairnie to bring away the
fugitive bot tooke him from thame. Quhilk being a dangerous preparative
in this so important a service, so mucho recomendit be his Majestie, and
neirlie concerning the credit of the countray and good of our countray
men in Ireland cannot be slipped over with impunitie; and thairfor the
Lords of Privie Counsell ordans letters to be direct chargeing the said
Laird of Carslogie to compeir personalie before the saids Lords at a
certaine day to answer to this complaint, and to underly suche order
anent this matier as the saids Lords salt prescryve, under the paine of
rebellion, etc., with certificatien, etc., and to summon witness, etc."

"Forsameikle as there hes beene diverse of the souldiers of the
regiments of General Major Monro and Robert Home of the Hewche
whiche have beene keept under pay this long tyme bygane, upon notice
of the expedition to Ireland agonis thair militarie oath have latelie
disbandit, left thair curlors and removed thamselfes to the bounds
quhair they lived before, and others parts of the countray, lurkeing
among thair freinds and acquaintance, be whom they are hurdit and
ressett, to the great prejudice of the supplie for Ireland, so mucho
recomendit be his Majestie, and wished for be our countray men; for
remed quhairof the Lords of Secret Counsell ordans letters to be direct
chargeing heraulds and officers of armes to pas to the mercat croce of
Edinburgh and other places neidfull and thair be opin proclamation to
command and inhibit all and everie one of the souldiers of the saids
tua regiments that nane of them presosome nor take upon hand to disband
or leave thair curlors, but to goe on and follow out that service quhairin
his Majestie's honor, the credit of the countrey and welfare of our countrey men is so muche concerned till they be orderlie dismissed, under the paine of death; as also that all suche of the saids souliours as have disbandit and become fugitives returne to their cullors and prosecute that service in maner forsaid, under the said paine of death, certifieing thame if they faillyie and returne not within sixe days after the charge to be given to thame; as also, if anie sall disband, that the said paine of death sall be inflicted upon thame without favor; and to command, charge and inhibit all and sundrie his Majesties leiges and subjects that none of them presume nor take upon hand to ressett, hoord nor conceal anie of the saids fugitive souliours who have alred- rie or sall heirafter disband, bot to delvery thame to the officers of the saids regiments or anie hauing power to requyre or ressauve thame, under the paine to be called, persewed and punished for the same as hinderers of his Majestie's service and enemies to so important a worke."

[Sederunt as recorded above, with the addition of the Sheriff of Tiviotdaill.]

Edinburgh,
10th February
1642.

Supplication by General Major Monro, as follows:—For these several years past he has been employed during the late troubles of this king- dom in the public service, "where he behaved himselfe in all thing conform to his instructions and commission. And now being informed that he is to be imploied shortlie where his Majestie and the saids Lords thinks fittin," he humbly craves for himself and his regiment, "an approbation of their former service together with an act of exonerati- tion to the end they may be encouraged to goe on with all cheerfulness, trust and fidelitie wheresoeuer the saids Lords sall command thame for the good of the coutrie and advancement of religioun."

"The Lords "allows and approves of the said Generall Major and his regiment their service in the publicit and exonerits thame of anie thing can be layed to thair charge in that behalfe, without prejudice of particular parteis greeved thair clames, as accords of the law."

Supplication by John Gordon of Haddo, as follows:—He has been summoned before the Justice and has found caution to comparre upon 16th March next for the slaughter of Mr James Stalker, servitor to Lord Fraser, but is disabled from obedience by reason of some captions issued against him for debt. He therefore craves their Lordships' pro- tection for a certain time. The Lords, having seen the act of adjournal in the case, supersede the execution of all captions and other warrants for debt against the supplicant for eight days before and eight days after the said date of his comparrance, viz., from 8th to 24th March next.

"A letter from the Commissioners at Londoun with a double of the commision for delvierie of Knockfergus, quhilka wer delivered be [sic] the Lord Chancellor to be answere be his Lordship."
Sederunt:—Chancellor; General; Argyl; Mar; Cassillis; Glencairne; Murray; Dunfermline; Lauderdale; Southesk; Weemess; Findlater; Callander; Angus; Yester; Elphinston; Sinclair; Fol. 22, b.
Burley; Clerk Register; Justice Clerk; Treasurer Depute;
Wauchtoun; Dundas; Morphie; Cavers; Provost of Edinburgh.

Letter from his Majesty anent the nomination of officers of the army in Ireland.

"The quhilk day the letter underwritten, signed be the Kings Majestie, and direct to the Lords of Privie Council, wes presented and red in thair audience, quhairef the tenor followeth:—CHARLES R.—Right trustie and weilbeloved cousin and counsellor, right trustie and weilbeloved cousins and counsellors, right trustie and trustie and weilbeloved counsellors, wee greet yow weele. Haeving formerlie be our letters of the 27 of January expressed unto yow our real sense of the sufferings of our good subjects in Ireland and our earnest desyre of sending thame some present supplie from Scotland, to whiche effect we have since given our royall assent to all suche articles as are agreed upon be our Parliament heere and Commissioners from that our kingdome, amonghe whiche we have condescendit to putt our toune and castle of Carrichtfergus in the hands of our Scots subjects; and notwithstanding it was ordered be us and our Parliament of Scotland that all general officers to be imploied in this expedition soule be nominated be us and our Council tair, yit there haeving beene a blanke commission drawin up by order of our Parliament heere to be filled be yow with suche a persons name as yow sall think most fit to be entrusted with our said toune and castle of Carrichtfergus, whiche (least our distrest subjects soule be totellie ruined throw further delays) wee have thought fit to signe, and the rather that wee are confidet (out of your respect to us and conforme to the said order) you will not proceed to anie nomination heerin before yow knaw our further pleasure; assuring yow that vere shortlie wee sall offer to yow suche a man as sall be without all exception, and in whome yow may have just reason to confide. We bid yow hartelie fareweele. Frome our honour of Windsor, the 8 of Februar, 1642, stilo Scoto.

The Lords of Privie Counsell recommends to the Earl of Cassills, the Lord Angus, Justice Clerk and shireff of Teviotdall to thinkn upon the best wayes and meanes for establishing of posts betwix Portpatrick and Edinburgh, and betaux Portpatrick and Carleil; and to call before thame suche persons as knaw the bounds and to try the most comodious places quhair the post stages may be established, and to report."

"The Lords of Privie Counsell ordans and commands the maiyers of Counsell to passe and charge Johnie Trotter, one of the baillies of Edinburgh, to addresse himselfe presentlie to the Lord Chancellors ludging, and to reessay frome the Lord Chancellor one Hugh McGie, Irishman, and to keepe him in sure firmance in his awne house whill he be releived of him be the Counsell."

"The quhilk day the Lord Chancellor reproduc'd the letter with the double of the commission givin up to his Lordship upon Thursday last, 1643.

Sederunt, February 1683
November 1643.
Fol. 81 b.
together with a double of his Lordships answer to the Commissioners signers in London.

"The Lords recommends to the Earls of Soutersh and Lord Burlie to think upon the best means for furnishing of victual from this to our forces going to Ireland and to call before thame such persons whom they think fitting to undertake this service."

"The quhilck day the Lord Chancellor produced twa pricipall commisions under the great seal of England anent Caricfargus, quhairof Carricfargus, the one to remaine with the Counsell, the other to be givin to the person who shall be imploied to goe there."

"A letter frome the Commissioners at Court anent the commission foresaid with the ansuers made be the English to their propositions anent the levey of ten thousand men for Ireland, which the Lords having compared together, they give commission to the Lord Chancellor, the Generall, the Earls of Glencarne and Cassills, the Lord Burlie, the Lairds of Dundas and Morphie to meit and consider the saids papers and to advise what answer sall be returned thereto."

"The Lords ordains the twa macers of Counsell to attend everie Sunday in the east kirk of Edinburgh with thaire maces and to keepe the loft where the Counsellors sitt and to suffer none to come in there but Counsellers."

Sederunt:—Cancellor; Argyl; Mar; Cassills; Glencairne; Mur-ray; Lauderdaile; Soutersh; Weemes; Finlater; Angus; Elphin-ston; Sinclair; Burlie; Justice Clerk; Treasurer Depute; Wauchtoun; Dundas; Morphie; Cavers.

"The Lords of Privie Counsell doth hereby give warrand and commission to Alexander, Lord Elphinston, to stay and restraine certane soldiers in the Nesse who formerlie served under Captaine Elphinston, nephew to the said Lord, and to command thame to follow out their service."

[Sederunt as recorded above.]

Supplication by Captain John Winter, as follows:—He is informed that an order has come from the House of Commons for sending him to London. He is short of money, and must provide the same among his friends and acquaintance in Edinburgh to whom he can have no access because of his imprisonm. He therefore craves warrant to this Captain and Constable of the Castle of Edinburgh that they may permit him "to come to the said burgh of Edinburgh under the assurance of his keepers and there to deal with his friends and acquaintance for moneys for the space of three dayes, the said captain always being answerable for his saife keipin and for his returne to his prisoun at night." The Lords grant warrant as craved.
Supplication by Sir George Johnestoun of Caskiben, as follows:—He Decreta, November 1641-October 1646.

The Lords.listdir before the Lords of Session which are like to miscarry "because he is restrained from liberty to goe among the Lords of Session and his lawyers to informe them. And whereas it has beene an ordinaries courteous to persons of his ranke in his caise to have libertie to sollicite in their owne actions, having their keepers alwayes with thame," he craves that he may have the like favour. The Lords ordain and command the bailies of the Cannagate to permit the supplicant to repair to the burgh of Edinburgh with their jailor "upon occasion of informing the Lords of Session and his lawyers in his lawfull actions," they being always responsible for his safe keeping.

"The Lords appointe the morne at halfe eight to meet in Counsell to advise upon the orders sett down be the Generall and committee for the Irish affaires."

"The Lords hes concluded and ordained 1500 stone weight of copper to be coyned with expedition in turnours of drop and halfe weight, and declares that, as the Counsell shall find expedient, they will add to this quantitie; and ordains the Erle of Southesk, Lord Burlie and Lord Advocate to draw up the Act of Counsell for this effect."

Sedentum:—Chancellor; Argile; Mar; Cassills; Glencarne; Murrey; Southesk; Wernes; Finlatter; Callander; Yester; Burile; Clerk Register; Sheriff of Tiviodail; Dundas; Morphie; Provost of Edinburgh.

Complaint by George Leslie of that Ilk, Mr Alexander Kinneir, Writer to the Signet, and Mr James Scott, merchant burges of Edinburgh, as follows:—Sir Alexander Gordon of Cluny, William Gordoun of Cottoun, William Abircrobie at the Milne of Dornoch, William Leslie of Ryhill, George Gordoun of Newtown, John Gordoun of Innermerrick, and William Cowtie, younger of Acherfoull, are at the horn for debts due to the complainers, who, after using all legal diligence at great cost yet without effect, obtained letters of treason against them for rendering their houses and entering themselves in ward within the Castle of Blaknes. These were executed by a herald, but the defendants, finding themselves straitened thereby, to elude the consequences procured the suspension of these letters until a day now long past in June, 1637. Their intention was to defeat the complainers by never calling their suspension, and in this they have prevailed for now four years, through the troubles of the time. Charge having been given to the persons named, and George Leslie appearing for himself and the other pursuers, but the defendants not compearing, the said George Leslie protested that in regard of their absence and the non-production of their suspension, the letters of treason should be found orderly proceeded. The Lords admit the protestation and direct the letters of treason to be put to further execution.
"A patent under the great seal in favors of young Inchemartine Young quhilk was delivered to the Erle of Glencarne in his name and ane act Inchmarin. past thairupon.

"The Lords nominates the Marques of Argyle to preside in absence of Marquis of Argyle to the Chancellor.

preside in absence of the Lord Chancellor."

Sedemunt :—Chancellor; Argyl; Mar; Morton; Cassilla; Glencairne; Dunfermline; Southeik; Weimes; Finlater; Callander; Angus; Edinburgh, 24th February 1842.
Dundas; Morphie; Cavers.

"Forsameike as these diverse yeeres bygone this countrye hes sustaine Warrant for great hurt and prejudice by the huge quantitie of the base and copper the coining of money coyned and brought in within the same, which being in weight 1500 stone of farre within the intrinsic value of the copper, gave occasion to avaricious spirits to hazard upon the counterfooting thairof, and so to fill the hail country with the same, till the evill come to that height that the course thairof dois altogether cease, to the undoing of these poore who live upon almes and pennie worthes; and the Lords of Privie Counsel, being careful in a mater so muchie concerning the publicit to provyde for the poore and exchange of small commodities and to obviate and prevent the abuses formerlie committed in maters of this kynde, after mature advyce and deliberation they have fund it necessarie and expedient, conclusit and ordand that with all convenient diligence there sall be fyftene hundredth stane weight of copper, unmixt with anie other metal, wrought and prepared for the printing and to be printed be swey and presse in tua pennie peeces of ane dropt weight and ane halfe, to prevent counterfooting quhairof ten and a tua part of the saids tua pennie peeces to be in the unce weight, and four score fyte thairof and a third part thairof to be in the marke weight, with tua and a halfe of the saids peeces of remeid of weight, alswel heavie as light, in the marke weight thairof; the saids peeces haveing on the one syde ane imperiall crowne and the letters C.R. at the syds thairof, with this circumscription, CAR'D'MSCOT'ANGFRAT HIE', and on the other syde the thrissel with tuo leaves with this circumscription, NEMO'METIMPUNELACASSSET; and ordans the saids peeces to have course among his Majesties subjects for tua pennies, with this provision and condition that nane of his Majesties said subjects sall be stricted to resave of this copper coyne above the value of six pennies in ilk pund in payment of debts, blocks, waires or merchandice: Commanding heirby the generall, master cunyear, wardane, counter wardane and sinker to prepare themeselfes and to proceid with all convenient diligence to the melting, forgeing, cutting and printing of the saids tua pennie peeces, and carefullie to attend thair several services heirin, to the effect the said haill fyftene hundredth stane weight may be printed for the use of his Majesties leiges betuix and the first day of Januar nixt, as they will answere to his Majestie and the Councell upon
the dutie of their offices. And the saids Lords finds it necessar and expedient to discharge, lykeas be thir presents they doe discharge, the course of anie other copper coyne of whatsoever stamp or weight heir before current after the twentie day of Marche nixt, and ordans letters of publication to be made heirof at the mercat croce of Edinburgh and others places neidfull, quhairthrow none pretend ignorance of the same, and to command and charge all and sundrie his Majesties leidges and subjects to resave the saids tua pennie peece in payment of debts, blocks, wairs and merchandice in maner forsaid, and in no wayes to refuse the same under whatsoever cullor or pretext, under all hiest paine, and that they give nor receave no other copper coyne whatsoever after the said 20 day of Marche nixt under the same paine; and the saids Lords declares that quhatsomever person or persons sall bring in to the master of his Majesties mint the said copper coyne thus discharged that the maister sall be obliged to give thame threttene shillings 4d. money of this realme for the pund weight thairof furthe of the reidiest of the saids turnors now to be coynd how soone possible he can, provyding the said copper coyne to be imbrought exceed not, but be within the quantitie of the said 1500 stane weight, quhilk quantitie the maister is now warrantt to coyne; and, for eshewing of confusion in the satisfaction to be given for the said imbrought copper, ordans the said maister of the mint to make a roll of the names of the imbringers, when and how muche is imbrought, and according to the order of imbringing to give them satisfaction."

"Forsameikle as be act and proclamation of the date the tent of this instant the souldeirs of the regiments under General Major Monro and Colonel Home were charged to goe on in that service and not to disband under the paine of death, as also suche of thame as wer runnawayes were charged to returne to their cullors and follow out that service within six dayes after the charge under the said paine of death, and siclyke all his Majesties leidges were straitlie inhibit to ressett the saids runnawayes under the paines conteased in that proclamation, notwithstanding quhairof the Lords of Privie Counsell are informed that diverse of the saids souldeirs, since the publication of the said proclamation, have become fugitives, and these who were runnawayes before have not returned to their cullors, bot all of thame are still ressett and harboured among thair freinds and acquaintance and others persons in the countrey to the great prejudice of this important service; and, quhairas the impunitie quhilk these unworthy persons promiseth to thameselfes appears to be the caus of thair base and undutifull behaviour in this service of so great concernment, the Lords of Secret Counsell have resolved with all rigor and extemitie to putt the said act and proclamation to execution againis the saids runnawayes and thair ressettors and againis all others who are or sall be enrolled heirafter to go to Ireland in this expedition; and for this effect ordans letters to be direct to command, charge and inhibit all and sindrie his Majesties leiges and
subjects, yet as of before, that none of thame presomme nor take upon
hand to resset, hoord nor conceal anie of the saids fugitive soulidoures
who have alreddie or sall heireafter disband, bot that they doe their best
endeavors for their apprehension, and delvery thame to the nearest
magistrates to be committed be thame to thair jayles, thairin to remayne
till justice be done upon thame be order frome the saids Lords of Privie Counsell, under the paines following, viz., everie landit man ressettet
of v° merks and everie yeoman under the paine of ane hundreth merks,
certifieing thame that sall faillye that the saids paines salbe uplifted,
the one halfe thairof to his Majestie and the other halfe thairof to the
partie informer of the saids ressetters; and to command and charge all
shireffes, stuartz, baillieis of regalities and baillieries, and thair deputs,
provests and baillies of borowris and all other judges, officers and
magistrates to burgh and land, to use thair best diligence for tryel
and apprehension of anie fugitives being within thair bounds, and if anie of
the saids fugitives sall be dilate or given in roll to thame be thair
officers and others having warrand under the hand of the colonel,
leutenten colonels or captans, that they serche, seeke, take and
apprehend thame quhaireriver they may be had within the saids bounds,
and either to delvery thame to the saids officers and others forsaid or
otherways to committ and keepe thame in sure firmanse till they give
advertisement to his Majesties Counsell, and resseve orders for thair
punishment, as also to take particular and exact tryell of thair ressetters
and to give up a list of thair names to the Lords of Privie Counsell, to
the effect they may be called and punished as accords, and to resseve
into thair jayles all suche fugitives as sall be brought to thame be anie
of his Majesties subjects, to remayne thairin in maner foresaid, as the
saids magistrates will answer to the saids Lords upon the ductie of thair
offices."

[Sederunt as recorded above.]

Complaint by Dame Elizabeth Forbes, Lady Caskiben, as follows:—Upon
letters of caption at the instance of Mr Alexander Jaffrey of Kingswalls,
provost of Aberdene, and Thomas Johnstoun of Craig, chamberlain of
Caskiben, for her alleged non-compearance before their Lordships, she
was apprehended and made prisoner with her husband in the tolbooth of
the Cannogait, where they presently remain. Now, she was never law-
fully charged, and as she has found caution to compear on the 24th of
February and answer to the complaint against her under the penalty of
300 merks, and pay £40 for her escheat if found liable so to do, she
ought therefore to be relaxed and put to liberty. Charge having been
given to the said Mr Alexander Jaffray and Thomas Johnstone of Craig,
and they compearing by James Gibsone, advocate, and the complainer
compearing personally, the Lords, after hearing parties, continue the case
until 6th April next, on which day the complainer enacted herself to
appear before the Council and to keep ward in Edinourgh meanwhile. The Lords also modify to her a dollar per day for her maintenance to be paid by the defenders, for payment of which Mr Robert Ferquhar, bailie of Aberdene, being personally present, became cautioner; and they ordain that the defenders shall prove their complaint against the Lady Caskiben on the said day, in which, if they succeed, the said modification is to be added to the debts due by the Laird of Caskiben, but if they fail, it is to be paid by the defenders only.

"The Lords continewes the Marques of Argile presses in absence of the Lord Chancellor."

"The Lords appoints the Erles of Cassills, Soutehek, Morphie and Wauchton or anie twa of thame, to advise upon the answers to be given to the petitions givin in for some proportion of the collections gathered for the poore people of Ireland and to call unto thame the ministers of Edinburgh or such as they thinke fitting to give their advice anent the distribution of the saids collections, and to report their opinions thair-nent."

"Ordanis a proclamation to be made declaring Lent to begin the first of Marche and to end the first of May and to be keppe so heerafter according to the act of Parliament 1594." [This minute scored through.]

Edinburgh, 26th February 1642.

Sedement. — Preses, Argyle; Mar; Cassills; Glencairne; Dum-fermline; Soutehek; Finlater; Yester; Justice Clerk; Treasurier Depute; Cavers; Morphie.

"Forsameikle as the Kings Majestie, with advyce of the Parliament of England, hes thought that the 2500 men whiche have bee under pay in this kingdome this tyme bygane be furthwith sent to Ireland and placed in the town of Knockfergus alias Carricfergus there for defence and preservation of the same from the rebells and their adherents in Ireland, upon the conditions agreed upon betuix the Parliament of England and the Scots Commissioners, and by comission under the great seal of the said kingdome, of the date at Westminster the eight of February instant, hes given full power to the person or persones to be nominat and chosin be the Lords of Privie Counsell of Scotland to have the cheife government of that town and castle of Carricfergus and of the 2500 men in maner and to the effect at lenthe expresst in the saids commissioun, quhairof the Lords of Privie Counsell haweing ressavied diverse authentickie duplicats, and they haveing tane this mater to thair serious consideration, after mature advyce they have nominated, elected and chosin, and be thir presents nominats, elects and choosens General Major Morro to be cheife commander of the said 2500 men, and to have the government of the town and castle of Carricfergus, as a person sufficiantlie qualified for that service, unto whom they have delveryed ane authentick duplicat of the said commissioun under the great seal of England for his warrantable procedor in the said employment, conforme
thairunto and to the instructions given to him be the saids Lords of Privie Council thairwith, and this to endure ay and whill he resavve farder order frome the Council for that effect."

"Instructions frome the Councell to General Major Monro, 26th Feb-
ruary, 1642.

"First, yow sall have a special care of the embarking and transport-
ing of the souldeiers committed to your charge, according to your in-
structions; quhilk being done yow sall furthwise repaire to the tou
and castle of Carrietfergus, and accept, resavve and keepe the same con-
forme to the commission under the great seale of England and act of
Counsell, following thairupon given to yow heirwith.

"When you are possesst of the toune, yow sall send for the noblemen
and gentlemen of best accompt in these bounds, and be thame try the
estate of the countrey.

"Yow sall lykeways take notice of the toune itselw, with the barerie
and landing place thair, and goe about these things that are most fitting
for secureing thame, and be advyce of the special men of the bounds yow
sall cal in the hail victuall of the countrie nearest to the enemie, to be
layed up and kept in such places as yow sall thinke fitting for the use of
his Majesties good subjects.

"Yow sall be earnest in sutteing intelligence and trying the streth,
nomer and command of the enemies armie, and according to your intel-
ligence yow sall pursue thame with diligence, first securing the places
committed to your trust. Yow sall take tryell of the streth of the
British in these bounds, of thair nomber and armes and of the ammun-
tion and victuall yow find in the toune, and if commissars be there for
answering the necessars of the armie; and yow sall give us speedie
advertisment thairof; and generallie yow sall doe everie thing that may
conduce for the saftie of his Majesties good subjects and suppressing
the rebells according to the commission; and be carefull that no pre-
judices nor jealousies ayrse betuix the English and these of our nation
thair, since yow are to have equal respect to both."

Sederrunt:—Preses, Argyle; Mar; Cassills; Glencairne; Dum-
fermlie; Southesk; Finlater; Yester; Justice Clerk; Treasu-
er Depute; Morphie; Caver.

"The Lords of Privie Counsel, haveing at lenth the hard the commissioners
frome the presbiteries of Air and Irving anent some proportion of the
collections gathered for releifse of the poore people in Ireland desyrd be
thame to be advanced furthe of the reddieest of the saieds collections for
supplye of great nombers of the saieds poore people in thair bounds, and
findeing thair desyre to be just and reasonable, they have ordand and be
thir presents ordans George Suttie, merchant burges of Edinburgh, to

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delyver the soume of foure thousand pundis furthe of the reddiest of the saide collections being in his hands to John Kennedie, baillie of Air, and Mr John Rosse, indweller in Irving, to be distribut among the saide poore people by order of a committee to be made up of some of the tua presbiteries forsaids, and the magistrates of the saide tua borrowis; for doing quhairrof thir presents sall be to the said George sufficient warand."

"Forsameikle as the baillies of Kirkcudbright have apprehendit and doe keepe in firmance certane Irishmen, viz.:—Major Gilmor, James Savage, George Rudlie, Daniel Enriken, Edward Leagh, and John Flood upon clear presumptions that they are suspect persons, as may appear be their depositions sent hither be the saide baillies, the Lords of Secret Counsell, for the more full more and exact tryell of the saide persons, ordans the saide baillies to bring and exhibit the saids six Irishmen before the saids Lords with convenient diligence, ordaneing heirby the provest and baillies of Edinburgh to receave the saids persons from suche as sall have the charge of thair convoy, and to commend thame to warde till they be tryed and examined; and the Lords declares that they will sie the charges bestowed be the saids baillies in transporting of the saide persons thankfullie and tymouslie repayed to thame."

"The Lords of Secret Counsell ordans and commands William Thomsone, who wes personalie present, to direct some persone with moneys to pay the soulidiors that are presentlie to be embarked, according to the orders of the Committee for the common burdens, and to report the rolls subservyed upon oath, and that he himselfe, or some other for him, be present at the soulidiors randevous for that effect, in respect that General Major Monro hes promsie to embarke thame on Fryday next, wind and weather serving."

"The Lords of Privie Counsell, haveing tane to thair consideration the daylie and painfull travells of Archibald Primrose, thair clerke, in this extraordinarie service concerning the dispatche of the soulidiors going to Ireland, in wryting and expeding the letters, acts, proclamations and commisions issued furthe for that effect, and that he hes no feall allowed to him for that service, recommends to the Commissioners for the common burdens the granting of suche allowances to the said Archibald for his extraordinarie service, as they sall think fit."
ordand the same to be insert and registra in the books of Privy Coun-

sell, quhairof the tenor followeth:—Charles R.—Right trustie and
weilbeloved cousin and counsellor, right trustie and weilbeloved cousins
and counsellers, and right trustie and trustie and weilbeloved coun-
cellers, wee greet yow weele. Nothing can be more acceptable to us
then is (as wee perceave be your letter) your redinnis to send that
present assistance to our distrest subjects in Ireland whiche wee desired
frome yow, quhairby yow have express your respect to us and affection
to thame, for which wee give yow hartie thanks.

"And as formerlie wee wrote to yow to continow the nomination of
the person who is to have the presente command of these forces that goe
at this tyme for defence and keeping of our town and castle of Carricht-
fergus untill wee had signified our further pleasure, so now wee have
thought fitt to offer unto yow Serjant Major Generall Monro for that
effect, whome wee conceave to have deserved that trust frome yow, as
may assure him of your approbation herin.

"And whencesoever the remainder of the forces condiscendit on sell be
reddie to be sent over, wee have lykeways thought fitt (to avoyde the
appearance on our part of the least delay) to nominat our trustie and
weilbeloved cousin and counsellor, Alxander, Earle of Leven, to be
General of the hall forces, as weel of these that are to be presentlie
sent as of these to be sent heirafter, being a person on whose worth and
merit wee may with assurance confide in.

"As wee verie weele approve of your resolution of employing heere
the Marques of Argyle, so wee desire (our affaires at this time so
requiring it) that he may be dispatched hither with all convenient di-
ligence, since the perfyte knowlidge wee have of his affection and fidelitie
assureth us of his best endevers and advyce in all our services now in
hand. Wee bid yow hartlie farewelle. Frome Dover, the 20 of
Februar, 1642, stilo Scotico."

"The Lords of Privy Counsell, having red, hard and considerit his
Majesties letter written to thame, approving their resolution of
to Court
employing the Marques of Argyl at Court, and desiring that he may be
dispatched thither with all convenient diligence, and the Lord Marques
haveing produced a letter written be his Majestie to his Lordship for
that same effect, and withall the Lords remembrand that they had written to the Commissioners to know if the Lord Marquesse his going
up might be acceptable to the Parliament of England, they continow the
Marpesse his upgoing thair till they first heere the Commissioners
answer thairnent."

[Sederunt as recorded above.]
Auchmootie of that ilk, and spouse of Mr David Sibbald, sir of Cair, against Mr James Sibbald, her father-in-law, for denying her of aliments for herself and her children.

Marriage made in February, 1625, she was infest in conjunct fee and dcfereent in the lands of Cair and pertinents thereof extending to twelve chalders of beer and meal which the said Mr James and his son obliged themselves to warrant for the yearly rent foresaid. Her husband cohabited with her for several years thereafter until he, for fear of the censures of the Kirk for suspicion of adultery, "quhilk she for her affection to his barnes did never challenge, departed off the country, with advice of his father, a politick man, pretending he was in debt." His said father took assignation to the lands and property and uplifted the rents thereof, of which she and her husband have only received 24 bolls of beer and meal, "quhilk wes evill payed to her for the maintenance of her, her sons and daughter, whilk she willingly accepted for the space of fyve yeeres when her barnes wer young, and within which space her husbands said father undertooke to pay the saids pretended debts, and after expyring of the saids yeeres to have recalled and reposest the compleanners said husband and her in the saids lands and houses." But the said Mr James has ever since caused his son remain out of the country, and, while uplifting the rents foresaid, will not allow honest maintenance to the complainer and her son and daughter, who are now come to perfect age, but are "almost lost for want of competent interteanement according to their birth and condition. And whereas the P. 36. compleanners receaved with her the soume of 5000 merkes in tocher, ane considerable meane with a gentle woman of her birth, and that she hes two childrene and herself to interteane, and hes commytted no oversight whereby they soulde be prejudged of what is due to thame be the said contract of mariage, and that the fault, if anie be, is in her said husband and his father colluding to kepe her husband out of the country in her prejudice, to the effect he may uplift her conjunct tie to his own use, allowing nothing in the meanes time to her and her barnes but a beggarly allowance and coathous, the hous of Cair in the meanes time standing emptie," she complained to his Majesty and the Estates of Parliament and they remitted the matter to the Council. Charge having been given to the said Mr James Sibbald, who compared by Mr Robert Keith, W.S., as his procurator, "sufficientlie instructed be warrant under the said defender his hand," dated at Edinburgh, 26th February last, and the pursuer compearing personally, the Lords, after hearing P. 37. parties, and with the consent of both, modify to the said Jean Auchinmowtie for the maintenance of herself and her children during the absence of her husband and his not cohabiting with her the rents of two-thirds of the Maynes of Cair with the teinds thereof, possessed by Joseph Simson and William Muire, authorising her to uplift the rents thereof for the year 1642 and in time coming as above, and input and output tenants at her pleasure. They also ordain the said Mr James Sibbald to place her in legal possession thereof. This is to be to her and her children a sufficient maintenance without any addition to be granted hereafter, and she is to "breed and educat thame thereupon at bed,
boord, schooles and other education fitting for thame during the said space, wherein if she faillie and if it sall be found so be Sir David Achnimowtie, her brother, and the said Mr James Sibbald, in that case her said chirdrene sall have assigned to thame for their maintenance the just and equall halfe of the rent foresaid." She personally accepted hereof, and the Lords declare that this modification shall not be in prejudice of her liferent right to the two part lands of Cair if she should survive her husband. Further, because the said Jean has no maintenance for the present, the Lords authorise her to uplift four chalders virtual of the year 1641 presently in the tenants' hands. They also declare that she is not to be troubled with the payment of any sums of money contracted by her husband before he left the country.

Supplication by Angus McDonnald, oy to the Laird of Glengarrie, as follows:—He has been a prisoner now for about thirteen weeks in the Castle of Edinburgh for not exhibiting certain of the Clan Donnald, and in this prison he has been at great expense for the maintenance of himself and his two keepers, which he is no longer able to bear. He is content to find caution either to exhibit the persons referred to by a certain date to be set by their Lordships, or to re-enter his ward, and meanwhile to keep ward within the burgh of Edinburgh under such penalty as they may think fit. He therefore craves a warrant to the captain, constable and keepers of the said Castle, to liberate him. Sir John McKenzie of Tarbett has become cautioner in £10,000 that the supplicant on being liberated shall remain within the burgh of Edinburgh, and appear before the Council upon its first meeting day in June next, so that if before that date he has not given satisfaction by the exhibition of the persons foresaid, he may re-enter his ward within the said Castle, the Lords grant warrant as craved.

Sederunt:—Argyle, Preses; Mar; Morton; Cassil; Glencairn; Edinpdurgh, 3rd March 1642. Depute; Wauchtaun; Cavars.

"The Lords of Secret Counsel nominate and appoynts, and thairwithal Commission gives commission to the Earle of Cassil, Lord Advocat, Justice Clerk, and Shireff of Teviotdaill, to conveene at some convenient tymne and to heere and consider the report of the Justice Deput anent some prisoners within the Tolbuth of Edinburgh, and to remonstrat the same to the Council."

"Forsameikle as in the Parliament haldin at Edinburgh in the moneth Proclamation of Junij, 1594, it is statutte and ordand that in all tymne coming this tymne of Lentron, for preventing the dearth and scarseitie of all kynd of fleshis, sall be certane fra the first day of Marche inclusive to the first day of May exclusive; lyke as for avoiding all appearance of superstition in this poynct the Lords of Privie Counsell, haveing tane the said act to thair consideration, they find it necessar and expedient that the
leiges be tyed to the observation thairof in all tyme coming, and that the selling, slaying and eating of flesh forbidden heithorefoall be, dure the tyme forsaid, prescrobbe the said act of Parliament, and conforme to the tenor heirof in that point; and ordains letters to be direct to make publication heirof be opin proclamation at the merca croce of Edinburgh and other places neidfull quhahirroth nan pretend ignorance of the same; and to command, charge and inhibit all and sindrie his Majesties leiges and subjects of quhatsomever ranke, qualitie and degree, that none of thame presoome nor take upon hand fra the said first day of Marche inclusive till the first day of May exclusive, to eat or make readie for eating anie kynd of flesh, and that no fleshers presoome nor take upon hand, dureing the tyme forsaid, to slay nor sell anie flesh upon quhatsomever cullor or prentext, under the paines conteand in the acts of Parliament; certificinge thame that failyies that the saide paines salbe uplifted from thame without favor; and siclyke to command and charge all and sindrie shireffs, sturts, provests and baillies of borrowis, and all others bearing anie publict charge within this kingdome, everie one of thame within their severall offices and jurisdictions, to have a special care and regard to sie this present act observed in everie point.

[Sederunt as recorded above.]

The Lords, having read and considered the Decreet Arbitral after-mentioned, interpone their authority thereto and ordain the same to be registered:—It is by John, Earl of Cassilla; John, Earl of Lauderdaill; and Sir James Carmichaell of that Ilk, Deputy Treasurer, as judges arbiters appointed for the determination of the complaint made to his Majesty and the late Parliament by Isobel Hunter, widow of Michael Roestone, of Calside, for herself, and in name of William Roestone, her son, and son and heir served and retoured to the said deceased Michael, and her four remanent fatherless children, [narrated ante, p. 183], before whom the said parties having compared at several diets, Isobel Roestone produced the retour of William Roestone, her son, as nearest and lawful heir of the deceased Michal Roestone, his father, dated at Edinburgh, 20th March, 1639; and a decreet recovered before the Lords of Session at the instance of herself and her said son for exhibition of the writs therein contained, dated at Edinburgh, 1st February, 1639; and the said James Crichtoun produced a box with the whole writs he is ordained to exhibit except one sasine which he says is lying in process and undertakes to produce, as also a rolment of court of the barony of Glencarne, dated 4th June, 1636, by which Andrew Roestone p. 40. is convicted of the stealing “of ten elnes of gray, twa swords and a cloak bag with diverse commodities being therein, and for common thist and ressett of thist,” for which the said bailie continued the sentence until he had advised with the Council who warranted him to pronounce the doom of banishment. The bailie accordingly banished the said Andrew,
but the warrant was not produced. Also, he produced a presentation under the quarter seal, dated at Edinburgh, 25th July, 1636, directed to William Fergusone of Craigdarroch, superior of the lands of Caldsie and Craignie for infesting the said James in the said lands as falling in his Majesty's hands by the forfeiture of the said deceased Andrew Roersone for the theft foresaid, with the charter of infeftment granted at Monyeive on 20th January, 1637, by the said William to the said James Crichtoun, and sasine following thereupon of the same date. He also produced a precept by the Sheriff of Dumfreis, dated 30th May, 1638, following upon a Decree of removing by the said sheriff dated the previous day against the said Isabel Hunter, in terms of which on 6th June, 1638, Andrew Cuninghame of Snaid, sheriff depute, gave possession to John Crichtoun, notary in Sanguhar, in behalf of the said James, of the lands of Little Mark and Craignie. Having considered all the above and heard all the parties, the judges find that the said deceased Andrew Roersone was convicted merely of the simple theft and not of theft as committed by a landed man against the act of Parliament in July, 1587, and that no doom was pronounced against him but that of banishment, so that the lands pertaining to him either as heritor or apparent heir could not fall into his Majesty's hands by forfeiture. They therefore find that the right and possession of these lands acquired by the said James Crichtoun is null and void and ordain him to remove himself and his tenants from these lands of Caldsie and Craignie before 29th May next, and to deliver up to the said Isabel Hunter all the writs and evidents contained in the decree of exhibition before mentioned, so that she may enter to the possession of these lands in the same condition as she was when he dispossessed her; also to deliver to her the sasine he says is lying in process before the day foresaid. If he fail herein, he is to be found liable in payment of the rents of the lands thus meddled with by him for the seven years past and of the violent profits in time coming. The judges request that the Lords will register this their decree as an act of Council; and they sign the same at Edinburgh, 3rd March, 1642, before these witnesses; James, Earl of Finlatter; George, Lord Forrester; and Archibald Primerose, Clerk of the Privy Counsell. (Signed) Cassillis; Lauderdail; Findlater, witness; Forrester, witness; A. Primerose, witness.

Complaint by William Cuninghame of Aiket, as follows:—He has been charged to pay to Anna Inglis, his spouse, £200 for two months' maintenance, the half within six days after the charge, and the other half before 1st March next on pain of horning. Now "she nather has nor can have anie just ground to seeke maintenance from the com- pleaner, and howbeit she had ground, yitt she hes made him altogether unable to pay the same, as the saids Lords may perceave by the particular following. For they having lived together these manie yeeres bygane in peace and amitie according to their conjugall bands, about a yeere since or thereby the said Anna conceaved some groundles jealousys
which by misinformations did grow to that hight with her as she resolved to wrack the compleanner. And for this effect she first displenished his hous, brake up his kiste, tooke away his writts, his silver and gold work, his bedding and furnishing of great coast with divers rich abuyments, all sort of naperie, and left not so much as his fire vessells, to the worth of 2000l. or thereby, which she hes put away, and she hes also abstracted a band of 400l. belonging to the compleanner and disposed thereupon at her pleasure, quhairby she hes put him frome means and credit. And when as she brought the compleanners name in question before the Committee he satied with her and by contract obliged himselfe to give her jm merks for interteament of his hous and familie, quhairof [she] having accepted and promised to redeliver the compleanners writs, she entered in pursuite before our Counsell aganis him, and since her unwarranted separatioun from him hes receaved eight hundredth merks which with the burden lying upon the compleanners estat hes greatlie hurt the same." Nevertheless, for eschewing the horning he has found caution for obeying the charge and craves its suspension. Charge having been given to the said Anna Inglis, and both she and the pursuer compearing personally and having been heard, the Lords find, notwithstanding the above averments, that the horning is "orderlie proceed " and ordain it to be put to further execution. He had consigned £100 and is to pay the other £100.

Complaint by Anna Inglis, spouse of William Cuninghame of Aiket, p. 44 against her said husband, as formerly narrated [ante, p. 172]. This action was continued till 21st February last when, both parties compearing, it was again postponed to this day to give them the opportunity of amicably settling the matter. Both parties again compearing, the Lords, after hearing them and the depositions of certain witnesses, and after consideration of offers made by the said William Cuninghame to his said spouse, "ordains and commands the said Anna Inglis to goe home and live with her husband and to adhere to him, and to behave herselfe as becomes a dewtifull spous to her husband, and forbeares the granting of anie farther modificacion at this time, becaus the said William Cuninghame, being personally present, acted, band and obliged himselfe to receave the said Anna Inglis, his spous, home to his hous and familie and to use her with all kyndlie and dewtifull respect, wherein if he faillie the saids Lords declares that he saill not onelie be lyable to a modificacion to his said spous but also to such other personall punishment as the Counsell sall think fitting; and also becaus Alexander Cuninghame, brother to the Laird of Robertland, and Andrew Sempill of Brunesheills is become cautioner for the said William that the said Anna, his spous, sall be harmlesse and skaithlesse in her person, and not to be troubled nor molested therein be him nor no others of his causinge, command nor ratihabition, under the pane of jm lib."
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"some of his unfreinds, resolving to debarre him frome free accessse to advocate, for that judicatorie ather for himselfe or his freinds, tooke advantage of a captioun raised upon a sentence of excommunication pronounced agains him in Aberdene for disconformitie to the religioun presentlie established," and had him warded in the tolboth of Edinburgh on Monday last. At the time the said sentence was pronounced he was under conference with the ministers of Aberdene and in a way of giving them satisfaction, "but the sentence was upon some intervening occasions abruptlie pronounced without full hearing, and he is still resolved to goe on with the ministers of Aberdene and to use all meanes they will prescribe for satisfying his scruples so as he may with knowledge and persuasion sattle himselfe in a mater of so great importance with all convenient diligence, and sall find caution for his conformitie to the religioun established and satisfactioun of the Kirk betuix Witsunday nixt, or ellis that he sall remove himselfe out of the countrie within such a space as the saids Lords sall appoint and under the paines to be prescribed be thame." Charge having been given to Mr Andrew Ker, advocate, in name of Sir Archibald Johnstoun, procurator for the Kirk, and he and the complainer both compearing and having been heard, the Lords ordain the provost and bailleis of Edinburgh to liberate the pursuer in so far as he is warded for the foresaid cause, because Patrick Leslie, late provost of Aberdene, being personally present, became caunter for the pursuer's compeare before their Lordships on the first Tuesday of June next, either with a testificat of his having satisfied the Kirk or prepared to undergo banishment, and that meanwhile he will address himself to the presbytery of Aberdene and desire conference of them for resolution of his scruples, and carry himself without offence or scandal, under a penalty of £2000. The said William also undertook to relieve his said cautioner of all danger he may incur through this cautiony.

Sedentum: — Chancellor; Argyll; Morton; Murray; Cassells; Edinburgh, Lauderdaill; Southesk; Weemis; Callander; Angus; Yester; 1642.
Sincler; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Waughtoun; Cavers.

"The quhilk day the Lords of Privy Counsell, haweing red and considerit the letter written be thame to the Commissioners, with the proposition of the Commissioners to the Parliament of England, and the answer of the Parliament thairto anent the Lord Marquesis going to the Court, they ordaine a letter to be written acquainting his Majestie with the same, and in the meantyme continoweis the Lord Marquesse his going there."

"The quhilk day the Lord Chancellor, haweing upon reading the answer of the Parliament of England to the proposition given into thame be the Scots Commissioners anent the Marques of Argyll his going to court, represented to the Counsell whither or not their Lord-
ships sould thinke fit to take notice of the mentioning his Lordships name in that answer. The Counsel in respect they had written nothing to the Commissioners anent the Lord Chancellor going to Court and that their is nothing conteand in the foresaid proposition, resolved that it was not expedient to take notice thereof, but remits to the Lord Chancellor his owne discretion the convenience and tyme of his going, as he sall find his Majesties service to require.

"The Lords of Secret Counsell, considering that, be reason of the leveyes and expeditions for Ireland, there will be frequent occasions in this tyme of vacance of deburseeing of moneys for advancing of the saids expeditions, for the quildk order is to be given be the Committee for the Common Burdens to William Thomeson, ressaver of the publicit dues, thairfore the saids Lords of Privie Councell, recommends to the Committee of the Common Burdens to exped ane act of the said Committee, givine order to the said William Thomeson to deburse all suche moneys as he sall be commandit be the saids Lords of Privie Councell to the effect foresaid, and declaring that the saids warrands and precepts with the discharges and tickets of ressais to be granted be the reseivers of the moneys to the said William Thomsone sall be ane sufficient warrand for his exoneration, provyding the saids precepts before payment of the same be registrat be the clerk of the said Committee for the Common Burdens in the books and registers thairof."

**Sederunt:**—Chancellor; General; Argyll; Morton; Cassills; Lauderdaill; Southeak; Advocate; Treasurer Depute; Wauchtoun; Cavers.

**Nomination by his Majesty of commanders of the troops proceeding to Ireland.**

"The quildk day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being read and considerit be the saids Lords, they ordane the same to be insert and registrat in the books of Privie Counsell, and continowis the answering thairof till the next meeting. Of the quildk letter the tenor followis:—CHARLES R.—Right trustie and weibeloved cousin and counsellor, right trustie and weibeloved cousins and counsellors, right trustie and trustie and weibeloved counsellors, wee greet yow wel. Having formerlie nominat our right trustie cousin and counsellor Allexander, Earle of Leven, our General over our Scots forces, quildks at this tyme are to be employed in suppressing the rebellion in Ireland, wee have now thought fit (to prevent anie delay quildk may seeme to proceed from us) to nominat our trustie and weibeloved cousin and counsellor, William, Earle of Louthian, our Leitienent General over the saids forces, not doubting bot as his fidelitie and affection to our service hath procured him this trust from us, so his worth and abilities for this charge will assurse him of our approbation herin. Wee have lykewais thought fit to nominat our servant, Allexander Hamilton, General of our Artellierie in Scotland, to
goe General of the Artellerie in this expedition, whome wee conceave to be a person without all exception.

"And to give yet a further testimonie of our desyr to have suche persons employed as you have most reason to confide in, wee are pleased heirby to grant yow power (at this time onlie without prejudiceing us as a president heirafter in our power of nomination) to make choise of all suche collonells as yow sall thinks most fitt for this service, except our right trustie and weibeloved cousin and counsellor, William, Earle of Glencairne, whome wee our selfe have thought fit to nominat as a colonel, if his affaires will permit him to accept of this charge, assureing our selves wee can name none of greater worth, nor in whose yow have greater reason to confide. Wee bid yow hartelie fareweel. Frome our Court at Theobalds, the 2 of Marche, 1642, stilo Scotici."

"The Lords of Privie Councell nominats and appoynts, and thair- withall gives commision to the Earles of Morton, Lauderdale and Southesk, or anie tua of thame, the Earle of Morton being one, to heere and consider the complaint given in be James Sinclar of Scalloway agains Ninian Neven, and his answers thairto, togidder with the several greiv- ances given or to be given be the said James Sinclar and Mr James Mouat, and to report thair opinions thairin to the Councell with the first conveniencies."

[Sederunt as recorded above.]

Complaint by Archibald Campbell, chirurgeon, as follows:—His Majesty has been pleased to grant to him a remission under his royal hand for the sudden and accidental slaughter of Mungo Watsoun, son of William Watson in Lamington, rashly committed by him in September last, on condition that he satisfy the party’s nearest friends and kinsmen. He has used all means to this end, and has offered satisfaction to “the said William Watsoun, his father and his mother,” but they refuse to accept it and keep the complaineur close prisoner in the tolbooth of Edinburgh, where he has been since September last, he being a poor boy with no means to live upon, and so like to starve for hunger. Charge having been given to the said William Watsoun and Jean Tennent, his spouse, and the pursuer comparing by John Nicoll, writer, but the defenders not comparing, the Lords, after hearing parties, command the provost and bailies of Edinburgh to put the pursuer to liberty; because Sir Duncan Campbell of Achinbreck became cautioner in person to their Lordships for the comparance of the pursuer before the Council or his Majesty’s Justice on a lawful charge to answer to the said slaughter under the penalty of £1000.

Complaint by William Monteith of Caribber, merchant burgess of Edinburgh, as follows:—On 11th July, 1639, Sir Alexander Nisbitt of that Ilk and Philip Nisbit, his son, were put to the horn at the com- plainer’s instance for non-payment of certain debts, and they remain
threat contemptuously, possessing their houses "as strenths of warre aganis the ordinarie execution of the lawes so as none darre adventure to putt the same in executioun aganis thame." Charge having been given to these persons and the pursuer comparring personally but not the defenders, the Lords ordain macers, heralds and pursuivants to charge the latter and all keepers of their houses of West Nisbit and Rumiltonounlaw to deliver the same, and the defenders themselves to enter within the Castle of Blackness upon the pain of treason.

Supplication by Hew Ros of Achinloicho, as follows:—Robert Monro of Obstall and Kenneth McKenzie of Assint, accompanied by one hundred persons or thereby, came in May last to his fishing of Affrone and killed Donald Roy, miller, his servant. "To elude the stroke of justice for the same they have procured a remission frome his Majestie aganis the order of the late Parliament," and have summoned the supplicant and the greater part of his tenants for the said slaughter for the 16th instant, "intending by that meanes to lay his lands waist." When the slaughter was committed the supplicant was eight miles distant from the place, as appears from a sufficient testimonial; so that it is clear that their pursuit is malicious and for the purpose of putting him "and his poore tenents to trouble and fashrie." Charge having been given to the said Robert Monro of Obstall, who compaired personally, while the pursuer appeared by James Gibson, his procurator, the Lords, after hearing and advising, excuse the poor people, tenants and labourers of the ground from compearsance of the 16th of March, provided the principal parties appear that day, and they direct the Justice to continue the diet for the compearsance of the poor people till the first Wednesday of June next.

Supplication by Robert Monro of Obstall, for himself and in behalf of his accomplices and others mentioned in the criminal letters raised against them, as follows:—The 16th of this instant is assigned to them for their compearsance before the Justice for the alleged slaughter of Donald Roy, miller, of which they are innocent; and, "whereas there is a great number of tenents and labourers of the ground who are cited to this dyet to putt thame from their necessarie attendance at the ait seid time to thair undoing," they crave that the said diet be postponed. The Lords, in respect of the distance of place and season of the year, direct the Justice to continue the diet until the first Wednesday of June, taking caution for the appearance of such of the tenants as do not attend on the 16th.

William Frenche in Moffat, as principal, and James Johnstoun of Corheid, as cautioner for him, compaired this day before the Lords and produced an act of Council, dated the 5th instant, whereby the said cautioner is obliged for the appearance of the said principal this day to answer to any thing that can be laid to his charge by James Johnstoun, merchant burgess of Edinburgh, or any other person, under the penalty of £1000. And seeing the said William Frenche was present
ready to answer and that no one appeared to lay anything to his charge, they protested that they should be exonerated of the said act. The Lords admit the protestation.

"The Lords recomends to the Lord General, and General of the Artel-lierie to make a list of the hail officers and necessar members of the armie, and of the traine of the artellirie."

Sederunt:—Argyle; Preses; Cassillis; Glencairne; Lauderdale; Edinburgh, Southeak; Findlater; Advocate; Justice Clerk; Treasurer Depute; 10th March 1642.

"The quhilk day in presence of the Lords of Privie Counsell compeird Ameat the personallie William Glendonig, Provost of Kirkcudbright, and declared that, conforme to the order given for bringing to this tour the six Irishmen apprehendit at Kirkcudbright, they had brought hithe these men and enterit thame in the Tolbuith of Edinburgh; with the quhilk declaratin the Lords being weele advysit, they have allowed and allowis of the service of the provest and baillies of Kirkcudbright in apprehending and bringeing of these men hither, and ordans thame to be keepe in warde till farder order be given concerning thame, and recomends to the Comissioners of Exchecker to refund the charges of the saids provest and baillies in this service."

Sederunt:—Chancellor; General; Argyl; Morton; Cassills; Edinburgh, Glencairne; Lauderdale; Southeak; Finlater; Sinclair; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtown.

"The Lords of his Majesties Privie Counsell haveing tan to their con-sideration his Majesties letters direct to thame anent the nomination of the general officers of the armie quhilk is to goo frome this kingdome to Ireland to suppress the rebellion thair, they have allowed and accordinglie made choise of the Earle of Louthian to be General, the Earle of Louthian to be Lieutenant General, Alexander Hamilton to be Generall of the Artellirie. And in respect it is thought thair be ten regiments in the armie and a thousand men in each regiment, and that there [are] foure regiments alreadie on foote under the charge of Major Monro, the Lord Sinclar, Colonel Home, and the Laird of Lawers, the Lords thinkes fit and accordinglie appoynts the Lord General, the Marques of Argyle, the Earles of Eglinton, Glencairne, and Lindsay, to have charge of other fyve regiments, and continowis the nomination of the last colonel till the Leuitenant General be consulted that if he sall dispense with the same, it may be bestowed on suche a person as the Counsell sall thinkes fitt for the service. Lykes the Lord General, the Marques of Argyl, the Earle of Glencairne, and Alexander Hamilton, being personalie present, accepted thair charges and gave thair oathes de fidei administratione."
"The Lords of Privie Councell, in respect the Marques of Argyle haes acted himselfe to furnish his regiments with sufficient armes and will not seeke thame out of the publict magazen, allowis the soume of ten merks money for ilk souldier of his regiment that sall be furnisht be him, as said is, and that the armes perteane to the Lord Marques himselfe, and declares that what peeces of ordinance or other ammunitiou the said Marques sall be warrand carrie over to Ireland that the same sall be allowed of and assured to his Lordship be the publict.

[Sedunt as recorded above.]

Supplication by James, Earl of Annerdaill, and Andrew, Lord Balvaird, heirs of provision and taillie respectively to Mungo, Viscount of Stormount, as follows:—The said Viscount is lately deceased, and it concerns them very nearly who are the heirs to his inheritance "to see that his charter kist where his evidents and securitie ly be assured for our benefite and behove." They crave, therefore, that the Lords would empower John, Earl of Wemes, Robert, Lord Burlie, and Sir Michael Balfoure of Deanmilne, or any one of them, to pass to the place of Skoone or Huntingtoure or wherever the said Viscount's charter chest is, and seal the said chest and the room wherein it stands, to remain there in safe custody unopened and untouched, to be forthcoming to the supplicants in accordance with law. The Lords grant what is desired.

"The Lords, having entered in consideration of the fittest and speediest way of the levyng of thir souldiours going to Ireland, thinke it fit that agreement be made with the colonella that, upon a soume of money to be given thame, they be obledged to levy and transport thair men betuix and a certane day to be condiscendit on." [This minute scored through.]

"And it is thought that fyve dollers is sufficient for levy and Pd. 85, b. transport of each souldiour, and for these that served thir last yeere in Newcastle and will now goe to Ireland upon a testificat thairof under their last captans or leutenants hand upon oath, or on thair refusall upon oath of the minister and tua elders of the parish quhair they dwelt, they sall have tua dollers more allowed thame, all a part of thair bygone arreirs."

"The Lords recomends to the Lord General to give orders for makeing up of the Lord Sinclair and Laird of Lawers regiments."

"The Lords recomends to the Marquis of Argyle and Southesk to deal with merchants to undertake the furnishing of victual to the armie, and to report."

Sedunt:—Chancellor; Argyl; Eglinton; Southesk; Callander; Yester; Clerk Register; Advocate; Treasurer Depute; Innes.
of the armie now going for Ireland, recommends to Alexander, Earle of Eglinton, to deal and travell with the merchants and others persons within the towns of Air and Irwing to furnish and bring in bear and barley and other necessarie provisions for the use of the armie."

"The quhilk day Alexander, Earle of Eglinton, in obedience of a letter direct be the Lords of Privie Counsell to him, as a colonell on him be thame of one of the regiments of the armie going for Ireland, compeird personalie before the saids Lords of Privie Counceil and accepted the said office of colonell upon him, and promeist to doe his best endeavors for dischargeing the trust repose be the saids Lords in him."

"Forsameikle as the Lords of Secret Counsell, be order frome the Kings Majestie, hes made choise of Sir Hew Campbel of Csmok to be shireff principall of the shirefdom of Air for the remainder of this present yeere till the ordinar tyme of the change of the shireiff in regard of the seeknes and inabilitie of Thomas Stuart of Gaston, late shireiff of the said shirefdom, and have thairupon past and exped a commission of the said office to the said Sir Hew under the great seal, and the Lords, being unwilling to putt the said Sir Hew to needless travell and expense in coming heere to give his oath, thairfore the Lords ordains the Lord Chancellor or Earle of Eglinton to take the said Sir Hew his oath for discharge of his office of shirefship within the said shirefdom dureing the space forsaid conforme to his comission, quhilk is heirwith to be delveryed to him, and ordains the said Sir Hew with all convenent diligence to adresse himselfe to the said Lord Chancellor or Earle of Eglinton and accordinglie to give his oath in manner forsaid and thairafter to proceed and goe on in the faithfull discharge of his office, as he will answer to his Majestie and the saids Lords upon his dutie and obedience."

"The Lords of Privie Counsell doth heirby give warrant and comission to the Lord Chancellor, the General, the Marques of Argyll and Earle of Southesk, or anie tua of thame, to deal with merchants for furnisheing of victual to be caried to Ireland for the use of the armie, and to condition and agree with thame thairnent and for the more spedie transport thairof, with power to thame or anie tua of thame to arrest ships or barks, giving alwayes reasonable satisfaction to the maisters and awners thairof."

[Sederunt as recorded above.]
and a new nomination of arbiters conform to what was made in Parliament was not likely to be effective, seeing so many of the quorum could not conveniently meet and agree therein, they should renew the submission with power to the arbiters chosen or, in case of variance, to the oversman or either of them by themselves or with consent of three or four of the arbiters on either side to pronounce sentence therein. The Earl of Galloway declared that he was willing to renew the submission conform to the first nomination made in Parliament or to any three for each side, all agreeing together with the oversman, and could not renew the same in any other manner. The bailies of Wigtoun declared that to give their Lordships satisfaction they were willing to renew it to two persons nominated for each side, and, in case of variance, to abide by the decision of the oversman, or to renew it in any other form their Lordships might desire; but they protested "that in respect the last submission expired by the Earle of Galloway his going out of the town and not attendance the tyme thereof, and that he doeth now refuse to renew the same as is desired be the Counsell, that therefore his Lordship may be holden the onlie cause why the submission tooke no effect; and the Earle of Galloway protested in the contrare in respect of his sickenes the time of this submission and of his present declaracion abonewritten." Both parties asked instruments.

"The protection formerly granted to John Gordoun of Haddo for his attendance upon the Justice in the criminal pursuit intended aganis him for the slaughter of umquhile Mr James Stalker continewd till the 26 of Marche instant."

"The Lords allowis of the letter written be the Lord Chancellor and Marquis of Argyle to the Commissioners on Wednesday last (in absence of the Counsell) and approves thair proceedings thairin."

Sederunt:—Chancellor; Argyl; Morton; Eglinton; Southeak; Clerk Register; Advocate; Treasurer Depute; Innes.

"Forsameikle as the Lords of Privie Counsell, hauing tane notice of the prejudice the leiges susteanes throw the interruption of the course of rix dollers, ryalls and cardecues to the great undoing of comerce among the subjects, for remeid quhairof in tyme coming and that his Majesties leiges be not abused with forrayne coyne at pryces farre above the trew weight and worth thairof, the Lords of Secret Counsell, according to the acts formerlie made heiranten, ordans rix dollers to have course among his Majesties subjects, being fyrtene drop of weight at 54 shillings, being 14 drop weight at 53 shillings 4d, and cardecues being 5 drop weight at 19 shillings, and discharges all course and passage of the saids speces being under and within the weights particularie abovespecifit, and als discharges all merchants and others his Majesties subjects to bring in to this countray anie forrayne coyne of the speces forsaid under and within the weights respective abovespecifit
under the paine of confiscation of their moveables, the one halfe to belong to the King's Majestie and the other halfe to the partie informer; and ordains maissers, heraulds and purservants to pas to the mercat croce of Edinburgh and other places neidful, and be opin proclamatioun to make publicatioun heirof, quhairrof none pretend ignorance of the same."

"The quhilk day John, Earle of Loudon, Chancellor, produced and exhibit before the Lords of Privie Counsell the contract underwritten made and agreed to be his lordship and the Marques of Argyle for warrand of the saids Lords, for furnisheing of ten thousand bolls of meal to be caried to Ireland for the use of the armie, quhilk being red and considerit be the saids Lords, they have allowed and allowis thairof, and ordains the same to be insert and registrat in the books of Privie Counsell, quhairof the tenor followis:—At Edinburgh, the 19 day of Marche, 1642 yeeres, it is agreed betuix John, Earle of Loudon, Lord Chancellor of this kinglyme, and Archibald, Marques of Argyll, haveing warrand from the Counsel of Scotland, and in their name, on the ane part, and James Stuart, merchan burges of Edinburgh, and Mr Robert Ferquhar, merchan burges of Aberdene, on the other part, in maner following, viz.:—the saids James and Mr Robert have sauld, dispand and undertane to furnish for the use of the Scots armie quhilk is to goe to Ireland the number of ten thousand bolls sit meal, good and sufficient victuall, to be transported from Scotland to Ireland with all convenient diligence, wind and weather serveing, betuix the fyftene day of Apryle nixtocone and the last day of July nixt thairafter at farthest in this instant yeere of God, 1642, and binds and obliges thame, their aires, executors and assigneat, conjunctlie and severallie, to delyver or caus be delyvered the said meal in Ireland, at the ports of Knokfargus, Culrayne or Derrie in the option of the saids noblemen, as they salbe pleased to give direction before the ships louse from Scotland to whiche of the saids ports to direct thair course, and the said meal to be delyvered thair to the saids noblemen in name forsaid, or to anie person or persons in thair names who saill have warrand thair to resseve the same, and that be measureing of three bolls of meale of ilk ships loading with the prick furlot of Leith, one bol thairof to be taken towarde the uppermost part of the ship, the second boll toward the middle part thairof and the thrid boll toward the boddome of the ship, quhilkis three bolls being weyit, the halil victual of that ships loading to be weyit, ressave and delyvered according to the weight thairof, and so furthe with everie ships loading; quhilk victual above dispand, the saids noblemen abovenamid, in name forsaid, bind and oblide thame, their aires and executors, conjunctlie and severallie, to caus ressave with all diligence in Ireland at the saids ports immediatlie after the arryveing of the ships thair with the same or anie portion thairof, and that out of the ships at furthest within 15 dayes nixt after the arryveing of the ships, and saill have gernells and magazens reddie and clair for ressaying thairof, and saill immediatlie after the receipt thairof pay the fraughts thair to the skippers of ilk ship or barke as the merchants saill
happin to agree with thame for transporting thairof, and as the saids merchands or anie of thame or thair factors sall direct, quhilk fraucht sall be allowed in part of payment of the said meale to be payed to the merchands as is underwritten. Lykeas the saids noblemen bind and oblige thame and thair forsaid in name forsaid, as said is, to bear the hazard of piracie and shipwrack of the saids meale and ships transporting the same, that in caise (quhilk God forbid) anie ship or barke loadnit with anie portion of the said meale happen to perish or lose, or be surprysed or taken with pyrants and enemies or driven ashore, whatever loss, skaith or prejudice the merchands and skippers in ship or goods sall happen thairby to susteane, it not being in thair awne default, the saids noblemen in name forsaid obleidges thame and thair forsaid to pay the same, and sall assist to furnish pilots for convoying the saids ship and goods to the saids ports in Ireland, upon the saids merchands and skippers thair reasonable expenses, and sall procure and warrsdes to presse ships for the said service, if neid sall require, for payment of reasonable fraughts. For the quhilk meale above dispond the saids noblemen in name forsaid bind and obleidges thame and thair forsaid, as said is, to pay to the saids James Stuart and Mr Robert Ferquhar and thair forsaid the soume of ten pund Scots money for ilk boll of the same, and that in Edinburgh, the one halfe thairof at Whytsunday nixtcome and the other halfe before the tent day of August nixt thairafter at fardest, and sooner if money can be had, togidder with annualrent for the saids pryces of the bolls, yeerlie and termilie, so long the same sall happen to be unpayed after the termes of payment above sett down. And what more meale the merchands sall be able to furnish and denyver thair in Ireland in maner forsaid within the space of tymes abovespecifit, the saids noblemen, in name forsaid, obleidges thame to caus accept the samen thair and pay for the same, as is above mentioned. And both parties obleidges thame and thair forsaid hinc inde to others to fulfill and faithfullie performe in everie poynit, as is afore sett down, under the paine of ten thousand pund Scots money to be payed be the partie faiulyear to the partie observer or willing to observe and performe thair part of the premises, and that by and attour the fulfilling and performing thairof. And for the mair suretie both parties are content and consente to the registrating heirof in the books of Counsell and Session to have the strenth of ane decret of the Lords thairof interpoint thairto, that letters of poynding and horning upon ane simple charge of six dayes may passe thairupon, wherfore they constitute, etc., and ilk ane of thame, conjunctlie and severallie, their lawfull procurrences, promitit, etc. In witnes quhairof thir presents, written be the said Mr Robert, both parties have subscribit the samen, day, yeere and place abovewritten, before thir witnes, John Campbel, one of the Connissar deputis, and Charles Dalrimple, servitor to the Chancellor. Subscribitur, Loudon, Can[t]; A. M. Argyl, Robert Ferq[ ], J. Stuar, Jo. Campbel, witnes, C. Dalrimple, witnes.”
"The Lords of Secret Counsell recomends and theirwithall gives warrant and commission to the moderator and brethren of the presbiterie of Edinburgh to reasseve and consider the several petitions given in to thame be John Fairlie of Stuarton, M't David Row, minister in Ireland, James Maxual and Thomas Knox, merchants in Strebane, Thomas M'Culloch, sometyme of Barholme, Marioun Simervail, relict of umquhile Andro Hamilton, portioner of Straban in Ireland, and Harie, Eufame and Mercers, orphans, and accordinglie as they sall find the truthe of thair informations and the necessitie and qualitie of thair persons to deserve to modifie some proportion of the contributions collected for relieffe of his Majesties subjects that are fled out of Ireland, to be payed to thame as thay sall thinke fittinge; with power to thame for that effect to direct thair preceptes to the collectors and others in whose hands the contributions of that presbiterie are for answering and present payment making to the persons abowewritten of the severall soumes of mony to be modified to thame, as said is; quhilkis preceptes the Lords ordans to be tymouslie accepted, obeyed and answered be the collectors and others in whose hands the contributious forsaidis are, quhairanent thir presents, with the preceptis of the presbiterie and receipt of the partie, sall be thair sufficient warrant."

"The Lords of Secret Counsell, in respect that the Marques of Argyl Dispensation is now so necessarie employd in his Majesties service concerning the expedition to Ireland that he cannot attend the meting of the commissioners of justiciarie at Perthe, the sixt day of Apryle nixtcoome, dispenses with his lordships absence frome the said meting, and declares him free of all paine or danger he may incurre thairthrow."

"The Lords of Secret Counsell, in respect that Sir Mungo Campbel of Lawers, yonger, is employed as a colonell in the expedition to Ireland, and is presentlie going about the leve of his regiment so as he cannot attend the meting of the commissioniers of justiciarie at Perthe, the sixt of Apryle nixt, dispenses with his absence frome that meting the same day, and declares him free of all paine he may incurre thairthrow."

[Sederunt as recorded above.]

Edinburgh, 22nd March 1642.

Supplication by Sir James Stewart of Carswell, knight baronet, and Sir Alexander Stewart of Fisgill, steward deputes of the stewartry of Gairnies, as follows:—In a stewartry court held by them on 18th February lattis, Andrew M'Tagart in Some of Aroch was convicted of the stealing of a sheep with the mutton, wherewith he was apprehended reid hand, and of the stealing of a wraith yow and a lamb out of the lands of Aroch; and of the stealing, ressett and concealing of ane stone of gray wooll, and of the stealing of two lambs out of the lands of Lembay and of commoun pyckrie; and he confess the stealing of some timber dooreis and begg his life at the saids judges. And he, being a young man who may be serviceable at the warres, they continued pronouncing doome
The Lords ordain them to pronounce sentence of banishment against him and take him acted to leave the kingdom within a month and never return under the pain of death. They also ordain the said deputies to see that the goods stolen by the said Andrew McTagart or the values of them are restored according to his ability.

"The Lords of Privie Counsell, for the good of his Majesties service and the better keeping of intelligence betuix this and Ireland, and for convoy of pacquets, thinks fit that post-stages and post-horses be provided betuix Edinburgh and Portpatrick and that the stages be established at Blaickburne, Hamilton, Newmyyne, Air, Girvin, Ballintrae, and Portpatrick, the post maisters to have 3 horse in redmnes and to have 40 lib. sterline yeerlie and halfe a yeerees fee advanced." [This minute scored through].

"Missives written and direct to the shirefs of Dumbartan, Stirlne, Perthe, Forfar, and Aberdene, to advertise the commissioners within the bounds appoynted for redressing the disorders in the North to attend the first meting of the commissioners at Perthe the sixt of Apryle."

"The Lords ordans the provost and bailies of Edinburgh to be warned to attend the Counsell on Thursday nixt."

"The Lords of Secret Counsell, in respect the Marques of Argile is to furnish his regimen with armes and will not seake thame out of the publict magazene, allows the soume of ten merkes Scotch money for ilke soouldier of his regimen that shall be furnished be him as said is." [This minute scored through.]

"The Lords of Secret Counsell, having entered in consideration of the fittest and speediest way of the leveyng of the soouldiers going to Ireland, thinke fit that agreement be made with the colonnells that upon a soume of money to be given to thame they be obleigdit to levey and transport their soouldiers betuix and a certane day to be condescendit on; and thairwithall ordans that seven dollars be allowed for everie soouldier who served in the last expedition to Newcastle and is now content to goe in this armie to Ireland, upon a testificat thairof under the captane or lieutenant hand upon oath whom they served, or, in case of thair refusall, upon oath of the minister and tua of the elders of the parish quhair they duelt; qhilk testificat is to be kept be the commissar, payer of the moneys, for cleiring how much the publict burden is thairby empaired; and ordans fve dollars to be allowed for each soouldier who hath not served before, as said is."
“The Lords of Secret Counsell, for the more speedie furtherance of the present expedition to Ireland, ordains fyve thousand rix dollars to be advanced to everie one of the colonelles now appoynted, but prejudice of what is farder allowed be the abovewritten act for levyng of their soldiours, the colonells first acting themselfes, if the treattie close not and if orders come not for levyng of thir soldiours, they sall redelyver the same upon fyftene dayes warning, and that precepts be direct to William Thomesone for that effect.”

“The Lords of Secret Counsell recommends to the Lord Generall to give warrand to George Mure to goe and attend at Carrickfergus the delyverie of suche meale as sall be delyverd thair be James Stuart and Mr Robert Ferquhar, and to give warrand for furnisheing of ammunition and all sort of necessarie armes for thir regiments that are to be leyved, and that they be transported to the several places to be appoynted be his Excellence for delyverie thairof upon the publict charges.”

“The Lords of Privie Counsell, for the good of his Majesties service and the better keeping of intelligence betuix Ireland and this, and for the dispatch of pacquets, thinks fit and ordans that post stages be provydit and established at Blaikburne, Hamilton, Newmilne, Air, Girvane, Ballintrae and Portpatrick, and that fiftie pundis sterlne be allowed as a fee for everie postmaistrie yeerlie, and that halfe a yeeres fee be advanced to thame for furnisheing of horses, they first findeing caution for keeping three sufficient and able post horses for the service foresaid; and recommends to the Lord Chancellor and Treasurer Deput to deale with Sir William Seaton or anie other gentlemen in the bounds abone-written for settling and establisheing the saids post stages in the places abone-written or at anie other places, as sall be most convenient, and make speediest dispatch for the service.”

“The Lords of Secret Counsell, in respect of Sir Robert Campbel of Glenurqbie his employment for furthering the expedition to Ireland, dispensa be thir presents with his appearance and being at Perthe upon the sixt of Apryl nixt with the rest of the commissioners who are to convene there that day for accepting the commission and setting down orders for prosecuation of that service in repressing the disorders of the Hielands, and declareth him free of all paine, penaltie and danger he may incurre thairthrow simpliciter be thir presents.”

“The Lords of Privie Counsell ordans and commands the provost and bailieis of Edinburgh to take special notice of the priye of wyn, all, bread, wyld, butter, candle, cheese, shoone, boots, chamber mailes, and all other commodities that are sauld within thair toun, and of the exorbitane thairof, and to thinke upon the best wayes of remedieinge the same in tymes coming, and to report the same to the Counsell the nixt Counsel day in Apryl; and in the meanetyme that they use all meanes for rectifieing the priye, as they will be answerable on the contrarie; and the provost and bailles of Edinburgh, being personallie present, promeist to use thair best endeveor heirant.”
"The Lords of Privie Counsell haveing red, hard, and considerit the supplication given in to thame be Sir Mungo Campbel, fear of Lawers, one of the colonels of the armie going to Ireland, cravinge that the Lords would be pleased not to alter the capitulation made with him anent the levying of his regiment, and that, since his souludiours wer in reddines, he might have pay allowed for thame; and the Lords, being weele advised thereinwith, and with the act made anent the levying of the remnant regiments to be listed in this expedition, they declare they will not doe anie thing in prejudice of the last orders concerning thir leveyes, quhilks are of the date of thir presents, but after the transport of the supplicants regiment they will take consideracion of the prejudice he sall sustane be the last capitulation made with him and the last orders abovewritten."

"Forsameikle as there is a contract and agreement past betuix the Lord Chancellour and the Marques of Argyl, and Mr Robert Ferquhar, baillie of Aberdine, and James Stuart, merchant burges of Edinburgh, anent the furnisheing and transporting to Ireland of ten thousand bolls of oatmeal for the use of the armie going thair, and the Lords of Privie Counsell being careful to provyde for everie thing that may promove this important undertaiking, speciallie in shipping for transport of the said victual, thairefore the saied Lords recommends to all magistrates of burrowis and seaports within this kingdome, quhair their are anie ships or barks, quhairof the saied Mr Robert Ferquhar or James Stuart or anie haveing their power or warand sall desyre to make use for transport of the said victual to Ireland, that they, upon report made to thame of the refusall of the awnres and skippers of the saied ships or barks to the use forsaid, call thame before thame, and move and urge thame to perfore the service forsaid upon reasonabill and just conditions, and incase of thair delay or refusiall ordans and commands the magistrates to arreast the saied ships and barks, take the saillis from the rees, and urge and compell the maisters and awnres thairof to undertake the transport of the said victual upon the pryces and conditions to be modified and sett doune at the sight of the saied magistrates within their awne bounds respective, as they will answer to his Majestie and the saied Lords upon thair alledgiance and obedience."

Sederunt:—Chancellor; General; Argyl; Morton; Eglinton; Southesk; Clerk Register; Advocate; Treasurer Depute; Innes.

Warrant to the Marquis of Argyll to make use of certain cannons lying in the Clyde.
of the publick, because he hes acted himselfe to make the same furth-
command and for redelyverie thairof as he salbe requyred."

"The Lords of Privie Counsell, for the better and more tymous supplie of
suche poore people fleeing from Ireland as are forced to have their recours
to the collectors in Edinburgh nominat be the saide Lords for reasseaving
the contribusions in maner ordered be thame, gives and grants comission
and warrand be thir presents to the ordinarie ministers of Edinburgh,
Mr James Schairp, minister at Leith, Thomas Charters, Robert Fleeming,
Laurence Henderson, Archibald Sydserfe, Hew Hamilton, Patrick
Thomeson, John Meyn, and Samuel Lockhart, merchant burgesses of
Edinburgh, or anie fyve of thame, with anie one of the ministers of Edin-
burgh and anie tua of his Majesties Counsell being in the town, to
reasseve and consider the petitions of the saide poore people, and as they
find the necessitie of their condition and truth of thair informations to
require, to allow unto thame some proportionable part of the saide con-
tributions and give furthe thair precepts for that effect, quhilkis the saide
Lords ordains and commands the collectors reddilie to answer and obey.
And, becaus the saide Lords are informed that a great part of the saide col-
clections are keppe up and not delyvered to the saide collectors conforme
to the order of the Counsell, thairfore the saides Lords ordains and com-
mands all and sundrie persons in whose hands the saide collections or
anie part thairof is to bring in and delyver the same to the said collec-
tors in maner and to the effect conteaneed in the Act of Counsell, as
they will be answerable upon thair dutie and obedience."

"A letter from the Commissioners with some papers and resolutions Letter from
of the Parliament of England and Captane Buckheavens commission. The Lords, in regard they find the treasie as yet not concluded, ordains a
in London. letter to be writtin to the Commissioners, which was accordinglie done."

Sederunt:—Chancellor; General; Argyle; Morton; Eglinton; Edinburgh,
Kingorne; Southesk; Clerk Register; Advocate; Treasurer
Depute; Innes; Dundas.

"Forsameikle as the Lords of Privie Counsell, for supplie of the necessi-
tous estate of the cuntrey and great scarsiie of his Majesties proper
coyne within the same to the interruption of commerce and amal exchange
among the subjects for want of small silver money, did be thair act of
the date the 21 of July, 1636, ordain the bulyeone to be wroght and
coyned in half merke peeces, fourtie pennie and twentie pennie peeces,
quhilkis wes accordinglie done; and the saide Lords, findeing the cuntrey
subject to the same prejudice and scarsiie now as of before be reason of
the carieing of the said xx and xl pennie peeces furthe of the kingdome,
thairfore, and for remedieing thairof in tyme coming, they have thought
expedient to discharge, lykeas be thir presents they doe discharge the
general, maister cunyeair and all others offiers of the cunyeious of all
farder coyneing or printing of anie half merk xl or xx pennie peeces, and
ordans the irons made for coynng thairof to be presentlie brokin and destroyed in presence of the Thessurer Deput and officers of the cunyiehous. And, for the better furnisheing of the countryre with small silver money, ordans that in place of the saieds half merk, xl and xx pennie peeces there be coyned tua shilling and three shilling peeces of weight and fynnesse conforme to the ordinances made of before thairanent, with the impressions and circumscriptions following, to witt, the saieds tua shilling peeces haveing on the one syde the Kings Majesties portrait conteand in the old matrice or stamp with two II in the right side thairof, togidder with this circumscription CAR. D.G. SCOT. ANG. FR. & HIR. R., and on the other syde the Lyon in an escucheon, the lyon within a double tressure threeflowered and above the escucheon ane imperiaill crowne with the double border and this circumscription IVST. THRONYM. FIRMAT.; and the three shilling peeces haveing on the one syde the Kings portrait with the circumscription forsaid, with the head of a thrissell on the right syde thairof, and on the other side his Majesties armes with this circumscription Salus Reip. suprema lex; and that the saieds tua and three shilling peeces be of weight and fynness proportionable conforme to the contracts formerlie made with the maisters of his Majesties mint for strykkeing of his Majesties coynes; and ordans and commands the general, maister and others officers of the cunyiehous to proceed and attend the working of the saieds tua shilling and three shilling peeces, everie one of thame in thair owne charges and station, and that Charles Dickeson, sinker of his Majesties irons, doe make, grave and sinko irons agreeable to the impressions and circumscriptions of the silver peeces abovespecifit with all diligence, quhairenent the extract of this act sall be to him and all others whome it concernes a sufficent warrant.

The Lords of Privie Councell, considering thair present engadgment to England for leveying and transporting upon the charges of this kingdome the soulidours that are now to be sent out of this kingdome for assisting his Majestie and the kingdome of England to suppressse the rebellion in Irelond and of the present necessitie that monyees be had for that effect and of the difficultie to gett present monyees, and als in respect that a great part of these monyees will be employed for payment of the bygone arreas due to these that served in the last expedition and will reliefe the cuntrye of so muche burden, thairfore the saied Lords recommends to the Commissioners for the Common Burdens to expend ane act giveing order to William Thomeson to debure and give out all suche monyees as he sall be commandit be the Lords of Privie Councell for the levey and transport forsaid, the samen not exceeding in haill the soume of fourteene thousand pundes sterline by and attour the expenses of the 2500 men alreddie sent to Ireland, declaring that the warraunds to be direct to the said William be the saied Lords of Privie Councell with the discharges of the parties reassavers of the monyees, sall be to him sufficient warrand and exonerating, provyding the saieds warraunds before payment thairof be registrat be the clerke of the Commission for
the Common Burdens in the registers thairof. And siclyke the Lords recommends to the Commissioners forsaids to give warrand and command to the General of the Artellerie and all others hauing enteresse to anser and give out all suche armes, tua part musket and thrid part picks, and all other sort of ammunition, as they sall resave orders for frome the Lord Generall for the furnishing of the saids souliours, the warrands for delyverie of the armes and ammunition togither with the resavers bands for being comptable for the same, according to ane act of the saids Commissioners made thairanent, being first registrat in the saids Commissioners thair registers as said is.”

“"The quhilck day in presence of the Lords of Privie Counsell compeird personallie Alexander, Earle of Leven, Lord General, and produced and exhibit a patent under the great seale of England, bearing date at Westminster the 16 of Marche instant, quhairby power is given to the Marques of Argyle to conduct and lead a regiment of souliours to Ireland aganis the rebells thair, as is more fullie conteande in the said patent; quhilik being red, hard and considerit be the saids Lords, they have allowed thairof and accordinglie did delyver the same to the Marques of Argyle, who, being lykewise personallie present, with all dutiful respect accepted the same, and gave his oath for the faithfull discharge of the trust committed to him thairby.’

“The quhilik day the Lords of Privie Counsell thought fit that the regiment quhilik is not yit disposed of be under the commandment and charge of the Earle of Louthian, leuitenant general, whome the Lords hes made choice of to be colonell of the same.”

Sederunt:—Chancellor; General; Morton; Glencairne; Lauder-Edinburgh, dail; Southesk; Callander; Angus; Yester; Sinclair; Burley;1642.
Clerk Register; Advocate; Treasurer Depute; Innes; Wauch-
ton; Provost of Edinburgh.

“The quhilik day the letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being red and considerit be the saids Lords, they ordane the same to be imparted to the commissi-

ers appoyntd for trying the incendiaries and plotters as being most

interest thairin, to the effect they may returne thair awne anser to his

Majestie, of the quhilik letter the tenor followeth:—CHARLES R.—
Right trustie, etc., wee greet yow weal. Having with consent of our

estates in Parliament granted a commissioun unto certane noblemen and

others for trying the incendiaries and plotters, quhairin a limited power

was given thame onelie to doe thair diligence in discussing the rele-
vancie of the summonds and in ressavine all legall probation thairupon

and not to pronunce anie definitive or convictive sentence aganis thame,

the same being whollie remitted unto us, bot to proceed with diligence

and make report concerning the relevancie and how farre they sall find

the same proven or not, and that they finish the process and tryell
before the first day of Marche last, which being expyred and no report made, as said is, wee doe hereby requyre yow to take some present course, that a report may be made and the extracts of the processes of their examinations and depositions be sent us with all convenient speed that thairafter wee may take suche order, either in passing our censure on thame as delinquents, or in clearing thame, as wee in our royall wisdome sall judge equiable and necessarie; whiche seriously recomendeng to your cares, wee bid yow hartelie fareweel. Frome our Court at Yorke, the 29 of Marche, 1642."

"The quhilk day the Lord Chancellour produced and exhibit before the Counsell the tua letters aftermentioned direct from his Majestie to his Lordship, quhilk being red and considerit be the saids Lords, they have ordand and ordans the same to be insert and registrat in the books of Privie Counsell, and ane answer to be returned to his Majestie, of the quhilk letters [and] answier the tenor followeth:—CHARLES R.—Right Fol. 23. b. trustie and wellbeloved cousin and counsellor, we greet yow weele. Having oftentimes heirtore be our severall letters signified to our Counsell our earnest desyre to have those forces which were on foot in Scotland dispatched over for releffe of our distressed subjects in Ireland, and haeving on our part omitted nothing which wee conceaved might contribut to that end, since thair is not anie thing wee can be more sensible of then the sufferings of our good subjects in that kingdome, and to give still a farther testimonie thairof, wee have now againe thought fit to requyre [yow] to move our Counsell in our name that all possible diligence may be used in lifting and transporting the remainder of these forces condiscendit upon for that expedition; and wee are confident, when they consider the heavie sufferings of our subjects thair and how much the setting of that kingdome concerneth the peace and happiness of our other dominions, bot they will als cheirfullie concurre in performeing as they were reddie to promise their assistance to so good a worke. Heerin wee expect your care and best endeavors and ane accompt from tym to tym of thair proceedings heerin, and in what condition the leveys are. Wee bid you hartelie fareweel. Frome our Court at Yorke, 8 Aprile, 1642. CHARLES R.—Right trustie and right wellbeloved cousin and counsellor, we greet yow weele. No man can give a greater testimonie of our desyre to establish a perfyt union and brotherlie affection betuix our tuo kingdomes of Scotland and England then your selfe, who hath bee a witness of our chearfull and reddie concurrence to all suche particulars as wee conceaved could conduce thairunto, quhilk wee sall still studie to preserve, as conceaving nothing more necessarie for thair good nor our awne honor and happines. Yit wee have beeene informed that Sir Phillip Stapleton, a member of our House of Comons, hath frome our Scots Commissioners informed that House of some designe that had appeared aganis the union betuix these tuo kingdomes in some motions at our Counsell of Scotland, which had occasioun the calling of the Estates, and thairupon a committee wes
chosen to draw a declaration for preserveing the brotherlie affection and 
neir union betuix the tuo nations to be sent to our great counsell of 
Scotland, appoynted to be held the 13 day of this moneth.

None can judge better of the truthe of this infromatioun then your 
selwe who hath constantlie attendit our Councell, for till now wee neither 
hard of anie suche motion nor anie suche meting of our Estates. Wee 
doubt not bot yow will easilie find how necessair it is that the truthe of 
this be known whiche possible might otherwayes in some kynd reflect 
on us. And, that yow may the better knew how desirous wee are to 
remove suche distractions as may enterteanie anie misunderstanding 
betuix us and our people, wee have commandit our Secretarie to send 
yow a double of suche messages as of late hath past betuix us and our 
Parliament here, quhairyby yow will find how reallie wee desyre the 
setting of these distempers, and our constant resolution to leave no faire 
meanes unattempted whiche may setle peace and justice in our dominions 
with the preservation of our honor and royal autoritie, whiche wee 
are confident our subjects of Scotland will ever remember how strictlie 
they are tyed by thair national oath and covenant to mainteane, and 
upon all occasions will be reddie to expresse. And wee expect your 
special care in givinge thame a right impression of our intentions at this 
tyme, whiche, God willing, sall never be other then may bring happenes 
to thame with honor to us. Wee bid yow fareweele. Frome our 
Court at Yorke, the 11th of Aprile, 1642."

"Most sacred Soverane. Upon perusall of your royall letters this 
day exhibit unto us for a report to be made to your Majestie of the 
process of the incendiaries and plotters, wee have, for your Majesties 
satisfaction (the bussines it selfe being outwith our commission), written 
for these to whome your Majestie and the Parliament entrusted that 
mater, and who hes the charge of these processe to be heere the 20 day 
of this moneth, that, your Majesties pleasure being signified to thame, 
they may give their owne answer thairenant. Your Majesties sense of 
the sufferings of your good subjects in Ireland and earnest desyr to 
have all meanes used for their releisfe being now againe (as of tymes 
before be your royall letters) represented to us be the Lord Chancellor 
dothe encourge us to continowe our former care in haisting these expeditions 
that are to goe frome this for a supplie for that kingdome, and 
quhairof hithertills wee have beene so careful that Monro and his 
regiments (after long stay be contrarie winds) landit at Carrictfergus 
the thrid of this moneth. The Laird of Lawers and his regiment were 
at Air expecting the first faire wind to carie thame over the 7 of this 
moneth. Moneys are advanced for leveying of the remnant so that 
nothing rests for sending over the full supplie promised frome this, but 
the conclusion of the treattie, which is earnestlie wished and sall be 
hartillie furthered be us. The Lord Chancellor hath acquainted us 
with your Majesties real and constant resolution of using all meanes 
for setling peace and justice within all your dominions with preservation
of your honor and royall auctorite, then whiche nothing can be more deare to us. And wee have lykewayes seen your Majesties letter expressing that your Majestie is informed that Sir Phillip Stapleton hath acquainted the Parliament thair with some motions in your Majesties Councell here of a designe aganis the union of the tuo kingdomes, which had occasioned the calling of the Estates. This information hath not a little amased us, findeing our humble endeavours in your Majesties service thairby misconstrued without ground or warrant, for there were never anie suche motions among us. But our deportment and care ever wes, is and sall be suche as sall tend most to the advancment of your Majesties service, the setting of a right understanding betuix your Majestie and your people, and for preserveing the brotherlie affection and neer union betuix the tuo kingdomes, quhilk sall ever be the studye of your Majesties most faithfull and humble servants.”

[Sederunt as recorded above, omitting the Advocate.]

Supplication by James, Earl of Annerdaill, and Andrew, Lord Balvaird, as follows:—By virtue of their Lordships’ warrant the Earl of Wemess, the Lord Burghlie and Sir Michael Balfoure of Deammilne have lately sealed the charter chest of Lord Stormont for their behalf as heirs of provision and taillie respectively to him. It is necessary that the writs in the said chest be inventoried so that the supplicants may have the evidents of the lands to which they are provided and obtain themselves infeft before Whitsunday next. They therefore crave warrant from their Lordships to the Sheriff of Perth and his clerk in terms which after follow. The Lords acknowledging the desire to be reasonable grant warrant as craved, and withal “ordains and commands the Shireff of Perth and his clerk to pas to the place of Skoone and to call for the keyes of the said chartour kist from the relict of the said Viscount of Stormont or anie others, havers thairof, and to breake up the seales and to make inventar of the haill writts being in the kist in presence of the saids three commissioners who sealed the same, if they be there, or in their absence, in presence of some neutrall freinds to be named be the parteis having interesse or otherwise joyntlie in presence of the saids commissioners and the saids freinds or so manie of thame as sall be present, and after inventar to deliver to either of the parteis thair awne evidents such as nane of the parteis sall oppose aganis. And, if anie opposition sall be made for deliverie to anie parte of anie such writts quhilks ar necessarie for expeding of their services or anie other necessarie use, to deliver the same upon thair tickett obliging thame to deliver the writts back agane to be put in the said chartour kist.” This is also to be a warrant for the Vicountess and other havers of the keys to deliver them.
“Forsamekle as John Moreis in Cambus, Robert, David and Patrick Moreises, his three sons, now prisoners in the tolbooth of Stirlene, for the slaughter of umquhill James Burne in Cambus, who have desired their tryell to be before his Majestie's Justice in the tolbooth of Edinburgh,” the Lords think good to grant their desire, and therefore ordain the provost and bailies of Stirlene to bring these four persons to Edinburgh upon their own charges and enter them within the tolbooth there within three days after being charged to do so on pain of horning, and the provost and bailies of Edinburgh are to receive and keep these persons within their tolbooth until their trial.

“A letter from the Commissioners bearing that Sir Archibald Jonstoun was on his voyage hither with the Irish treattie, quhairupon a meiting of the Counsell appoynted to be on Tuesday nixt.”

“A letter from the mayor and aldermen of Londonderrrie desyiring Letter from the mayor and aldermen of Londonderry desiring a supply of some armes, quhairupon the Lords hes recomandit to the General to give orders for sending over of 40 barrelles of powlder, 200 muskets and als manie picks and swords, and that they be sent with James Nasbet, and these armes he hes sent to be of the reddest that are to be sent, and that barks be employed to carie thame over upon the charges of the supplicants.”

“The Lords discharges the commissioners appoynted for distributting the collections that are made for releeffe of these that are fled out of Ireland to give out anie of the saids moneys except to these that sall produce a testimoniall subseribit be the collectors in the west that they have not gottin anie suppllee thair bot ar recomandit to gett it heere, and that intimation be made heirof; and ordains Georg Sutie and all others in whose hands the saids collections are to bring and delyver the same to the collectors appoynted be act of Counsel.”

“Forsameikle as there is a commission past under the great seal be order Charge to the sheriffs of the from the Parliament for settling the peace and quiet of the Hielands, and the commissioners having latelee mett at Perth and settled and established the course and order of their proceedings in that service and given furthe theire precepts for uptakeing of dittyies agains delinquents, whiche they caused direct to the shireffs of the shiresea whome it concerned to be execute be thame conforme to the order observed in the lyke caises, nevertheless the Lords of Privie Counsell are informit that some of the shireffs, agains the dueties of thair place, have neglected and slyghted to execut the saide precepts direct to thame to the prejudice of this important service; thairfore ordans letters to be direct charging all and sundrie shireffs, stuartis, baillies of regalities and thair
depute, to resave all suche precepts as sall be direct to thame be the saids commissioners, and to caus duelie and orderlie execute the same conforme to the tenor thairof, under the paine to be called, persued and punished as hinderers of his Majesties service and disappoynters of this so worthie a course for settling the peace of the countrie."

[Seated as recorded above except the Advocate.]

Complaint by Sir Alexander Gibson, younger of Durie, Clerk Register, and Mr Hew Fork, keeper of the Register of Sasines, Renunciations and Reversions within the sherifffdom of Renfrew and regality of Paisley and within the burgh and barony and regality of Glasgow under the said Lord Register, as follows:—The said office, being vacant in the hands and at the gift and disposition of the said Clerk Register through the death of the late keeper, Mr Thomas Hucheson, he, on learning the qualification of the said Hew Fork, granted the post to him by a signed gift, by virtue whereof the registers which were in the possession of the said Mr Thomas Hucheson and all other registers and write of the said office belong to the said Mr Hew. Yet Mr John Harberteone, notary in Glasgow, not only withholds the registers and write belonging to that place from the said Mr Hew, but also presumptuously exercises the said office at his own hand, without any warrant from the said Lord Register. Charge having been given to the said Mr John Harberteone, P. 55, and the Lord Register comparing personally, Mr Hew Fork by Robert Fork, his father, and the defender personally, the last named produced a gift of the said office granted to him by Sir John Hay, late Clerk Register, dated 8th September last. The Lords, after hearing parties and advising, understanding that the said Sir John demurred himself of the office of Clerk Register by dimission to his Majesty before the granting of the said gift, declare the same void, and ordain the defender to desist in all time coming from the exercise of the said office by virtue of that gift and to deliver the registers and write of the said office which are in his custody to the said Mr Hew Fork to be kept and used by him conforme to his gift foresaid.

This day in presence of the Lords compared personally John Gairdner, tenant to the Duke of Lennox, as principal, and Walter McAulay of Ardincaple, his cautioner, and protested that the latter should be free of the act whereby he is obliged to produce the said John before their Lordships in the action by him against the provost and bailies of Dunbartane, seeing that he had produced him this day. The Lords admit the protestation, and the said John Gairdner enacted himself under a penalty of 500 merks to compare before them on the first Tuesday of June next, to which day the Lords continue the case, and warn the said John, and John Sempill, provost of Dunbartane, in name of the magistrates thereof, apud acta; meanwhile suspending the p. 55.
execution of the decrect by the provst and bailies of Dumbartane against the said John Gairdner for forestalling of victual.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Walter Dick in Griblach of Ardmanwell, as follows:—Though the carrying of hagbuts and pistalets is straitly prohibited by law, John Knox of Ramferlie, who for the past six years, and especially during the time of the late troubles "mightlie opprest the said Walter Dick by taking of his goods," has begun again "to revive his oppressions, notwithstanding of the happie peace concluded be his Majestie and the Parliament." On November last "he cam to the compleanners lands of Griblach accompanied with twa of his servants boddin with swords and pistols and without anie lawfull warrant tooke from him six ky." And upon the fourth of Marche last he came boddin, as said is, to the compleanners dwelling hous, brake up his barn doores, tooke seven or eight bolls seid aits and carried the same away, [and] strake, hurt and wounded the compleanner and his servants in diverse parts of their bodis to the hazard of their lyffes. Lykeas he daylie beirs and weirs hacquebutts and pistalets and goes therewith in all parts of the croutie." Charge having been given to the said John Knox as defender, also to Andrew Knox, his son, John Martine, John Forrester and Robert Lokhart, his servants, and to Duncan Buchanan as witnesses, there compareed personally the pursuer and defender and Andrew Knox, who having been heard, the Lords continue the cause till the first Council day of May next, and ordain the defender to exhibit his servants as witnesses that day. This he undertook to do and also to exhibit the said Duncan Buchanan, with this proviso that if the pursuer fail to prove the complaint he will pay the charges of the defender and witnesses.

This day John Knox of Ramferlie and Andrew Knox, his son, enacts themselves under a penalty of 1000 merks for the indemnity of Walter Dick in Griblach of Ardmanwell and his wife, bairns, men, tenants and servants.

Similarly the said Walter Dick enacts himself under a penalty of 500 merks for the indemnity of the said John and Andrew Knox and their wives, bairns, men, tenants and servants.

Sedement: — Chancellor; General; Morton; Glencairne; Southesk; Sinclair; Burley; Clerk Register; Advocate; Treasurer Depute; Innes; Provost of Edinburgh.

"Forsameikle as the Lords of Privie Counsell, haveing tane to their consideration the prejudice the leiges susteanes throw ane unwarranted interruption of the course of dollars, ryals and cardecuis to the great undoing of commerce among the subjects, for remeid quhairof in tyme coming and that the leiges be not abused with forrayne coyne at pryses farre above the trow worth and weight thairof, the Lords of Secret Counsell, according to the acts formerlie made thairanent, ordans rex
dollers to have course among his Majesties subjects for 54 sh., the same being aways 15 dropt weight with 8 graines of remeid; and croce dollars to passe for 53\(\frac{1}{4}\) 4\(\frac{4}{4}\) the same being 14 dropt tua part drop weight, haveing 8 graines of remeid; and the ryals to passe for 53\(\frac{1}{4}\) 4\(\frac{4}{4}\), the same being 14 drop weight, haveing 4 graines of remeid; and cardcuis for 19\(\frac{1}{4}\), being 5 drop weight with 2 graines of remeid; and the halifes and quarters of the saids speces proportionable; and ordans the saids speces of money, being of the weights aboveswitten, to be resavved be all his Majesties subjects in payment of debts or anie other maner of exchange, and discharges all course and passage of the saids speces under and within the weights particularis above specifit; and siclyke discharges all merchants and others his Majesties subjects to bring in to this countrey anie forrayne coyne of the speces forsaid under and within the saids weights and that without anie remeid, under the paine of confiscation of the moveables of the imbringers, the one halfe to the King and the other halfe to the partie informer; and ordans proveste and baillies of borrowis, shireffis, justices of peace, and all other magistrates and ministers of the law to burgh and land to sie this act observed within their bounds, as they will be answerable; and ordans publiciation, etc."

Complaint by Mr Alexander Jaffrey of Kingswalls, provost of Aberdene, and Thomas Johnstoun of Craig, his chamberlain of Caskiben, as follows:—The Laird of Caskiben dispioned to the said Mr Alexander the lands of Caskiben and Muretoun with the manor place and other lands mentioned in the contract, and the said Mr Alexander with consent of the said Laird established the latter's brother, the said Thomas, as his factor, in the house of Caskiben where he remained peaceably for several years until that in June 1637, the said Laird and Elizabeth Forbes, his lady, with a great number of people armed with forbidden weapons, came to the house of Caskiben (the said Thomas being absent on business and there being none in the house but a nurse with a child of 6 year old) and thrust the said nurse to the door, so affrighting her that she lost her milk. They also struck and wounded another woman who was in the house "with bands, feet and staffes, dragged her throw the close, threatened to kill her if she delivered not the keyes of the hous or told where they lay, thereafter brake up all the doores and medled with the said Thomas his hall write, compts, pelishing and what ellis was in the hous, paff his hall goods and catelli being pastouring about the hous, and patt on their awne goods, and keeped this place as ane hous of warre with gwynes, poulde and lead, holding furth their muskette and swearing to kill anie that durst come neere thame; spending the said Thomas his aill, villuall, beir and other provision in the hous, and oppressing and sorning the poore tenants about in barbarous maner. And the said ladie being for this oppression called to theire answer in the moneth of July thereafter, she was denounced rebell for not compirance." But she suspened the letters of horning on 24th February
last and their Lordships ordained the complainer to cite witnesses. The pursuers comparring by Mr Robert Farquhar, their procurator, and the defender [sic] being likewise present, the Lords, after hearing parties and the witnesses, find "that the said Lacie Caskieben violentlie entered and keepe the hous" as libelled, thereby committing a great wrong, and they therefore ordain that the 50 dollars which she received from the said Mr Robert Ferquhar in name of the pursuers for her entertainment from 25 February till 16th April last shall be allowed as a part of her and her husband's debt. The Lords also modify the following sums to the fifteen witnesses produced, viz.:-£10 to Mr Samuel Walker, minister; twenty merks to each horseman and five merks to each footman. This Mr Robert Ferquhar is to pay, and it is to be reckoned also as a part of the defender's debt, thereunto the said Laird, who was also present, consented. Further, the Lords grant warrant to David, Earl of Southeck, and Sir Alexander Gibson of Durie, Clerk Register, to consider what right the lady has to the rent she claims and report to the Council.

Sederunt:—Chancellor; General; Argyll; Mar; Morton; Glencairne; Lauderdale; Southesk; Dalhousie; Callender; Angus; 16th April 1642.

Edinburgh. Elphinstone; Sinclair; Advocate; Treasurer Depute; Justice Clerk; Wauchton; Dundas; Cavers; Provost of Edinburgh.

"The quhilk day the Lord Chancellor produced and exhibit before the Lords of Privie Counsell the letter underwritten direct from his Majestie to thame, togidder with a printed booke conteaing his Majesties resolution to goe in person to Ireland, quhilk being red and considerit be the saids Lords, they have ordand and ordans the said letter to be insert and registra in the books of Privie Counsell, quhairof the tenor followeth:—CHARLES R.—Right trustie, etc. Having hither-till left nothing undone whiche wee thought could give testimonie of our earnest desyres to suppresse the divelish rebellion in Ireland, nor expresse our real feeling of the sufferings of our poore protestant subjectis in that kynedome, yit findeing the miseries of these and insolencie of those still to encreas, wee are now resolved to goe and hazard our awne royall person in suppresing the one and assisting the other; and have thairfor commandit our Chancellor to acquaint yow with our last message to our Parliament heere to that purpose, whiche at more lenth conteaneth the reason that obiedgeth us to this journey. And now that yow see the hazard wee expose our awne royal person to for so just, so pressing a caus, wee are confident yow will leave nothing undone incument to yow quhilk may facilitat and hasten the leveying and transporting theremainder of these forces intendeit for that expedi- tion, whiche serioiuslie recomending to your cares, we bid yow farewele. Frome our Court at Yorke, the 12th of Apryle, 1642."

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Declaration from the Parliament of England to the Council, explaining that his Majesty's absenting himself from Parliament is not to be attributed to any action of theirs, but to the advice of evil counsel.

"The quhilk day Sir Archibald Jonston of Warieston produced and exhibit before the Lords of Privie Counsell a declaration of the Parliament of England, quhilk the parliament had desired the Commissioners to send to the Counsell here, quhilk declaration the said Sir Archibald had shrawn to his Majestie and also did exhibit his Majesties pleasure concerning the same exprest in ane of the instructions given be his Majestie to him, quhilk declaration, togidder with his Majesties opinion thairof, the Lords ordans to be registrat in the books of Privie Counsell, and ane answer to be made thairunto. Followeth the tenor of the declaration foresaid:—The Lords and Commons in Parliament, understanding that the Commissioners from Scotland doe send doune one of their number to the Council of that kyndome to give thame ane accoant of the state of the treatie concerning the supplies of Ireland, whiche they hope will be speedily concludit, and being desirous to take all occasions to expresse their care and zeal to mainteane the good correspondeunce betweene the nations (which both Parliaments have oblegde themselues be solemne vow and protestation by all good wayes and meanes to preserve); and haveing caus Enough to doubt that att this tyme ill affectit persons to the good and peace of both kyndomes may take occasion from his Majesties absenting himselfe from the Parliament to misconstrue and misreport their actions, and calling to mynd the wisdome of the Parliament of Scottland to prevent all mis-apprehensions in causes of the lyke difficultie and importance by giving a tymelie and right understanding of their proceedings to the kyndome of England, invited be their example, and, to the end that all the testimonies of mutuell affection betuix the tua nations may be reciprocall, they hold it fitt to impart to thame the truthe and cleirness of their proceedings, that they have given no caus nor occasion to his Majestie to withdraw himselfe at this tyme from his Parliament, but it hath hauelie and sollie procedit from the evill counsellors and suggestions of ill affectit persons, who have also stirred up his Majestie by declarations and messages to lay several great and heavie imputations upon the Parliament, and to disaffect him to thair proceedings, quhairy they are inforced, for the cleirings of thamselfes and their actions from suche aspersions, to sett furth a declaration unto this kyndome, whiche, when they have perfected, they intend to send also to the Council of Scotland, that it may [be] communicated to that kyndome, to give thame more particular satisfaction concerning thair intents and actions; assuring thame in the meane tyme that thair aines and ends are conjoynd with thairs to mainteane and advance the honor and greatness of his Majestie, the peace and prosperitie of his kyndoms, and most of all the truthe and sinceritie of the protestant religion within all his dominions. 8 die Aprilis, 1642. Sic subscribitur, Jo. Broone, Cleric. Parliament. Followis his Majesties instruction to Sir Archibald Jonston concerning the declaration abovewritten."
"Wee cannot bot take particular notice of the declaration yow shewed us from our Parliament of England to our Counsell of Scotland, in which, tho' wee are vere farre from taking exception at that quhilk seemes to be the maine intent of the declaration (viz., the good correspondence betwixt our two nations) there being none who sall further more and be glader of the same then our selves, yit wee conceive that the laying of ane aspersion on our actions (tho' cloudit under the name of evill counsellers) is a verie evill way to so good ane end. Thairfore wee command yow (least this confident aseveration may prejudice us with our Scots Counsell) to require thame in our name diligentlie and seriouslie to peruse all these answers which wee have made to our Parliament of England, being verie confident that they will find wee have had too muche caus to withdraw our selves from the southerne parts of this kingdome; as lykewyse that the severall messages which our Parliament hath sent us hath necessitat us to make these declaration and messages quhairwith they are so muche offendid, concerning which wee will verie cleirlie affirm that they containe nothing for mater of fact whiche is not punctualie true. As for mater of inferences wee are most confident to make it as cleirlie appear that wee have not gone about to deceaue our people with fallacies, equivocations or ill groundit arguments, and thairfore we sall not be unwilling in anie one or more particulars to give our Counsell of Scotland satisfaction, if they sall doubt of anie thing we sall say thairin. Wherefore wee are confident that they, having maturelie and consideratlie weyed all things, will retourne suche answer to our Parliament of Englands declaration that will make all the world sic that they rightlie understand our actions as proceeding from our real intentions of preservinge our people in the true religion, lawis and libertys, for which end wee thinke our selles bund in conscience to uphold our just and lawfull prerogative, for the maintenance of whiche wee doubt not of the concurrence of our Council of Scotland upon anie faire and setting occasion that sall be offered, their national oath besda their natural obedience obleighinge thame thairto."

"The quhilk day the Lord Chancellor produced and exhibit before the saids Lords the missive letter underwritten direct from the Kings Mastie untio thame, quhairof the tenor followis:—CHARLES R.—Right trustie etc., wee greet yow weele. Wee were pleased out of our special knowledge of the worth and abilities of the Lord Montgomerie, and not without manie singular recommendations, to make choice and nominat for himself the right, as against the bodie of your aide in Ireland, and have for that effect recommendit to our Scots Commissioners of the treatie his particular in the general, that tho' wee may ouf of our right of all our three crownes make choice of all the officers, yit that wee challenge the election of this coronel most speciallie as King of Scotland, that regiment being bot ane eik and complement to the bodie of the Scots footie, and to be leveyed, as wee conceive the most part Scots are, at the least promiscuosialie and
indifferentlie out of either nation. Notwithstanding quhaireof the English Commissionaries and Parliament stand to have the election belong to thame and not to us and our Parliament of Scotland. Bot wee, considering both the point of right and the concernment of that our ancient and native kinldome in the poyn of honor, lykewayes have not onelie not yeeldit our selfe to thair demand, bot thought fit also to requyre and recommend to your care the furder prosecuting of this right be new and effectual instructions to our Commissionaries that so both the honor of the nation may be preserved, and he, the Lord Montgomerie, resseave no wound through or under it. Wherin not doubting of your care, wee bid you fareweele. Given at our Court in our citie of York, this 15th of Apryle, 1642. Qhilk letter being red and considerit be the saids Lords, and thay weele adyvise thairwith, thay ordane that in the instructions to be sent to the Commissioneris it be recommended to thame to daele that the Lord Montgomerie be preferred to be Colonell of that regiment of horse."

The Lords of Privie Counsell thinks fit and thairwithall allowis the Lord General to give order to suche companies as are alreddie leveyed for the Irish expedition for thair marcheinge and going over to Ireland."

[Sederunt as recorded above.]

"Forsamekle as there is great presumptions aganis Robert Walker in Charletoun, David Graham there, and Margaret Graham, his sister, that they ar guiltie of the crueil murderer of umquhill Isobell Drynnie, spous to the said Robert," order was given by his Majesty and the late Parliament to the magistrates of Montrose to apprehend them and report their trial to the Lords of Privy Council; which having been done they still remain obstinate, notwithstanding the great presumptions of their guilt; it is therefore thought expedient for clearing hereof to bring them to the tolbooth of Edinburgh for trial before his Majesty's Justice. The Lords accordingly direct the provost and bailies of Montrose to transport the said persons to Dundie and deliver them within twenty four hours after being charged to the bailies of Dundie, who are to receive them and transport them to Couper and within twenty four hours deliver them to the magistrates of Couper, who are thereupon to convey them within the like space to Bruntilland, of which the magistrates are to receive them and transport them to Leith, delivering them to the bailies of Leith, who are to enter them within the tolbooth of Edinburgh within six hours after receiving them.

Supplication by Thomas Mure, merchant burgess of Edinburgh, as follows:—"He, being in Amsterdam, did inship in Robert Mitchells ship in Borrowstonnesse certane commoditeis, such as sugar, pepper, figges, raisines, ploume dameis, ryce, ginger, amounds, capres, Bomoyll olives, canelli, nutmugs, maices, clowes, with sindrie other small commoditeis under the name of spycerie, and with certane cramerie wair
made of yrne, all which goods doe properlie belong to himselfe without partnership with anie man, marked conforme to his custome bills with his owne mark, the which commoditeis he did direct to George Gordoun, merchant burgess of Edinburgh, with a letter to receave the same, and to make mercat of thame for his accomp. And now these his goods with the hail goods in the ship ar arrested and kepeed up be warrant from the Committee of the Common Burdens to the supplicantis great prejudice." He craves delivery of his goods. The Lords grant warrant to the skipper of the said ship and to all others in whose hands these goods are to deliver them to the supplicant, he first finding caution in the books of the Commissioners for the Common Burdens to make the same forthcominge to the arrresters according to law.

"A warrand produced under his Majestis hand for delvery of some arms at Berwick, quhairupon a letter was ordaind to be written and some sent to bring home these armes."

Sederunt:—Chancellor; General; Argyle; Mar; Morton; Eglinton; Cassills; Glencarn; Lauderdale; Southesk; Dalhousie; Callander; Angus; Elphinston; Sinclair; Yester; Burley; Advocate; Treasurer Depute; Justice Clerk; Wauchtoun; Dundas; Cavers; Provost of Edinburgh.

"Sir Archibald Jonstoun produced the hail results of the Irish treattie The Irish Treaty. and several propisitions and ansuers given in thairanent."

"The Lords appoynts the Lord General, Cassils, Glencairne, Lauder. The same. dail, Southesk, and Callander, with Sir Archibald Jonston and the General of the Artimeerie, to revise and consider the proceeding of the Commissioners in the Irish treattie, and to report their opinion what they thinke fitt to [be] addit thereto."

"The Lords thinkis fitt and thairwithall allowis the General to give Levies to proceed to Ireland. orders to suche companies as are alreadie leveyd for the Irish supplie for their marcheing and going over to Ireland."

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Eglinton; Cassills; Glencarn; Lauderdale; Southesk; Weimes; Dalhousie; Callander; Angus; Yester; Elphinston; Sinclair; Burley; Bal-carres; Advocate; Treasurer Depute; Justice Clerk; Wauchtoun; Cavers; Dundas.

"The Lords of Privie Councell thinkes that the answer to be given be thame to his Majesties severall letters and messages and to the declaration of the Parliament of England be caried and assisted be the Lord Chancellor whom the Lords hes made choise of to represent the same to his Majestie. And the Lords recommends to the Lord Chancellor, the Marques of Argyle, the Earles of Morton, Lauderdale and Southesk to meet and consider the saids letters, messages and declaration, and to
draw up certain heids and grounds quhairupon ane answer may be formed thairunto, and to report thair opinion to the Councell at thair next meetinge.

"The Lords of Secret Counsell recommends to the Lord Chancellor to convene the commissioners appoynted for tryell of the incendiaries and plotters the morne at eight hours, and to intimat unto thame his Majesties pleasure and letters direct craveing ane report of these processe, to the effect that the saids commissioners may returne to his Majestie thair awne answer.

[Sederunt as recorded above.]

Complaint by Angus Broun, sometime in the Sills, and now in Lanerker, as follows:—On March last, Hew Weir of Cloburne, James Walker in the Sills and Patrick Walker came to her dwelling house there, and breaking up the doors "tooke furth a seckfull of lint with other plenishing, together with a kow and a calfe, and thrust her from her houe. And, when as the poore woman did pitifullie compleane of this wrong, they promeit to give her back her kow within some few dayes thereafter. Whereupon she having address herselfe to the said Hew his dwelling houes upon Saturday the day of Marche last to seeke the said kow, he for this onelie causs cruellie strake her with his hands and feit and trampled her on the ground. Thereafter he caused Archibald F. 60. Weir, his servant, bind her hands behind her back as a theeves, and then also cruellie strake her with his hands and feit, and caused his servants drive her thus bound before thame a great way aff, so as upon the morne being Sunday, when she wes in the kirk of Pettinane, she lay a long time dead throw the violence of the strokes. And now latelie, upon Saturday last, the secund of Aprile instant, she being going by the said Hew his houes, he sent out the said Archibald Weir and some servants and brought her into his houes and caused bind her with cords and putt her in a muck houes where he keped her bound fra Saturday at night till Sunday at night." The pursuer and the said Hew Weir, as defender, both compearing, the latter produced a rollment of court of the barony of Pettinain and Sills held by John Cuninghame, the defender's bailie, whereby the pursuer was convicted at the instance of James Walker in Sills for taking away some peats from him "and for being ane ill nighbour and disobedient to the orders of their parish kirke, for the quhilk the said bailie did banish her the parish and confiscat her goods," as the said rollment, dated 16th March last, bears. He confessed that thereupon he had given order for the taking of her cow and also for binding her as alleged. The Lords, after advising, find that the defender has acte p. 51. unwarrantably in taking the pursuer's cow, "binding and captivating her in manner libelled upon a sentence givin in his owne court for so light a causs," and ordain him to pay £40 to the pursuer in satisfaction of her cow and other goods taken from her and the wrong done to her.
and that before he go out of town, otherwise to pay the double; and also to pay half a dollar to every witness produced in the case for their expenses.

"The qhilk day Lieutenant Colonel exhibit John Black, his serjant, and protested that he might be free of his caution for exhibition of him to the Counsell this day, qhilk protestation the Lords admitted."

"The Lords recomends to the Earle of Eglington, Cassills, Callender and the Lord Advocat, together with the Lords Humbie and Warestown and General of the Arteillerie, to draw the commission to be given to the Lord General."

Sederunt:—Chancellor; General; Argyl; Mar; Morton; Eglinton; Edinburgh, Cassills; Glencarn; Lauderdale; Southesk; Elphinston; Sinclair; Yester; Burley; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Cavers; Provost of Edinburgh.

"The qhilk day the Committee abovewritten produced a paper containing certane beids and articles quhairupon to frame ane answer to the messages and declaration aboveespecifit, qhilk being red in presence of the Lords, they have allowed thairof, and recomends to the Lord Chancellor to sie ane answer framed according thairunto, and to represent the same to the Counsell the morne."

"Forsameike as the Kings Majestie hath beene pleased for good considerations to grant to his trustie and wellbeloved counsin, James, Earle of Irwin, a levey of a standing regiment of guard of foure thousand and fyve hundrth men to be imposed in the service of his Majesties deare brother, the French King, thairefore the Lords of Privie Counsell, according to a warrant and direction in writ, signed be the Kings Majestie and this day presented unto thame, gives and grants commission and warrant be thir presents to the said Earle of Irwin to levey and take within this kingdome the said number of men for the service for-said; with power to him for this effect to caus bett drumes, display callors, and to doe and perfomme all and everie thing requisit and necessarie for uplifting and transporting the said number of men in als ample and ful forme and with suche libertyes and priviledges as heirtore hath beene granted to anie person quhatsomever in the lyke caise; chairgeing heirby all judges, officers, and magistrates and others, his Majesties subjects to burgh and land, to concurre and assist the said Earle of Irwin and his officers in leveying and transporting the said foure thousand and fyve hundrth men, and that they nor none of thame make anie trouble nor impediment heirin, as they will answer on the contrare at thair perrell; provyding the said Earle give satisfaction to everie one of the said number to be uplifted be him, as hath beene accustomed in the lyke caises. Followis the tenor of his Majesties letter direct to the Counsell for warrant of the act abonewritten:"
CHARLES R.—Right trustie and right wellbeloved cousin and counsellor, 
right trustie and wellbeloved cousins and counsellors, right trustie and 
trustie and wellbeloved counsellors, wee great you weele. Whereas wee 
have beene pleased for good considerations to grant unto our trustie 
and wellbeloved James, Lord Kintyre, a levy of a standing regiment of 
fooure thousand fyve hundredth men to be imployed in the service of our 
dear brother, the French King, it is thairfore our pleasure that (after 
the expyreing of the tyme limited be us and our Parliament, qhairin 
no leveeyes are to be granted) you give unto him als large and beneficicall 
a commission and warrant both for the speedie uplifting and transporting 
of the said fooure thousand and fyve hundredth men for the service 
aforsaid, with power for this effect to toucke drumes and with all other 
libertries and priviledges siclyke and in als ample maner as hath beene 
heirtofore granted to anie in the lyke kynd; provydeing alwayes he 
give satisfaction to everie one of that number so to be uplifted be him 
as hath beene accustomed in the lyke caises, and for your so doing 
(qubilk wee will accept as acceptable service) these sail be unto yow 
sufficient warrant. We bid yow farewell. Frome our court at Theobalts, 
the second of Marche, 1642, stilo Scotiae.”

“The Lords recomends the Lord General, the Earle of Launderdail and 
Souteshk, Lord Burlie and Treasurer Deput, or anie thrie of thame, to 
conveene and consider the Alternativ anent the ressaving of the monies 
dew to the armie going to Ireland and to heere Sir James Lockhart and 
William Thomsone thairenant, and to report their judgment of the 
fittest way.”

“The Lords allowes the Marques of Argyle to carie over to Ireland 
an thousand bolls of meal for furnisheing of his regiment.”

“A letter frome his Majestie for a commission to the Lord Kintyre 
to levey 4500 men to be carried to France, and a commision past accord- 
inglie, bot the extracting thairof continowed till the last of May or sooner 
if the General sail thinke the same may be without prejudice to the 
Irish leveyes.”

SEDENTUR.—Chancellor; General; Argy1; Mar; Morton; Eglinton; Acta, Novem-
Bacerres; Clerk Register; Advocate; Justice Clerk; Treasurer 
ber 1641— 
Depute; Waughton.

22nd April 
1642.

The Lord 
Chancellor 
charged to 
convey the 
answer of the 
Council to the 
declarations of 
his Majesty 
and the 
English 
Parliament.

“The quhilk day the Lord Chancellor produced ane answer drawin 
and formed to the messages and declarations forsaid, quhilk being red in 
presence of the Lords they allowed thairof, and orand the same to be 
represented to his Majestie be the Lord Chancellor whome the saids 
Lords has made choise of to give his Majestie a more full information of 
their mynds and desyres, and of all other publict affairs of this kingdom, 
as also to repair to the Commissioners for the same end, and with the 
Councells advyce concerning the Irish treattie. But if his Majestie sail
thinke his lordships stay or returne hither more conduciveable for his service, in that cause the Lords recommends to the Lord Chancellor to send the same to the Commissioners that the treattie may be closed according to the instructions given to his lordship to be sent herewith. Followis the tenor of the Counsels answer to the Kings Majestie and Parliament of England."

"At Edinburgh the 22 day of April, 1642."

"The Lords of his Majesties Privie Counsell of Scotland in a frequent meiting haveing, according to [the] importance of matters of so great weight and heich concernement, maturelie and at lenthe considerit the severall declarations, messages, answers and instructions sent to thame from his Majestie, as also what hath beene represented to thame in the declaration sent from the Parliament of England, doe find themeselves bound in duestie to acknowledge that they esteeme it no small happenes to ressewe true and full information from the fountaines and not to be left to the muddie and wandring streams of privat misreports, qhilkis are reddie to mislead al suche as are apt to follow thame from the right understanding of the truth into the dangerous by pathes of jealousies and errors, the preventing quhairof made this kingdome in the tyme of the late troubles so frequentlie to declare themeselves and their intentions, both to the Kings Majestie and to the kingdome of England."

"They doe also ressewe and embrace with all humble respects and thankfulness from his Majestie the large and lyvelie expression of his royall and religious resolution and care of mainteining and preserveing the true religion, liberties and lawis of his kingdome, togither with a right correspondencie betuix thame, it being the true foundation of greatnes and glorie to himself and his posteritie and of peace and happiness to his people, for whiche this whole kingdome, being straitlie bund be their common alligediance, naturall obedience and national oath, never to be forgotten, will ever be most willing and reddie to spend their lyves, fortunes and what is dearest to thame. They doe in lyke maner, with reciprocall and brotherlie affection, acknowledge the large testimonie of the care and zeale of the Parliament of England to keep a right understanding betuix the two nations, whiche both Parliaments have obleisged themeselves be soleinne vow and protestation be all good wayses and meanes to preserve, against whiche no sinister information or misrepart shall ever make this kingdome to fall into suche misconstruction as may be a violation of their vow and protestation made in Parliament. Bot, in the midst of this thair joy and gladnes arreyseing upon the professions and protestations both of King and Parliament, they cannot bot professe the unfained greif and great feares which they have conceaved upon the misunderstanding and so long lasting distractions betuix his Majestie and his Parliament, qhilkis, unlessy they be speedilie removed, can bring furth no other fruit then the rejoysceing and triumph of the common enemies of our religion and peace, and suche a world of evills to his Majestie and his dominions as they are loath to suffer
themselves to think upon, and they choose rather to wrap up in silence, wisheing that they may be made never more to appeare then to the encouragement of ill affected persons and to the grief of the hartes of all good men to expresse by words."

"And therfore, upon the one part, they wish and are confident that the honourable Houses of Parliament, in their great wisdome and affection, will leave no faire and good meanes unassayed to induce his Majestie to returne unto thame, that there may be a better understanding betwix him and his people, and they honored with his royal presence, and strengthened be his scepter and auctoritie. And altho they know that they nor will nor sould further medle with the publick actions of another kingdome then they are called or enteressed as fellow subjects under one heid and monarch, yet, since the honourable Houses of Parliament have thought meet to draw the practise of the Parliament of Scotland into example in the poynht of declaration, they are confident that the affection of the Parliament will lead thame also to the practise of this kingdome in composing the unhappie differences betwix his Majestie and thame, and so farre as may consist with their religion, liberties and lawes, in giving his Majestie all satisfaction, especiallly in their tender care of his royall person and of his pryncelike greatnes and auctoritie, which will be also the most powerful mean of settling the prosperitie and greatness of that kingdome."

"Upon the other part, frome the deepe sense of his Majesties trouble and frome the love and loyaltie of their hearts their humble desyre is that his Majestie may be pleased to hearken to the earnest desye and hartie invitation of his people in returninge to his Parliament, quhilk, as it is his great, so it is his best and most impartial counsell, that by the brightnes of his Majesties presence and countenance all the clouds of former jealousies and fears may be scattered, a mutual confidence may be revived and his people satisfied, as the onelie mean of happiness both to the King and kingdome, the reflexion quhairof upon this kingdome will also increase our happiness."

"And since his Majestie hath bee pleased to make knowin to thame his resolution to goe to Ireland in person, they are bold as his Majesties lovinge subjects and faithfull counsellors to give their humble opinion that, as they doe with their harts acknowledge his Majesties fatherlie compassion of the sufferings of his good subjects be the rebellion thair, his princelie endeavors in quickning all meanes that may serve for their releiffe and for the more speedie and powerfull suppression of the rebells and delveryance of his people in offering to hazard his owne royal person, then whiche there can be no greater demonstration of princelie care and courage, so are they by their naturall affection and by their desyre of the preservation of his Majesties person, upon whiche dependeth the salue of his kingdomes, constrained in all humilitie to represent that they conceave it to be a mater quhilk requyret verie mature deliberation whither his Majestie shall hazard his owne royal person in suche a
warre, and thereby to put all his good subjects in feares for him; whither the great affaires and dangerous distractions of the kingdome of England, quhilkis never did move require his personal presence, may suffer his absence at this tymne, whither his going in person against suche base rebellis be not a descending to low frome that heighest dignitie and royal eminencie quhairin God hath placed him as his immediat vicegerent, and whither it be not more for his Majesties honor and safetie and for the inward suretie of his people against their feares and dangers to his Majesties person and their outward quietnes against dangers to themselues to command suche forces of his willing subjects to goo in that expedition as, be Gods helpe and assistance, may be more then sufficient to crush that rebellion and reduce the hail kingdome to his Majesties obedience. Bot concerning this wee wish and hope that his Majestie may be pleased to heare and consider the advyce and counsel of his Parliament of England, as being more neirlie concerned in the matters of Ireland, altho none be more in their enterest in his Majesties royal person. In end they doe humble entreat that all meanes may be forborne quhilkis may make the breache wyder or the wound deeper, and that no place be given to the evill spirit of division, quhilk at suche tymes worketh uncessantlie and resteth not, but that the fairest, most christian and compendious way may be takin be so wyse a King and Parliament, as may against all malice and opposition make his Majestie and his posteritie more glorious, and his kingdomes more happie nor ever. For this blessed and hartile wished for conclusion according to the manifold obligation and dutie, they doe offer their best endevours and for the present have sent up the Earle of Loudon, Chancellor of the kingdome, who will give a more ful declaration of their mynde and desyrs."

[Sederunt as recorded above, with the addition of Cavers.]

Supplication by Thomas Morton, merchant, resident in Amsterdam, as follows:—The Commissioners for the Common Burdens have arrested for the use of the public a ship laden with victuals and other commodities brought hither by the supplicant "for the weals of the kingdome which ship lies in the harbour of Leith, but to his heavy loss he cannot obtain the loosing of the arrestment and meddling with his goods. He craves their Lordships' warrant that he may do so. The Lords grant warrant as craved upon the supplicant's finding caution in the said Commissioners' books to make the goods forthcoming for the use of the public according to law.

"Ane answer past to the Parliament of Englands declaration."

"The Lords appoynts Southesk and Burley to examine the tua men brought from Berwick and to report."

"The Lords appoynts Cassills, Burley and Clerk Register to think upon what somes of money will be sufficient to be given to each colonel for furnisheing of the drume, cullors and partisane and to report."

Edinburgh, 22nd April 1642.

Answer to the English Parlia-
mament.

Ansent two men from Berwick.

Ansent furnisheings for the army in Ireland.
"Since his Majestie hath beene pleased to expresse his royall resolution and care of keeping a good understanding betuixt the tuo kingdomes, and that the Commissioners are now to returne, it was moved that for preventing of all misinformations and for reseaving and delverie of suche letters and messages as shall goe frome the Counsell to the Parliament of England that one be appoynted to attend at London for that effect, and whither or not it be fitting that one be appoynted be the Parliament of England to stay heere. The Lords recommends to the Lord Chancellor to represent the same to his Majesties consideration that suche resolution may be taken thairanent as his Majestie shall think fitt for so good ends."

"The Lords of Privie Counsell, having this day subscrived a Commission to the Lord General, recommends to the Lord Chancellor to take the same to his Majestie, and to desyre his royal assent and hand thairto that the same may be returned and past the sealles."

"The Lords of Secret Counsell ordains and commands William Thomesson to pay and deliever tua hundreth fourre score and ten dollers to everie one of these colonels that were lateley nominat be his Majestie and the Council for the Irish expidition, and that for furnisheing of cullers, halberts and drumes to the saids regiments; quhairanent this presents with the Colonell's discharge shall be to the said William sufficient warrant."

"Forsameikle as the forstalling and regraiting of mercats hes beene oft prohibit and discharged be diverse acts of Parliament as a crimie most hurtfull to the common weale and to good order and government and tending to the raising and fomenting of dearth and scarsetie, by the quhilsks acts of Parliament it is speciallie declared that who ever buyes or causes buy anie merchandize, victuall or other goods cominge be land or water, to anie faire or mercat to burgh or land to be sold frome anie part within or without the kingdome, or who makes anie contracts or promises thairanent before the goods be brought to the faire or mercat place to be sold, or who sell make anie motion be word, writ or message for raising the pryses of the saids goods, or who sell disswad anie persons cominge to faires or mercats to bring thair commodites thairto, sell be repyte, haldin, esteemed and judged as forestallers; and who ever gets in thair possession in anie faire or mercat anie kynde of vivers whilks shall be brought to be sold and sells the same over agane in anie faire or mercat haldin in the same place or anie other faires or mercats within foure mylles thairof salbe repyte and haldin as regraiters as in the saids acts, conteaning divers others clause for restraininge this pernicious abuse, at lenth the is conteand. And quhaires this abuse is now
come to a verie great height in so farre as his Majesties subjects by the unlawful practices of thir forstallers and regraiters are heevily extortioned in the pryces of viveres and others commodities, and they goe one without feare of the law in that wicked trade, promising to thame selves immunitie and impunitie becaus of the not execution of the saids acts againis thame, thairfore his Majestie and Lords of his Privie Counsell have resolved with all severitie to putt the saids acts to execution in all poyns, and ordans letters to be direct charging officers of armes to pas to mercat croces of the heid borrowis of this kingdome and thair be opin proclamation to make new intimation of the saids acts of Parliament made against forstalling and regraiting; and accordinglie, to command, charge and inhibit all and sundrie his Majesties leiges and subjects that none of thame presoomre nor take upon hand anie longer to use this pernicious trade of forstalling and regraiting, and that they buy no kynde of viveres nor others goods cominge to the borrow touns or common mercats within this our kingdome till the same be brought be the countrey people to the mercat place and there sauld be parcells, under the paines conteaned in the acts of Parliament, quhilk sall be execut aganis thame without favor, commanding heirby the provest and baillies of the borrowis of this kingdome, who are constitutte his Majesties justices for execution of the saids acts, that they and everie one of thame within thair several bounds and jurisdictions have a special care of the observation of the saids acts, and trying and punisheing the transgressors of the same, as they will answer at thair heichest charge and perrel."

"Forsomuch as the arbitrarie and unlimited libertie usurped be merchants, sellers and ventners of wyne in setting doun and exacting the pryces of thair wyne hes beene verie prejudiciall heirtore to his Majesties leiges, and is lyke to be of dangerous consequence and disgracefull to his Majesties government in tyme cominge if the pryces of wyne be not regulated and moderated be order of justice, thairfore his Majestie, with advyce of the Lords of his Privie Counsell, has thought fit and expedient, concludit and ordand for the present, that the tune of Frenche wyne sall be sold at tua hundreth punds, and the tunne of Spanish wyne at foure hundreth punds, and that the pynt of Frenche wyne be vented at tene shillings the pynt, and the pynt of Spanish wyne at twentie shillings, and so furthe proportionable, which may be receaved without losse, and with reasonabill advantage to the merchants and ventners of wyne; and ordans letters to be direct charging officers of armes to pas to the mercat croce of Edinburghe and others places neidful, and thare be opin proclamation to command, charge and inhibit all and sundrie wyne merchants and ventners of wyne that nane of thame presoomre nor take upon hand after the publication to sell nor vent wyne at anie heicher rate nor is above preservyd under the paines following: —everie merchant under the paine of ane hundreth punds for each tunne he sall sell contrare to this present act, and everie ventner under
the paine of twentie pundis for eache faillye toties quoties, to be uplifted.

Loch, November 1641-October 1646

Proclamation for the inbrinag of the collections for the Irish refugees.

"Forsameikle as the Lords of Privie Counsell, out of thir sense of the sufferings and miseries of his Majesties distressed subjects in Ireland flying thither for releif, did recommend to the ministers of the several parishes of this kingdome to gather the Christian benevolence of their parishioners, and the ministers to bring in the same to the moderators, and they to send the saids collections to the burrowis of Edinburgh and Air respective, to be resavied thair be persons of credit and qualitie in maner conteand in the act made heiranent; conforme quhairunto his Majesties good subjectes in most parts of this kingdome, haveing cheerfullie and liberallie contribut in this earrand, and the Lords expecting that thair order for ingadgagin and inbrinag the same soude be punctualie observed for the good of these people, nevertheless they are informed that the saids collections are lyke to be interverted to other uses nor to the releif of the saids destrest Christians in so farre as manie of the saids collections, especiallie within the provinces of Yffe, Angus, Aberdene, Murray, Rosse and others on the north syde of Forthe and within the provincials of Merse, Teviotdale, Lothian and Peebles, are kept up be persons not warrantin be the Lords, and nather delievered be thame to the moderators of the presbyteryes nor be the moderators to the collectors in Edinburgh appoynted for resaving the same, wherby the charitie so hartilie bestowed be weele affected Christians for so good ane end is lyke to miscarie, and the poore people in Ireland are lyke to be defraudit thairof, to the great offence of God and scandal of the gospel; thairfore the Lords of Privie Counsell ordins letters to be direct to command and charge the ministers of the several parishes within the provinces forsaid to bring in thair collections to the moderators of thair several presbytries within ten dayes nixt after they be chargit thairto, under the paine of rebellion, etc.; and to charge the moderators of the saids presbytries to bring or send in the collections of the kirks with a note of the same under thair hands to John Meine, James Stuart, and Samuel Lockhart, merchants burgesses of Edinburgh, or anie of thame, collectors appoynted to resave the same, within twentie dayes nixt after the charge, under the paine of rebellion, etc.; and to charge all others havers of the saids contributions or anie part thairof to bring in the same to the saids collectors within ten dayes, under the paine of rebellion, with certifcation if they faillye, letters sall be direct chargeing thame simpliciter to that effect."

[Sederunt as recorded above.]

Decreta, November 1641-October 1646.

P. 62.

"Forsameikle as the Lords of Privie Counsell, out of thir sense of the sufferings and miseries of his Majesties distressed subjects in Ireland
flying thither for releefe, did recommend to the ministers of the king-
dome within their several parishes to gather the Christian benevolence
of their parochiners, and the ministers to bring the same in to the
moderators and they to send the saids collections to the burgh of Edin-
burgh and Air respective to be receaved there be persons of credit and
qualitie in maner conteannned in the act made heeranent; conforme where-
unto his Majesteis good subjects in most parts of the kingdome, having
cheerfullie and liberallie contribute in this earand, and the Lords of
Privie Counsell, expecting that their order concerning the ingaddering
and imbring of the same sould be punctuallie observed for the
good of these poore people, nevertheless they ar informed that the saids
collections ar likelie to be interveted to other uses nor the releefe of
the saids distrest Christians, in so far as manie of the saids collections,
speciallie within the provinces of Fyffe, Angus, Aberdene, Murray, Ros
and others upon the north side of Forth and within the provinciales of
Merc, Tevoitdail, Lothiane and Peebles, and they ar keepe up be
persons not warrantted be the saids Lords and nather delivered be thame
to the moderators of the presbyteryis nor be thame to the collectors in
Edinburgh appointed for receaving the same, whereby the charitie so
heartilie bestowed be well affected Christians for so good ane end is like
to miserie and the poore people of Ireland ar like to be defrauded thairof,
to the great offence of God and scandal of the gospell," the
Lords therefore ordain letters to be direct to charge the persons foresaid
to obey the former injunction and pay the same to John Mayne, James
Stuart and Samuel Lockhart, merchant burgesses of Edinburgh, or any,
of them, as the appointed collectors thereof, within twenty days, and
such as have these collections or part thereof within ten days after
being charged, on pain of horning.

"Act and letters past for imbring the contribution collected for
reliefs of these that are fleed out of Ireland."

"An act past for transport of the six Irish men tane at Kirkcud-
bryght and now prisoners here in Edinburgh tolbuith, that they be
sent to Berwick."

Sedent:—Chancellor; General; Privy Seal; Mar; Morton; Edinburgh,
Eglinton; Glencairne; Dunfermline; Perthe; Lauderdaill; Kinnoul; Southesk; Dalhoushie; Weimes; Lanerick; Callander;
Angus; Sinclair; Yester; Elphinston; Burghlie; Balcarres;
Clerk Register; Advocate; Justice Clerk; Treasurer Depute;
Master of Requests; Cavers; Waughtoun; Din; Morphie;
Dundas; Fintric; Provost of Edinburgh.

"The quhilk day Grahame of Fintrie wes, conforme to the... Grahame
Commission of Counsell, ressavied and admitted on Counsell, and gave
the oathes of alligance and of a Privie Counseller."
The Chancellor's conduct in his mission approved by the Council. See ante, p. 292.

Letter from his Majesty to the Council to affect a reconciliation between his Majesty and his English Parliament.

"The qhilk day Johne, Earle of Loudon, Lord Heath Chancellor, havinge reported to the Council the discharge of that trust committed to him in his late employment to his Majestie and how that his Majestie thought it more conducible for his service that the said Lord Chancellor should returne then goe foreward to London, whereupon he had sent to the Commissioners the declaration to the Parliament, and letter and instructions given be the Council anent the treattie, togidder with his Lordships awne letter to the Commissioners explaininge the Councellers meaning in that declaration sent to the Parliament, the Lords approves of the Lord Chancellors cariage in this earand, and finds that his Lordship hes fauthfullie discharged that trust committed to him."

"The qhilk day the Lord Chancellor produced and exhibit before the Counsell the massive letter underwritten, signed be the Kings Majestie and direct to thair Lordships, with the instructions sent frome his Majestie thairwith; qhilk being red and considirrit be the saids Lords and they weele advysit thairwith, they ordand the same to be insert and registrat in the books of Privie Counsel, and ane answer returned to his Majestie with all conveniencie: Of the qhilk letter and instructions the tenor followis:—CHARLES R.—Right trustie and right wellbeloved cousin and counsellor, right trustie and trustie and wellbeloved counsellers, wee greet yow weele. Wee have considered your answer to that declaratioun sent unto yow frome our Parliament of England and have heard our Chancellor, whom yow sent to represent the same, and as yow doe acknowledge and embrace our royal resolution of preserving the true religion, liberties and lawis of our kingdoms with a right correspondencie betuix thame, whiche hath beene and ever sall be our cheife care, so wee cannot bot take kyndlie that yow are so sensible of the distractions betuix us and our Parliament heere, and are so desyrous of a right understanding betuix us and our people. And that your endeavours qhilkis yow offer for so good ane end may prove the more effectual and that yow may goe upon certane knowledge and sure grounds wee doe againe recommend to your serious consideration these messages that hath past betuix us and our Parliament, and we have commandit our Chancellor to show yow suche propositions and demands as concerneth our honor, royal power and peace of our kingdoms, quhairin we expect and require your faithful aduyce. Wee desyre not that yow sould intermedle so farre as to take upon yow to decyde the differences betuix us and our Parliament, bot that (as fellow subjects under one heid and monarch and as faithfull counsellers to us) yow will labour to informe your selifes of the true estate of the questions betuix us and our Parliament, and that yow may, in a wyse and discrct way, enqyre the reasons of these particulars, whiche wee conceave so derogatorie to our regall and just power, that yow may be the more able so to expresse your affection to our service as that yow will not be willing to sie us suffer in our honour or autioritie. Wee bid yow farewelle. Frome our Court at Yorke, the 9 of May, 1642."
Instructions for our Chancellor of Scotland concerning our desyres which wee command him to represent to our Council of that kingdom.

Charles R.—Whither is it lawful for the people to conveene in great multitudes and in tumultuous convocations by minasing the King and Parliament to extort their desyres, and whither it is saife for the Kings honor or person to reside quhair suche tumults are tolerated.

2. If this be a misdemeanour, why is it not censured and suche order tane as may compesh it and secure our royal person that there be no suche abuse in the future.

3. To take our message to our Parliament of the 20th of Januarie unto serious consideration.

4. That, under pretences of feares and jealousies and craiving to putt the kingdom in a posture of defence they doe not derogate from our power and auctoritie.

5. To have reparation and justice aganes Sir John Hotham.

The quhilk day the Lorde Chancellor produced and exhibit before the Lords of Privie Counsell the missive letter underwritten, signed be the Kings Majestie and direct to the saids Lords; quhilk being read hard and considerit be the saids Lords and they acknowledging with all dutiful respect his Majesties royal and religious expressions contenched thairin, doe, according to his Majesties command and for the further satisfaction of his subjects anent his Majesties pious resolution for maintenance of the true religion, ordane and ordans the said letter to be insert and registrat in the booke of Privie Counsel and to be printed, of the quhilk letter the tenor followis:—Charles R.—Right trustie and wellbeloved cousins and counsellers and right trustie and wellbeloved counsellers, wee greet yow weele. Altho wee have alreadie written our mynde to our Counsell, yit upon our second thoughts arisinge, especiallie frome some bad rumors cominge to our knowlidge, wee find it necessarie both for our selve and for the good of that our kingdom to declare and make knaun both our disposition and desyres more fullie. Wee know and feele the charge to be great and the place to be heich quhairin God, the King of Kings, hath placed us, and that wee most render ane accompt of all our actions to him who, in his awne tyme, shall judge all men, without exception of persons. Wee have no other intention bot by our governement to honor him be whome kings raigne and to procure the good of our people, and for this end to preserve the right and auctoritie quhairwith God hath vested us, and whiche by his providence hath beene dervyed to us by manie princelie progenitors, in whiche glorie that our ancient kingdome and native realme of Scotland doth participat. Wee did not require of yow that yee sould sit as judges upon the affaires of another kingdome. Wee onelie intend to have both our sufferings and our actions, as they are exprest in manie papers whiche have past betuix us and our Parliament made thoroughlie knawin to

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yow; that since wee have none besides yow, whome wee can acquaint with our proceedings, yee may clearrlie sicke that wee have bene so farre frome wronging our Parliament of England that wee have given thame all satisfaction, even above that whiche they thameselvies in the beginning did expect or almost desyre, and als muche as could weele consist with the saftie of our person or honor. Wee will not putt yow in mynde of your natural affection towards us, whiche we know will rather be kindled then extinguished be our distresse, nor of your covenant quhairin yee are zealous of our greatnesse and auctoritie and whiche standeth in that sense quhairin yee did swear and subscrive it, nor of the manie good lawis made in our late Parliament of whiche wee hope the present and succeeding generations sal reape the fruit when wee are dead and gone, nor of the manie promises made to us upon which wee were willing to yield to suche things for settling the govenernent of that our kingdome in our personal absence whiche, could wee have granted, nor would yow have craved (as your selifes did professe) had our greater affaires permitted our residence among yow. And quhairis wee are most unjustlie blamed and calumniated, first, that wee are popishlie affected; secondlie, that wee are the caus of the bloodshied in Ireland; and, thridlie, that wee intend to bring in forrayne forces, wee here doe protest and declare in the presence of Him who knowis the most secret of our intentions and actions, that wee are nowayes conscious to our selfe of the guiltnesse of anie of the saide asersions, and doe take Him to witnesse our innocencie thairin, who onlie hath the privilidge to be the searcher of hearts. And if anie, after so full and plaine profession, sall distrust this our so free declaramoun, wee attest God that the fault is in the malignitie of their rebellious humors and nowayes deserved on our part. Given at our Court at Yorke, the 20 of May, 1642."

"The quhilk day Sir Archibald Jonston of Warieston, compairand personallie before the Lords of Privie Counsell, produced a letter direct to him be the Commissioners at London, quhairy his lordship wes desyre to give in to the Counsell the declaration underwritten, given to thame be the Parliament, and did accordinglie exhibit the same, quhairof the tenor followis:—The declaration of the Lords of the Privie Counsel of the kingdome of Scotland, made the 22 of Apryle, 1642, having bee presented and seriouslie considerede be the Lords and Commons of the Parliament of England, they have be consent of both Houses ordered that in thair name the Commissioners for the kingdome of Scotland be entretted to returne thanks to that honorabil table of the Privie Counsell of Scotland for thair great affection expressed to his Majestie and this kingdome and for the wyse and sound counsel given the King to returne to his Parliament, being his best and most impartial Counsel, and to lay asyd his purpose of going into Ireland, in both whiche they have fullie concurred with the humble petitions and desyre presented to his Majestie from both Houses. And as they have never given his Majestie anie just caus of jealousie or fear, but in all their
proceedings have aimed at his honor, happines and saftie, without ane other design bot onelie to preserve and secure the true protestant religione, and the ancient liberties of this kingdome, so will they carefullie endeavor by all fitt meanes to worke in his Majestie a right understanding of their loyal intentions and most affection at desyres of the comon good of his Majestie and his kingdomes, whiche can have no lasting nor sure foundation bot in a mutual confidence betuix him and his Parliament. For the better obtaineing quhairof they entreat them to continow and renew suche their good advyce to his Majestie and to suppresse the attempts of those who upon causeless pretences and suggestions sall persuade thame to enterpose in these unhappie differences in ane suche maner as may weaken the confidence or endanger the peace of the tuo kingdomes. And that their Lordships will please to remember with what caution and tendernes the state of Scotland hath heirtofore en-devored that that kingdom might receave no prejudice by ane proceedings of his Majesties Privie Council of England, the example of whose wisdome that in this Parliament is willing to follow, and will alwayes be verie careful of the preservation of the mutual affection betuix the tuo kingdomes, according to the treatties ratified in both Parliaments; the brotherlie affection quhilk they beare to that nation and the enterest they have in the prosperitie thairof so much conducinge to the establishment and securitie of the true religion and just liberties in this kingdome. For the better improveing and applying this mutual union and correspondencie to the settling of the present troubles it is desyred by both Houses of this Parliament of England that their Lordships will send a catalogue of these several declarations, messages, answers and instructions quhilkis they haue ressavied from his Majestie whiche concerns this kingdome, that so they may the better remove anie doubt or mistake of thair actions which may be drawn frome ane suche writings. And they lykewise intend to send to the Counsell of Scotland suche declarations, petitions, remonstrances, as they sall have occasion to make to his Majestie and this kingdome, quhaisby thair Lordships may be the more fully informed of the true grounds of thair proceedings and the amitie and mutuall intelligence betuix the tuo kingdomes may be held in continowall practise and exercise for good of both. Subscribitur, Manchester, Wm Lenthall, speaker."

"The quhilk day in presence of the Lords of Privie Counsel compeire personallie Captaine Johne Winter, gentleman of his Majesties Privie Chamber, for satisfaction of the obligement made be him to the Lord Generall his excellencie, captane of the castle of Edinburgh, and protested in regard of his appearance this day that he was free of the said obligement, quhilk the saide Lords admitted."

Sederunt ut superiore die and cum Argile.

[No record of business.]

Edinburgh
20th May
1642.
Sederunt ut diebus superioribus.

"The Lords of Privy Counsell hes liberat and relieved and be thir presents liberat and relieved Captane Johne Winter of his imprisonment within the castle of Edinburgh, so as he may pas quhair he please, becaus he, being personallie present, acted and obleidged himselfe to appear before the parliament of England when ever he sall be laufullie requeryd to that effect."

"To all and sundrie whome it effeires, wee, the Lords of his Majesties Privie Council of the kingdom of Scotland, doe testifie and declare that Captane Johne Winter, gentleman of his Majesties privie chamber, being committed to warde within the Castle of Edinburgh upon some informations given agaist him of giveing intelligence to the rebells in Ireland, and that wee, haveing used all diligence to try the same, have fund nothing provin against the said captane, and doe truelie esteeme him innocent of that challenge for anie thing wee know, be thir presents subscribit with our hands at Edinburgh, the tuentie sevint of May, 1642. Subscribitur, Loudon, Cancel⁹; Leven, Argyll, Roxburgh, Mar, Morton, Eglinton, Perthe, Dumfermlin, Kingorne, Kinnoul, Southish, Weimes, Dalhoushie, Lanerick, Callander, Angus, Sinclair, Elphinston, Burley, Balcarres, A. Gibson, Durie; Thomas Hope, J. Carmichael, S. Ro. Gordon, S. W. Douglas, Provest Ed°."

Sederunt:—Chancellor; General; Privy Seal; Argyll; Mar; Morton; Eglinton; Glencairne; Dumfermlin; Perthe; Lauderdale; Kinnoul; Southish; Dalhoushie; Weemes; Lanerick; Callander; Angus; Sinclair; Yester; Elphinston; Burtlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Cavers; Waughtoun; Dun; Morphie; Fintrie; Dundas; Provest of Edinburgh.

"The Lords of Secret Counsell nominates and appoynts and thairwithall gives commision to the Lord Chancellor, the Lord Privy Seale, the Marques of Argyle, the Earles of Morton, Lauderdale, Kinnoul, Southish, and Lanerick, the Lairds of Waughtoun, Dun, Dundas, and Shireff of Teviotdail, not excluding anie of the Counsell who please to meet with thame, to convene and advyse upon the tenor of the answer that is to be returned to his Majestie and the Parliament of England, and to report thair opinion to the Counsell with the first convenienice; and ordains thair first meeting to be this afternoone in the Exchecker Hous."

Sederunt:—Chancellor; Argyle; Eglinton; Glencairne; Lauderdale; Weemes; Dalhoushie; Angus; Sinclair; Yester, Burtlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Master of Requests; Dun; Dundas; Waughton; Provest of Edinburgh.

Petition in the name of noblemen, "The qubilk day in presence of the Lords of Privy Counsell compeired personallie Thomas, Earle of Hadinton, David, Lord Elcho, Arthure
Arekyne of Soitiscraig, Sir John Wauchop of Nidrie, John Binnie, and
Thomas Paterson, merchants burgesses of Edinburgh, James Lentron, and ministers
burges of St Andrews, Mr Andro Ramsay, minister at Edinburgh, and
Mr John Moncreiff, minister at Kingorne, for themselfes, and in name of
the noblemen, gentlemen, burgesses and ministers occasionallie melting
at Edinburgh, and gave in to the saids Lords the supplication under
written, of the quhill the tenor followis:—To the right honourable
the Lords of his Majesties Privie Counsel, the humble petition of his
Majesty which
manie noblemen, gentlemen, burgesses and ministers occasionallie melting
at Edinburgh, most humblie sheweth. Whereas they, upon the report
and sight of great convocations suddenlie endeavored and unexpectedly
brought into this Council day, for the most part by these who have
beene esteemed be the countrey and challenged be the Parliament as
incendiaries, plotters or enemies to the peace of thir kingdomes, have
occasionallie convened at Edinburgh, and haveing hard of letters from
his Majestie and declarations from the Parliament of England anent
the present distractions of that kingdome, they have reason from bygone
experience and present presumptions to feare the intentions and endevors
of those evill affected persons and their adherents, least by their convoca-
tions and solicitations they take occasion of these differences to raise
zelousie and division betuix thir kingdomes; and considering the common
interest of all the subjects of this kingdome to preserve the late peace
so happilie concludit betuix thir nations be the providence of God, his
Majesties goodnes and wisdome and the mediation of the Parliament of
England, and so solemnlie established be the late tractie, oath of Parlia-
ment, publick faith, and great seales of thir kingdomes, as in all other
pointes so speciallie in these articles (quhairunto the rest are called bot
prefaces) for settling and entertaseing a solid peace betuix thir nations in
tyme comeing, least upon anie pretence they sould be dashed one against
another, quhairin it is declared the dueties of the Estates, yea of everie
subject, for to convene and suppress ane ill affected persons who would
raise armes againis the subjects of the other kingdome without consent
of Parliament as traitors to the Estate, muche more to petition against
it, and quhairin there is appoynted a commission of the Estates for the
conservation of this peace in the interim betuix Parliaments; all whiche
the petitioners, among the rest of the good subjects of this kingdome, did
hazard thair lyves and estatibus for to obtaine; and did demand in the
tractie upon thair dangerous experience of the Councell of England
thair medling in the affaires betuix his Majestie and this kingdome be
the engadgeing of the nations in warre, which is so oft condemned be
the Estates of this kingdome in thair remonstrances pressing that
common rule of equitie, to doe as wee would be done unto, quhill now
is and may be retorted on this kingdome; lykes desyring earnestlie
that your Lordships in these publick resolutions of so great consequence
to thir dominions may carie along with yow the haires and conscience
of the bodie of this kingdome, and prevent that the breach grow not
wyder by false confidence groundit upon sudden undertakings of anie persons, as also their natural affection and dutie to their gracious soverane, according to their manifold obligations and brotherie affection to the kingdome of England forcinge thame to pray to God, and to desyre all men according to their stations to use all lawful meanes to breed and enterteane a good understanding betuix his Majestie and his Parliament, the surest fundation of greatnes to his Majestie and happines to thir kingdomes; lykewyse takeing to haer the distant consequences to his Majestie and to his dominions if your Lordships answer by tendering the offer of your service to his Majestie against the demands or upon the differences betuix his Majestie and the Parliament of England, or anie other maner of way import (whiche God forbid) anie engadgeing of your selfes or of thir nations in warre, or anie thing that may tend thairunto; thairfore in our names, and in name of the rest of the nobilitie, gentrie, burgesses and ministers, whose haires doe and hands would goe along with this petition for preservation of peace betuix thir kingdomes, they doe in all humiliitie and earnestnes petition your Lordships in the depth of your wisdom seriousli to ponder the consequences of your answer to his Majestie and the Parliament of England at this tyme, so that thairby nather the confidence betuix his Majestie and his good subjects here, nor among thameselfes nor betuix the kingdomes (these unions tending ever to his Majesties greatnes, and these divisions to his prejudice) may be anie wayes weakened, or thair peace endangered; and to that end, as your Lordships would leave no lawfull mean, according to your vocation and interest, unassayed for begetting a good understanding betuix his Majestie and his Parliament, being his greatest and most impartiall counsel, representing the bodie qhailof his Majestie is the head, and for removinge the distractions (the continuance qhailof will ever trouble the peace of this kingdom) according to your Lordships last answer, so also seing his Majestie requireth not that your Lordships sould, nather can your Lordships judge of the lawis and proceedings of another independent kingdom, and the parliament of England offers to give all satisfaction concerning any messages or papers sent to your Lordships anent thair proceedings, that your Lordships would be pleased carefulie to shune all offer of real or verbal engagements, either directlie or be way of inference, without consent of the Parliament, conforme to the treattie, whiche either may give anie just occasion of offence to your gratious soverane or of jealousie to thair brethren in England, or of discourse to anie; as if your Lordships did not observe that former rule of equitie, pressed be themselfes dureing thair troubles, to doe unto others as they would be done unto thameselfes, but did fall in the same faultes qhilkis your Lordships and the rest of the Estates of this kingdom have condemned in the Counsel of Ingland. And for this effect they cannot bot remember to your Lordships that according to ane article of the treattie there wes appointed a commission, als independent as anie other, of so manie of everie estate representing
the hail kin dome, to prevent all occasions of division betwixt thir kin
domes in the interim betwixt Parliaments. All whiche they humblie
represent to your Lordships wyse considerations, and expects from your
Lordships so gratious ane answer as may satisfie their present feares
and secure thame frome these dangers in this interim betwixt Parlia-
ments and thairby prevent all necessitie of petitions of this kynd.
Quhilk supplication being red, hard and considerit be the saids Lords
and they findeing the same to conteane matters of publicit concerne ment,
and of that importance that requireys mature deliberation, thairfore
they continow the answering of this petition till the morne, and ordans
the hail counsellors in toun to be warned to attend the Council the
morne at tua afternoon."

[Sederunt as recorded above, omitting the Advocate.]

Supplication by John, Earl of Rothes, Sir George Hamilton of Black-
burne, Andrew Ainslie and George Arnot, merchants, burgesses of
Edinburgh, as follows:—His Majesty and the Estates of Parliament,
considering the great loss sustained by the supplicants at the hands of
the state of Hamburg by the delay and refusal of justice against
captain Long and Captain Utenhold, two of the citizens, granted to
the supplicants second letters of reprisal against the said state, ordaining
them to lie in the Council’s hand until the 1st of April. This day
being past and no satisfaction given to the Council or supplicants, they
crave delivery of the said letters. His Majesty and the Council wrote
two letters to the said state desiring them to make payment to the
supplicants and their commissioner of their losses, amounting to £15,000
sterling, in terms of the decreets recovered by them, and they had sent
over Mr. George Halyburton as their commissioner, who on 15th
April last delivered these two letters to the Senate of Hamburg, but
received only a “shifting answer.” He also on the 29th of that month
appeared personally before the said Senate and protested that, as he
had waited now fifteen days for his answer, he had done his duty and
that whatever followed hereupon should not be imputed to him, and took
instruments thereupon, which were produced to the Lords. The suppi-
cants have been at exceeding great charges in the matter, and thereby
his Majesty and the country sustain no small discredit. The Lords,
after advising, ordain their Clerk to deliver to the supplicants the said
letters of reprisal to be made use of by them conform to the tenor
thereof.

Sederunt:—Chancellor; General; Argyl; Eglinton; Glencairne; Edinburgh,
Lauderdail; Weimes; Dalhousie; Angus; Yester; Sinclair;
Elphinstone; Bnrlie; Balcarres; Clerk Register; Advocate;
Justice Clerk; Treasurer Depute; Cavers; Dundas; Waughton;
Provost of Edinburgh.
The Lords of Privy Counsel, haveing againe red the petition above written, declares that they will have consideration thereof, and as they are most tender and sensible of whatsoever may concern his Majesties honor and auctoritie, so will they have a special care not to doe anie thing contrarie to the late treattie or whiche may infringe the union and peace or weaken the confidence betuix thir tua kingdomes so happilie established in his Majesties presence and with his royal consent in both Parlaments; and are confident that as frome the saide Lords the petitioners nather hes nor sall have necessitie, so they will not trouble theneselves nor the Counsell heirafter with supplications of this kynde."

"The Lords of Secret Counsell, for the more tymous and easie dispatch and answering of the petitions of the poore people of Ireland, adjoyneye to these of the Committee formerlie appoynted for that purpose Mf, Alexander Colvil, Justice Depute, Mr Alexander Peirson, advocat, William Rig of Ethernie and James Stuart, merchant burges of Edinburgh, and declares that these of the former committee and persons now adjoynd, or anie fyve of thame with ane counsellor and Lord of the Session and anie one of the ministers of Edinburgh sall make a quorum, who may answer and dispatche the said poore people according to the tenor of the first commission of the date the 25 of Marche last."

"The Lords of Privy Counsell gives commission be thir presents to Sir Thomas Hope of Craighal, knight barronet, his Majesties advocat Sir John Hamilton of Orbeston, Justice Clerke, with anie one of the Justice Deputs to call before thame the poore people, prisoners within the tolboth of Edinburgh for criminal causes, when they thinke fitting, and to try and examine thame upon the crymes for quhilkys they are committed, and to report to the Counsell at thair best convenience."  

"The quhilk day the maiers reported that they had warned the whole Counsell being in toun thir fyve dayes bygane to attend this day."

"The countreis petition answered, and sent up to the Kings Majesty with a letter."

Sederunt:—Chancellor; General; Argyl; Privy Seal; Mar; Mort-Acta, Novem-  
  ton; Eglinton; Glencairne; Perth; Lauderdale; Kinnoul;  
  ber 1641-October 1646.  
  Southesk; Weeimes; Dalhousie; Lanerick; Callander; Angus; Fol. 44, a.  
  Yester; Sinclair; Elphinston; Balcarres; Advocate; Justice  
  Clerk; Treasurer Deput; Cavers; Wauchton; Dundas.

Most sacred soverane, Wee have seene and considerit the several messages and letters past betuix your Majestie and your Parliament of England with the propositions and demands shawin to us be the Lord Chancellor, and, as wee are hartilie sorrie to sie the condition of affaires thair, so wee are and sall ever be reddie, according to our bund dutie, to contribut our humble service and best endevers for setling the same in suche a way as may conduce most to your Majesties honor and auctoritie and good and peace of your kingdomes, as cometh your
Majesties most humble and faithful subjects and servants. 2 Junij, 1642.

Subscribitur as in the sederunt."

[Sederunt as recorded above, omitting the Justice Clerk, Treasurer Depute, and Lanerick, and adding the Clerk Register.]

"Ane answere returned to his Majestie and Parliament of England."

[Sederunt:—Chancellor; General; Argyll; Privy Seal; Mar; Morton; Dunfermlin; Lauderdale; Kinnoull; Southesk; Angus; Burtle; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Cavers; Waughton; Provost of Edinburgh.]

"The Lords of Secret Counsell, being informed that the bridge of Mony-faith within the shiredome of Forfar is ruinous and lykelie to decay, to the great prejudice of his Majesties subjects repairing from the north to the south parts of this kingdome, and that for preventing thairof it is necessar that the said bridge be repaired and uphauldin, thairfor the saids Lords gives warrand be thir presents to David, Earle of Southeesk, John, Lord Loure, Sir Alexander Aresken of Dun, David Grahame of Fintrie, Grahame of Morphie, Durhame of Grange, Mr. James Durhame of Kinnel, Grahame of Claverhous, and the provests of Dundie and Monros and anie one of the baillies of Arbroth, conjunctlie and severallie, to resavve such voluntar benevolence frome his Majesties good subjects, as saill be pleased to bestow for repairing of the said bridge, and to apply the same for that use, and to sie the said bridge substantiallie repaired in that forme and maner quhilk they saill find most expedient. And the saids Lords declares what sounnes saill be bestowed be the saids commissionars upon the repaireing of the said bridge more then is ressavied be thame of the said voluntarie benevolence, that they will take some course for refounding the same in suche a way as saill be most agreeable to equitie and reason."

[Sederunt as recorded above.]

Complaint by Sir Charles Areskine of Cambuskenneth, knight, as follows:—On 5th April last Mr John Rollock, sheriff depute of Stirline, by their Lordships' warrant which was granted at the complainer's instance, "went to the ground of the lands of Cuikspow to make survey of the estate of the saids lands and of the trees and planting of the same belonging to the compleanner, and quhilk has been spoiled by John Ewing wodsetter thairof, and there the said M' Johne fenced ane court and caused warnie the said Johne to compeir before him and see the said survey made, which he refused, being within the place for the time uttering disdainfull and contumelious speeches agains the said M' Johne, suche as, 'Yow, sheriff, hes no power to hold court heir and I will so do by..."
make you answerable, and if there wer no more heir now nor I yee durst not do it.' And, therefore, the said Mr John, in obedience of his Majesteis letters, did first survey the planting round about the yairds and orchards of the manour place where he found one lie neyn score standing trees uncutted or thereby and the rest all cutted and destroyed to the number of 400 or thereby; thereafter past to a park lying con- tigue to the easterne orchard of the place and found onelie fiftie or three score standing trees uncutted in the park, being four aikers of land and thick planted, and all the rest of the trees of oak and firre to the number of 8000 or thereby cutted at the root, which be occular inspection of the stooles thereof wer of the bignesse of ane elne three quarters of ane elne round about all latele destroyed. Thereafter the said shiref deput P. 65. past to the manour place of Cuikspow, entered within the hall thereof and required the said John, being personallie present, be vertue of the Counsells warrant to make the doores of the orchards open to the effect he might enter and survey the fruit trees therein, qhilk he also refused, so as the said deput was forced (wanting power to make open doores) to compass the same about the stankes and hedges thairof, and by this kind of survey he found that there wer two great orchards, one upon the east and another upon the west and northeast of the hous of Cuikspow, and, so far as he could perceave throw the hedges, fand that there wer 200 fruit trees there of peirs and apples beside plowme trees and chirrie trees, all of the age of 30, 36 or 40 yeeres respective; as the extract of the survey purports. And, albeit be vertue of the saids letters the compleanner caused arrest the said planting yitt extant and fruit trees foresaid to remaine under arrestment till caution sould be found conforme to the Counsells warrant, neverthelesse the said John in contempt thairof neither hes nor intends to find the said caution, but to cutt, waist and destroy all, and still refuses to permitt the said deput to make survey of the manour place, orchards and fruit trees or to make open doores to that effect." The pursuer compearing but not the defender, the Lords ordain him to be put to the horn and escheated.

Complaint by Hector Cowan, servitor to Robert, Earl of Roxburgh, as follows:—On May, 1641, while he was peaceably attending his master's service at Caveirtoneedge, John Cranstoun in Crailline and several others, armed with swords, dirks, staves and other weapons, "fiercelie sett upon the compleaner; and, first, the said John Cranstoun gave him a bloodie stroke on the back with a drawin sword wherewith he fell to the ground, and then he strakhe him with a whinger under the pape to the hazard of his life, wherethrow he lay six moneths under the cure of chirurgians at his great charges without hope of recoverie and is not yitt fullie convalesced." Charge having been given to the said John Cranstoun, and the pursuer compearing by Patrick Don, his procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated. Further, the said Patrick Don, in name of
the pursuer, protested that this pursuit might not prejudge him of his lawful pursuit against who did also wound him.

“A letter from the Commissioners of the last of May.”

Sederunt:—Chancellor; General; Argyle; Morton; Kingorne; Kinnoul; Southeisk; Angus; Burlie; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Master of Requests; Cavers; Wauchtoun; Provost of Edinburgh.

The Lords of Secret Counsel, according to ane warrand in writt signed to be the Kings Majestie, ordains and commandes the Commissioners of his Majesties rents to caus make a new quarter seal, conforme to the upmost just halfe of the present great seal in both sydes, and with the lyke circumscription; and for this effect ordans and commands Charles Dickesone, sinker of his Majesties irenes, to siuke and engrave the said quarter seal in maner forsaid; and ordans the saids Commissioners to furnish the necessarie charges thatrof, and, being perffytted, to delver the same to Sir John Scot of Scottistarvet, Director of Chancellarie, that all writts hereafter passing the said office may be sealled thatrof, and the former seale distroyed in presence of the saids Lords at the delverie of the other; the charges quhairof the saids Lords declar saill be allowed to thame in thair accomplz, and quhairanent thir presents saill be thir warrand.”

“Forsomuch as in the order given be the Lords of Privie Counsel tuingheing the collections for releiffe of the poore people fleeing out of Ireland, the presbitaries within the provincials of Stirline, Glasgow, Airgyl, Galloway and Dumfreis, are ordand to send in their contributions at the burg of Air to John Osbourne and Robert Gordon, merchants of the fugitives there, or either of thame, notwithstanding quhairof the Lords of Privie Counsel are informed that diverse presbitaries within the saids bounds hes not as yit sent in thair collections to the persons forsaid nor the ministers of the particular parishes; to the moderators of the presbitaries according to the order, so as for want of these collections the multitud of these poore people resideing in the presbitaries of Air and Irving, being above four thousand persons, are lyke to sterce; thairfo that the saids Lords ordans letters to be direct charging the ministers of the several parishes within the bounds forsaid to send in the collections of thair parishes to the moderators of the presbitaries within ten dayes after the charge, and the moderators of the presbitaries to send in these collections of thair presbitaries to the said John Osbourne and Robert Gordon or either of thame within 20 dayes after the charge, under the paine of rebellion, etc., with certification other letters saill be direct simpliciter.”

“Forsomuch as in the treattie betuix the Commissioners of both kingdomes it is condiscendit that the English or Irish, who saill be
apprehendit in this country as suspect persons, all be sent from this

James Savage, George Ridley, Daniel Eurikane, Edward Ley, John Floud, Derbie Shanagham, Patrick Grahame and Harie Brodie, have

been this long time bygone keep prisoners in the tolbooth of Edinburgh, as persons of the quality forsaid, thairfore ordains letters to be
direct chargeing the provest and bailies of Edinburgh to deliver the
said persons to the shireff of Edinburgh within tuelle hours after the
charge, and the said shireff to resave and transport thame in saffite to
the shireff of Hadinton within 48 hours thairafter, and the shireff of
Hadinton to resave and transport thame to the shireff of Berwick
within the lyke space after the charge, and the shireff of Berwick to
resave and transport the saids persons to the town of Berwick and to
deliver thame to the major there, who will resave thame aff his hands
within the lyke space, under the paine of rebellion, etc., and if they
failie, etc., to denunce, etc., and esheit, etc."


Sederunt:—Chancellor; Leven; Argile; Privy Seal; Mortoun; Decreta;
K ingorne; Kinnoull; Southesk; Angus; Buri; Baalcars; November
Clerk Register; Advocate; Justice Clerk; Treasurer Depute;
Sir Robert Gordoun; Waughtoun; Dundas.

P. 62.

Complaint by Janet Mure, daughter of the deceased Andrew Mure,
schoolmaster in Glasgow, as follows:—John Low, merchant burgess of
Glasgow, being at the horn for debt to the complainer, procured a sus-
pension from the Lords of Counsell and Session by finding as cautioner
one John Maxwell, whom he represented to the Clerk of the Bills as
a merchant burgess of Glasgow, though only a boy of 12 years of
age at the school of Glasgow and the son of a poor workman there, the
witnesses to the caution being also three scholars at the said school,
though he also called them burgesses of Glasgow. This "fraud and
cosenage" the complainer caused represent to the Marquis of Argyle
on 1st April last when he was in Glasgow, "who out of a true detesta-
tion of so odious ane offence gave order to the magistrates of Glasgow to
try the same and to take suretie of the said John Low" to appear before
the Council, which they did. The pursuer comparing by
her tutor, but the defender not comparing, the former for verification of
the charge produced a written testimonial signed by Mr William Stuart, P. 67.
provest of Glasgow, to the effect that the said John Low and the boys
referred to appeared before him and confessed the libel. This the boys
who were personally present also confessed. The Lords, therefore, find
"that the said defender has committed a foule abuse of the law of
dangerous preparative," and they ordain him to be charged to enter as
prisoner within the tolbooth of Edinburgh within six days until order
be taken with him, under pain of rebellion. The Lords also grant to
the witnesses, a dollar to each horseman and 40s. to each footman, to be
paid by the producer.
Sederunt:
February 1642
November 1642

Sederunt:—Chancellor; Argyl; Kingorne; Lauderdaile; Kinnoul; Southesk; Angus; Sinclair; Clerk Register; Justice Clerk; Treasurer Depute; Master of Requests; Sir Robert Gordon; Wauchton.

Edinburgh, 9th June 1642

The Earl of Antrim.

Edinburgh, 14th June 1642.

"A letter to his Majestie and the Commissioners anent the taking of the Erle of Antrim."

Two letters from his Majesty concern Ing Sir James Galloway, Master of Requests, to his claim to the office of Secretary.

The qhillk day in presence of the Lords of Privie Council compeird personallie Sir James Gallouay, Master of Requests, and produced and exhibit the tua letters underwritten signed be the Kings Majestie, and direct to the saids Lords, quhairof the tenor followeth:—Charles R.—Right trustie and wellbeloved cousin and counsellour, right trustie and wellbeloved cousins and counsellours, right trustie and wellbeloved counsellors, wee greet yow weele. Wee have beene so muche taken up for some moneths past with the affairs of this kynghome as wee could not with convenient leisure answer till now your letter of the 22 of November concerning our Master of Requests designeimg himself one of our secretaries. Wee have seriouslie considerit of it and find him verie free of presumption or assuming to himself that title, since he is in possession of the office be vertue of our grant under the great seale standing unrepeailel, and as this cleares his fact, so wee cannot conceave how our right in makeing and maintaining that grant sowld be called in question, muche lesse to be lyable to the least thought of jelousie betuix us and our people, it being the constant practise of all christian princes abroad and of our ancestors and our selfe, in all our three kynghomes, according to the act of Parliament concerning our royal prerogative. And tho this be warrand sufficient yit wee are further confirmed thairin be special acts of Parliament and Council of that kynghome concerning the officers of estate in general and our secretaries in particular, bysaids the necessitie of haveing tuo in that service, be reason of our residence heere furth of that kynghome. And the service belonging to the secretaries carieing with it a special trust of secrecie in the affairs of state and heichest concerneiment of that kynghome, we hold it not fitt that anie deputie or servant to our servants sowld be entrusted bot suche oneillie as are of abilitie and integritie knowin to us and sworne of our Council. In all whiche, as there is no prejudice done to ours and our Parliaments grant of the secretarie, officer of estate, so wee assure yow that wee will continew to mainteane and preserve all the rest of these acts of our favor and justice to our subjects without anie breach or violation quhatsomever. Requying thairfor that yow doe acknowledg our said secretarie, Sir James Gallouay, in all the rights and priviledges of that office, that frome your example nather our dispatches, qhilks sall happen to flow frome him nor hee himself may suffer prejudice in the opinion of the people, quhairof not doubting of your care, wee bid youw fareweele. Given at our Court in our citie of Yorke,
this 15th of Apryle, 1642.—CHARLES R.—Right trustie and right wellbeloved cousin and counsellor, right trusty and wellbeloved counsellors and counsellors, right trustie and trustie and wellbeloved counsellors, wee greet yow weele. Since the wryting of our answer to your first letter of the 22 of November concerning our joynt secretarie, wee did ressawre another from the Lord Chancellour, mucche as wee remember to the same purpose; but not haveing then leisure, and it now being out of the way, wee are confident that it caried no suche weight as to beare doune our right in this poynr, which as wee have wroote in our first is groundit upon the acts of Parliament and Councell, our prerogative, the necessitie of the service, and our awne and our fathers practise. All whiche wee have commandit our said secretarie, Sir James Galloway, to instrucct particularie for your farther and fuller satisfaction, that, being your selfes satisfied, yow may the more easelie remove the jealousies of anie others. Bot, if anie sall seeme not to acquiesce to so cleare evidences, wee desyre that yee lett thame knowe that the decision of this question doth properlie and soallie belong to us, especiallie in the intervals of Parliament, it belonging onelie to our service and being mater of state; in all whiche cases and questions, and in special in one concerning the joynt secretaries office it wes the Councells act to delete from him the ill becoming attribut of second secretarie, and their dutiful and laudable practise to referre what else might concerne it to our soverane judgment and determination, without so mucche as a thought of calling the place it selfe in question, altho there wes then als weele as now a secretarie, officer of state, with als mucche priviledge as he that is now. For the consent of Parliament quhatsoever it may add to the auctoritie of our election, yit it doth not alter the nature of the place or our grant theiarof beyond the former practise of the kingdome or prejude our priviledge or prior grants, except they had beene particularie and expresslie repealled. In all whiche it is our pleasure and desyre that no further questions be made as yee desyre to doe us acceptable service, wherof thairfore not doubting, wee bid yow fareweel. Given at our Court at Yorke, the 16 of May, 1642."

"The Lords of Privie Council, haweing red the tua several letters direct from the Kings Majestie to thame and produced be Sir James Galloway, being ane answer to the tua letters written from the Councell to his Majestie, anent the said Sir James Galloway his usurpeing the title and office of Secretarie, and haweing lykeways hard the said Sir James, who declared in preesence of the Council that the saids tua letters sent frome his Majestie were all written be his awne hand and sealled be him, they find that Sir James Gallowayes procedor in this busines and his usurpeing the office of Secretarie and procureing of letters from his Majestie for that effect (after several admonitions given be the Council to the said Sir James to the contrarie, and letters written with the said Sir James his knowledge to his Majestie thairanent) is a great wrong done in prejudize of the late act of Parliament made anent the election
of the officers of estate, and thairfore remita the same to be censured be his Majestie and the next ensuing Parliament. And in the means-

"The Lords of Privie Council oronda and commands the provest and tyme discharges the said Sir James to usurpe or exercize the title or baillies of Edinburgh to putt Hew McGie and Coil Inlawrie, Irishmen, office of Secretarie, or to trouble his Majestie with informations to this prisoners in thair tolbuith, to libertie and freedome furthe of the same, purpose, and ornda a letter to be written to his Majestie acquainting and suffer thame passe quhair they please, whereanent the extract of his Majestie with the Counsells judgment heerin."

this act all be to thame a warrant."
advantage of the troubles of the time, John, Earl of Carict "hes resolved be bangsterie and oppression to debarre and seclude him therefrom." For this end he by himself and his servants daily "pastours and keeps his hors, nolt and sheepe upon the grasse and linkes of his saidd lands, and with swords, stings and dogges hounds the compleanners owne cattell and goods aff his lands upon his growing cornes and thereby spoyles and destroys the same; and hes tane and daylie takes away the wair collected be him and his servants upon his awne ground for goodding of his saidd lands and appropriates the same to his owne use; strikes and wounds his servants and hes tane away their forkes and instruments quhairwith they collect the said wair. And in the month of August, 1639, he caused maw the meadowes of his saidd lands as he hes ever done since. And when as in the yeere of God 1640 the said Earle was in the house of the Yairds at Kirkwall with the Lord Sinclair, quhairunto diverse of the inhabitants of Orkney were conveyed and the compleanner among the rest for some publict affaire, the said Earle commanded him out of his sight and discharged him to be seene upon the streit, so as he was forced to depart. By which practises the compleanners lands ar made unprofitable to him and he can have no assurance of his life." Charge having been given to the said Earl of Carict, and he and the pursuer both personally compearing, the Lords, after hearing them and several witnesses produced, find and declare that the pursuer and his authors have been in peaceable possession of these lands of Sands and links and meadows thereof, and of the collecting of wair and pasturing upon the same till that within these three years or thereby the said Earl of Carict and his servants have debarred him as the complaint sets forth, and they ordain the said Earl and his servants and tenants to desist therefrom and find caution for the safety of the pursuers in time coming in 5000 merks, and that within twenty-four hours after the date hereof. Moreover, the Lords reserve to the pursuer his action before the judge competent for recovery of his goods according to law. Further, William Cragie of Gersay, brother of the pursuer, being personally present, desired he might have caution for his indemnity at the hands of the said Earl, of whom he gave his oath he dreaded harm and oppression, and the Lords ordain the said Earl to find caution for his indemnity in 2000 merks.

Complaint by Andrew Rendall in Gill and Barbara Sinclair, his spouse, as follows:—George Sinclair of Ropnes, bailie of Westra and sheriff-depute of Yetiland, "who by his place is bound to do justice to persons wronged in these bounds, being forgetfull of his dutie he hes done what in him lyes altogether to ruine and oppresse the saidd compleanners in these manie yeers bygane, but in speciall these late yeeres when he knew that the course of justice wes to be expected in these bounds wes in his owne hand, for he hes not onlie tane the saidd compleanners teinds over their heads, but also compelled them to pay eight score punds of entrie where they wer in use onelie to pay the soume of
twenty punds for ilke fyve yeers to his Majestie; as also he has threatened and minassed the said Andro with all sort of extremitie, so as he durst not keepe the yle nor his dwelling hous for feare of his life. And about two yeeres since, when the said compleanner was absent, the said George Sinclair directed George Artus, his servant, toward the said compleanner his hous, who, finding the said Barbara, his spous, there taking up wair, the said George shamefullie and cruellie strake her with a fork shaft and with his hands and fett brake three ribs of her side and gave her manie other bauche and blae straikes, to the hazard of her life, being great with childe, wherethrow she kepted her bed three quarters of ane yeere without hope of recovery. Lykeas the said George, out of ane avaricious desire to possesse himselfe in the said compleanners lands of Gill, hes misinformed his Majestie anent the nature of the saids compleanners halding, they and their predecessors being kyndlie rentalled tennents to the Earles of Orkney, his Majestie and his chamberlains, past memorie of man, und upon his misinformation procured a letter from his Majestie to the Lords of Excheker for passing in his favors ane rentall of the saids lands of Gill as proper parts and pertinents of his twa ures lands of Rakweik, it being of trute that the saids lands of Gill wer never in the said George Sinclar his possession, nather ever had he anie right thereto till latelie in the beginning of thir troublesome times the said George, accompanied with twenty persons, boddin in warlike maner, came to the saids compleanners lands of Gill, quhilk lyes rinrig with the lands of Rakweik, and without order of law, at his owne hand, made ane perambulation of the compleanners saids lands, and by this usurped auctoritie of the law tooke frome the compleanner six rigs of the saids lands, keepes and possesses thame by bangsterie and oppression so as they darre not controll the same, howbeit they have payed his Majestis dueteis for the saids lands of Gill ever before and senayne. Lykeas he continuallie layes anie part of the compleanners lands waist at his pleasure. And now, lastlie, that he might leave nothing undone which might conduce to wrack the saids compleanners, knowing that they ar not able to live in that cold yle without fire, ather in summer or winter, he sent his eldest son, Malcolme Sinclar, accompanied with ten persons, boddin with invasive weapons to the saids compleanners hill and mosse called Ousnes, where they and their predecessors past memorie have beein in possession of casting of pettis yeerlie, and their with battoune and great trees hart and wounded six of their servants, chaist thame off the ground, took their spaidis and deteane thame. And upon the morne thereafter the said George sent his men and carried away the pettis the saids compleanners servants had casain, so as heirby they are like to sterve for want of fire this yeere." The said Barbara Sinclar, appearing for herself and her husband, and the defender being also personally present, the Lords, after hearing parties, and choice having been made by each party of persons in Orkney to whom they agree to submit the trial of their case,
grant commission to Patrick Smith of Brako, James Baikie of Tankerness, and William Craigie of Gairsay, or any two of them, to convene parties and their witnesses before them and lead probation in this complaint, compelling the witnesses to attend and depone upon oath, and having chosen a clerk to set down the depositions in writing and report the process sealed and closed to their Lordships with all convenient diligence so that justice may be done therein. And the Lords declare that in the consideration of the said trial they will only have respect to the points thereof which shall infer a riot, and that this trial and sentence shall not affect the legal rights of either party.

Supplication by James, Earl of Murrey, James, Earl of Finlater, Sir Robert Innes of that Ilk and the remanent commissioners appointed by the Committee of Estates against the Clan Gregor and their reseters, as follows:—By virtue of their commission they had fined certain reseters of the Clan Gregor, which having been seen and allowed by their Lordships, they directed letters for payment of these fines. They have also another rolment of court wherein by warrant from their Lordships they have fined a number more, whose fines "can hardlie be uplifted without the assistance of numbers of men. And whereas there is a captain and three score men putt furth by commission flowing from the Parliament for pursuite and apprehension of brokien men and sorners and their reseters, whos concurrence with the messenger may conduce much for uplifting of the saidae fynes," they crave their Lordships to grant warrant for directing letters for the uplifting of these fines, and to the said captain for uplifting the same, and putting in execution all former commissions granted by the Council against rebels, fugitives and other criminals. The Lords grant warrants as craved, and recommend to the commissioners established for repressing the disorders of the country to grant the like warrant to the said captain.

Sederunt:—Chancellor; Argyll; Kingorne; Lauderdale; Southesk; Angus; Sinclair; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Master of Requests; Sir Robert Gordon; Provost of Edinburgh.

"Having perused your Majesties tua letters of the 15th of Apryle and 16 of May exhibit unto us be Sir James Galloway, Master of Requests, quhilks he declared were all written with his awne hand, tuieching his claime to the office of Secretarie, and findeing him still to continew his unwarranted cariage of usurpeing and exercing the title and charge of that office and of troubling your Majestie with informations to that purpose, contrare to our particular admonitions to himselfe and our humble adveye sent be his knowlege to your Majestie, doing thairby what in him lysi to violate these acts of Parliament so solemnlie made be your Majestie and your Estates for satisfaction of your good subjects, as wee have, out of the dutie of faithfull counsellers, remitted the busses
it selfe and the censure thairof to the consideration of your Majestie and the Estates in the nixt ensuing Parliament, discharging the said Sir James in the interim to medle further thairin, so wee most humblie beg that your Majestie may be pleased, out of your accustomed goodnes and justice to take suche course herin, as nather your Majesties auctoritie may suffer be informations of this kynde, nor occasion of jealousie given to your subjects of infringeing the acts of Parliament, quhilks wee are confident your Majestie will inviolable observe. Lykewise wee sall ever be reddie to prevent the saida jealousies, and to the utmost of our power sall in everie thing studie to approve our selves worthie of that trust your Majestie and the Estates hath reposed in us your Majesties most faithful and humble servants. 16 Junij, 1642."

"The quhilk day in presence of the Lords of Secret Councell compeir id personally Sir James Gallouay, Master of Requests, and produced and exhibited the protestation underwritten, all written and subscribit with his awne hand, and askit instruments upon the production thairof; of the quhilk protestation the tenor followis:—To the right honourabill the Lords of his Majesties Privie Counsel, humble representeth I, Sir James Gallouay, that quhairies by his Majesties special command I did exhibit to your Lordships tua letters frome his Majestie of the dates at Yorke 15 of Apryle and 16 of May last past in answer of tuo of your Lordships letters to his Majestie concerning the joynt secretaries, and withall, according to his Majesties command, mentioned in the last of his Majesties saids letters, did offer to produce the acts of Parliament and Counsel, and instruct the practise of his Majestie and his father of happie memorie, not onelie in the secretariell but other officers of the estate, for satisfaction to your Lordships in the contents of the saids letters, which your Lordships upon consideration thought not fitt to receave, but have remitted the censure of my proceedings to the nixt Parliament, and in the meanye tyme discharged me of the title and exercicing of the said office;—thairfore I protest that your Lordships proceedings herin do not prejudge me of my right and possession in the meanye tyme, since his Majestie doth acknowledge the same in the saids letters, and that it is compatible with the act of Parliament, quhairby onelie a secretarie, officer of state, is nominat, bot his Majestie nowayes prejudgit thairby in this right of continueing a conjunct secretarie, as his father of blessed memorie and himselfe have formerlie done; and humblie desyre that this same may be recordit in the books of Counsell, and to have the extract under the clerks hand. Subscriptitur, Ja. Gallouay. Quhilk being red and considerit be the saids Lords, they notwithstanding thairof adhere to thairformer act made heiranent of the 14th Junij instant, and ordains the said protestation to be kept and presented to the nixt Parliament, as ane aggravation of the said Sir James his pertinacious careigie in usurpeing the title and office of Secretarie contrarie to the late acts of Parliament."

"The quhilk day in presence of the Lords of Secret Councell compeir personallie Sir James Gallouay, Master of Requests, and desyre..."
the Lord Advocate that, conforme to the duetie of his office, he would concurre and joyne with him in mantaining his right to the office of Secretarie given to him be his Majestie under the great scale, and his Majesties privilage and auctoritie of appoynting a joynt secretarie. To the quhilk the said Lord Advocate answered that he had a letter from his Majestie to the effect forsaid, and did produce the same, and declared that before the late act of Parliament he might lawfullie plead for his Majesties privilage and practise of placing of joynt secretaries, but since his Majestie and Estates in the last Parliament had appoynted one Secretarie and that the Lords of Privie Counsell, be thair act of the 14th of this instant, hes fund that the said Sir James his usurpeing of the office of Secretarie is a wrong done in prejudice of the late act of Parliament, the Lord Advocate declared he could not oppone nor protest anie thing aganis the saids acts of Parliament and Council."

[Sederunt as recorded above, omitting the Provost of Edinburgh and adding Waughton.]

Supplication by Mr William Lumsden, advocate in Aberdene, as follows:

—In obedience to their Lordships’ ordinance of 3rd March last he addressed himself with diligence to the burgh of Aberdene for conference with the ministers there for resolution of his religious scruples; and, because the presbytery of Aberdene did not meet till after the Synod which was held on , he went to his own minister, Mr William Strachane, minister at Old Aberdene, and had conference with him till the meeting of the Assembly, “and then preferred his petition to thame desiring that in regard he was most summarlie excommunicat in the verie time that he was under conference with Doctor Guild, and so not in the case of a contumacious person, that the said Assemblie would select some of their number to resolve him of his doubts in religioun, quhilk being satisfied, he wes and still is most willing to conforme; and his desire was referred be the Assemblie to the presbytery when it sowld first melt. And in the meanse time he continued still in conference with his minister, who did witness the same to the presbytery, by whois order M' John Forbes of Cors was adjoyned to him, and he was ordained to attend thame for further conference. But in regard the said M' William was bussied in examinning his parochiners for the Communion, the supplicant could have no conference but once in the week, and during this time gott resolution in some particulars.” The day of his compearence approaching, he was meanwhile forced to come p. 76. hither, yet their Lordships may perceive that he “would gladelie doe that duetie which is incumbent to him in a mater of so high concernement as the weale of his soule,” and he therefore craves a prolongation of the time. The Lords, after hearing Mr David Lindsey, minister at Belhelveis, commissioner for the province of Aberdene, relieve the supplicant and his cautioner of their former act of caution and of all
danger from the caption executed against him until 1st August next because Thomas Lumsden of Pittello has become cautioner for the applicant that he will either conform before then and produce a certificate from the presbytery of Aberdene to that effect, or else he will leave the kingdom and not return without a license from their Lordships under the penalty of £2000.

Sedunt: — Chancell; General; Argyle; Morton; Dunfermline; Edinburgh, 20th June; Kingorne; Lauder dall; Southesk; Angus; Sinclair; Burley; 1642. Clerk Register; Advocate; Treasurer Depute; Sir Robert Gordon; Provost of Edinburgh.

"A letter to the Commissioners anent the scarstie of money and victual in the armies in Ireland."

"The Lords give commission to the Earls of Lauder dall and Southesk, Lord Burley, to call unto thame the Lord Corsorphin, the Lord Humbie ar anie others thay think fitting, and to consult upon the speediest and surest way of furnishing and transporting bolls of meal for the use of the army in Ireland and to report."

Sedunt: — Chancellor; General; Argyl; Morton; Glencairne; Murray; Dunferline; Kingorne; Lauder dall; Lanerrick; Sinclair; Elphinston; Yester; Burley; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon; Warleton; Provost of Edinburgh.

"The quhilk day the Lord Chancellor produced and exhibit before the Lords of Privy Council the missive letter underwritten signed be the King's Majestie and direct to the saids Lords, quhilk being red, hard and considerit be the saids Lords, and they weele advysed thairwith, they have ordan and ordans the same to be insert and registrat in the books of Privy Council, thairin to remane ad futuram rei memoriam, of the quhilk letter the tenor followis: — CHARLES R. — Right trustie and right well beloved cousins and counsellors, right trustie and well beloved counsellors, wee greet yow weele. Wee were in good hope those reasons wee gave to the Lord Chancellor at his late being with us concerning the Generall Commission would have given so good satisfaction toucheing the continuance of the same that yee would have rested satisfied thairwith, but since wee find that yow desyre something under our hand in that particular, wee thinke fit to assure yow that, when wee sall revoke that commission, wee will doe it upon so serious deliberation and so good grounds that wee are verie confident that yow, our Counsel of Scotland, wilbe verie weele satisfied thairwith, being resolved to acquaint yow with anie suche intention of ours before wee sall putt the same into act. Given at our Court at Yorke, the 15 of June, 1642."
The quhilk day the missive letter underwritten, signed be the King’s Majestie and direct to the Lords of Privie Counsell, was presented and red in thair audience, quhairof the tenor followis:—CHARLES R.—Right trustie and wellbeloved counsen and counsellors, right trustie and wellbeloved counsellors, wee greet yow weele. Wee are vere weele pleased to heare by yours of the tent of June the good successe that our Scots subjects under the command of General Major Monro have against the rebells in Ireland. As concerning the Earle of Antrim, when wee sall know the presumptions which have caused him to be taken as prisoner and his castles and farts seased on, wee sall then signifie our pleasure concerning him; for, as wee sall be sore that a person, who hath beene so muche obliged to us as he is, sould turn rebell, so wee sould be glad to understand that he and all suche that are (as he is presummed to be) sould be made sure frome doing anie more harme, and so wee expect anie particular and speedie accompt of the presumptions aganis the said Earle. Given at our Court at Yorke, the 15 of June, 1642."

"The Lords of Secret Counsell ordains and commands his Majesties Advocat to persew with diligence Patrick Stuart criminallie to the death before the Justice for the cryme of inceast, alledged committit be him with Sinclar, his wyffes daughter, quhairinent thir presents sall be his warrand."

[Sederunt as recorded above.]
Mr Andrew Keir, minister at Caribdin, moderator, and Mr James Simson, minister at Bathgate, the Lords after hearing parties, in respect of the Act of Synod abovementioned, ordain letters to be directed charging the moderator and brethren of the said presbytery to admit the said Mr John Bruce to the ministry at the said kirk under pain of horning.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Robert Irving, now of Lenturk, heretabler proprietors of the lands of Wester Beltie, with Sir Alexander Irving of Drum, as superior thereof, as follows:—The bearing and wearing of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited, yet when as the said Robert Irving was duly infeft in the said lands and pertaining thereof as heir male of the deceased Alexander Irving of Lenturk, his father's brother's son, and lawfully possessed them after his death by dwelling in the manor place thereof and tilling and labouring the ground thereof, Mr Robert Gordoun of Straloch, resolving to dispossess the complainer and possess himself in the same, took advantage of the late troubles and on June last he, his eldest son John, and Mr William, Alexander and Hew Gordoun, also his sons, accompanied by sixteen or eighteen persons armed with guns, muskets, pistols and other forbidden weapons, all at the instigation of the said Mr Robert came to the complainer's manor place of Wester Beltie early in the morning, broke up the doors, took possession thereof, and still keep possession with soldiers and warlike provision as a house of war, and they oppress and injure the tenants, designing to lay the lands waste. Charge having been given to the said Mr Robert and his said sons, who all compeared, as also did the Advocate and the said Robert Irving, the Lords after hearing parties and certain witnesses, who failed to prove the points of libel, assozilize the defenders.

Supplication by John M'Clellan, indweller at Portpatrik, as follows:—He had "built and repaired one great large inns at Portpatrik for receiving his Majestie's lieges resorting to and fra Ireland wherein he would receive three score hors and foot at once, and having furnished them the same sufficiently with wynes and all other kynd of furniture, on a certain night, he being absent from home, the samine took fire, and being a violent storme of wind, burnt up his saids inns, hail furniture, provision and plenishing to his utter ruine and overthrow." Of this he has a testificate from the minister and whole gentlemen of the place. He then borrowed money and rebuilt the inn, trusting thereby to make up his losses, but owing to the late troubles there has been "no repaire nor change there, whereby he is altogether impoverished and not able to pay his debts without helpe and support." He craves a charitable note of recommendation from their Lordships. This the Lords grant, recommending the supplicant to all noblemen, barons and gentlemen, magistrates of burghs, synods, presbyteries and sessions of kirks on the north side of the Forth for such a proportion of their benevolence as in their
Christian judgments they shall think fitting. The recommendation is to
endure for one year.

Supplication by Sir Robert Innes of that Ilk, Sir James Fraser of
, Sir William Forbes of Craigievar, and John Grant of Moynes,
commissioners appointed by their Lordships by order of parliament for
repressing the disorders in the north, as follows:—They have sent
William McLauchlane with three score men to apprehend the broken
men and worsers of whom they have given him a list, and he has apprehen-
hended Alaster McAgie, James and Patrick Gedless, and some others
who are prisoners in the tolbooth of Elgin, but that place being very
insecure, several prisoners have escaped from it of late, and they are
forced to keep a strong guard over them at night at great cost. As
the next court of the commissioners is not till 10th August they crave
commission for a special court, and the Lords grant their commission to
James, Earl of Murray, Sir Robert Innes of that Ilk, Sutherland
of Duffus, Dumbar, Sheriff of Murray, Sheriff of Nairne,
Thomas McKeinie of Pluscardine, James Grant of that Ilk, John Grant
of Moynes, Hew Ros of Kilrasack and Alexander Brodie of Lethame, to
hold courts where and when they please and do justice upon the said
criminals.

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hold courts where and when they please and do justice upon the said
criminals.

Edinburgh,
23rd June
1642.

Sederunt:—Chancellor; General; Argyl; Glencairne; Kingorne; Acta, Novem-
Southeisk; Lanerick; Angus; Yester; Sinclair; Burley; Clerk
Register; Treasurer Depute; Sir Robert Gordon; Wauchtont; Fol. 48, a.
Dundas.

Order to the
Lord Advocate
to try Thomas
McKie, who
has returned
from banish-
ment without
licence.

soldiers
serving in
Ireland
charged not to
desert their
colours and
return to
Scotland
without a
licence under
pain of death.

"The Lords of Secret Counsel ordans and commands Sir Thomas Hope
of Craighal, his Majesties Advocat, to persue criminallie to the death
Thomas McKie, prisoner in the tolbuith of Edinburgh, for contraveening
his act of banishment quhairby he was banished the kingdom for
falsett, and not to returne againe within the same under the paine of
death, for doing quhairof thir presents salbe to the said Lord Advocat
ane warrand."

"Forsamekle as there hes beene diverse acts and proclamations made
and publisht heirtfoire discharging all the soudiours of these regi-
ments leveyed for suppressing the rebellion in Ireland to disband and
leave their cullors, bot to goe on and follow out that service under the
Pain of death, notwithstanding quhairof the Lords of Privie Counsell
are informed that diverse of the saids soudiours, haveing gone with their
commanders to Ireland, doe now steal away from the rest of the armie,
leave their cullors and, without anie warrand, come home to this
country to the great prejudice of his Majesties service and discredit of the
the nation; for renumd quhairof in tyme comeing the Lords ordans
letters to be direct to command, charge and inhibit all soudiours of the
said armie be opin proclamet at the mercat croces of the burrowis on
the sea coast toward Ireland, that none of thame presooe nor take upon hand to diaband, leave thair sullors and flee home to this countrey without a lawful passe under the said paine of death; and als to command and charge all magistrates of the saide burrowis on the coast syde and all shireys, justices of peace and others his Majesties judges ot burgh and land to apprehend and committ to prison all suche persons as they sall find in thair bounds cominge frome the armie in Ireland without a lawful passe, as said is, and to kepee thame in prison till order be given for sending thame back to Ireland to resave thair dew punishment, and this the magistrates and others forsai ds fail not to doe, as they will be answerable."

"The Lords of Secret Counsel, be vertew of ane warrand in writ signed be the Kings Majestie and this day presented unto thame, gives commission be thir presents to Colonel Johne Fullerton to levey and take up within this kingdome fyve hundreth men, and to transport thame to France for the service of the French King, with power to the said colonel for this effect to caus touche drummes, display sullors and to doe all and everie other thing with als ample priviledges and power for the speedie leveying and transporting of the said number of men as heitfoere hath beene granted to anie in the lyke caise; charging heibry all our soverane Lords judges, officers and magistrat and all others his Majesties subjects to burgh and land to concurre and assist the said colonel in the leveying and transporting the said fyve hundreth men, and that they nor none of thame make anie trouble to him thairin, as they will answer on the contrare at thair perrel, he aways gивing suche satisfac- tion to everie one of the said number as sall be agreed upon betuix him and thame. Followis his Majesties letter for warrand [of the] act forsai d, but in respect of the other leveyis for his Majesties service the number was restricted to 500:—CHARLES R.—Right trustie and weibeloved cousin and counsellor, etc. Haveing formerlie upon good considerations granted a levey of tuo thousand men for the service of our deare brother, the French King, to be uplifted within that our kingdome be Colonel Johne Fullerton, whiche, be reason of the general restraint of leveyis condiscendit upon be us and our Parliament, he could not as yit effectuat, it is thairfore againe our pleasure (the tyme of the said restraint being now expyred) that to this purpose yow give a warrand with all the conveniencie may be unto the said Colonel John Fullerton, with als ample and beneficiall commission and priviledges both for the speedie leveying and transporting of the said tua thousand men for the service forsai d, as heitfoere hath beene granted to anie in the lyke kynde, he aways gивing satisfaction to everie one of that number as sall be agreed upon betuix him and thame according to the custome in the lyke caises; and to that effect that yow give suche order as sall be fund requisit, for doing quhaierof these sall be unto yow sufficient warrand. Wee bid yow fareweele. Frome our Court at Yorke, the 7 of Apryle, 1642."
"Forsameikle as for the better execution of the commission granted to be the Lords of Privie Counsell be order frome the late Parliament for repressing the disorders in the Hielands, James Stuart of Ardvorlie and William M'Intosch of Kyllachie are appoynted be the commissioners to apprehend Highland outlaws.

Contrast between the Council and the Marquis of Argyle for the transport of 1000 rolls of meal to the army in Ireland.

Act charging the lieges to assist James Stuart of Ardvorlie and William M'Intosch of Kyllachie, who are commissioned to apprehend Highland outlaws.

"The quhilk day the contract underwritten for furnisheing and transporting ane thousand rolls of meal to the Scott armie in Ireland was agreed unto and subscrivyd, quhairof the tenor followeth:—At Edinburg, the 23 day of Junij, 1642, it is appoynted and agreed betuix the Lords of Privie Counsell under subscriveing, on the ane part, and Archibald, Marques of Argyle, on the other part, in maner following, that is to say,—The said Marques hes undertane and undertaks to furnish a thousand rolls aitmeal, and to delyver the same upon his awne charges and expense at Knockfurgus in Ireland for the use of the Scott armie thair, with all convenient diligence; quhairunto the said Marques binds and oblishes him, his aires, executors and successors, the Lords of Privie Counsell bearing the risk and hazard of the sea. For quhilk caus the saids Lords binds and obelesis thame, conjunctlie and severallie, to content and pay to Archibald, Marques of Argyle, his aires, executors or assignayes, the soume of ten thousand ponds good and usual money of Scotland betuix the date heirof and the 15 day of August nextoome, but longer delay, and the saids Lords of Privie Counsell bind and obleidg thame and thair aires, and ilk ane of thame to releive others pro rata of the said soume and of all burden and skaith they may incurre thairthrow; and both parties consents thir presents be insert and registrat in the books of Privie Counsell that letters of horning on six dayes and other execution may pas thairupon in forme as effaires, and for this effect constitute, etc., thair procurators. In witnes quhairof
1642. CHARLES I.

Complaint by Mr Robert Tran, minister at Eglisham, and the moderator and presbytery of Glasgow for their interest, as follows:—"The said Mr Robert has been heavilie troubled and greatlie disheartned in the exercise of his charge this long while bygane by the sinistrous practises of some ill affected persons who stirred up one Robert Withrow, his parochiner, to accuse him maliciouslie before the said presbytery, where his innocencie being cleerred and the said Robert brought under censure as a slanderer, and for his contumacie to obey the order of satisfaction prescribed be the presbytery, being at the point of excommunication, the compleanner expected for some greater contentment in the exercise of his calling, but is much disappointed therein. For upon the 15 day of May last, being the Lords day, when as he came to his kirk to preach, the persons underwritten, they ar to say, Agnes Dunlop, spouse to the said Robert, Johne Arneill, webster, Robert and William Clydes, Alexander Davidsone, Johne Paterson, Andre Paterson, his son, Robert and David Patersons, Robert Or, William Andersone, Agnes Mader, James and Andro Younge, Johne Bryson, Agnes Arneill and Jonet Bryson, by the instigation of the said Robert, closed the kirk doores upon the compleanner and violentlie hurled him away by the shoulders so as he was forced to preach in the kirkyaird. With which affront he comported at this time and came upon the Lords day thereafter, the 22 of May, to the said kirk, but found the lockes tane aff the kirk doores and new lockes putt on the same and neidnailled, so as he could gett no entrice at anie of the kirk doores. Whereupon he entered to divine service in the kirkyaird, began the prayer, sang a psalme, and being entering to the second prayer, the persons following, viz.—James Young in Ardoch, William Andersone there, Robert Clyd in Hieicraig, William Clyd, his brother, Robert and David Patersons, Robert Or in Thriepland, and Johne Arneill in Hieicraig, came fercelie upon him and hurled him away, and would nather suffer him to preach there nor in his awne hou, to the great contempt of auctoritie, offence of God, prejudice of the compleanners parochiners and scandal of the Kirk, without remeind be provided." Charge having been given to the persons named, and there comparing the said Mr Robert Tran personally, and for the presbytery Mr Edward Wright, minister at Glasgow, Mr Gawin Forsyth, minister at Cathecart, and Mr William Wilkie, minister at
Govan, on the one part, and, on the other, the said Robert Withrow, Robert Arneill, Robert and William Clyd, John Paterson, Robert and David Paterson, William Anderson, and James and Andrew Young, who all confessed the riot libelled, the Lords find that the said defenders have “committed a verie great ryt and insolence upon the said M’ Robert Tran of dangerous consequence,” and ordain them to be warded within the tolbooth of Edinburgh until their Lordships release them. The other defenders who failed to compair, viz., Agnes Dunlop, Andrew Paterson, Robert Or, Agnes Mader, John Brysoun, Agnes and John Arneill and Janet Bryson, the Lords ordain to be put to the horn and escheated. They also modify as the witnesses’ expenses, £3 to every horseman and 40s. to every footman, to be paid by the defenders.

“A proclamation for concurrence with the Commissioners of the Justice Court.”

Seated at:—Chancellor; Leven; Argyl; Glencairne; Southesk; Lanerik; Angus; Elphinston; Burley; Justice Clerk; Sir Robert Gordon.

“Forsameikle as thair be manie good acts of Parliament, Convention and Secret Council made and publist heitrofore agains the bearing and wearing of haquebutts and pistolets under diverse paines mentioned and contenand in the saids acts, notwithstanding quhairof that contempt and breach of the law is now become als frequent and comon as it wes in anie tyme preceeding, and it is come to that [that] undutifull and lawlesse persons are not afrayed to repaire publicitlie and avowedlie in all parts of the countrey with haquebutts and pistolets, awaiting the occasions to execut their wicked designes, to the heich and proud contempt of his Majesties auctoritie and lawsis. Thairfore, and for preventing thairof in tyme comeing, the Lords of Privie Counsel ordans letters to be direct to command, charge and inhibit all his Majestis leiges and subjects that nane of thame presomme nor take upon hand to bear nor weare haquebutts nor pistolets in anie part of this kingdome in tyme comeing, under the paines contenand in the acts of Parliament formerlie made thairnent, certifieing thame that dois in the contrare the saids paines saill be execute upon thame without favour.”

[Sedereunt as recorded above.]

Complaint by George Hamilton in Westland, William Hamilton of Garrive, William Reid in Craigdarroch, Rebecca Henderson, spouse to Mr John Charters, minister at Currie, and Mause Henderson, widow of Mr Henrie Charters, W. S., heritor of the lands of Craigdarroch, and the said Mr John for his interest, as follows:—The said Mause and Rebecca Henderson possess the said lands heritably by good and sufficient rights, and the said George Hamilton is their tenant, who by himself and the
said William Reid, his son, has been in peaceful possession thereof this long time, till now that on 7th June instant Patrick Hamilton in Colcreoch, Bessie Dumbar, his spouse, William Hamilton, his brother, his wife, Margaret Hamilton, sister to the said Patrick, John Dumbar, son to Patrick Dumbar of Penkley, Andrew Hamilton, son to John Hamilton of Hillend, John Campbell in Eshmark, and Grissell Anderson in Knockshinnoch, with several others, armed with swords and staves, "came to the saids lands of Craigdarroch, brought with thame the household plenishing of the said Patrick Hamilton, forciblie entered within the same and placed the said plenishing there, patt on sixteene heid of nolt upoun the grisse rounes of the saids lands. And upon the tenth day of the same moneth the saids Patrik and William Hamiltons and their wyffes, the said Margaret Hamilton and Grissell Andersons, Eufame Campbell in Eshmark, Helen Dumbar spous to Andrew McNaicht in Cumnock Mayns, Jeane Dumbar, spous to Connell Wilson in Lochbrowning, Sara Campbell, spous to William Kirkwood in Over Garrive, Jeane Campbell in Boutfoot, Bessie Hamilton, daughter to Johne Hamilton in Blackcraig (the saids weomen being all hounded out be their husbands), all boddin with swords, rungs, pitch forks and others weapons invasive, came to the said William Reids hous in Craigdarroch, entered within the same, brake and abused his haill plenishing, kuist the same to the doore, strake, hurt and wounded the said William and his wife, thrust thame out of their houses, tooke the said Patrik Hamiltons plenishing out of the hous they had putt in the day before and sett it in the said William Reids hous, hounded out their dogges at the compleaners bestiall being upon the ground, wirried a number of their sheepe, cruellie birsed and bruised their nolt with rungs and scattered thame so as they could not find the same agane. And, when as upon the morne the said George Hamilton and the said William Hamilton of Garrive and William McKall, his servant, came to thair awne lands and desired thir persons to suffer thame peaceable to possess thair houses and rounes, the said Bessie Dumbar strake the said William Hamilton twice upon the head with a rung, then drew a knife and strake him in at the hersche. And when the said William McKall preast to take the knife from her she bait him and wounded him with the knife to the effusion of his blood, so as the said George Hamilton was forced to retire to his dwelling of Westland three myles distant from his possession of Craigdarroch." Charge having been given to the said William Hamilton, Helen Dumbar, Grissell Anderson, Eufame Campbell, Sara Campbell, Jean Campbell, Patrick Hamilton, Bessie Dumbar, Margaret Hamilton, John Dumbar, son of Patrick Dumbar of Penclay, Andrew Hamilton, John Campbell in Eshmark and Jean Dumbar, none of whom compaered, but the said George and William Hamilton compaering personally and the said Mr John Charters also compaering for himself and the other pursuers, the Lords ordain the defenders to be put to the horn and escheated.
Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Forbes, minister of Mortlach, against Alaster Cumming of Pettiswach and others for assaulting his ploughman and taking possession of his land.

Charge having been given to these persons, and the pursuers complaining personally but not the defenders, the Lords after hearing the pursuer's witnesses find "that the said Alaster Cumming, accompanied with the remnant defenders and convocation of his Majesteis lieges to the number of 24 persons, men and weomen or thereby, boddin with swords and others weapons, sett upon the said pursuers plewen and wounded the said Agnes Andersone with stones to the effusion of her blood, railed upon the minister and would not suffer his servante to teill his gleib lands; and that the said Patrik Grant had a sword, targe and haequebut." For which great insolence the Lords ordain them to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days on pain of rebellion. And they modify twenty merks of expenses to each of the witnesses to be paid by the producer.

"The Lords appoynts Glencairne, Burley, and Sir Robert Gordon, to wait the morne and draw a roll of the commissioners for taking of Jesusit."

Proclamation prohibiting the sale of powder and lead in the Highlands except to such as have licence to buy the same.

Sederunt:—Chancellor; General; Argyll; Glencairne; Lauderdale; Southesk; Lanerick; Sinclair; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir Robert Gordon.
supplies and free use and benefit they have of powder and leade, whiche they buy frome choppmen and other persons, travellers in the country, who care not to make their unhonest advantages of this kynd againes the law, by the confort and releife of rebell and limmars, to the great prejudice of his Majesties service and of his good subjects, thairfore the Lords of Secret Counsell ordains letters to be direct charging offficers of armes to pas to the mercat croces of the heid burrows of the ten shirefdomes, within the whiche the saids commissioners power lyis, and there be opin proclamation to command, charge and inhibit all and sindrie his Majesties leiges and subjects that none of thame presomme nor take upon hand to sell powder or lead to anie persons quhatsoever without burgh, bot to noblemen, landit gentlemen, and other persons hauing thair warrant, for whome thair maisters sall be answerable, under the paine of tinsell of the thrid part of thair moveables, and further punishment of thair persons, as the saids Lords sall find the consequence of the fault to deserve."

"The quhilck day Archibald, Marques of Argyll, William, Earle of Glencairne, John, Erle of Lauderdale, John, Lord Sinclair, Robert, Lord Burghlie, and Sir John Hamilton of Orbeaston, Justice Clerk, declared that thair subscryving the generall commission doth nowayes import thair consent to that claus thairof, quhairin the Counsell's consent is omitted, in the power of recalling the commission, since be act of Parliament it is remitted to the Counsell what assistance this kingdome sall give to England for suppressing the rebellion of Ireland, and that thairfore they conceive the Counsell's consent sould have beene particularie insert in the power of recalling the commission as in the rest of the articles of the commission. An heurupon askit instruments."

"The Lords of Privie Counsell recommends to the Commissioners for Payment of the Commons Burdens to caus advance to the General of the Artellierie some considerable part of what is justlie owing him be the publict in respect he he undertaking presentlie to transport the artellierie upon his owne charges. And the Lords declare thay will concurre to sie him repayed be the Parliament of England of what he sall depurse heirin, and doe acknowledge this his undertaking to be a real testimonie of his affection to the service and deserving thanks."

"The Lords of Privie Counsell ordans the collectors of the Irish con- The contri- tribution to caus execut the charges for imbring of the same, and contributor to irish refugees declares that the expensi given out for executing thir letters sall be allowed to the collectors out of the first and roddiest of the collections."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Robert Hay of Strowie, and Francis and Robert Hay, his sons, parties grieved, as follows:—Robert and George Coventrie in Filde, and George Fotheringham, their servant, were warded by their Lordships for
the cruel wounding of the said Robert Hay and his said sons, but were released on 20th January last upon enacting themselves to remove at WhitSunday last from the lands of Filde where they then dwelt and not to take any lands nor dwell within four miles of the complainers dwelling, and that they would not molest them nor their tenants under the penalty of 500 merks. Yet, "not onlie doe the saied persons dwell upon the saids lands and nather have nor intend to remove therefra, but in a braving way comes daylie by the compleanners doorees of purpose to irritate and provoke thame to fall in blood with thame, vowes and threatens to put a pare of bulletts in the said Robert, or ellis to kill thame before they remove; and for this effect daylie careis pistols and travell in the countrie therwith, resolved upon their first advantage to take the compleanners lyffes." They have thereby violated the said act and ought so to be decerned, etc. Charge having been given to p. 67. the persons complained against, and both pursuers and defenders comparing, the latter confessed that they still dwelt upon these lands and had not removed, whereupon the Lords decerned them to have incurred the foresaid penalty, which they ordain them to pay, one half to his Majesty and the other half to the party. The Lords further ordain the defenders to be committed to ward within the tolbooth of Edinburgh till they pay the same and find caution for removing from the said lands, and they modify half a dollar to each of the witnesse to be paid by the producer.

"The Lords of Privie Counsell, haveing hard the Justice Deput and thairwithall haveing seen the processe led before the Justice Deputis at the instance of his Majesties Advocat and John Stalker agenis the Laird of Haddo for the allegedit murder committed be the said Laird of Haddo upon umquhile Mr James Stalker, sone to the said John Stalker, they doe advise the Justice and his Deputis to remit the advyseing of this processse to his Majestie and the Estates of the nixt Parliament."

"Forsameikle as altho all Jesuits, seminaries and masse priests, excommunicat persons and traffiquing papistes are declared be diverse acts of Parliament and Secret Counsel to be most pernicious pests in this common weale, and avowed enemies to the true religion and christian government, and were thairfore be diverse proclamations made and published heirstofores of a long tyme bygone charged to depart furth of the kingdome under the paine of death, yit partlie upon occasion of the confort and countenance which they find among his Majesties subjects of all ranks and qualities popishlie affecte, and partlie be the neglect and oversight of those to whose charge the execution of the saids acts
and apprehension and punishment of thir persons apparteane, thir jesuits, seminaria and messe preists hes tane the boldnes frome tym to tym to repaire to this kingdome, bestirring themselfes to corrupt simple and ignorant people both in religion and allegdance, and some of thir jesuits and messe preists, being craftie and politike heads and traffiquers in maters of state, bend thair haill indevors by surmise, forgeing of lies and dispereing of brute and rumors of forraigne projects among his Majesties subjects of the better sort, to distract thame in opinions and affections and to enterteane division in the state, to the disturbance of the peace of the countrie; for preventing of whose treasoneable attempts and securing his Majesties subjects frome the snares and dangers quhairin they will not faile to involve thame to thair wrack and undoing, the Lords of Secret Counsell, according to the former orders issued furth be his Majesties warrand and acte of Secret Counsell made with consent of some commissioners of the State and of the Kirk for the tym, have given and granted, and be the tenor heirof gives and grants full power and commission, expresse bidding and charge to the persons particularlie underwritten within the bounds following, they are to say,—Sir James Sinclar of Murkil, Sir William Sinclar of Catholl, Sir John Sinclar of Dunbeth, and Bruce of Stanstel for the shiredome of Caithnes; John, Earle of Sutherland, Sir Robert Gordon of

of Eglinton, John, Earle of Cassills, William, Earle of Glencairne, Sir
William Cunynghame of Caprington, Sir John Craford of Kilbirnie, Sir
Lodovick Houstoun of that Ilk; Sir William Mure of Rowallan,
Birabane of Bishoptoun, Porterfeld of Deuchar and Sir William
Cochrane of Cowdoun, within the bounds of Air, Irwin, and Renfrew,
to pas, searche, seeke and take all and sundrie jesuits, seminarie and
messe preists and excommunicat traffiqeuing rebellious papists, quhair
ever they may be apprehendit, and whose names sall be given in to thame
be the moderator of the preabiterie or anie one of the ministers of the
prebiterie or whose names sall be sent to thame be his Majesties Council,
or of whom they have certane knowledge thameselves, and to putt, hold
and deteane thame in sure firmanse and captivitie, ay and whill order and
direction salbe given for their punishment as accords; with power to the
saids commissioners, conjunctlie and severallie, by their best endeavors
to restraine the superstitious going in pilgrimages to chappells and wells,
quhilk hes beene verie frequent in this kynodme to the offence of God,
scandall of the Kirk and disgrace of his Majesties governement; and for
this effect to caus diligent attendance be given at suche places and parts
quhair this idolatrous superstition is used, and to apprehend all persons
of quhatsoever qualitie whom they sall deprehend going in pilgrimage
to chappells or wells, or whom they sall knaw thameselles to be guiltie
of that cryme, and to commit and deteane thame in warde till order be
given for their punishment, conforme to the lawis of the countrey; and
if it sall happen the saids jesuits, seminarie and messe preists and ex-
communicat traffiqeuing and rebellious papists or anie of thame, for
eschewing of apprehension to flee to strenthsis and house, with power to
the saids commissioners, conjunctlie and severallie, to doe thairin accord-
inglie as wes prescryved be his Majesties lawis in caise of rebellion; and
generallie with power to the saids commissioners, conjunctlie and
severallie, to doe, exerce and use all and sundrie other things quhilk
for apprehension of the saids jesuits, seminarie and messe preists and excom-
unicat rebellious papists and persons superstitionallie going to pilgrimages
and wells by law and consuetude of this realme may lawfullie be done;
firmes and stable halding and for to hold all and quhatsoever things sall
be lawfullie done heerin; and ordans letters to be direct chargeing of
officers of armes to pas to the mercat croces of the heid burrowis of the shire-
domes particularlie abovewritten, and be opin proclamation to make pub-
lication heirof and to command and charge all and sundrie his Majesties
leiges and subjects to reverence, acknowlege, obey, concurre, fortifie
and assist the saids commissioners, conjunctlie and severallie, in all and
everie thing tending to the execution of this commission, and for this
effect to convene and meit with thame at suche dayes, tymes and places
as they sall be advertised be thair missive letters or other ways, and
effallie and truelie to concurre and joyne with thame in this commission,
and to doe nothing quhilk may imped or hinder the same, or linger or
delay the execution thairof as they and everie one of thame will testifie
their affection to the true religion and punisheing the adversaries thereof, and under the paine to be pursued and punished as favorers, suppliers, and assisters of the saids jesuits, seminaries, and messe preists and excommunicat rebellious papistes; and to command the saids commissioners to accept this commission upon thame and faithfullie and carefullie toexecute the same, and to reddie at all tymes as they sal be required or advertised of the being of the saids jesuits, seminaries and messe preists and excommunicat rebellious papistes, in anie part within the bounds allotted to thame, to ryse and goe forward for thair persute and apprehension as thay will approve themselfes worthy of the trust reposed in thame, and will answer on the contrarie at thair perrell."

"Forsameikle as altho the resset, supplie and intercommoning with jesuits, seminaries and messe preists (who be diverse acts of Parliament are fund to be profest and avowed enemies of all Christean government) hes been straitlie discharged be manie good acts of Parliament, Convention and Secret Counsell, under certane pains conteaned, notwithstanding it is of trueth that the resset, supplie and conforting of thir unhappie people is verie frequent in diverse parts of this kingdom, partie upon occasion of bypast connivence and oversight given to persons offending in this kynde, and partie becaus particular commissions have not beene granted for tryell of the saids ressets, which is the cheife and special caus quhairby thir jesuits and messe preists are encouraged to repaire to this kingdom, and to take the libertie to corrupt his Majesties good subiects both in thair religion and allegiance, whereas if thir ressets and starting holes were denied thame, the coutrye would not be troubled with thair treasonable projects and insinuations; thairfore the Lords of Secret Counsell, according to ane act of Parliament made in the moneth of June, 1609, and to former acts of Secret Counsel, and to the 13 act of the Parliament haldin at Edinburgh in September, 1640, ordains and commandis all and sundrie synods and presbiteries within this kingdom, and with that gives and grants unto thame full power and commission to call and conveene before thame all and sundrie persons, ressetters of jesuits, seminaries and messe preists and excommunicat rebels for poperie, and all hearers and sayers of messe, at suche dayes and tymes as they sall appoynt, fort this effect to fence and hold courts and to creat officers and members of court neidful, and the person or persons guiltie of the crymes abovewritten or ane of thame to call and accuse, and to deduce and lead probation thairupon either by oath of parte or be witness; and incais anie parte ressetter be lawfullie summond to compeir and answer upon the said resset will, notwithstanding, willfullie absent himselfe and shunne his tryell and so take the cryme upon him, that in that caise they hold him as confest; provyding always that the partie resset be speciallie condiscendit upon either be his awne proper name or be the name and designation quhilk he assumes to himselfe and quhairby he is known in the countrie, and that the resset hath beene within the space of a yeere, and the said tryell and probation being tane, that they report the
same to the Lords of his Majesties Privie Council or to his Majesties
Advocat, to the intent the delinquent may be called to their answer and
punished accordinglie; with power to the saids synods and presbyteries,
every one within their awne bounds and offices, to call before thame all
persons who, against the tenor of the act of Parliament, 1609 and
1640, refuse to communicat, and to take tryell of their refusal, and, if
thairupon they sall be fund non communicants, that they report the same
to the Counsel, that they may fyne thame, qhilk fyne are to be
applied to the uses prescrybed be the act of the said late Parliament;
and recomends to the saids synods and presbyteries to have a special
care to putt this commission to execution in all poynets."

"The Lords of Secret Counsell, according to ane former act of Counsell made in July, 1629, declaris and ordans that no excommunicat
rebells who sall be wardit for matters of religion sall be reliefed out of
warde bot upon obedience and conformitie to the true religion or els
upon thair voluntarie offer of banishment furth of his Majesties halil
dominions."

"Forsameikle as be diverse acts of Parliament, Convention and Secret
Counsell made and published heitherto it is ordand that no person nor
persons quhatsomever who professeth not the true religion presentlie
protest within this kingdome sall be preferred to anie office quhaterm-
ever, without exception or restriction, thairfore the Lords of Secret
Counsell, conforme to the said acts, declaris and ordans that no profest
papist refusisng to communicat, being required thairto, sall have place
in Counsell, Session or anie other judicatorie, nor bruike anie office within
this kingdome; and ordans thair wheome it concernes to have a special
care of the practise and observation of the saids acts. And siclyke the
saids Lords prohibite and discharges all persons quhatsomever being
under processe for poperie to resort or repaire to his Majesties Court
without licence from the saids Lords, under the paines to be called,
persued and punished as contemners of the directions of his Majesties
Counsell."

"Forsameikle as thair hes beene diverse acts of Parliament and Secret
Counsell made anent the education of noblemens children which have
been neglected and not ressavd execution thair diverse yeeres bygane,
quhairthrow diverse persoines, als welle the sones of noblemen as others,
hath beene and are verie muche corrupted in thair religion, thairfore
the Lords of Secret Counsell ordans the saids acts of Parliament to be
putt to execution in all poynets conforme to the tenor thairof. And
they recommend to the severall presbyteries of this kingdome to make a
true report to his Majesties Counsell of the names of suche noblemen
and barons sones and daughters who[se] parents are suspect in religion
or quhair they are bred in suspect places."

"The Lords of Secret Counsell ordans the names of all excommunicat
papists given in at this tyme in a catalogue and roll to be affixd upon
the Session Hous doore of Edinburgh, to the intent the Lords of Session,
and others judges and the Commissars upon objections of parties and inspection of the catalogue may refuse processe to the partie therein conteined."

"The Lords of Secret Counsell ordains the synods and presbiteries of this kingdome to proced against all ranks and conditions of persons sus-
ppect of poperie with the censures of the Kirk without exception, under
the paines conteained in the acts of Parliament."

"The Lords of Secret Counsell ordains letters to be direct against
excommunicat papists, being rebells, to compiere before the Counsel to
heare letters of treason direct against thame, for randring their houses
and entring their persons in warde in Blaknes, and that the summons
gainst suche of thame as dwell on this syde of Dee sall be upon ten
days warning, and these benorth Dee upon fyftene days; as also
that letters of intercomming be direct againis thame upon lawfull
hornings to be given in for warrant thairof."

"The Lords of Secret Counsell ordains that no letters be granted
against ministers at the instance of excommunicat and rebellious papists
but upon caution for payment of the ministers expenses incase they
succumb in proveing their complaint, and that letters be direct against
all suche persons who sall abuse ecclesiasticall judicatories, or threaten
to take ministers lyves for thair appearance before the Counsell to their
answer."

"The Lords of Secret Counsell recommends to the Lyon King at
Armes to discharge all messengers of armes suspect of poperie and refuse-
ing to subservyve the Covenant, being requyred thairto be the presbiterie,
to execuite their office till they conforme."

"The Lords of Secret Counsell recommends to the Lords of Exchequer
to have a special care that the esheits and lyfrents of excommunicat papists be onelie applied to his Majesties use and nowayes to the use
of the rebells directlie nor indirectlie, and that the introvertis with the
same for tymes bygane be called and persweied with dilegence. And for
this effect to sithe the 13 act of the late Parliament made heiranent observed
in everie poyn."n

"Forsomeikle as the Lords of Privie Counsell are informed that diverse children of noblemen and others his Majesties subjects of this
kingdome have beene heitofore sent over into seminairie collegedes and
others Popish houses beyond sea, and their instructed, perswadit and
strengthened in their Popish errors, quhairthrow they become not onelie
corrupt and perverted in their religion but poysoned and infected in
their dutie and allegedgance to his Majestie and alienated in their naturall
love and affection to their country, which is so muche the more
dangerous becaus the poysone being infused into youthes and students as
into new vessels growth in tyme to ane inveteter habit of malice
against the present gouvernment; as also that diverse jesuits and
seminarie preists haunts, frequents and are reset in the houses of manie
of the subjects of this kingdome, quhairby there is a daylie growth and
encrease of papists; and the saide Lords, fearing the dangerous consequences that heirupon may follow, and being carefull to prevent the same, and theirwithall being deyrous to notify his Majesties redines and constant resolution to maintean the true religion profest and be law established, and upon all occasion to represse the same, therfore the saide Lords, according to ane former act and proclamation emitted be his Majesties warrant of the date the 1 of November, 1625, ordains letters to be direct chargeing heraulds, pursuants and messengers to pas to the mercat croces of the heid borrowis of this kingdome, and others places needful, to make publication thairof, and to command and charge all the saide children that betuix and the first day of Januar nixt they returne to this thair native countrie and conforme thameselfes to live in suche dutie and obedience as becometh good subjects; and that thair parents, tutors and governors and suche others as have beene or are faultie either in sending, permitting or mainteaning thame thair, take present order to call thame home, and provyde that they be returned to this kingdome betuix and the day fast said; and that nae be sent over, permitted to goe, or [be] mainteaned thairheirafter, under the paine of the utmost severitie of justice to be extendit in that behalfe and sall be inflicted upon thame; and siclyke to command, charge and inhibit that no preist nor other person haveing tane or who sall take order by or under anie auctoritie or power denyved frome the See of Rome, whither they be naturall borne subjects or strangers, doe presoome to conferre anie ecclesiasticall order or exercise anie ecclesiasticall jurisdiction or function quhatsoever towards or upon anie his Majesties natural borne subjects of this kingdome; as lykewyse to command and charge all and sundrie judges and justices to whome it appertaneth to putt all his Majesties lawis and statutis now standing in force against jesuits, seminarie preists and others haveing tane orders frome the See of Rome, being his Majesties subjects, to due and full execution against suche of thame as frome and after the last day of September nixtocosme sall be fund within this kingdome, whiche day the saide Lords have limitted and prefixed for the utmost terme of thair departure; and also to command, charge and inhibit all his Majesties leiges and subjects that nae of thame presoome nor take upon hand after the said day to resset, supplie nor harbour, enterteanie, releive nor conceale anie of the saide jesuits, seminarie preists or other Popish preists, under the paines provydit be the law in that behalfe, whiche paines sall be severlie inflicted upon the offenders without favor; and last, to command and charge all his Majesties subjects of quhatsoever ranke and degree, to conforme thamselfes to the public profession of the true religion now established. Lykekas the saide Lords prohibits the exercise of anie contrarie profession, under the paines conteande in the laws and statutis made thairanent, and ordans all synods and presbyteries to proceed against all suche as are known to be of a contrarie profession, according to the lawis of this kirk and kingdome."
Husbands to be responsible for their wives and servants who are Papists.

"Forsomuche as albeit the reset of jesuits, seminaries and messed persons have beene oft prohibit and discharged, yet the execution of the saide lawes have beene illudde be the wyffes of persons repute and esteem to be sound in religion, who pretending misknowledge of the actions of their wyffes in their cases, thinke to liberate themselues of the danger of the reset as if they were not to answer for their wyffes doings, and under cullor heirof jesuits and messed preists are hoordit in diverse parts of the kingdom, and occasion thairby offered to corrupt the children and servants of the houns in their religion; for remeide quhairof, conforme to ane former act of Counsel, it is heirly declared that the husband sall be answerable to his Majesties Counsel and Justice of the kingdom that his wyffe, being a profest papist or under process for poperie, sall not reset, supplie nor entercommon with jesuits nor preists, and that he nor she sall not be served be papists, and that nane sall be admitted to thair service bot suche as have a testimonial frum the minister quhair they dwell of the soundnesse of thair religion, under the paines conteand in the acts of Parliament made against the resetter of jesuits, semanaries and messed preists, speciallie the 13 act of the Parliament, 1640, prescrybed against husbands, wyffes and children in thair behalfe, qhillik the saide Lords ordans to be putt to execution in all poynits."

"Forsameikle as thair is commission granted to diverse noblemen and others for represing the disorders in the Hielands, and diverse precepts are issued furthe by thame for summoning of certane persons to the saids courts, als weele parties as witnesses, and persons to give up dittyas aganis delinquents qhilliks cannot be execute but be the shireffs of the shyre, quhair the saids parties duells, according to the accustomed order formerlie observed in caises of this kynde, thairfore the Lords of Secret Counsell ordans letters to be direct charging all and sundrie shireffs and thair deputies whome this mater concernis to ressave the saide precepts as thay sall be direct to thame, and to caus duellie and tymoulsie execute the same upon the charges of the saids commissioners, qhilliks salbe modified and thanfullie payed to thame at thair courts, as the saids shireffs and thair deputis respect the advancement of this service so neirle concerning the good of the countrey, and will answer on the contrare at thair perrell."

Edinburgh, 5th July 1642.

Supplication by Sir William Aftleck of Balmanno, as follows:—Their Lordships were pleased the last Council day to imprision Robert and George Coventrie and George Fotheringham, the supplicant’s tenants, p. 83. upon the complaint of Robert Hay and his sons till they should remove four miles from his farm and not dwell within that space to the said Robert Hay. The supplicant is the greatest sufferer by that sentence, although innocent, yet must he reverence their Lordships’ pleasure.
But these persons are poor men unable to maintain themselves in prison, and he craves that they may be liberated. The Lords, after advising, dispense with the fine of 300 merks for contravention of the act, but upon their paying of 100 merks to the surgeon who cured Robert Hay and his son's wounds, and finding caution to remove in terms of the act, they ordain them to be put to liberty.

Sederunt:—Chancellor; Leven; Hamilton; Argile; Morton; Glen-Edinburgh, carne; Lauderdale; Southack; Dalhousie; Lanerick; Calander; 7th July 1642
Angus; Elphinston; Clerk Register; Justice Clerk; Wauchton;
Dundas; Din; Sir R. Gordon.

Complaint by Isobel Hunter, widow of Michael Roerson of Caldsie, for herself and William Roerson, her son, as follows:—In the decree arbitral pronounced by John, Earl of Cassills, and John, Earl of Lauderdale, between her and James Crichtoun, son to the Earl of Dumfreis, the said James is ordained to remove from her lands of Caldsie and Craignie, and to deliver to her a sasine taken by her from him which he alleged to be lying in process, before 29th May now bypast, wherein if he failed he was to be liable in the payment of the rents of the said lands for the past seven years and of the violent profits thereof in time coming, as the decree registered in their Lordships' books on 3rd March last bears. Yet the said James has not obeyed and does not intend to obey the same. Charge having been given to the said James Crichtou and the pursuer comparing but not the defender, the Lords ordain the latter to have incurred the penalty above mentioned, the seven years' rents extending to 2000 merks, and the violent profits in time coming, and they decern him to be charged therefor.

This day compeared personally Margaret Brown, spouse to George Logan in Boigs, and Margaret and Elizabeth Logan, his daughters, for satisfaction of the bond given for them to the provost and bailies of New Galloway, upon charges for their exhibition this day executed against the Viscount of Kenmure, at whose instance they were committed to the tolbooth of New Galloway, and they protested that, as they had appeared, they and their cautioners should be free of the said band. The Lords admit the protestation, and decern the said bond to be given up to them by the said provost and bailies.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Walter Dick in Griblach of Ardmanwell, as follows:—Although the carrying of hagbuts and pistols is strictly prohibited yet John Knox of Ramferlie, who has for the past six years "mightie opprest the said Walter Dick by taking and spoiling of his goods, speciallie during the tyme of the late troubles," has begun again to revive his oppressions. On November last he, accompanied by his two servants armed with swords, staves and pistols, came to the complainant's lands of Griblach and, without any lawful warrant, took away six kine; and on 4th March he

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came in like manner to the complainer’s house, broke up his barn doors, took forth seven or eight bolls of seed oats and carried the same away, hurting and wounding the complainer and his servants in several parts of their bodies to the hazard of their lives. Moreover, he carries pistols and travels therewith in all parts of the country, threatening therewith the complainer and others of his Majesty’s good subjects. Charge having been given to the said John Knox, and he and the pursuer both compearing, and they and their witnesses having been heard, the Lords assize the defender as the witnesses proved nothing of what was charged against him. They also ordain 40s. to be paid to each of the witnesses by the producer.

Complaint by John M’Ago in Meikle Trochrie, tenant to Sir Thomas P. 92.
Stewart, sieur of Garntullie, and the said Sir Thomas for his interest, as follows:—On 3d June last James M’Innes in Milnetoun of Glenalmond and William Gorrie in Culnaclich, tenants to Patrick, Earl of Tulibardin and others their accomplices, at the instigation of the said Earl, came to the lands of Glenschie in Strabane belonging to the said Sir Thomas, and lay in wait there “dermed” in a quiet part for his said tenant. When they perceived him, “they followed him with drawin swords, patt violent hands in his person, caried him prisoner with thame to the place of Logyalmond and layed him in the yrrns as somme notorious malefactor and kept him there 24 houres, being his Majesties free liege.” Charge having been given to the said Earl of Tulibardin, James M’Innes and William Gorrie, and both pursuers and defenders compearing and they and witnesses having been heard, the Lords assize the defenders, P. 93.

because, probation as to the “hounding out” by the said Earl being referred to the Earl’s oath of verity, he deponed “that being informed of some wrongs done be the said John M’Ago to his bestiall and goods pastouring in Glenscie he sent his tennent to desire the said John to come to his lordship to show him by what warrant he committed thir wrongs, whilk he did, and that he was kyndlie intreated without anie violence and then dismissed”; and because as to the other points of the libel the witnesses failed to prove anything. The Lords modify payment of £3 to each witness to be paid by Sir Thomas.

Complaint by William Blair of Finnick and James Mitchell and Duncan Wright, his tenants, as follows:—They have been greatly oppressed by George Buchanann, apparent of that Ilk, and his tenants this long time. On June, 1637, the said George came to the said Duncan Wright’s house, and taking him forth thereof carried him as prisoner to his own house and kept him there six days, being his Majesty’s free liege; and on June, 1640, when the said James Mitchell was leading a horse upon the highway, the said George took the horse P. 94. from him and sold it for his own use. Further, on May last the said George came to the said William Blair’s temple lands of Castray, “sett doun marches upon the gentlemans heritace, and built a dyke to put him from his feuell and pastourage; and daylie be himselfe and his servants
debarres him from the libertie of elding and fewell, and cuttis and destroys his timber and planting." William Blair compearing for himself and the other pursuers and the defender being also present, on probation being referred to the latter's oath and he denying the complaint, the Lords assailzie him, but ordain him to find caution of lawburrows in 2000 merks to the pursuer, who gave his oath that he was in dread of bodily harm from the defender.

Sederrun:—Chancellor; General; Argyl; Morton; Lauderdale; Edinburgh, 12th July 1642.
Angus; Elphinston; Clerk Register; Advocate; Treasurer; Depute.

"The quhilk day the Lord Chancellor produced and exhibit ane patent under the great seale quhairby the Kings Majestie, with advyce of the Council, had made and constitute Alexander, Earle of Leven, General of these forces that goe from this kimgdome for assisting England to suppress the rebellion in Ireland; quhilk, being red in presence of the Council, wes with all dutifull repect acknowledg'd be thame, and furthwith wes delyvered be the Lord Chancellor to the said Earle of Leven, who in all humilitie ressav'd the same, and gave his oath for the faithful discharge of that trust committed to him; and therewith protested that since the artickles of the treattie (quhairunto his commission is relative) are not yet signed and delyvered to him, and that the necessitie of the service requyres his present going to Ireland, that thairfore the not particular keeping of these artickles sall not be imput as a cryme to him, since he hes thame not; and als protested that, since the horse troops that are to joynes with the armie are not yit levered, that it may lesome to him to make use of suche horse as he sall find levered thair before him, or in the interim to lever other til these promised be the Parliament be sent unto him.

[Sederrunt as recorded above, omitting the General.]

Complaint by John Rutherford of Edyrston, as follows:—On 4th July instant, while he was in the house of John Penman in Jedburgh with some gentleman and Mr John Abernethie in Linthanchlief and was showing to some of them a bond granted to him by the said Mr John, which had been in the complainer's possession for a month, the said Mr John "rave the same out of his hand and took away his name therefra," so as to defraud him of his right. Both pursuer and defendant compearing, the latter confessed the "ryving of the said contract and band," which the Lords "finding to be of dangerous preparative," they ordain the defender to be warded in the tolbooth of Edinburgh until they release him, and that the "just double of the said contract and band" produced by the defender be registered and an extract thereof given to the pursuer at the defender's expense.
Complaint by Margaret Duff, widow of Adam Fraser of Fingenzauche, as follows:—On 13th November, 1637, Sir Robert Innes of Balvenie and Walter Innes, siar of Achlounhart, were put to the horn at the complainer’s instance for non-payment of 4000 merks with expenses and interest due to her and Adam, Alexander, John, Robert, and Jean Fraser, her children; but these persons remain proudly and contemptuously at the horn. The pursuer complaining by Robert Alexander, W.S., but the defenders not, the Lords ordain heralds and pursuivants to charge the said Walter and all havers of his house of Achnonhart to render the same, and to enter himself in ward within the Castle of Blknes within fifteen days on pain of treason.

Sederunt:—Chancellor; Argyl; Morton; Cassills; Glencairne; Acts, November-Lauderdale; Callander; Angus; Balcarres; Clerk Register; October 1616. Advocate; Justice Clerk; Treasurer Depute; Waughtoun; Provost of Edinburgh.

Edinburgh, 14th July 1642.

“Forsameikle as his Majestie and Estates of Parliament have granted commission to these persons who sall be nominat be the Lords of Privie Counsel to whom his Majestie and the saids Estates did remit and refer the nomination of commissioners to the effect aforespecified or anie fuye of the saids commissioners to be nominat be the saids Lords for ordering the commissars jurisdiction, and clearing the bounds and limits thairof, that there be no question betuix thame and other inferior judicators, and the saids Lords, findeing it verie expedient that the saids commissioners be now nominat, and goe on for regulating of the saids commissariats for the good of his Majesties service, and of his subjectes, thairfore the saids Lords have nominat, and be the tenor heirof nominate the persons underwritten, they are to say:—John, Earl of Loudon, Chancellor; Archibald, Marques of Argyll; John, Earl of Cassills; William, Earl of Glencairne; John, Earl of Lauderdale; David, Earl of Southesk; Archibald, Lord Angus; Sir Alexander Gibsons of Durie, Clerk of Register; Sir Thomas Hope of Craighal, his Majesties Advocaet; Sir John Hamilton of Orbeston; Justice Clerk; Sir James Carmichael, Treasurer Deput; Sir Patrick Hepburne of Waughton, Sir Henry Dundas of that Ilk, Sir Alexander Gibsons, elder, Fol. 55. 2. of Durie, Sir Andro Fletcher of Innerpeffer, Sir John Hope of Craighal, Sir Adam Hepburne of Humbie, and Sir Archibald Johnston of Wareston, ordaininge thame heirby to proceed and goe on in performinge of that service entrusted unto thame be the said Act of Parliament with all convenient diligence conforme to the tenor thairof in all poynets.”

[Sederunt as recorded above, omitting Lauderdaleill and adding Din.]

Edinburgh, 14th July 1642.

Supplication by John, Earl of Kingorne, George, Earl of Seafort, and Sir Robert Innes of that Ilk, as follows:—They have right to the customes...
and tolls of Bartill Fair and to the privilege of “ryding the said faire and uplifting the saids customs.” and in August, 1640, they procured a warrant from the Committee of Estates to Lord Fraser or such as he should appoint for uplifting these to the supplicants’ use. The said fair is now approaching and there may possibly be some trouble over this matter, wherefore they crave their Lordships to take order hereaenent. The Lords, having considered the same, and having also heard John Leith of Harthill and Mr William Gordon, advocate, in name of Arthur Forbes of , who also pretend right to the said fair, command the sheriff of Aberdene or his deputes to ride the said fair and uplift the customs to be forthcoming to such persons as shall be found to have best right thereto; and they discharge all other persons from interfering therein, yet without prejudice to the rights of parties.

Supplication by John Leith of Harthill, as follows:—“The ryding of Lauren faire in the north does now approache and the supplicant is heretable infeft in the priviledge thairof, and he is also obliged to the Burrowes to keepe dutie in uplifting the customs of the same.” But St. Laurence Fair, several persons pretend right to these customs and there may be trouble thereaenent, wherefore he craves their Lordships’ intervention. The Lords ordain the Sheriff of Aberdene and his deputes to deal also with this case as in the former.

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Henry Gibboun in Tuspester, as follows:—In contravention of the laws prohibiting the carrying of hagbuts and pistols, on Andrew, servitor to the Laird of Din, David Androw in Snaracle, Andrew Donaldson in Bowardmaddin and William Androw Donaldsone in Bowartoun, their father, armed with swords, dirks and other weapons and the prohibited hagbuts and pistols, came to where the said Henry Gibbon and John Gibbon, his brother, were in peaceable manner, and fiercely assaulted the said Henry with a drawn sword, wounding him in divers parts of his body to the effusion of his blood and cutting off the half of his nose. The said Lord Advocate appearing personally and the said Henry Gibbon by Francis Sinclair, his master, for the pursuit, but of the defenders only William Andro Donaldsone compearing, and, so far as he was concerned, probation being referred to his oath, and he denying the complaint, the Lords assize him. But the other defenders who comparead not, the Lords ordain to be put to the horn and escheated.

Sederunt:—Chancellor; Leven; Marquis of Argyle; Morton; Edinburgh Eglinton; Cassills; Glencarne; Lauderdale; Callander; Angus; 19th July Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas.

Sir Alexander Kennedie of Culyeane, compearing personally, became cautioner for James Kennedie, called of Blairquhan, in 2000 merks for
the indemnity of John Quhyturd of Ballack and his wife, children, etc.,
at the hands of the said James, with clause of relief. This caution is to
stand "till Martimes come a yer," when Sir Alexander is obliged to
exhibit the said James before their Lordships.

The Lords, having heard Sir William Dick of Braid and David Home,
prisoner in the tolbooth of Edinburgh, as to the ground of the latter's
imprisonment for abusing the said Sir William Dick, ordain the provest
and bailies of Edinburgh to liberate the said David in so far as he is
warded at the instance of the said Sir William; and they discharge the
said David from repairing to the burgh of Edinburgh or precincts or
liberties thereof without license of the Council, ordaining him to remove
therefrom within twenty four hours after his release. Should he return
without license the provest and bailies are to apprehend and ward him
in their tolbooth until further order. The Lords also discharge him from
resorting to or within the parish of North Berwick without their license.

Edinburgh, 21st July
1642.

Sederunt:—Chancellor; General; Argy1; Morton; Eglinton; Cas-
sills; Glencairn; Lauderdaill; Dalhousie; Callander; Angus;
Elphinston; Burley; Balcarres; Clerk Register; Advocate;
Dundas; Provost of Edinburgh.

"The quhilck day John, Earle of Loudon, Lord Chancellor of this king-
dome, produced and exhibit before the saids Lords aie patent under
the great scale of the date at Windsor, the 14 day of Januar last,
quaibry his Majestie hes made and constitutte Sir Thomas Hope of
Kerse, one of the Senators of the Collidge of Justice, Justice General of
this kingdome; quhilk patent being red, hard and considerit be the saids
Lords, and they acknowledging the choice made be his Majestie of the
said Sir Thomas as a person fitt for such ane employment, and he being
personallie present, the Lord Chancellor delyvered to him his said patent,
whiche he resavved with all due reverence and gave his oath de fidel1
administratione."

"Forsameikle as the Kings Majestie, havinge formerlie upon good
considerations granted to Colonel Lord James Douglas the levey of ane
thousand men within this kingdome for a recrue to his regiment
imployed in the service of the French King whilk, be reason of the
distractions of the tyme and the general restraint of leveyes made [be] his
Majestie and Parliament, he hes not as yit fullie effectuat, thairfore the
sails Lords of Privie Counsel, according to ane warrand in writ signed
be the Kings Majestie and this day presented to thame, gives warrand
to the said Colonel Lord James Douglas and his officers in his name to
levye within this kingdome fyve hundreth men, and to transport thame
to France to be a recrue to his said regiment in the service forsaid; with
power to the said colonel and his officers for this effect to toucke
drumes, display cullers and to doe all and everie thing requisit and
necessar for levveyng and transport of the said number of men with all
liberties, priviledges and immunities quhilks have bee heirtiofore
granted to anie person in the lyke caise, the said colonel and his officers
always gieving to everie one of the said number suche satisfaction as
sall be agreed upon betuix thame; commanding heirby all shireffs, baillies
and magistrats and ministers of his Majesties lawis to burgh and land
and others his Majesties subjects to be aiding and assisting to the said
colonel and his officers in all and everie thing tending to the further-
ance of the said levey and transport of the same, and to doe nothing to
the hinder or prejudice thairof, as they will answer upon the countrare
at their perrel."

"The tenor of his Majesties letter sent for warrand of the forsaid
Act.—CHARLES R.—Right trustie, etc. Having formerlie upon good
considerations granted to Colonel Lord James Douglas the levey of one
thousand men within that our kynsdome for a recrue to his regiment
employed in the service of our deare brother, the Frensh Kinge, whiche,
be reason of the distractions of the tyme and the general restraint of
levyes condiscednit upon be us and our Parliament, he he not as yit
fullie effectua, it is thairfore againe our special pleasure that yow give
present warrand to the said Colonel Lord James Douglas and his officers
in his name to levey and transport within that our kynsdome fyve
hundreth men for a recrue to his regiment in the service aforesaid, with
power to thame for this effect to toucke drumes, with all other liberties,
priviledges and immunities that hath ever beene granted heirtiofore to
anie in the lyke kynd, hee or they alwayes giving satisfaction to everie
one of that number as sall be agreed upon betuixt thame according to the
custome in the lyke caises; and for this end that yow give furth
all orders that are usual and requisit, for doing quhairsof these presents
sall be your warrant. Given at our Court at Yorke, the 25 of June,
1642."

"The Lords of Privie Counsel recommends to the Earles of Launder-
dail and Southesk, the Lord Burley, Lord Register, Laird of Dundas,
and Provest of Edinburg, or anie three of thame, ane nobleman being
one, to conveene and consider of the charges and expenses bestowed
be the Earles of Mar and Linlithgow upon thair worke conteane
in thair patents of tannage and poulde r respective, conforme to the
Acts of Parliament made heirnait and to report."

"Forsameikle as the hie way and common passage throw the parish
of Portmooke by whiche his Majesties lieges travell to and fra betuix
Edinburgh and Perthe and manie other parts of the country thairabout
and farder north, is become impossible be reason of a ruinous bridge at
the east end of Lochlevin called the Gullata, and in regarde of manie
deepe ditches and sinkeing myres betuix the said bridge and the toum
of Scotlandwell, commonlie called the caises of Scotlandwel, quhairthrow
diverse of his Majesties subjects have perished, manie have beene in
hazard of thair lyffes, and all are hindered in thair lawfull affaires that
way; lykeas the parishioners of Portmook have extendit thair utmost
endeavors for repaireing the said way and upholding the bridge, quhilk notwithstanding is clerlie fund to be a worke impossible to thame, and yet so necessarie and usefull to the lieges as the same cannot be neglected bot furthere and advanced be all faire and lawfull meanes; qhbarof the Lords of Privie Counsel, haweing tane special consideration, they find it necessarie and expedient to be recomendit, lykes be thir presents they doe recommend this mater to all noblemen and gentlemen, magistrats of borrowis and touns, synods, presbyteries and sessions of kirkis, and others his Majesties subjects within the shirfdome of Fyfe, Louthian, Perthe and Forfar, requesting and desyering thame to extend suche proportion of their liberalitie and benevolence as in their christian judgment they sal thinkin fitting for advancement of so pious and necessarie a work, and to deliever the same to Sir William Douglas of Kirkness, Mr Alexander Colvil of Blair, David Balfour of Balloch, William Keith in Kirkness, Mr Henrie Wilkie, minister at Portmucke, and John Smith, shireff clerke of Kinrose, whome the saids Lords have appoynted collectors, conjunctie and severallie, of the said benevolence, and unto whome or anie tua of thame, with the said minister and shireff clerke, the saids Lords gives power to impoy the moneys to be collected for repaireing of the said bridge and passage in suche a way as they sal thinkin most fitting; and ordans thame to make report of their proceedings upon the first Counsell day of Junij nixtoome. And for the better advancement of the worke, the saids Lords gives power to the saids collectors, or anie whome they sal appoynt, to exact and uplift ane custome of foure pennies for everie horse or horseload, and tua pennies of everie footman coming alongs the said bridge for the space of nyne yeares nixt after the date heirof, to be impoyed be thame in maner foresaid.

"The Lords of Secret Counsel recommends to the Earles of Morton and Lauderdale to call before thame Mr Patrick Cheyn, James Sinclair, Mr James Mouat, and the rest of the people of Orkney and Zetland that are presentlie in processe before the Council or Justice, and to deals with thame that suche course may be tane with thair consent as the parties enterrest may be satisfied, and the peace secured to thame in tyme [coming], and to report."

"The quhilk day the Lord Chancellor, the Marques of Argyll, the Earles of Cassils, Glencairne, Lauderdale, the Lord Angus, the Lord Register, Advocat, Justice Clerke, Treasurer Deput, Wauchton, and Dundas, the Lords Craighal, and Humbie conperied personallie, and accepted upon thame the commission for regulating the Commissarios, and gave thair oath de fidei."

[Sederunt as recorded above.]
other part, compearing personally before the Lords, declared that they had taken up the letters and complaint raised at the instance of the said Margaret against the said Mr Daniel, and they produced a contract entered into between them to which they desired their Lordships to interpone their authority and ordain the same to be registered in their books for execution. This the Lords do. The contract (which is registered at length) is dated at Edinburgh, 19th July, 1642, and bears that the said Mr Daniel Broun and Margaret Hamiltoun, his spouse, have agreed as follows:—That whereas by their contract of marriage, dated 16... the said Richard and Mr Daniel Broun are bound to perform certain obligations to the said Margaret and her children by the said marriage, which they have not yet fulfilled, for which she has raised action against the said Mr Daniel, and he being most willing to perform the same and unwilling to be hard in anything debatable among them, promises to denude himself of the fee of 5000 merks contained in the said contract in favour of his said children, with the liferent thereof to his said wife, making them all legal securities necessary herefor, but that the yearly interest of the same shall belong to the said Mr Daniel and Margaret Hamilton, that is, he shall pay to her yearly the sum of 200 merks during their not cohabiting and until they mutually consent to dwell together, and if he die and she survive him she is to receive the whole interest of the said 5000 merks during her lifetime. Further, whatever may be found belonging to the said Richard or Mr Daniel Broun in addition to the said sum of 5000 merks after payment of the debts of the said Mr Daniel, is to belong also to the said children. The said Margaret undertakes during their not cohabitation to bring up the half of the said children, and if the said Mr Daniel does not bring up the others she is to have right to two thirds of the said interest of the 5000 merks. Both parties bind themselves to observe this contract under a penalty of 100 merks for each failure in addition to fulfilling thereof. The witnesses to the contract were Sir William Weir of Stanebyres, Sir James Somervell of Cambusnethan, Cuthbert Hamilton of Cander, Mr John Hamilton of Raith, advocate, and John Hamilton, servitor to John Mudy, W.S., writer of the deed, William Hamilton and James Henryson, notaries, signing for the said Margaret, as she cannot write.

Complaint by Mr Samuel Douglas, minister at Coldingham, as follows:—He has been greatly troubled these fours years past since his entry to the ministry [by John and Francis Stuart not only] “absenting themselves frome sermons and others divine exercises and venting of calumnies against John and Francis Stuart for various offences committed against the complainer. When as the said minister did latele sett a part of his manse to a tenant, the said Francis compelled him to deliver the key thereof; and because one of his servants closed and ramforced the doore to hold out the said Francis, he brake the same in peeces and put in his gairder to dwell therein, where he remains as yitt. Lykeas he hes stopped the...
ministers ordinarie way from his hous to the kirk; quhilk wes by his owne yaird throw the head of ane alley of the said John Stewart's yaird by some ruinous walls in to the kirk doore, and patt on a doore at the entrie throw the walls, and layed stones to the same, and the compleanner for preserving the kirks right having cleered the passage the said John Stewart, upon the day of May, shamefullie railed upon the minister as he wes going in his owne yaird, imperiouslie discharged him to come that way, threatening that he would misken his profession and put a sword throw him. And accordingly, when he preast to enter that way the said John came and pursued him with a long staffe, so as he is debarrd from that peaceable entrie to the kirk quhilkis his predecessors hes enjoined past memorie of man, and forced to goe about the kirkyard and whole gleibland, ane foule and long way, quhilk in winter is impassable." The pursuer, compearing personally, produced an instrument, dated at Coldingham, 23rd November, 1640, bearing that John Home, younger of Blaсader, did that day, by order of the Committee of P. 105. Estates, dated at Dunse, 13th August, 1640, give possession to the said minister of the house libelled, wherein the said Francis Stuart's gardener remains; and also an act of the Presbytery of Chirnside, dated at Coldingham, 26th May last, bearing that the way libelled was the accustomed way from the manse to the kirk for over forty years past. The said Francis Stuart was also personally present for his own and his father's behalf, and confessed that "he caused a boy enter in at the window of the hous libelled and open the doore that was ramforsed and possesst himselfe therein, and alledged he had right to the said hous." The Lords find that the said Francis in thus disorderly dispossessing the minister of the house, and the said John Stewart in stopping the minister from passing the way libelled to the kirk, have committed a great wrong, and they admonish the said Francis to forbear the like conduct in time coming as he will answer at his peril. They further ordain him to replace the pursuer in possession of the said house, and the said John to make the said passage and way open to the minister, and also to find caution in £1000 for doing so and not troubling the said minister nor any of his in future.

Complaint by James, Lord Boyd, patron of the kirk of Kilmarnock, as follows:—Mr Michael Wallace, the late minister at the said kirk, having died, the complainer, in the exercise of his right of patronage, gave a presentation to Mr Mathew Mouat, "ane sufficient and able preacher, with the good lyking and contentment of the said parochiners, and presented him to the said kirk, modified stipend of the same, manse and gleib thereof, quhilkis wer before possest be the said umquhile Mr Michael; and upon the day of November last caused produce the said presentation to the presbyterie of Irwing, whom the mater did concerne, desiring thame to try the qualification of the said Mr Mathew and give him admission accordinglie. But they without anie ground of reason p. 106. refused the same." He must therefore have his recourse to their Lord-
ships, who formerly in such cases directed their precepts against the bishops, and he expects that they will also do so against the presbytery. Charge having been given to Mr John Bell, minister at Steintoun, moderator of the said presbytery of Irving, for himself and in name of the remanent brethren of the said presbytery, and the pursuercompearing by Sir William Cochrane of Coudoun, his procurator, and the presbytery being represented by the said Mr John Bell and Mr Alexander Dunlop, minister at Ardrossane, the Lords, after hearing parties, ordain the presbytery to be charged to admit the said Mr Matthew Mout as foresaid within ten days on pain of horning, and, if they fail, to denounce, but without prejudice to the said minister’s right to the parsonage and vicarage teinds of the said parish with the glebe and manse thereof, as shall be decided by the judge ordinary, notwithstanding of the modified stipend mentioned in the pursuer’s presentation.

Supplication by Donald McWilliam in Glenrynne, Harie Gordon there, Alexander Wright there, Duncan McGregor there, William Gordon there, John Geddes there, William Dow in Achindoun, Donald Bayne, and others, that the smit in Campell, William McRobie at Quhythous, William Gressie there, Duncan Elmie in Ballogbeg, and Duncan Roy in Kandour, as follows:—They are charged at the instance of Arthur Forbes of Gight, as master, James Gavin there and others whose names are contained in the criminal letters, all tenants of the said Laird of Gight, and at the instance of his Majesty’s Advocate to find caution in the books of Adjourn that they will appear before the Justice on 29th July instant and answer for the alleged theft of certain goods. They are most guiltless of such a charge and willing to abide their trial; but seeing the Justice and his deputies have appointed a diet at Elgin for the trial of all such crimes on 12th August next, and the supplicants are numerous and the witnesses may also be numerous, and there must be assizes; seeing also that the pursuers and defenders are distant 100 miles from Edinburgh, but are near Elgin, they crave their Lordships to change their diet to that date. The Lords ordain the Justice and his deputies to do so and take caution of the supplicants for comparing that day. The supplicants are also to intimate the change to the Laird of Gight.

Supplication by the commissioners of the burrowes, presently convened and in name of the whole burghs, as follows:—“There is latelie come to their knowledge one gift of generall searcherie within this kingdom procured in favors of one Mr John Drummond, contenaning manie strange and prejudiciall clauses not onelie to the merchant estat but also to the hail kingdom, and they doubt not but the meanes and povertie of the subject of trade of merchants is so well knowne to the saids Lords that they persuade themselves after consideration thereof they will take all courses rather to animat the merchants to sett trade and navigation forward nor to discourage them therein. And therefore the supplicants have tane the boldnes, after so slight a view and con-
sideration of these they heare to be conteanneed in the said gift, to represent to the saide Lords the detriment likelee to ensue both to his Majestie, the coutrie and supplicantes estat in particular; and their humble suite to the saide Lords is to be pleased to recall the said gift and to discharge the samaine and all executioun thereof in all time comming." The Lords remit the matter to the Lords of his Majestie's Exchequer and meanwhile continue the execution of the gift until the Burghs be heard thereon.

"The Lords recommends to Wauchtoun and Dundas to speake with suche barons as they sall find in the toun and to try their opinion anent the fittest persons to be choosin for ordering the manufacturies conforme to the act of Parliament and to report."

Sederunt.—Chancellor; Eglinton; Cassills; Callander; Angus; Yester; Justice Clerk; Treasurer Depute; Wauchton; Dundas.

Warrant for sealing the commission of the Earl of Dunfermline to be Commissioner at the next General Assembly.

"The Lords of Secret Counsel ordans and commands Sir John Scot, director of the Chancellarie, to wynte and exped to the great scale the signature and commission granted be his Majestie for establishing the Earle of Dunfermline, his Majesties Commissioner, at the nixt General Assembleie to be kept at St. Andrews upon the day of this instant, notwithstanding the signature doth not conteane ane expresse command to the saide Sir John Scot for that effect, without passing anie other register or seales; for doing quhairof the extract of this act sall be to the saide Sir John sufficient warrand for wyrting thairof, and to the Lord Chancellor for causing append the great seal thairunto."

Sederunt.—Chancellor; Callander; Angus; Elphinstone; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh.

Complaint by Patrick Halyburton of Egliscarno, as follows.—George Halyburton, portioner of Kidlaw, James Skirvin of Blaitlaw, John Skirvin of Lestoun, his brother, William Skirvin in Gilkerstoun, Andrew Yuill in Braidwoodse and William Allane in Kidlaw, with others to the number of sixteen persons, armed with "picks and forehammers came be way of hamesueckin to the compleanners hous of Egliscarno upon the day of May, 1639, brake up the utter gate, being a double doore of aik, thairafter brake up the yrne gate, patt violent hands in the compleanners person, threw him to the ground, keppe him prisoner till they closed the gates, tooke away the monies quhils he had lying beside him, extending to 200 merkes or thereby, with the evidents and securities of his lands, together with bands and obligaction of soumes of money amounting to ten thousand merkes, medlled with his whole kistes, coffers and abuilements and pleningish being in the hous, tooke out of his girells and loftes 20 bolls aitte, 20 bolls peis and 20 bolls p.109.
whit; thereafter brake up his barn doores and tooke furth thairof six
secks quhairin there wes six bolls pes, six bolls aitts, and left the
gentleman nothing, to his utter wrack and ruine." The pursuer com-
pearing, but none of the defenders, the Lords ordain the latter to be put
to the horn and escheated.

Complaint by John Lyoun of Muiresk, Janet Lyoun, his sister,
Alexander Bruce, his servant, and Thomas Mair, his tenant in Balchorie,
as follows:—The said John Lyoun has good and undoubted right to the
lands of Balchorie, and his said sister and tenant have occupied them
for these years past, till that lately James Gordone, brother to
George Gordone of Baldornie, came upon 31st May to these lands,
"brake up the doores of the said tennents hous, thrust him and his
famili furth thairof, possesst himselfe therein, and, when as the said
Jonnet Lyoun and Alexander Bruce came to him and modestlie desired
to know why he did thus violentlie thrust the compleanners out of
their possessioun, he inhumanelie patt hand in the gentilwoman and
shamefullie strake her with his hands and feet and gave the said
Alexander Bruce manie bauch, blae and bloodie striakes with a battoun
in diverse parts of his bodie; strake, hurt and wounded the compleanners
sheep and nolt with stalfes and trees, hounded thame aff the ground
of the saids lands, and intendys by thir and the lyke practises of
bangsterie and oppressioun to possesse the saids lands and debarr the
compleanners therefra." The pursuers compearing by William Steins-
toun, their procurator, but the defender not compearing, the Lords ordain
the latter to be put to the horn and escheated.

Complaint by Dame Rachel Harrisone, Lady Rea, as follows:—On
26th September, 1638, Donald, Lord Rea, her husband, was put to the
horn at her instance for non-payment of £2000 sterling for her past
charges and expenses before the decree obtained by her against him
from their Lordships on 1st August, 1637, and for non-payment of
£400 sterling as the yearly aliment modified to her by their Lordships
for the maintenance of herself and Donald McKay her son by the said
Lord Rea, but he pays no heed to the said horning. Charge having
been given to the said Lord Rea, and the pursuer compearing by Patrick
Lochmalony, her procurator, but the defender not compearing, the Lords
ordain Lord Rea to be charged to render his houses of and to
enter himself in ward within the castle of Blaknes within twenty days
under the pain of treason.

Complaint by James Douglas of Mouswall, as follows:—On 10th
June, 1641, Robert Charters, then of Kelwed, now of Deuchar, was put
to the horn for non-payment to the complainier of 3000 merks and
interest and expenses thereon, but he takes no heed thereto. The
pursuer compearing by William Stevinsone, his procurator, but the
defender not compearing, the Lords ordain the latter to be charged to
render his houses of and enter in ward within the castle of
Blaknes within ten days upon pain of treason.
Complaint by Sir James Balfour of Kynnard, knight, Lyon King of Arms, as follows:—David Greg in Couper has lately usurped the office of a messenger "at his owne hand and careis his Majestie blazon upon his breast for that effect, openlie publishes letters in his Majestie name and chargeis partieis and does everie act of ane lawfull messenger without anie warrant or admission to that office be the said Lyoun; quhilk being a proud usurpatioun of his Majestie auctoritie, the compleanner hes thought good to represent the same to the Counsell." Charge having been given to the said George Greg, and the pursuer complaining p. 113. by George Stewart, pursuivant, his procurator, but the defender not compearing, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Sir John Seatoun of Barns and Lilias Seatoun, his daughter, and factor for him in his absence, as follows:—Though the carrying of hagbuts and pistols is strictly prohibited, Alexander Seatoun, "the unnaturall sonne of the said Sir John, having shaiking aff the fear of God and all respect to his said father, by his undewtifull cariage in everie particular he hes so disobliged him as ever anie sonne. And now, latelie, to crowne all his unnatuarall miscarriages, knowing that his said father was out of the countrie, the said Alexander, accompanied with Daniel Currie, his servant, Johne and George Brouns, William Bald and William Stevinsoun in Hadintoun, boddin with swords and pistols, came upon the 16 of July instant to the hous of Barns, entered within the same, cutted the chamber door beside the upper hall with his sword, and finding he could not gett entrie he layed a trayne of pouder and sent for broom and coales to have blowin the same up, discharged and shot his pistols at the glasse windowes, and in this insolent maner behaved himselfe till the Earle of Wintoun came and removed him. Quhillk is ane wicked and dangerous attempt and deserves exemplarie punishment." Charge having been given to the persons named, and Sir Thomas Hope and Lady Lilias Setoun compearing as pursuers, but none of the defenders compearing, the Lords after hearing witnesses find p. 114. that the said Alexander Seatoun came to the said place of Barns, cut the said chamber door with an axe, laid pouder to blow the same up and shot pistols at the doors and glass windowes, and for this "verye great insolence" they ordain him to be charged to enter in ward within the tolbooth of Edinburgh within sixe dayes on pain of horning until further order be taken with him.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Copland at the New Mill of Auchterlles and Grissell Urquhart, his spouse, parties grieved, as follows:—The bearing and wearing of hagbuts and pistols is strictly prohibited, yet William Thomson, son of p. 115. Robert Thomson in Bakhill, "having abused the said Johne his daughter, for which he is under the censure of the kirk, and finding that he could not procure the compleanners consent to his unlawfull
course he resolved for that cause to take their lyffes. And for this effect upon the 4 day of Februarie, 1640, understanding that the said Grissell was going to see her daughter lying in child birth, the said William lay at await for her in the hieway, boddin with a sword, staiffe and gwnne, and without respect to the honest woman her sex and condition, with the saids weapons gave her manie bauche, blae and bloodie stratifies in divers parts of her bodie to the effusion of her blood and danger of her life, and left her for dead; the report of which comming to the said Grissell her daughters knowledge, she parted with barne and was also in hazard of her life.” The pursuers compearing personally, but not the defender, the Lords after hearing witnesses find that the said William Thomsone “strake the said Grissell Urquhart on the hieway the time libelled with ane souppill, and that he had ane gwnne and a sword,” for which they ordain him to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days until order be taken with him, on pain of horning. They also modify payment of £3 to John Forbes, one of the witnesses, and £4 to the other witness, to be paid by the producer.

Complaint by Mr Alexander Johnestoun, advocate, as follows:—On 4th March last John Carruthers of Holmends was put to the horn at the complainer’s instance for non-payment of 500 merks with interest and expenses, but he slights the same and goes about uplifting his rent, etc., as if he were a free subject. The pursuer compearing by Stewart, his servant, but not the defender, the Lords ordain the latter to be charged to render his house of Holmends and to enter himself in ward within the Castle of Blackness within ten dayes upon pain of treason.

Supplication by Duncan M’Robert Beg V’Farlane, as follows:—“He served in the Laird of Buchanans companie during the time that the Scotch armie was in England and hes since carried himselfe honestlie in all respects. Lykkeas to testifie his fidelite and good service he hes latelie apprehended ane murtherer called John M’Farlane alias Blairvoke, who by the space of eight or nyne weckes since under cloud of night cruellie murdered Robert Schaw, dwelling under the Earle of Callander, and delivered him to the Laird of M’Farlane to be presented to the said Lords.” He therefore craves that this apprehension by him be approved and that a remission in his favour may be passed in Exchequer of all “thifts, depredations, stouthriefis and ressett of thift committed be him before the last twa yeeres that he entered in service in England.” The Lords grant what is craved, the supplicant first finding caution in their Lordships’ books for his good behaviour in time coming.

Supplication by Peter Jope, sailor in Aberdene, as follows:—In April last he represented to their Lordships “his miserable condition upon occasion of the imprisionment of Isobell Robertsone, his spouse, ane excommunicat papist,” and their Lordships ordained the magistrates and ministers of Aberdene to release her upon assurance of conformity or removal from the country. This was done, and October 15th is assigned
to her for this purpose. But she is great with child and about that very time will be brought to bed, when it will be impossible for her to be transported if she do not conform, and the earliest date for her removal will be in the spring about the end of March. He therefore craves their Lordships to prorogue the date. The Lords, after perusal of a certificate to the above effect under the hand of Mr Patrick Dune, doctor of physic in Aberdene, postpone her removal till 31st March next.

Supplication by the moderator and brethren of the presbytery of Stranrawer, as follows:—They have chosen James McDougall of Garthland to be ruling elder at the next General Assembly at St. Andrewes for their presbytery, and they are informed that he is under some burden of debt and may suffer by going to the Assembly. Lest there should be "ane enlaike upon his absence" they crave a protection for him. The Lords, having also seen a certificate under the hand of Sir Archibald Johnestoun, Clerk to the Assembly, that the said James is p. 119. chosen ruling elder, as said is, grant warrant as craved, the protection to endure for six days after the rising of the Assembly.

Sederunt:—Chancellor; Angus; Elphinston; Sinclair; Advocate; Acta, November 1641.

Justice Clerk; Treasurer Depute; Waughton; Dundas; Provost of Edinburgh.

"The Lords of Privie Counsell, haveinge seene and considerit the act of conviction, quhairby Mr James Mowat of Ollaberrie, Ninian Neven of Windhous and John Neven, his brother, are convict before the Justice of the mutilating of Mr Patrick Cheyn of Valay and Laurence Cheyn, and warrd for the same, till the Counsell give the Justice thair advyse anent the sentence to be pronounced against the saids three persons for the said mutilation, and haveinge likeways hard Mr Alexander Colvil, his Majesties Justice Deput, heir anent, and being weele and throughlie advysit in the mater, the saids Lords advyses his Majesties Justice to pronounce doome and sentence against the saids three persons by fyneing thame in the soume of ane thousand ponds to the parties mutilat, and three hundred merks to his Majestie for the said cryme of mutilation, and to take caution of thame for keeping the peace under the paines following, the said Mr James Mowat under the paine of tua thousand merks, and either of the other tua persons under the paine of fivye hundred ponds, and that they remaine in warde till thay pay the saids fynes and find the said caution, as also for passing thair remission for the said mutilation."

Sederunt:—Chancellor; Argyll; Marischal; Morton; Cassills; Glencairne; Lauderdale; Sinclair; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute; Waughton; Provost of Edinburgh.

"The Lords of Privie Counsell recommends to the Commissioners for the transport of artillery to Ireland."
the Common Burdens to take some speedy and present course for 
proveyng and furnisheing all suche things as may further the dis 
patche of the Generall of the Artellierie and the transport of the 
artellierie into Ireland."

"The Lords of Privie Counsell, considering how necessar it is that 
some able and qualified person be employed as secretarie to the Lord 
General, and knowing perfytlye the abilities and faithfullnes of Mr 
Robert Maldrum to discharge that office, quhairof he hes given sufficient 
profe in his last employment this tuo yeeres bygane, they have thair 
fore made choise of the said Mr Robert to supplie the office of secretarie 
to the Lord General, and for his more speedie dispatche thither recom 
mends to the Commissioners for the Common Burdens to give him 
satisfaction for his bygone service and some competent allowance for 
this present employment."

"Forsameikle as be act of Parliament made in the moneth of Junij, 
1633, the annutie of tithes quhair the same is unvalued is ordaned to 
be uplifted for ane interim till the valuation be exped, according to the 
fyt part of the present rent, to be provin be the oathes of the heretors, 
lyfrenters and others addebeted in payment thairof; lykeas the Lords of 
his Majesties Exchequer hes be their act of the date the day of 1642 ordand letters of horning and poynding to be raised at the 
instance of his Majesties right trust cousin and counsellor, John, 
Earle of Loudon, Lord Heich Chancellor of this kingdome, to whome his 
Majestie hes given commissioun under the great seal for uplifting and 
ingaddering the saids annutities of tithes, and thairwithall hes ordaned 
the oathes of the heretors, lyfrenters and others addebeted in payment 
thairof (quhair the same are unvalued) to be taken before the shireffs, 
stuartes and baillies of the shirefordmes, stuartes and bailleries quhai 
they dwell, or thair deputs or before the commissars or thair deputs, or 
before the provest and baillies of burrowis or anie one of thame, as the 
said act of Exchequer at more lenthe proports; and quhairas the said Lord Chancellor is to follow out that service with all diligence and 
that the saids shireffs, stuartes and other judges forsaide may not sit and 
hold thair courts in this feriat tyme, nor in no other vacant tyme heir 
after for takeing of the saids oathes dureing the tyme of the prosecuting 
of the said commissioun, thairfore necessar it is that dispensation be 
granted in maner ater-specifie. In regarde quhairof the Lords of 
Secret Counsel hes dispensed and be thir presents dispenses with the 
said shireffs, stuartes, baillies, commissars and thair deputs, and with the 
said baillies of burrowis to sitt and hold courts for takeing the oathes 
of the heretors, lyfrenters and others addebeted in payment of the saids 
annutities of tithes conforme to the act of Parliament and Excheker for 
said, and that dureing this present feriat and vacant tyme or dureing 
anie other feriat and vacant tyme heirafter so long as the service of the 
said commissioun sail endure."
Money for the army in Ireland.

George Arnot's letters of reprisal against Hamburg. See note, p. 263.

Intromitting with the goods of merchants in Ireland.

Request from the General in Ireland that the artillery be transported there with all haste.

Sedentur:—Chancellor; Marshal; Argyl; Cassills; Glencairne; Acta, November 1641; October 1646.

Lauderdail; Sinclair; Burley; Balcarres; Clerk Register; Advocate; Treasurer Depute.

Approval by the Council of the petition by the General Assembly held at St. Andrews be their commissioners appointed for that effect desiring the Counsell to concur with them in their remonstrance to the Parliament of England towards the setting of unitie in religion and uniformitie of church government in his Majesties three kingdoms, and having also hard the petition direct from the said Assembly to his Majestie with their answers to the Parliament of England, the Scots Commissioners of the treatie at London and certane ministers of England concerning this matter, and finding the reasons therein express to be very pregnant and the particular desired muche to conduc for the glorie of God, the advancement of the true christian faith, his Majesties honor, and the peace and union of his dominions, the saids Lords, out of their dutie to the furtherance and advancement of so muche wished and important a worke and affection to their brethren of the kingdom of England, doe unanimously and hartily concurre with the said National Assemblie in their earnest desyres to the honourabill Houses of the Parliament of England to take to their serious consideration the particular foresaid tuicheing unitie of religion and uniformitie in kirk government in the saids three kingdoms as a singular meane of his Majesties honor, the good of the true christian faith and happiness of his Majesties dominions, and to give favorable hearing to suche desyrs and ouvertures as sall be fund most conduceable for the promoveing of so great and good a worke.
"The Lords of Privie Counsell, haveing tane to their consideration the estate of the armie in Ireland and, being carefull to sie euerthing done quhill may conduce for the good of the armie, doe declare that if the troubles in England sall be suche as may make the Parliament remisse or faile in performing the articles of the treattie, that this kingdome and the Council, according to the trust reposed in them be his Majestie and the estates, will to the utmost of their power labouring the sall all meanes used for furnisheing of victuall to the armie and the performing the hail articles of the treattie."

"The Lords of Privie Counsell gives commission be thir presents to the Lord Chancellor with anie tua of the Counsell to bargane with merchants and others for furnisheing and transporting of ten thousand bolls oat meale to Ireland for the use of the Scots armie thair, with power to the said Lord Chancellor with anie tua of the Counsell, as said is, to give command to skippers and mariners to transport the said victuall, and upon thair refusall to compel thame thairto upon reasonabill prycses. And the saide Lords declares that what sall be done in this erand be the Lord Chancellor, as said is, the same sall be haldin and allowed as done be the hail Counsell."

"Forsomuch as thair are certane good acts made be his Majestie and his predecessors of good memorie verie muche conducinge to the glorie of God, the punishment of vyce and common weale of the realme whiche heitfoyre have tane small effect in default of special commission to executte the same, as is necessar in everie particular landwart parish; for remedie quharof the Lords of Privie Counsell have made and constitutte, and be thir presents maks and constitutte Sir Urphra Colquhoun of Balvie, Walter Douglas of Forgston, John Colquhoun of Kilmardini, Hew Crauford of Cloberhil, Andro Stirline of Law, John Knox in Burns, John John in Clober, Patrick Calwhoun in Miltoun, Walter Colquhoun of Bornhil and Robert Brouneyd in Gawinburne, or anie three of thame his Majesties justice in that part within the parish of Kirkpatrick, with power to thame to putt the acts of Parliament underwritten to execution, viz.:—anent the cryme of forniciation, anent drunkards, anent the swearers of abouninable oathes, anent thame that perturbe the kirk in tym of divyne service, anent thame that knowis thameselfes under the processe of excommunicacion, discharginge of mercats and labouring on Sunday, playing and drinkeing in tym of sermon, that houholders have bibles and psalme books, for punisheing of strong and idle beggars, and releiffe of the poore and impotent within the bounds of the said parish; and for this effect to fence and hold courts, and to creat officers and members of court neidfull, assyses and witnesses als oft as neid beis, ilk person under the peine of twentie shillings to summond, warne, choose and caus be sworne, the unlawis and amerciament of the saids courts to ask, lift and raise, and for the same, if neid beis, to poynd and distenzie, and to the support and releiffe of the poore within the said parish to apply, and generallie all
and sundrie other things to doe, exerce and use quhilks for the execution of the saids acts are requisit and necessar, firme, etc. This Commission for the space of ane yeere nixt after the date heirof, and ay and whill the same be speciallie dischargit to endure."

[Omit Marischal in Sederunt.]

Sederunt, February

"The Counsells declaration to furnish the armie with victuall if the Parliament of England doe not the same."

Sederunt:—Chancellor; Argile; Mairshell; Cassills; Glencarne; Burlie; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton.

Commissioners: "The quhillk day the Commissioners for the Kirk compairand before the for the Kirk and a pamphlet published in England to which they drew the Counsel's attention.

Sederunt:—Chancellor; Hamilton; Argyll; Marischal; Cassilla; Glencairne; Lauderdale; Sinclair; Burley; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton.

At the request of the Commissioners for the Kirk the Council ordains a meeting of the Commission for conserving the peace of the two kingdoms.

[Sederunt as recorded above.]

Forsamekle as in the moneth of December last William Bucklie, John Parrie, Robert Wright, John Johnstone, Nicolas Gallmore, and John
Wakefield, inhabitants in and about the citie of Dubline, did embark their trunks, cheats and household stuffe in the post bark belonging to John Smith who had been transported to Wales and preserved there from the rebels in Ireland, this bark by storme of weather was driven on the coast of Gallouay near the town of Whittorne and the goods landed there which are now in the possession of the Countesse of Craufurd and others in the country thereabout. And whereas thir persons have directed William Johnesone, their procurator, to sue for their goods according to the particular inventare quhilks he hes from there, therefore the Lords of Privie Counsell gives commission be thir presents to the Shireff of Galloway and his depute, James Chalmers of Gatigirth, and James McDougall of Garthland, or anie twa of thame to try and search where anie of the goods conteaned in the saiit inventars ar in whois hands, and quhair the persons ar responsall that they arrest the saids goods in thair hands to be forthcoming, as law will, and, if they be not responsall, to take good caution of thame to make the goods being in their possession forthcoming, and faillieing of finding this caution to sequestrat the same in some responsall hands for the behove of the partie; and that the saiit commissioners report thair diligence heerin with all conveniencie.”

Sederunt:—Chancellor; Hamilton; Argyll; Cassils; Lauderdale; Edinburgh, Louthian; Dalhousie; Angus; Balmerino; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh.

"The quhilk day, in presence of the Lords of Privie Counsel, compeire personallie John, Lord Maitlane, and produced and exhibit ane answer sent from the Parliament of England to that declaration sent from the Councell taycheing unitie of religion and uniformtie of church and governemnt in all his Majesties dominions. Of the quhilk answer the tenor followeth:—

"The Lords and Commons in Parliament have with approbation and thanks ressavemt from the Commissioners of the kingdome of Scotland a cleare manifestation of the respect whiche the Lords of his Majesties Secret Counsell for that realme doe beare to the weellfare and peace of this kingdome in the expression of thair affections quhairwith they were pleased to record the desyrs of the General Assembly of that church for unitie in religion and uniformtie in church government in his Majesties three kingdomes. And haweing often had that matter in debate and our most serious consideration, the christian advye of that reverend Assembly and the grave Counsell of that honourabill table, concurring with our awne judgment and experience of the manifold mischiefes and distractions whiche the government of the prelacie of this kingdome hath in all tymes and ages produced in this church and state, have moved us to bring our resolution to a more speidie maturity and
conclusion, wherein, as wee have satisfied our awne reason, so wee hope.

we sall satisfe the loveing and christian desyre of our brethren of Scot-
land, altho wee know that heirby we sall exceedinglie irritatt that
opposit and malignant partie who will bend all their invention and
force to interrupt this worke and to ruin and destroy us in the under-
taking of it. And wee desyre their Lordships consider that the partie
whiche hath now innocent and armed his Majestie against us and his
other faithfull subjects in this kinglyme is the same whiche not long
since, upon the same verie designe of rooting out the reformed religion
did endeavor to begin that tragedie in Scotland, whiche, whenssoever it
sall be perftted in either nation, will easilie be accomplished in the
other, religion being the band and foundation of the safttie and happines
of both. And as wee resolve, according to the national covenant betuix
the two kinglymes, to be carefull of the peace of Scotland as of our
awne, so wee doubt not bot their Lordships and the nation of Scotland
will be carefull to expresse their brotherlie kyndnes to us and prudent
care of themselvs by restrayneing the evill affected amongst thame,
that they may not foment our troubles; and be all other wayes accord-
ing to the articles ratified in the Parliaments of both kinglymes to
maine the peace and amitie betuix the two nations and to restrayne
the mischievous attempts and practises of those who are enemies to
both, that so, through Gods blessing, wee may mutuallie rejoyce in one
anothershapines, and yeild his Majestie suche a faithfull subjection as
may be honourabill to himselfe, comfortable to his people, [and] advan-
tageous to the professors of the reformed religion in other parts beyond
the seas.

" Subscribet Jo. Broone, Cleric. Parliamentor."

"The qhilk day the Lord Chancellour produced and exhibit in presence
of the Counsell the missive letter underwritten, qhilk being red and
considerit be the said Lords, they have ordand ane answer to be written
to his Majestie of the tenor following. His Majesties letter and the
answer thairto:—CHARLES R.—Right trustie, etc. By your letter of the
18th of this instant we find yow are resolved to recall our Scots Com-
missioners at London, but for some reasons yow have thought fit to
stay thair tuo of thair number. As yitt wee cannot sie in what qualitie
they are to be employed, for as commissioners from us and our Parlia-
ment of Scotland wee conceave they cannot, for they, not being a quorum
have not power to treat, and in that qualitie can neither press the
provyding of the Scots armie in Ireland nor payment of the remainder
of the brotherlie assistance; and if yow employ thame thair as com-
missioners from your selfes out of a necessitie of keeping a correspon-
dence betuix yow and our houses of Parliament, wee know not anie
suche power in yow without us; for certanlie if thair be a necessitie of
employing anie suche thair, the nomination of the persons is undoubted-
ly in us; for sall wee have lesse power in our Secret Counsell then in the
great counsell of our kinglyme, our Parliament. No, wee are confident
no suche question will ever arise amongst yow. And thairfore wee
expect yow will againe take this to your consideration and either, be recalling all our commissioners, take away the cause of this dispute, or, by showing us a necessitie of employing some there, give us occasion to nominat and make chose of suche persons as salbe without all exceptione fitt for that employment. So wee bid yow hartelie farewell. Frome our Court at Nottingham, the 26 of August, 1642.”

“Most sacred soverane, As by our other letter of the 18th of August wee did signifie to your Majestie the necessitie of the stay of tua of the commissioners at London, so now that your Majestie may clerlie perceive that what wee have done in this is agreeable with the tender respect and dutie wee ow your Majestie, wee conceave our selves bond to represent to your Majestie that wee are sufficientlie warrantid and authorised be a special commission frome your Majestie and your Parliament to have a care of what is necessarie for these forces sent from this to Ireland, and to se that the treattie for Ingland for their enter tainment be performed. And considering that the distractions quhilks are now in England will be a great lett to the tymous provision of the pay and entertainement of the armie, and how requisit it is that some be thair to remember and solicit the Parliament for performance of these conditions agreed unto in the treattie, wee trust your Majestie will see that wee have beene so farre from stretcheing our selves beyond our power in enjoyneing some of the commissioners to stay, both for this and for receavinge the remainder of the brotherlie assistance (which is lykewayes warrantid be a commission frome your Majestie and your Parliament), as if wee had neglected the same wee could not have beene answerable to that trust imposed on us by your Majestie and the Parliament, who have no other end bot the good of your Majesties service, and that wee may acquyt our selves as becometh your Majesties most humble and faithful subjects and servants. Edinburgh, 28 September, 1642.”

[Add to Sederunt the Justice Clerk and Cambo.]
Complaint by Thomas Corsan in Hessilfeild, as follows:—He has been charged to find caution for compearing before the Steward of Kirkcudbright and his deputies on 20th September instant to underlie the law at the instance of John Mellighame, procurator fiscal of the stewartry, for some alleged points of theft and reset to be laid to his charge at his compearing; and that most wrongfully, inasmuch as the principal steward having farmed that office to John Redick of Dalbie and his two deputies for sums of money, they for their own advantage do ordinarily summon “the most part of the poore men in that bounds before them of purpose ather to draw them under submission or hazard of the law, as may appeare by this generall citation, quhilk is in effect super inquirendis and so contrare to the law.” Further, the said steward and his deputies have no commission against the complainer, and without such in a matter of this kind they cannot proceed against him, and he is ready to answer in a lawful court upon fair trial to anything that can be laid to his charge, for which effect he has found caution in the books of Adjournal to compear before the Justice and his deputies whenever required. Charge having been given to the said John Redick and John Mellighame and the pursuer compearing but not the defenders, the Lords, in respect of the absence of the latter and that the pursuer has found caution to appear before the Justice, advocate the cause to his Majesty’s Justice, and discharge the defenders from further medling therein.

Complaint by William, Earl of Lanark, Secretary, Alexander Hamilton, ton of Hags, sheriff principal of Lanerick, and Bartholomew Robertson, sheriff clerk thereof, as follows:—Although the said Secretary of his Majesty’s special gift has the privilege of creating sheriff clerks vacant within this kingdom, and that the said sheriff principal has his Majesty’s gift of that office not as yet discharged, with power of making deputies and of uplifting the fees and casualties of the said office, and that the said sheriff clerk has also his gift for his lifetime and has held the said office for these forty years, yet Mr John Carmichael, Commissary of Lanerik, upon a gift of sheriff depute of the said sheriffdom ad vitam which he has “sinistroualie procured, and not allowed be his Majestyes Counsell and not being sworne be them for that service, he hes at his owne hand entered to the same and creat one Johne Hamilton, notar, to be his clerk, keepes courts, takes up the fees and unlawes thairof,” and they not only abuse his Majesty’s lieges but also encroach upon the complainer’s offices. Charge having been given to the said Mr John Carmichael and John Hamilton, the said Earl of Lanerik compere by
George Halden, and the said Alexander Hamilton of Hags and Bartholomew Robertson personally, who produced a letter from the said Mr John Carmichael to the said Bartholomew, "wherein he affirmed that his gift is as good as anyes of the kingdom and he hes as good right to judge thereby not transgressing the limits therein as anie of the Lords of Sessionoun hes power by their gifts proceeding from the same king, acknowledging also that he hes sett down a clerk; and the said Mr Johne compeirand personallie, who produced his gift under the privie seale of the date at Beverlie the 18 day of July last, whereby he is constitut shireff deput ad vitam, with power to uplift the fees and casualties, penalties and bloodwitts and all others belonging to the said office, and to creat substituts ane or mae; and did also acknowledge that he had keept court, his gift not being allowed be the Counsell nor he sworn and admitted be them, and that he had also created the said Johne Hamilton clerk, who was personallie present and produced the act of his creation of the date at Lanark the 23 of August last," the Lords after hearing parties, and "finding the said Mr Johne his gift to be derogatorie to the office of the principall shireff, who being changeable is liable for the service, the shirreff deput notwithstanding being constant ad vitam and not allowed nor lawfullie admitted be the Counsell and that he hes keept court and creat a clerk without power or warrant, therefore they suspend the said Mr Johne his gift and discharges him from execution of that office till the Counsell be farther advised and his Majestie be acquainted with the mater and his farther pleasure knowin therein; for which purpose ordanis a letter to be writtin to his Majestie."

Sederunt:—Chancellor; Hamilton; Argyl; Cassills; Lauderdale; Edinburgh, Louthian; Dalhousie; Angus; Balmerino; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchton; Dundas; Provost of Edinburgh.

"The Lords of Privie Counsell, heaving red and considerit the tua several contracts after specifieit, viz. —One made betuix the Lord Chan-
cellor be warrand and in name of the Counsell, on the one part, and Mr
Robert Ferquhar, burges of Aberdene, and James Stuart, merchant burges
of Edinburgh, on the other part, anent the furnishing three thousand bolls oat meale, and so much more as the saids merchants are able to
furnish not exceeding fyve thousand bolls, for the use of the Scote armie
in Ireland; and the other contract made betuix the saids Lords Chan-
cellor and Marques of Argyle be warrant and in name forsaid, on the
ane part, and James Hamilton of Boigs, George Porterfeild, burges of
Glasgow, and John Thomason of Sweithope, on the other part, anent the
furnisheing of fyve thousand bolls meale for the use of the said armie;
and being weles advysed with the saids tua contracts, the saids
Lords allowis of the same, and in token thairof subscryved the same,
have interpounded and interpons their auctoritie thairto and to the haille particularis thairin conteneand, and the saids Lords declaris that after the said meales sall be transported, if they sall understand be the oath of the undertakers that they are loosers in the bargane, the saids Lords will have a care to sie thair losse repaired, and as anie occasion heisafter sall occurre of further furnisheing the armie, the saids Lords will employ the undertakers before anie other.

Sederunt:—Chancellor; Hamilton; Argyle; Cassills; Lothiane; Lauderdale; Dalhoussie; Angus; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Waughtoun; Dundas; Cambo.

Complaint by Mr James Bonar, minister at Maybole, and commissioner from the General Assembly for the effect underwritten, and Mr Gilbert Powre, minister at Stanykirk, party grieved, as follows:—The General Assembly which met recently at St Andrews, taking into their consideration the act of the presbytery of Stranrawer whereby the said Mr Gilbert was suspended from the exercise of his office, found the procedure of the presbytery unwarrantable and appointed the said Mr Gilbert to be reponed. For that effect they gave commission to the said Mr James Bonar to repair to the kirk of Stanykirk and upon the Lord's day, after sermon, to intimate the same to the parishioners. Accordingly, on 21st August he went in a peaceable manner accompanied by some other ministers to the kirk of Stanykirk to fulfil "so religious and well warranted a commission, yitt it is of truth that Fergus M'Dougall, P. 125.

brother to the Laird of Freuch, Alexander McCulloch of Ardwell, Anna Ferguson, his spouse, Jonnet Cathcart, spouse to William Adair in Killaissier, Alexander M'Dougal of Logane, Jeane Agnew, his spouse, Andro and Joehne M'Dougalls, his sones, Margaret, Marion, and Elizabeth M'Dougall, his daughters Jeane M'Dougall, spouse to Thomas Adair of Caidyne, Sara Dunbar in Elrig, Issobell Purvance, Jonnet Greg and Margaret Neilson, servants to Mr Alexander Turnbull, minister at Kirkmadin, Alexander Rae, webster, Uthrid M'Dougall of Freuch, Agnes Agnew his spouse, John Bigholme in Galdinoch, Margaret Aitkine, his spouse, Quintene M'Dougal of Barlokhert, Margaret Hay, his spouse, Thomas M'Dougal, his son, Marion M'Dougal, his daughter, Bessie and Issobell McCurkirs thair, Margaret M'Sillan, spouse to John Smart, reader at Glenluce, Jonet M'Bairns in Park, Jonet BLane, spouse to Johnne Stuart in , Robert M'Clerik in Three Merk, Katherine Greg, his spouse, John Hill in Balgoune, Helene M'Bryd in My, Jeane M'Dougall, her daughter, Jonnet M'Ke in Glenluce, Patrik Campbell thair, with diverse others thair complices, convocated together from severall parishes of sett purpose to hinder this service, did in a tumultuous and violent way enter within the said kirk of Stanykirk and Alto thairof, carrying heaps of stones within them, and having cudgells in thair hands, and how sone they perceaved the said Mr James Bonar wes to begin divine
service they forthwith fell out in a barbarous and unchristian forme of brawling and striking of the loft with their cudgells, calling the said Mr James and the rest of his brethren soul murtherers who had not the Spirit. And when as he offered to show his commissiou from the Generall Assemblie, thinking that they would possiblie have givin some respect therunto, they then renewed their hideous shoutts and cryes, averring that the true kirk had deposed Mr Gilbert Powre and the false kirk had repouned him least their knaiever sould lykewayes be discovered; and sicklyke gave manie contumelious reproaches to our shireff when as in our name he commanded them silence. And thus continewing in their tumultuarie cariage and refusing ather to heare prayers, preachings or the act of the Assemblie, the said Mr James Bonar was forced to come out of the pulpit and with the rest of the ministers and honest people of the parish retired to ane commodious place in the feilds, where they having agane begun divine service, the hail persons foresaid with the like insolent behaviour rushed after them, and having furnished them for that end they did cast a number of peitts at them, used all means of violence to interrupt Gods worship, strake, hurt and wounded one Michael Adair to the effusion of his blood. And, finding the complainers still to goe on in the execution of what wes concredit to him be the Assemblie, they wer theret the more enraged and sent two or three of their number to protest against their proceedings and the ordinance of the Assemblie which wes their warrant. Lykeas upon the morn thatafter Andro McDougall of Killaissier did publicktlie threaten and avow that if anie busines or complaint wer made hearupon he sould find fyve or six fellowes to take the said Mr Gilberts life and then fle to Ireland. And upon the Sunday following they did make the like unlawfull convocation of purpose to have tane his life if he had beene there to have preached. Whereothas as the persons foresaid have unchristianelie abused the Lords hous and day and contenned the act of the Assemblie, so they have committed a great insolence upon the complainers, for the quhilck they ought to be exemplarlie punished to the terror of others to committ the like.” Parties having been cited, Mr Gilbert Power compeared personally for himself and Mr James Bonar, as pursuers, but of the defenders there compeared only the said Alexander McDougall of Logan, Uthrid McDougall of Freuch, Alexander McCulloch of Ardwell, Quinten McDougall of Barlokhart, Andrew McDougall of Killaissier, and Robert McClerie in Three Merk, and the Lords, after hearing parties and their witnesses, find that the said Fergus McDougall, brother to the Laird of Freuch, Agnes Agnew, spouse to the said Laird, Jean Agnew, spouse to the said Alexander McDougall of Logan, Anna Ferguson, spouse to the said Alexander McCulloch of Ardwell, Jean Cathcart, spouse to William Adair in Killaissier, Isobel Hay, spouse to Andrew McDougall of Killaissier, Andrew and John McDougall, his sons, Margaret, Marion, and Elizabeth McDougall, his daughters, Isobel Purveance and Margaret Neilson, servants to the said
Mr Alexander Turnbull, Margaret Hay, spouse to Quinten M'Douall of Barlokhart, Thomas M'Douall, his son, Marion M'Douall, his daughter, Margaret M'Millan, spouse to John Smart, reader at Glenluce, Sara Dumbar in Elrig, John Hill in Balgoune and Alexander Rae, webster, “having cudgels and accompanied with diverse others to the number of thriete persons or thereby came the time libelled to the kirk of Stany-kirk, possesst the lofts and seates in the kirk resolved to oppose the repouning of the said M'Gilbert Powre, and, when M' James Bonar entered and satt doun on his knees in the pulpit, they made a great din by striking on the lofts and seates with their cudgells and hideous cryes, crying Soul murderer; affirming that the Spirit was gone frome the said M'James, that the true kirk had depoased M'Gilbert Powre and the false kirk and a corrupt committee had repouned him, and that none would repone the said minister but such as wer guiltie of his crimes and feared to be depoased for the same, with manie other contumelious speeches and cursings; so as the said M'James was forced to goe out of the pulpit to the kirkyard to preach, whither a number of the saids persons followed him and renued their railings, kuist a peitt at him; and that the said Jonnet Cathcart protested for herself and the rest againis the ordinance of the Assemblie; and that thereby they have committed ane insolence of proud contempt and dangerous consequence and deserving most exemplarie punishment.” The Lords therefore ordain these persons to be charged to enter within ward in the tolbooth of Edinbugh (the husbands, masters and fathers of such as are not forisfamiliated to cause those for whom they are answerable to obey), and there remain until order be taken with them, and that within fifteen days, wherein if they fail they are to be put to the horn and escheated. Further, they ordain the said Mr Gilbert Powre to be reponed to his ministry, conforme to the order of the Assembly, with convenient diligence, and the defenders who were personally present are ordered to find caution in £1000 that they will assist herein, and that neither by themselves nor any for whom they are responsible will they oppose the same or do any injury to the said Mr Gilbert. They are also to pay twenty merks to each of the witnesses for their expenses.

Complaint by the bailies of the Cannogait and the provost and bailies of Edinbugh for their interest, as follows:—The bailies of the Cannogait are charged to concur with and assist Mr Banks in searching for tobacco pipes made by any other than himself within this kingdom and to seize the tools wherewith the same are made, especially the pipes and tools belonging to Richard Calder in the Cannogait. This charge they cannot warrantably obey because in the late Parliamet the patents granted to the Earls of Mar and Linlithgow with those “for pearling pearle and tobacco and all other monopolies granted or to be granted for the benefit of particular persons to the prejudice of the publicit ar discharged and declared ineffectuell. And this patent of Mr
Banks is of that nature whereby he assumes to himselfe the sole making and selling of tobacco pypes for his own benefit to the prejudice of others who are able to serve the countrie; and upon this occasion his patent cannot but be greevous to his Majestis leiges since by the same they are tyed to him and to his prices quhilks he imposes at pleasure, whereas the libertie of trade would make these pypes a great deale cheaper. Secundlie, upon the knowledge of this act of Parliament Gilbert Fraser and Robert Tait, merchants in Edinburgh, have brought in the said Calder, their countryman, and have erected works for him and he hes thereupon made great quantitie of tobacco pypes, whairof the said Mr Banks, upon the 16 of this instant, did verie presumptuouslie brake a great number; and it is verie hard to the compleanners to prejudge their owne inhabitans in the benefit of their undertaking flowing from ane act of Parliament for the particular of a stranger and his monopolie." Charge having been given to the said Mr Banks, and he compearing and also the pursuers by Sir Alexander Clerk, provost of Edinburgh, the Lords, after hearing parties, remit the determination of this matter to his Majesty and the Estates in the next Parliament. Meanwhile they discharge all others his Majesty's subjects "to work or make anie tobacco pypes conforme to the tenor of the said defender his patent, and ordains the letters foreesaid granted thereupon to be putt to further executionn."

Complaint by William Baillie of Carphin, Thomas Walker in the town of Stanehouis, his officer, and Arthur Hamilton, messenger, as follows:—On 23d September, 1641, Cuthbert Alstoun in Stanehouis town and Archibald Alstoun in Cander, his brother, with others came to the town of Stanehouis where the complainant had caused build a stable for his horse and demolished the same. Further, on 23rd August last, when the said William Baillie was "executing his Majestis letters and warrant of the Committee of Estates for payment of the twenty pennie," these two brothers "malapertlie and violentlie deforced the said messenger with swords and daggers and wounded him, publiclie avowing that they would not regard his Majestis letters nor no execution of the same so long as they could stand." And on 9th September instant the said Cuthbert Alstoun came by way of hamesucken under silence of night to the said Thomas Walkers house, and, "becaus he affirmed that he was servant to the compleanner, he not onlie threatened him with injurious speeches but also drew ane whinger resolved to have slane him if he had not been hindered." The said William Baillie compearing for himself and the other pursuers, and the defendants being also personally present, the Lords, after hearing parties and certain witnesses for the pursuit, find that "the said Archibald Alstoun invaded and pursued the said Archibald Hamilton, messenger, and strake at him with a drawin sword in the execution of his office the time libelled, and that the said Cuthbert pursued and strake at the said Thomas Walker with a drawin whinger at that same time and uttered minassig
speeches againis them, and that both the saisd brether with their com-

ciples violentie deforced the messinger and tooke from him foure ky

and three strike quilks the messinger had poynded," and they ordain
them to be warded in the tolbooth of Edinburg till further order be

taken with them, and until they pay one dollar of modified expenses to

each of the witnesses. But they assoozie the said Arthur [sic] of the
two points of the complaint touching the demolishing of the stable and
pursuit of Thomas Walker in his house, because, on probation of these
being referred by the pursuer to the said Cuthbert's oath of verity, he
denied the same.

Edinburgh,
23rd September 1642.

Edinburgh,
24th September 1642.

Complaint by
Alexander
Seton, son to
Sir John
Seton of
Barne, at
whose instance
he is warded
in the Tolbooth
of Edinburg,
to the effect
that while in
ward he can-
not prepare
his defence.

Seane, p. 310.

[Sederunt as recorded above, adding the Clerk Register.]

Sederunt:—Chancellor; Cassills; Dalhoussie; Angus; Advocate;
Treasurer Depute; Justice Clerk; Wauchton; Dundas; Cambo.

Complaint by Alexander Seatoun, son to Sir John Seatoun of Barne,
as follows:—Upon a charge at the instance of his said father and Dame
Lilias Seatoun, his sister, he has been warded in the tolbooth of Edin-
burgh till order be taken with him for his alleged breaking some doors
of his father's house and shooting pistols thereat, out of which ward he
ought to be released because this charge proceeded "upon the depositions
of certane witnesses who wer servants for the time to his said sister,
being partie at least to Sir James Ramsay, knight, now her husband
and then in sute of her; and so could not in law be the ground of anie
sentence againis him." Moreover, the prosecution is only made to bring
him into greater difficulty, either of horning through disobedience,
whereby he will debar himself from the necessary and just action of
maintenance he has raised against his father before their Lordships on
Wednesday next, or of forcing him to relinquish that pursuit to his
utter undoing. In the said action he must use his best diligence for the
information of their Lordships and advise with his advocates, and, as he
cannot do this while he is a prisoner, he is content to find caution to
underlie their Lordships' pleasure next Wednesday. Charge having
been given to the said Dame Lilias Seatoun, and both pursuer and
defender compearing personally and having been heard, the Lords, upon
the pursuer finding caution in £1000 to appear upon the first Tuesday
of November next and for the indemnity of his father, and his men,
tenants and servants meanwhile, ordain the provost and bailies of
Edinburgh to liberate him in so far as he is warded for the above cause.

Edinburgh,
24th September 1642.

Sederunt:—Chancellor; Argile; Cassills; Lothian; Lauderdale;
Dalhoussie; Angus; Balmerinoch; Clerk Register; Advocate;
Justice Clerk; Treasurer Depute; Wauchton; Dundas; Cambo.

1 This is a post meridiem Sederunt.
“The quhilk day Petrus Lutkens, ambassadour from the State of Ham-
burgh, come before the Counsell and made relation of his employ-
ment in Latine quhilk he also produced in writ, concerning which the
Counsell resolved to give answer at their best convenience quhairof the
said ambassador is to be advertised and the partners to have a sight of
his papers.”

Sedereunt: — Chancellor; Argile; Cassills; Lauderdaleil; Angus; Edinburgh,
Balmerinoch; Advocate; Treasurer Depute; Wauchtoun; Dundas; Cambo.

Supplication by Sir John Smith of Grottell, knight, as follows:—“The
great and weightie imployments and services wherein he has been
exercised since the 1637 year of God, partlie for the town of Edinburgh,
but muche more for the publict, have redacted him to great perplexitie
in regard to the heevie burden of publick accomplis, and upon that occa-
sion the confusion of his owne privat affairs, so as if it could have pleased
God to call him in this service as he hes late done Patrick Bell, his
felowe commissioner, the publict could not but suffer and his posteritie
be in danger of ruine. The sense whereof doth verie much move him
earnestlie to intreat that he may be warranted to come home to settle
his affaires and exoner himselfe of the heevie burden lies on him.” The
Lords grant leave to the supplicant to return home to this country
and remain for such a time as the Council shall think fit, provided he substi-
tute James Campbell in his place “for receaving the brotherlie assistance
and others moneys due from the Parliament for whom the said Sir John
shall be answerable.”

Supplication by the postmasters between Portpatrik and Carlill, as
follows:—In the month of last order was given by the Parlia-
ment of England “for establishing post stages betuix Edinburgh and
Portpatrik and Portpatrik and Carlill,” and the doing so was laid by
some of the Commissioners at Court upon Robert Glencors, merchant
burgess of Dumfreis, “as a person who knew best to sattle post stages
betuix Carlill and Portpatrik, and who was also recommended be the
provest and bailies of Dumfreis as the fittest person to be postmaister at
Dumfreis, who did thereupon represent the mater to the Scottish Com-
missioners at Londoun and to the English Commissioners for the affaires
of Ireland, who directed him to M‘Burlimakie, maister of the letter
office, for agreement anent this service; and so the said Robert was
established postmaister betuix Annand and Dumfreis, 12 myle; and
Mark Cook betuix Carlill and Annand, 12 myle: Andro M‘Min betuix
Dumfreis and Stepe of Or, 12 myle; Ninian Mure betuix the Steps of
Or and Gaithous of Fleit, 12 myle; and George Bell from thence to the
Peth hous, ellevin myles; and John Baillie from thence to the Kirk
of Glenluce, 13 myle; and John M‘Aig from that to the port, ten myles;
which persons are the onelie men fitt for that imployement as being
inkeepers and of approved honestie in these parts, who have done also acceptable service to the Parliament of England since the month of May that they entered to that service, and ar to be payed be them for the same, as by their orders may appeare and by some letters writtin to the said Robert Glencors from the said Mr Burlimakie, Sir John Cotworthie and others; and this service was found so necessarie that even in time of peace the same was thought fitting for keeping intelligence with Ireland but stayed be the late Earle of Strafford. And since the suppliants have so long servd with the good lyking of England, and they were also established by motioun of some of the Scottish Commissioners, humble desiring therefore the saide Lords to ratifie this employment and to allow the said John McCaig, postmaister at Portpatrik. The P. 134. Lords finding the desire of the supplication reasonable "and the employment and service foresaid to be much conducing for intelligence betwixt England and Ireland therefore they have allowed and be thir presents allows of the saide suppliants their employments foresaid and of ane post bark to the said John MeCaig, their fees alwaies being paid to them be the Parliament of England."

The Lords gives commissioun to the Erle of Cassills, the Lord Angus and Lord Register or anie twa of them to heare the ambassador of Hamburg, Sir George Hamilton, Andrew Ainslie, George Arnot, and their partners anent the reprisals and to report."

Edinburgh, 28th September 1642.

Sedunt:—Chancellor; Marquis of Hamilton; Marquis of Argyle; Cassills; Lauderdale; Lothian; Angus; Balmerino; Waughton; Dundas; Cambo.

Complaint by Hercules Cramond, elder of Balhall, against John Ogilvy of Inschewane for contempt of morning.

On 5th April, 1634, John Ogilvie of Inschewane was put to the horn for non-payment to the complainer of 220 merks and some interest thereof and expenses, and again on 28th January, 1635, for not finding caution of lawburrows in 1000 merks to the complainer, but notwithstanding he goes about peaceably in all parts of the country as he pleases, uplifts his rents, dwells in his houses, and behaves as if he were an answerable and obedient subject. The pursuer compearing by Walter Keir, his procurator, but not the defender, the Lords ordain the latter to be charged to render his house of Inschewane and enter himself in ward within the castle of Blackness within fifteen days upon pain of treason.

Edinburgh, 29th September 1642.

Sedunt:—Chancellor; Hamilton; Argyl; Cassills; Lauderdale; Louthian; Balmerino; Treasurer Depute; Waughton; Dundas; Cambo.

Reply of the Council to the Parliament of England anent unity in religion and

"The Lords of his Majesties Privie Counsell of Scotland, haveing perused the answers of the honourable Houses of the Parliament of England to the Commissioners of the General Asseamble concerning unitie in religion and uniformitie in church governement, togiddier with that which wee
sent to thameselfs for that same purpose, doe in all humilitie blesse uniformity in
God for his goodnes, and with all cheirfulnes returne thanks to the
Parliament for hearkning to the joynt desyrs of this Kirk and kingdome, Secundt, p. 317.
and for promoveing this blessed work whiche promiseth so great happines
both kingdomes, that, religion being once settled and the house of God
governed according to his awne will, his wrath will be turned away and
all temporall blessings of prosperitie and peace will be abundantlie
supperaddit. It is not to be expected bot malicious men, the enemies
of religion and all righteousnes, will rage and tumultuat as they have
done frome the beginning and late experience hath taught, but it is
muche better in so good a cause to be vexed for a tyme with their
malignant intentions and violent opposition then to have religion, liberties
and lawis, his Majesties good subjects and the posteritie prostitutte to
thair lusts and trode underfoote at thair pleasure in all tyme to come,
whiche the saids Lords acknowledge and have found to be the unnatur-
all designe of papists, prelate and atheits against both kingdomes, and [it]
sould thairfore be impious against God, unrighteous to the kingdome of
England and enemies to thameselfes if they could not by restraineing the
practises of common enemies (how soone they sall appeare amang thame
or be knawin unto thame) and be all good wayes, according to the
articles of the treattie and oath of Parliament of both kingdomes, be
carefull of the peace and happines of England, as of thair awne. The
lyke studie and care hath appeared in the Commissioners for conserving
the peace betuix the kingdomes, and in the Commissioners of the
General Assemblie, as will be manifest be thair awne expressions and
desyrs sent to the Kings Majestie and the Parliament. In all whiche
nothing is intendit nor sought after bot the removeing of the distractions
betuix his Majestie and his Parliament, to the good of religion, his
Majesties honor and peace of his kingdomes, which is and sall be the
cheife care and continowed endever of the saids Lords, according to the
special trust and obligation of thair place."

"Forsameikle as his Majesties signet, quhaiby all common summands
and other letters are sealed, is become bare and worene, so that the
impression thairof cannot weele appeares, thairfore the Lords of Privie
Counsell ordans and commands Charles Dickesone, his Majesties sinker,
to sinke and engrave in gold a new signet, just conforme to the old ane;
quhilk being done, ordans both to be presented to the Counell that
order may be given for breaking of the old one, and making use of the
new one."

[Sederunt as recorded above.]
alleged not-payment of the tent pennie for the crop 1639." This was not done by them upon any malice or evil intent, "but onelie they havelinge the said William Baillie his discharge of the said tent pennie for quhill he was to pownd and of all that could be craveed of them for the said yeere, they thought themselves in surteic and that they might lawfullie have stayed the said messinger. And whereas they are but poore simple men and now their crop is upon the ground unshorne," they crave the Lords to pity their condition and release them. The Lords ordain the provost and bailies of Edinbirgh to put the suppliants to liberty, "they first giving back the pownd tane from the messinger and paying the witnesses expenses conforme to thair decreit," and finding caution each in 400 merks for the indemnity of the said William Baillie, and his men, tenants and servants.

"The Lords of Secrict Counsell, considering how much this nation is concerned in the regiment going for France under the Earle of Irving, and how that they have promised thair concurrence and assistance for levyng and transporting of the said regiment, and considering withall that the countrie is much troubled with ydle persons and vagabonds who are a burden to the same and may be usefull in the service foresaid, therefore the saide Lords be thir presents gives warrant to all shireffs, stewartes, baillieis of regaltieis and thair deputis, provostes and baillieis of burrowes and others his Majestieis officers and ministers of his lawes to burgh and land to take and apprehend all such ydle persons and vagabounds as sall be given up to be of that qualitie be the ministers and kirk sessions and magistrates of burrowes within their severall jurisdictions, and to deliver them to the said Earle of Irving or his officers, who sall be interteamed in meat and cloth sufficientlie be the said Earle and his saids officers till they be transported for the service foresaid."

"The quhill day in presence of the Lords of Secrict Counsell com-piered personallie George Halden, keeper of the Signet, and produced the same before the saids Lords all worne and bare, desiring the said signet by warrant of the saids Lords to be renewed and engraven in gold. Lykewise accordinglie the saids Lords ordains and commands Charles Dickenson, sinker of his Majestieis yrnes, to sink a new signet in gold conforme to the stamp and impression of the old; qhillie being done ordains the old to be brokin and destroyed."
macer, and the other two by John Spence, Rothesay Herald, with displayed coat of arms in the year 1637 to render their houses and enter in ward in Blackness Castle. But they are still defiant, to the contempt of authority and prejudice of the complainer in great sums of money. He craves warrant to his Majesty's Advocate to prosecute the persons above named before the Justice General for treason. The Lords give authority and command to the Lord Advocate to do so.

The Lords ordain the provost and bailies of Edinburgh to liberate Order to the Cuthbert and Archibald Alistoun in so far as warded for the cause before mentioned (ante, p. 329), seeing they have found caution for delivery of the poyn and indemnity of William Baillie of Carphin, and have consigned in the hands of the Clerk of Council the expenses of the witnesses.

Sederunt:—Chancellor; Argyl; Cassills; Lauderdale; Louthian; Angus; Balmerino; Clerk Register; Advocate; Treasurer; Depute; Justice Clerk; Wauchton; Dundas; Cambo.

"The Lords of Privie Counsell, haveing red and considerit the letters sent from the state of Hamburg anent the letters of reprysall granted to be his Majestie and the Parliament against the said state, and having lykewayes hard Peter Lutkens, legat from the said state, and als haveing perused the letters sent from the Kings Majestie; and recommendation sent from the Prince of Orange thairenant, and considering that the letters are granted be his Majestie and Estates of Parliament, and cannot thairfo re be recalled be the Councell, yit out of the respect the saids Lords caries to the said state of Hamburg, and that a faire correspondencie and good understanding may be continowed, and the long peace and commerce betuix this kynodome and that state be not interrupted, and in respect of the offers made be the said Peter Lutkens to use his best endeavors to procoure just satisfaction to the persewers, the saids Lords have thairfo re moved the saids persewers to consent that the execution of the saids letters of reprysal may be delayed for the space of six moneths, being confident that in this tyme course will be tane for the persewers satisfaction, sieing after that tyme is expyre the execution of the letters of reprysal cannot be longer stayed.

Sederunt:—Chancellor; Lauderdale; Angus; Yester; Balme- rinocht; Clerk Register; Advocate; Justice Clerk; Treasurer; Depute; Wauchton; Cambo; Provost of Edinburgh.

"The whilk day Johne, Earle of Loudon, Lord High Chancellor of this kingdom, produced and exhibit before the Lords of Privie Counsell three immense letters signed be the Kings Majestie and direct to the said Lords. Of the whilk the tenor followes:—CHARLES R.—Right trustie and right welbelovit cousine and counsellor, right trustie and right
welbelovit cousins and counsellers and trusty and welbelovit counsellors. We greit yow well. By your letter to us the 19th of this instant August we find yow concurre with our late Generall Assemblie in their desire to us anent unitie of religion and uniformitie of church government in all our three kingdoms, which cannot be more earnestlie desired by yow then sall be reallie endeavoured by us in such a way as we in our conscience conceave to be best for the floorishing estat of the true protestant religion. But as for joyning with our houses of Parliament in this work, it wer improper for us at this time to give anie answer. For since their meeting they have never made anie proposition to us concerning unitie of religion or uniformitie of church government. So far they ar from desiring anie such thing as we ar confident the most considerable persons and they who make fairest pretences to yow of this kinde will no sooner embrace ane presbyteriall governement then yow an episcopall. And truelie it seeems (notwithstanding whatsoever professions they have made to the contrarie) that nothing hes beene lesse in their minde then the settling of the true religion and reforming such abuses in church governement as possibillie have crept in contrarie to the established lawes of the land, to which we have been so far from being averse, that we have by diverse declarations and messages pressed them to it, though hitherto it hath been to small purpose. But whencesoever anie proposition sall be made to us by them which we sall conceave anie wayes advance the unitie of the true protestant religion according to the word of God and establish the church governement according to the knowne lawes of this kingdom, then we sall by our cheerfull joyning with them lett the world see that nothing can be more acceptabile to us then the advancing and furthering so good a worke. So we bid yow heartilie farewell. From our Court at Nottinghame, the 26 of August, 1642. CHARLES R.—Right trusty and right welbelovit cousins and counsellors, right trusty and right welbelovit counsellors, we greit yow well. By your letter of the first of this instant yow represent to us the sufferings and losses of our subjects by the infringement of these ancient priviledges and liberties they formerlie (for verie good and honorable causes) injoyed in the kingdom of France. We, being most willing to have all our subjects of that our kingdom restored to their ancient priviledges, doe hereby authorize and allow yow to appoint such as yow sall think most fitt to treate and deal with these who sall be FOL. 61, warranted from our brother, the French King, that these our subjects of all conditions may be restored to their saids priviledges and injoy the same without anie diminution in all time comming. So we bid yow heartilie farewell. From our Court at Shrewsbury, the 10th of October, 1642. CHARLES R.—Right trusty and welbelovit cousins and counsellors, right trusty and welbelovit counsellors, we greit yow well. By your letter of the 28 of September yow informe us that you have suspended Mr. John Carmichael from the office of shireff deput of Lanerick in regard of his unwarranted entrie to the same and encroach-
ing upon other mens rights in ane illegall way; and with all yow depute of Lanark.
represent to us that manifold prejudices will ensue to our service, to the
office of shireffs and to all our subjects by appointing shireff deputys
during life; for preventing all these evilla, we doe resolve to pas no more
anie such gifts, and doe heirby give power and auctoritie to yow to recall
anie of that nature as hes alreayie past our royall hand. So we bid
yow heartilie farewell. From our Court at Bridgnorth, the 13th of
October, 1642. Which missives being read in presence of the saids
Lords, they continue the advising thereupon till Tuesday nixt."

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Edinburgh,
Glencarne; Lauderdale; Lothian; Angus; Yester; Balmerinocht; 3rd November
Clerk Register; Advocate; Treasurer Depute; Wauchtun;
Cambo; Provost of Edinburgh.

Complaint by James, Marquis of Hamilton, collector general of the Complaint by
taxations granted in June, 1633, as follows:—Richard Foularton of James,
Marquis of Hamilton, collector depute of these taxations within the bounds of
for certain years contained in his commission, was brought to an account of his intromissions and obtained his discharge. Thereafter
he in the month of went north and uplifted from the deceased Mr William Schairp, sheriff clerke of Bamf, the sum of £900 as if he had been still in service, which "he intends to intervert to his owne use and to defraud his Majestie thairof." Similarly, James Thom, messenger in
has intromitted with the taxations of the bishopric of Aberdene and abbacy of Arbroath. The pursuer appearing by Sir
John Hamilton of Orbiestoun, Justice Clerk, but the defenders not
comparing, the Lords ordain the latter to be put to the horn and
escheated.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, Complaint by
and Alexander Duncan, now in Kirk, servitor to Sir John Sinclair of Alexander
Dunbeth, as follows:—Notwithstanding the prohibition of the wearing and
bearing of hagbuts and pistols, on August, 1640, Alexander John Sinclair
Cogill of that Ilk, David Cogill, his son, Walter Bruce in Hanune, Hucheon
Brue in Kirkfeld, Robert Bruce, son of William Bruce, portioner of
Lyth, and John Diron in Okirk, armed with swords, staves, hagbuts, pistols and other invasive weapons, came to the lands of and slew
five sheep belonging to the said Alexander Duncan. "And when as he
sent his woman to bring back his sheep, the said Alexander Cogill band
 tua of them on her and said he would present her to the shireff as ane theefe.
And, how soone the said Alexander came to see what the mater
meant, the persons foresaid pursuied him of his life and brake the shaft
of ane axe upon his head." Charge having been given to the said
Alexander Cogill and Hucheon and Robert Bruce, and his Majesty's
Advocate comparing personally and Alexander Duncan by his said
master, Sir John Sinclair, but none of the defenders, the Lords ordain
the latter to be put to the horn and escheated, but continues the out-
giving of the letters, “they finding caution within eight dayes to appeare
and answer upon the first Counsell day of Junii next.”

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate
and William Bruce, portioner of Lyth, and heritable proprietor, at least
liferenter of the lands of Stanstell and pertinent thereof, as follows:—

On August, 1640, William Bruce, son and apparent heir of David
Bruce of Stanstell, gave in a petition to Sir William Sinclair of Catboll,
knights, Sir John Sinclair of Dunbeth, Alexander Sinclair of Lethroun,
John Dumbar, younger of Hemprigs, David Monro, Comissary of
Caithness, Gavin Bruce, portioner of Lyth, and William Talyeour, burgess
of Thurso, the alleged sub-committee of Caithness, desiring by their
authority “to be placed in the place and lands of Stanstell quhilkis wer
lawfullie apprised fra him and his umquhill father at the instance of
umquhill M’ David Bruce, minister at Olrick, the compleanner’s brother,”
to whom he is lawfully served heir and infeft in the said lands; and the
said sub-committee, without hearing of party or the production of any
right by the said William Bruce to verify his claim, ordained him to be
infeft therein and charged the complainer to account to him for the
rents with which he had meddled. The complainer thereupon declined
these persons as judges in this matter, notwithstanding whereof the said
William Bruce, and Sinclair, bastard daughter of the said Sir John
Sinclair of Dunbeth, his spouse, at the instigation of the said Sir John
Sinclair and Sir William Sinclair of and of Sir James Sinclair of Canesby
and Alexander Sinclair of Lethroun, came in August, 1640, to the manor
place of Stanstell, of which the keys were in the complainer’s possession,
and breaking up the doors thereof and of the chambers and office houses,
meddled with the corn in his yards and disposed thereof at their pleasure,
and they labour and manure the said lands intending to appropriate the
same, although the complainer has good right thereto. “And to his
farther disgrace the said Sir John Sinclair directed James Cogill, belman
at the kirk of Bonar, to the compleanner with a paper closed as a
missive but blanke within and a gallowes drawin upon the same as if he
had beene some theefe or malefactor.” The complainer and some
others have raised letters of lawburrows to secure themselves from the
oppressions of these persons, but they threaten the messenger with all
kind of hostility if he executes them, so that they are deterred for fear
of their lives. Moreover, the said William Bruce, accompanied by
Gavin Bruce, portioner of Lyth, David Bruce, his son, Huchon Forbes,
servitor to the said Sir John Sinclair, and others, armed with hagbuts,
pistols and other weapons, at the instigation of the said Sir John, Sir
William and Sir James Sinclair, came to the complainer’s lands of Lyth,
and “violentlie reft away his hay” which was there. The complainer
is thereby greatly oppressed and is like to be put from his estate and
deprived of his life. Charge having been given to the said Alexander
Sinclair, John Dumbar, Gavin Bruce, Sir John Sinclair and William
Tailyour, to compear on 19th July last, and the pursuers compearing personally but not the defenders, the Lords then ordained the latter to be put to the horn, but superseded the giving out of the letters until the first Tuesday of November, the defenders finding caution to compear that day; and this day the matter being of new called and the pursuers compearing, the said Sir John Sinclair and Mr David Monro also compaired and produced two letters written by the said William Bruce to the said John Dunbar, younger of Hemprigs, and Alexander Sinclair of Latheroun, whereby he passed from them and discharged this complaint, and also a testificate under the hand of the Earl of Sutherland of the inability of Gavin Bruce to travel; and in respect thereof they protested that they and their cautioner might be free of their act of cautionry. The Lords admit the protestation, and William Bruce being personally present declared in presence of their Lordships that he passed simply from this complaint against the said defenders and would insist no further therein.

Sedentur:—Chancellor; Hamilton; Argile; Eglinton; Cassills; Edinburgh, 8th November 1642.
Glencarne; Lauderdaleil; Lothian; Dalhousie; Angus; Balmerinocht; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtoun; Cambo; Provost of Edinburgh.

"The Lords of Secret Counsell, considering the prejudice quhill is like to ensue to his Majesties service throw the not timelie election of the shireffs of whom his Majestie hes the nomination for the yeere to come, as also seeing these who wer shireffs last yeere hes not at yett cleared their comptes anent the ingaddering his Majesties taxation and rents nor performed such other things as ar incumbent to their charge, therefore the saids Lords hes thought meit and expedient, concluded and ordained that the saids shireffs who ar presentlie in office and who have served this yeer bygane sall be continued for the yeer to come, viz:—Sir John Dalmahoy, shireff of Edinburgh, Sir John Achimnoutie, shireff of Hadintoun, Sir Alexander Swinton of that ilk, shireff of Berwick, Sir Robert Greir of Lag, shireff of Dumfries, Sir William Scot of Harden, shireff of Selkirk, Johne Naper of Kilmahew, shireff of Dumbartan, David Grahame of Fintrie, shireff of Forfar, Sir Thomas Blair of Baltieyock, shireff of Perth, Alexander Hamilton of Hags, shireff of Lanerk, Campbell of Cesnock, shireff of Air, Sir Alexander Irwing of Drum, shireff of Aberdene, Sir Alexander Abircrombie of Birkinboig, shireff of Bauff, Thomas Fraser of Strachin, elder, shireff of Innernes, James Johnston of Corheid, Stewart of Annerdaill, Foulerton of Dregborne, bailie of Kylestuart and Bryce Sempill of Cathcart, shireff of Renfrew and bailie of Paisley, whom the saids Lords oryne to exercise their offices for the yeer to come in everie point and with als great jurisdiction, priviledges and immunities as they did the yeere bygane, and as if they had new commissions past and exped to them under the great scale,
and ordains letters to be direct to make publication heirof be open proclamation at all places neidfull, wherethrow none pretend ignorance of the same; and to command and charge the shireffs, stuartes, and baillies, particularly abonwritten to goe on to the discharge of their offices and performance of everie duetie incumbent to thame, as they respect the good of his Majesties service and weale of the countrie and will answer to the contrare at their highest perrell.

Sederunt ut die predicto.

Supplication by William Bruce, portioner of Lyth, as follows:—Last Council day, in the process by him against Sir John Sinclair of Dunbeth and others of the sub-committee of Caithnes for dispossessing him of the lands of Stanstall, he made a declaration that he passed from that pursuit before their Lordships; which declaration, his advocates tell him, is so conceived as to prejude his civil action before the Lords of Session. As this is both against the Council’s meaning and his resolution, he craves that their Lordships may declare that his declaration shall not have such effect. The Lords do so and declare that the supplicant has full liberty to prosecute his case before the Lords of Session.

“Sederunt, February 1635-1636.

His Majesty’s letter anent the unity of religion, ordains the commissioners of the kirk to be acquainted therewith.”

“Ordains the shireff deputes ad vitam to be writtin for to exhibit their gifts and to heare his Majesteis pleasure thairanent made knoane to them.”

“Sederunta, November 1643.

Commission appointed to enquire into the privileges of the Scots in France.

Commission to consider the best means of providing for the army in Ireland.

“Sederunt:—Chancellor; Argyle; Cassills; Glencarne; Lauderdaill; Lothian; Dalhousie; Angus; Balmerinocht; Burlie; Acta, November 1641-October 1646. Fol. 61, b.
The Lords of Secret Counsell allowes the colonells of the arnies in Ireland to provide ane hundred last of herring for the army in Ireland, and to send the same over to the said arnies. And, seing the colonells are to advance, everie man for his proportionall part of the prices thereof, the saids Lords declares they will see them repayed and will byde the sea hazard of transporting thereof.

"Forasmeke as there is great appearance of trouble like to fall out betuix Sir Gilbert Meinzie's of Pitfodells, on the one part, and John Leslie of Forbes, on the other part, who intend to draw their freinds and followers together in convocations and backings within and about the town of Aberdene to the disturbance of the peace of the country without remeild be provided, therefore ordains letters to be direct charging both the saids parteis to compeir before the Counsell upon the 29 day of November instant to underly such order as sall be tane with them for observing the peace of the country, under the pane of rebellion, etc., with certification, etc.; and in the meantime to command and charge both the saids parteis to keepe his Majesties peace, and not to invade, trouble nor molest one another for quhatsumever deid, caus or occasion other wayeres nor be order of law, and that they make no convocations of their freinds or followers for that effect, but behave themselves in queyt and sober maner as peaceable subjects, either of them under the pane of ten thousand pundis; certifieing them that failleis that the same sall be uplifted of them without favor."

[Sederunt as recorded above.]

Complaint by George Cumming, lawful son of Duncan Cumming, sometime in Ruthen, as follows:—On February last, Alexander Robertson in Auchbeg, Janet Souericht, his spouse, and James Craig, his servant, "tooke and apprehended the compleanner, being his Majesties free liege, and tortured him by waiging his finger in a bore in the said Alexander his coate doore, cruellie byrdelled him, and hang him by the armes in a tow to a balk of the barn; whilk is a verie proud attempt and deserves severe and exemplarie punishment." The pursuer com- pearing by Alexander Leslie, writer in Edinburgh, his procurator, but the defenders not compeiring, the Lords ordain them to be put to the horn and escheated.

Complaint by Alexander Sandesone and Robert Irwing, messengers, as follows:—For the execution of their office they have been heavily troubled by these persons as follows:—On April last John Burnet of Buthquarne came by way of hameseeken to the complainers' lodging against John Burnet of Buthquarne, "uttered manie disgracefull speeches agains them [for charging him] to find caution for observing his Majestis lawes anent the slaughter of black
and rid fish be vertue of letters direct be the Lords of Privie Counsell, feare-
fullie swearing that they durst not avow the charges givin. And when they
modestlie replied they could not but avow so laufell a deed, the said
John Burnet drew his sword, strake at the said Alexander therewith,
and missing him, wounded the said Robert on the hand and almost
mutilat his foremost finger. And when he wes with difficultie putt
away, he vowed to returne and waken the compleanners out of their
sleepe and ather to have their lyffes or to burne the hous; and accord-
inglie came about midnight with a lance and banded stalffe and had not
failed to have done the same if they had not beene stayed. And upon the
day of the same moneth, the compleanners servant having
charged James Barrie in Borland to compeir before the Shireff of Aber-
dene, for this onelie caus with some of his servants followed after theame
with drawin durekes, strake thame with stalffes and forced them to take
back theire copes. And upon the day of the same moneth, the said
Robert, being in the house of Thomas Watson in Aberdene taking up
dittay aganis fugitives from the justice courts, he and his servants for this
caus disgracefullie strake the said messinger; quhilks ar intolerable
affronts of his Majesteis service and deserve to be exemplarie punished." P. 145.
Charge having been given to the said John Burnet and James Barrie as
parties and to Robert and Thomas Anderson at the Cobill of Afford,
Robert Middletoun in Bordland, George Middletoun in Ballastrein and
John Yre there, as witnesses, and the pursuers compeiring but not the
defenders nor the witnesses, the Lords ordain both the latter to be put
to the horn and escheated.

Complaint by Alexander Spaldie, notary in Elgin, now in old Aber-
dene, as follows:—On 20th April, 1638, William Gordon of Arradoull
was put to the horn at his instance for non-payment of a debt of 800
merks, with interest and expenses due thereon, but of the said horning P. 146.
he takes no heed. The pursuer compeiring by Patrick Rankene, servitor
to Mr James Baird, advocate, his procurator, but the defender not com-
peiring, the Lords ordain him to be charged to render his house of
and to enter himself in ward within the Castle of Blackness
within fifteen days upon pain of treason.

Supplication by Sir John Seatoun of Barns, as follows:—"This while
bygane his son Alexander Seatoun hes made great bussines before the
said Lords and brought the supplicantes name in hearing as ane unkynd
father unto him, whereof he is verie sore, his cariage having ever here-
tofo re beene without challenge or hearing; and this day being appointed
for his sonnes answer for what he sall lay to his charge, that it would
please the saids Lords be informed that there wes no parent ever so
kynd and duetifull to their children as the supplicant wes to his sonne
untill that againis his will and the said Alexander his owne solemne
oath he matched with the Ferrells of the Yrish brood in Ireland, and
since that time he did thrise surprise tuo of the supplicants houses, 
affrighted his tennents, killed his cattell, medled with his household staff
and everything belonging to him in Ireland, himselfe being in this kingdom, so as he was forced by order from the Lieutenant and justices there to cause commit him prissouner to the jayle of Dubline, and he was releved upon assurance of his better behaviour. But shortlie thereafter he seazed of new upon the supplicants houses and lands so as he was moved to sue him before the judges of assise, where he was fyned and ordained never to be seen upon the supplicants land but to remove aff that kingdom. Since quhilk time not onelie hes his allya, the Ferrells in Ireland, seazed upon all his means there, declarling that all sould come to Ferrells barnes and that they had sent his sone thither to ding out his harns and possess the remainder of his estat heir by such freinds as he assured them would doe for him; but also his said sone hes accordinglie adventured to take his estat heir, brokin up his doores, preast to raise fire within his hous and to meddle with all that is there, as wes cleerelie provin; and to the supplicantes farther disgrace, as if he wer a dyer, hes served inhibition upon him and send bodwords and threatenings to take his life." He craves that the Lords would take notice hereof and cause his sone to re-enter again in prison until he be punished for "the insolence and extraordinarie ryot alreadie provin and find good cautioun under great soumes for his behaviour in time comming." The parties having been heard on the 3rd instant, the Lords on that day deputed to certain of their number to bring about an agreement between parties, and John Halyburtoun, merchant burgess of Edinburgh, became cautoner for the said Alexander's appearance; and now parties being present and heard of new, the Lords ordain the said Alexander to re-enter to his ward within the tolbooth of Edinburgh until they are further advised in the matter.

"The Lords gives commission to the Lord Advocat, the Justice Generall, Trial of and Justice Deputie, to consider the informaunies and tryell tane agane some witches and to report."

Sederunt — Chancellor; Argile; Eglinion; Cassilas; Glencarne; Edinburgh; Lauderdale; Lothian; Dalhousie; Callander; Angus; Balmerino; Burtie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sir William Douglas; Sir Thomas Morton.

Supplication by John Schaw of Greenock, as follows:—He has lately apprehended certain Irishmen, viz. Michael White, merchant in Waterfurd, Patrick Comerfort, son of William Comerfort, merchant there, Denice O'Cona, seaman there, Thomas Christian, seaman there, Nicolas Rossudir, seaman of Washfurd, and Peter Cemmick, carpenter there, and they are presently in his custody. Some of the supplicant's men are prisoners with the Yrish, and he craves permission to exchange his prisoners for the Irish rebels. His own friends and servants who are prisoners with the rebels in Ire-

land. The Lords grant the permission craved.
The Lords having seen and considered the process of conviction led before John Crichton of Craufurdston, Roger Kirkpatrick and John Johnstoun, bailies of Dumfreis, as commissioners appointed by their Lordships for this effect, in a justice court held by them in the burgh of Dumfreis on 9th August last against Isobel Adamsone, who was charged with the crime of witchcraft, ordain the said commissioners to pronounce doom and sentence against her for the same according to the laws of the kingdom and to see the same put in execution.

Complaint by Adam Duff of Drummore and Beatrix Duff, widow of Thomas Grant in Thomlenan, as follows:—On 12th and 14th April, 1637, Duncan Grant of Auchynrich, Allan Grant in Mullahard, and Patrick Grant of Skanriach were put to the horn for non-payment to Adam Duff of 6000 merks to be employed for the conjunct fee of the said Beatrix; and on 5th September thereafter they were again put to the horn for not paying 100 merks of expenses and £5 of collector P. 150 silver. Of these hornings they take no heed. Charge having been given to the said Duncan and Allan Grant, and the pursuers compearing by Alexander Leslie, writer in Edinburgh but the defenders not compearing, the Lords ordain the latter to be charged to render their houses and themselves to enter in ward within the Castle of Blackness on fifteen days' warning on pain of treason. But the Lords continue the outgiving of the letters until the last Council day of February next.

Complaint by George Halyburton, portioner of Kidlaw, James Skirvin of Blaitlaw, John Skirvin of Lestoun, his brother, William Skirvin in Gilkerston, Adam Yuill in Braidwoside and William Allane in Kidlaw, as follows:—They are informed that Patrick Halyburton of Egliscarno has obtained letters of horning against them from their Lordships for their non-comparsance to answer to his complaint against them. Now they did compear on 21st July last, to which day they were cited, but they were not called; and the case being continued till the 23rd they kept that diet also, but there was no Council and the diet deserted. They expected therefore no sentence until they were cited of new, and so are free of contumacy. Still, for eschewing the malice of the party, who seeks all advantage against them, they have found caution to compear on 10th November before the Council, each in 500 merks, and therefore crave suspension of the horning. The pursuers compearing personally but not the defender, the Lords suspend the horning.

"The Lord Chancellor produced the Lord Etricks patent to the Earl of Forth quhilk was receaved be Quytybank."

"The Lords gives commission to the Lord Brolie, the Lairds of Cambo and Waughtoun and Provost of Edinburgh to meit the morne at 9 hours to consult upon the best ways for settling the prices of shoes."

Sedentum:—Chancellor; Hamilton; Arglie; Eglington; Cassills; Glencarne; Lauderdale; Lothian; Callander; Yester; Bal-
merino; Clerk Register; Advocate; Justice Clerk; Treasurer
Depute; Wauchtune; Cambo; Dundas; Cavers.

"The quhilk day John, Earle of Loudon, Lord High Chancellor of this
kingdom, produced a declaration made be the Parliament of England, of
the date the 20th of October last, sent to his Lordship be the Earle of
Lindsey, of the quhilk the tenor followes. We, the Lords and Commouns
of the Parliament of England, doe acknowledge the brotherlie affection
and prudent care of both the kingdoms of England and Scotland
expressed by the Lords of his Majesties Privie Counsell of Scotland in
the reply made be their Lordships upon the 29 day of September, 1642,
to our answer concerning unitie of religion and uniformitie of church
governement and sall be alwayes readie with our auctoritat and endeav-
ours to promove that important work, so pious in the nature of it and
necessarie in the consequence of it for the securitie and prosperitie of both
kingdoms and of all the forrane reformed churches. For the better effecting
thereof we doe thankfullie embrace the correspondence of that honorable
table and of the Commissioners of the General Assemblie and sall likewise
most willinglie concurre with the good endeavoures and intentions of the
Commissioners for conserving the peace betuix the kingdoms according
to the act of pacification ratified in both Parliaments, hoping and praying
that the God of heaven will crown our mutuall desires with such
ane issue that the true religion, the honour, safetie and peace of his
Majestie and all his kingdoms may be established and preserved agains
the malicious designes and practises of these who seek openlie to oppose
or secretlie to undermyne the same. Subseribitur. Jo. Browne, Cleric.
Parliamento, etc., October the 20th, 1642. Qubilk declaration being
read and considerd be the saide Lords, they ordaine the same to be
insert and registrat in the bookes of Privie Counsell and represented to
the Commissioners of the General Assemblie."

[Sederunt as recorded above.]
"bauch and blae straikes"—in several parts of their bodies, "dang them aff the ground and possesse themselves with the cornes and entered to the sheirong thereof." Charge having been given to the persons named, of whom only William Con and John Kennedie appeared, and the pursuers comparring by Mr William Forbes, advocate, the Kings Advocate being also present, the Lords, after hearing parties and certain witnesses, find that the said "William Con and Alexander Innes, with fyve horsemens with pistolls and fyve footmen with gunnes, came to the pursuers servants shearing their cornes the time libelled and held out their pistolls and gunnes to the shearers, threatening them therewit if they left not their work, quhilck they wer forced to doe, and the said William Con and his complices entered to the shearing and binding the cornes"; for which great insolence they ordain William Con to be warded in the tolbooth of Edinburgh until they release him and he pay ten merks "to either of the witnesses"; and Alexander Innes to be charged to enter into the same ward within fifteen days until order be taken with him.

The Lords on 23rd April last granted commission to Thomas, Lord P. 154. Kirkcudbright, Alexander Gordoun of Erlestoun, John Gordon of Cairdys and William Glendonings, provost of Kirkcudbright, for the trial of Jean Barbour, parishioner of Tongland, for witchcraft, ordinning them to report the process of conviction before pronouncing sentence; and they, having now seen and perused the report of her trial and conviction on 11th and 12th October last, whereby she is convicted of several "points of witchcraft," ordain the said commissioners to pronounce doom and sentence against the said Jean Barbour according to the laws of the kingdom and to see the same executed upon her.

Supplication by James, Duke of Lenox, Great Admiral of this kingdom and Isles thereof, and Alexander, Earl of Linlithgow, Vice-Admiral thereof, as follows:—They are informed that a ship or barque belonging to Irish rebels has been driven in to Grenock on the river of Clyd, wherein there is a great number of the said rebels and certain merchant goods, "intending to France, and that the Laird of Grenock has tane and apprehended the said ship and seized on the rebels and made them prissouners, and hes bought the said bark and loading to his owne use, and is seeking a warrant fra the saits Lords to interchange the saids prisoners with prisoners of our countrie tane and kept in Ireland be the Yrish rebels there, albeit of law, equitie and reason the supplicants, be the right and priviledge of their office, use and custome in the late warres betwene the Kings Majestie and crownes of France and Spaine and precedents in all former times, be onelie competent judges to decerne and declare all shippes and goods therein conteanned laufful or P. 155. unlaufful prize, and all persons tane and apprehended aboard of anis ship or come in be sea to be laufful or unlaufful prissouners." They therefore crave that the Lords would grant no such warrant to the Laird of Grenock or any other. The Lords refuse to
recall the warrant already granted by them to the Laird of Gren-ock for exchange of the prisoners, but this without prejudice to the Admiral’s legal right to the said ship and goods. Thereupon James, Earl of Calander, being personally present, protested in name of the said Lord Admiral and Vice-Admiral that this act and declaration of Council should not be prejudicial to the Lord Admiral and Vice-Admiral in the right and privilege of their office according to law.

Supplication by Mr. George Dundas of Maner, as follows:—His Majesty has been pleased to appoint the Earl of Abercorne sheriff of Linlithgow, and the said Earl has thereupon created deputes and members of court. But the supplicant has been sheriff for some years past, and along with the rest of the sheriffs he is now charged to continue in the exercise of that office, which he cannot do by reason of the Earl of Abercorne’s appointment. He therefore craves that the Lords would relieve him of the said sheriffship. The Lords “excuse the suppliant of the said office in respect of his Majesty’s gift thereof granted to the said Earle of Abercorne.”

“A letter from the Council to the Earle of Lindsay anent the stoppe of packets and another to the same purpose to the Earle of Lanerick, his Majesties Secretarie.”

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Cassells; Edinburgh, Glencarne; Lauderdaill; Lothian; Callander; Yester; Balmerinocht; Clerk Register; Justice Clerk; Treasurer Depute; Dundas; Cavers; Provost of Edinburgh.

“The whilk day the Lords of Privie Counsell, having read and considered the warrant underwritten nominating and electing William Thomson to be generall receiver and John Campbell receiver deput in maner therein express, they allow and approve of the said warrant, and do ordains the same to be insert and registrat in the booke of Privie Counsell therein to remaine ad futurum rei memoriam, and hes interponned and interpos their auctoritie thairto; of the quhilk the tenor followes:—At Edinburgh, the seventene day of November, 1642 yeeres, most of England for the support of Forsamekle as the armie alreadieg one and going to Ireland will stand in need of some able and qualified person for receaving of the moneys, victuall and other provision necessarie for maintenance of the same, and for debursing and giving out the saide moneys and other provision to the severall regiments and others to whom it salt be due, according as order salt be givin for that effect, and quhilk person be himselfe and his deputes and servants must kepe compt, charge and discharge of all the saide moneys and provisions so to be receaved and expended; and we undersubscriuing, having profffe and experience of William Thomson, generall receiver for the publict, as well of his abilitie for the discharge of such a weightie trust as of his fidelitie and diligence by the bygane experience of his cariage in his former service and trust in the publict
like employment thir diverse yeeres bygane, and als having experience of the sufficiencie of John Campbell to assist the said William Thomson when both of them sail be present, and to supply the said William Thomson his absence whenever the samine sail happen, therefore we by these represents doe nominat, appoint, and elect the said William Thomson to be generall receiver, and the said John Campbell to be receiver deput of all the moneys and other provision for intertainment of the said armie due to be payed be the Parliament of England, or such others as they sail appoint to that effect, conforme to the articles of the tracts made thereanent; with power to the saids William Thomson and John Campbell, when both of them sail be present, and, in absence of the said William Thomson, with power to the said John Campbell, deput foresaid, and their substituts for whom they must be answerable, to uplift and receave the samine and to grant acquittances and discharges thereof upon in haill or in part, whilk sail be als sufficient to the receavers as if we had subscribed the samine ourselves. And siclyke we doe hereby nominat and appoint the said William Thomson and John Campbell, when both of them sail be present, and, in absence of the said William Thomson, we doe hereby appoint and nominat the said John Campbell, deput foresaid, to be deursers of the saids moneys and others foresaid to the saids severall regiments and others conforme to the orders to be given to them thereanent; with power to them, as said is, to provide servants and deputes under them in the said charge for keeping compt of the saids moneys and other provision, and for their supplie in everie thing incumbent to them for the good of the said armie in maner foresaid; and generallie with power to the saids William Thomson and John Campbell, when both of them ar present, and, in absence of the said William Thomson, with power to the said John Campbell to doe everie other thing necessar that to the office of ane receiver and deurser necessarie belongs; the saids William Thomson and John Campbell being always comptable for themselves and their servants and substituts to be nominat and appointed to be them and for their cariage in the premises. In consideration of the panes and travels to be takin be the saids William Thomson and John Campbell in the quhilk place and charge, we doe hereby give and assigne unto them such fees and allowances as the King's Majestie and the Parliament of England sail think fittin to grant for their faithfull discharging the said important charge, incase the Kings Majestie and Parliament of England sail think the same expedient or be moved thereto, and failleing thairof, and incase the said allowance sail not be answerable to their charge and service, we doe hereby faithfullie promitt to doe our best endeavours to provide to them such allowance and pay as may enable them for the faithfull discharge of the said place; and for their further securitie sail renew these presents whensoever they sail require us thereto, with addition of such other clauses as sail be found requisit for enabling of them for exact performance of everie thing incumbent to
Acta, Novem-
ber 1641-
October 1646.
Fol. 63, b.

them for the good of the said armie, and, if neid beis, that the auctoritie
of the Lords of Privie Counsell be interpouned thereto, consenting thir
present be registrat in the booke of the said Privie Counsell, booke
of Counsell and Session on or booke of anie other judicatorie within this
kingdome, therein to remaine ad futuram rei memoriam, and for that
effect we constitut, etc. In witness quhairof we have subscriyved thir
present with our hands, day, yeere and place abowritit: Subscribitur
Loudon, Can"tria; Leven, Hamilton, Argile, Eglinton, Cassills, Lauder-
dail, Callander, Yester, Balmerino, Durie, Hamilton, J. Carmichael, W.
Douglas, Dundas."

"Forsamekle as the magistrates of Dumfries have latesie tane and
apprehended one Thomas Lillie, servitor to the Earle of Antrim, with
tua of his footmen and tua baggage horses, loadned with some trunckes
and a great clock bag with a passe quhillik seems to be counterfoot, and
the Lords of Privie Counsell having tane to their consideration the
worthie cariage of the saids magistrates of Dumfries in this particular
they find that they have done verie acceptable service, quhairof the saids
Lords will not be forgetfull as occasion sall offer. And for the better
tryell of the said Earle his servants foresaid, they ordaine the provest
and bailleis of Dumfries to bring them, their horses and baggage, together
with Robert Swan in Drumcoltrum and Johne Hannay in Garintoun,
prisoners within their tolboith for thift, to the burgh of Edinburgh
with all conveniencie and to enter the saids haill persons within the
tolbith thairof, to remaine there till fartherth direction be givin be the
Counsell concerning them; commanding heirby the provest and bailleis
of Edinburgh to receive the saids persons from the saids magistrates or
the persons who sall have charge of their convoy and to commit them
to the effect foresaid. And the saids Lords declares that they will have
a care that the charges and expenses to be bestowed be the saids
magistrates of Dumfries upon the transportation of the persons foresaid,
their horses and baggage, sall be thankfulie and tymulousie repayed to
them."

[Sederunt as recorded above.]

Complaint by George Leslie of that Ilk, as follows:—After many pro-
cesses of law with Sir Alexander Gordon of Clunie for his relief from
the great burdens he underlies for him, the said Sir Alexander gave the
complainer, in 1635, a bond, promising that if he did not before 31st
March thereafter give him, or Mr Robert Ferquhar as cautioner for him,
real payment, then he would give the complainer such satisfaction and
modification for his expenses as the Lords of the Privy Council should
determine. But in all this Sir Alexander has utterly failed and put the
complainer to great expenses, who has also on his account been kept a
prisoner in the tolbooth of Aberdene for six weeks. The pursuer com-
parring but not the defender, the Lords, after examination of the bond
above referred to, and the account of the pursuer’s charges in this matter, extending to £1977 7s. 4d., modify the sum of £1000 to be paid to the pursuer by the said Laird of Clunie as for these charges, and that before Whitsunday next, wherein if he fail he is to pay the whole sum in the account; and this without prejudice to the pursuer to suit payment of the sums otherwise due to him.

“The Lords gives commission to the Marquis of Argyle, Lauderdale, Louthian, Yester, Balmerino, and Shireff of Teviotdail, to meet with the noblemen and gentlemen of the Borders the morne forenoon, and to consult with thame on the best wayes and overtures how the peace of the Borders may be preserved, delinquents punished and justice administra-
trat, and ordains the Advocate to attend this meeting.”

“The Lords of Privie Counsell nominate and choises the Earle of Louthian to be commissioner frome this kindome to deal with the French king or suche as he sall appoynt that subjects of this kindome may be restored to the priviledges formerlie enjoyed be thame in France, and recomends to the comittee formerlie appoynted in this earand to forme the draught of the comission and instructions to be given to the said Earle, and ordains a letter to be written to the Generall acquainting his excellencie thairwith, and desyryng him to supplie the Leuitent Generall place untill his returne.”

_Sedentur:_—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lothian; Southesk; Yester; Balmerinocht; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Sheriff of Tiviot daill; Dun; Dundas.

Complaint by James Sinclair of Skalloway and Mr John Edmonston, minister at Yell, commissioners for the poor people of Yetland, as follows:—They have long attended upon his Majesty’s Council for obtaining redress of the grievances of these poor people against Ninian Nevin. Of these, several particulars are already proven, and Thomas Wright in Leith became cautious for the comparance of the said Nevin at such days as the Council should appoint. The matter has been in dependence since January last, and the complainers are now informed that he is going to Yetland to escape the Council’s censure and proceed in his wmonted oppressions, for which purpose he has purchased offices of trust in these parts. The complainers have therefore thought it incumbent on them to represent this to the Council, “persuading themselves that they will not suffer such a one who has beene challenged for false writs and others greevous oppressions to bearre charge in these parts, but will doe justice again him upon the particulars alreadie provin.” Charge having been given to Ninian Nevin and Thomas Wright, his cautioner, and Mr John Edmaiston and Thomas Wright compar-
1642, for his compearence when required, and decern him and his
cautioner to have incurred the penalty of 1000 merks contained therein,
for the recovery of which they ordain letters to be issued (one half to his
Majesty, and the other half to the pursuers), but continue the extracting
thereof until the first Council day of June, because Sir William Dick of
Braid comperead and became cautioner in 2000 merks that Ninian
Nevein would compear that day. And the Lords declare that if at that
time the pursuers prove their libel they will order their expenses to be
paid by the defender.

The Lords having heard Sir John Seaton of Barns and Alexander
Seaton, his son, regarding the "insolence committed be him within his
fathers hous of Barns and other differences" between them, for which
the latter is prisoner in the tolbooth of Edinburgh, ordain the provost,
and bailies of Edinburgh to put the said Alexander to liberty. He has
solemnly sworn that he cannot find caution, but has bound himself for
the indemnity of his father and his household and servants and property,
under the penalty of being apprehended and warded and then punished
in his person and otherwise at the discretion of the Council.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarnie; Edinburgh,
Lauderdaill; Lothian; Southeak; Balmerinocht; Clerk Register;
Justice Clerk; Cavets; Dun; Dundas; Provost of Edinburgh.

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate,
and Fergus Grahame of Blaetwood, party grieved, as follows:—The said
Fergus and his predecessors have been in, peaceable possession of the
£10 land of Tordochstockes and Wylieis by dwelling thereon, labouring
the same, uplifting the rents and keeping courts thereupon for more
than a hundred years past, by good and sufficient titles which have been
ratified by the late and present Earls of Queinsberrie, and his right was
never challenged until that the present Earl disposed a little piece of
ground called Dornock, which lies adjacent to the complainers said
lands, to his brother, Archibald Douglas, who, because the complainers
would not permit him to meddle with the fisheries of his said lands nor
break the moss of his lands of Blaetwood, has made a pretended com-
plaint and cited the complainers before the Commissioners of Estates.
When the complainers answered the citation, Archibald Douglas, upon an
assignation made to him by the deceased Colonel Cunningham (which
was never intimated to the complainers, after his death), as if he had been
living, raised caption, and in the deceased’s name caused apprehend the
complainers and kept him in the tolbooth of Edinburgh for three months
until he consigned the money and obtained suspension which is not yet
discussed. “And immediatlie after the compleanne imprisonment the
said Archibald posted home, and upon a decreit obteanned before the Earle
of Queinsberrie, his brother, and his baillie, who never wer nor can be
judges to the compleanne, for ye same caus they tooke from the com-

pleanners tennent 44 ky and oxen, 15 horses and meares and fyve score ewes and wedders." And now, in violation of the law against bearing and wearing hagbuts and pistols and convocation of the lieges in arms, "upon the 18 of October instant the said Archibald Douglas, accompanied with William Douglas of Kelheid, James Johnstoun of Corheid, John Douglas of Killivarran, George Douglas, his brother, George Ker, master stabler to the said Earle, George Irving, his baillie, Christopher Irving, his son, John Carlill of Brakanquhat, William Carlill of Newpark, Adam Carlill of Lus, Eduard Irving called Gaudie in Dornock, Nicoll Bell there, Duncan M'Farlane, John Corbett at Dronock Milne, William Fruid in Langlands, William Rae there, John Bell in Butterdell, William Gas in Foulisike, James Murrey, messenger, and Christie Pittie in Murreyes, with manie others gathered out of Nithisdaill, Annerdaill and Galloway, to the number of 200 persons, boddin with swords, hagquebuta, pistoletes and others forbidin weapons, with a number of horses and carres, of the speciall direction and hounding out of the said Earle, came under cloud and silence of night to the saids lands of Stocks and Wyleis, broke up the tennent doores, tired their houses, tooke themselves and all their goods and the goods of diverse persons being upon the compleanners ground, and carried them away and deetained them till they obliged themselves, everie one under the pane of £200, to leave his lands; and hes layed a number of soldiours with gunnes and pistols upon the same to take the compleanners life. And upon the morn there after they came and tooke away the tennent cornes and forced them for recoverie thereof, lest they sould sterve, to renounce their possessions to the said Archibald. And when as he came toward them to know what the mater meant the saids hail persons pursued the compleanner and forced him to flee for saufetie on horsback; and they have also threatned all the tennent of the rest of the compleanners lands with warding and spylie if they do not renounce their possessions; so as they have left his lands waist and can gett none of his rents to pay his debts or interteane himself, and darre not come out of his hous for feare of his life." Charge having been P. 162. given to the persons complained upon, and the pursuers compearing personally, the said Archibald Douglas also compeared for himself and the remanent defenders who affirmed that he did no wrong in the poinding of the pursuer's goods by virtue of the decreet recovered before the Earl of Queinsberrie, nor in the convocation and taking of the tenants seeing he had letters ofcaption against them for not finding of lawburrows and decreets of poinding for the duties of the lands, and this he offered to make good before the judge ordinary. As to the taking of the tenants and breaking of their doors notwithstanding of the cautian found by them, he said he knew of no cautian, and none was intimatied to him before he apprehended them (as to which he gave his oath), and that as soon as he saw the cautian he dismissed them. The Lords, after hearing parties and certain witnesses, find that the said Archibald Douglas "after
he had tane the saids tennents be vertue of his letters of captioun, compelled them to give bands to leave the ground, and that thereby he has proceeded unwARRANTABLE AGAIN Such as he exhibit the saids baili bands tane frome the tennents before the Counsell upon this day fyftene days." This he promised to do. The Lards also ordained him to pay 10 merks to each of the witnesses; and they declare that this decree shall not prejudice any other lawful possession the defender may have before the taking of these bands. They assize the defender from the charge of breaking up of the doors and taking of the tenants, in respect of his oath given above, and they refer to the decision of the Lords of Session the validity of the decree recovered before the Earl of Queinsberrie and all that followed thereupon.

The Lords of Secret Council, having heard the provost and bailies of Edinburgh and David Hume "anent the insolence committed by him again the saids provost and bailies upon the Streit of Edinburgh in abusing them with contumelious speeches and drawing of a sword, for the quhilk he is prisoner in the tolbuith of Edinburgh," ordain the provost and bailies to liberate him in so far as he is warded for this, seeing he has acknowledged his offence and craved their pardon, and of his own accord has acted and obliged himself not to trouble nor injure Sir William Dick of Braid nor any others dwelling within the bounds and liberties of Edinburgh in word or deed, and for that effect that he will carry no sword, baton, knife nor other weapon within the said liberties, under the pain of perpetual imprisonment and lying in the irons. They further ordain the provost and bailies to deliver the sword which they took from the said David Home to the gentleman to whom it belongs.

"The Lords of Privie Councell gives commission to the Clerk Register, Justice Clerk, and Dundas, or anie tua of thame, to take a survey of the Earle of Antrims coffers and what is in thame, and, if they find no paper of intelligence or what may concern the public, to redelyver the trunks and dismiss the servants."

Complaint by John Water in Woodesid of Touchadam, John Water, his son, Gilbert Water, his son; David Modrell in Muremilne of Dundaff, and Robert Stevinson in Buckieburn, as follows:—They have been heavily troubled before Mr John Rollock, sheriff depute of Stirling, at the instance of John Duncan in Touchmaller, Robert Stevinsone there, Andrew Sheriff alias Johnstoun there, and William Archibald in Touchadam, for the alleged taking of some sheep from them, first in a civil pursuit, and now, when they saw that was to fail, in a criminal...
pursuit at the instance of the procurator fiscal. This is a business "of a

strange nature wherein they cite the compleanners to underly the law

for thift and ressett of thift, and to heare them decerned to be judged to

deie the death and their moveables confiscat; in which the pursue

the compleanners have just ground to suspect the cariage of the said shireff P. 155.
deput and his clerk, whois servant is brother to the said John Duncan,
and that the same is onetie moved to bring the compleanners under the
feare of ane assise and force them to compone, and to bring their name
under the odious aspersion of thift, whereof the partieis know they ar
innocent, otherwise they would not have past from their former civil
action. Neither hes it ever beene heard within the shireofday of Stirl

line that the principal shireff, far less a deput, could sitt upon the life

and estat of the subject without commision from the Counsell where
the partie is not apprehended reid-hand." The complainers do not
refuse trial at the hands of an unsuspect judge, and have found caution
to appear before the Justice and his deputes on lawful warning under the
penalties contained in the acts of Parliament. Charge having been
given to the said Mr John Rollock, John Williamson, his clerk, Robert
Smith, procurator fiscal, John Duncan, Robert Stevinsone and Andrew
Sherar [sic], and John Water comparing for himself and the remenant
pursuers, the sheriff depute for himself and his procurator fiscal and clerk,
and the rest of the defenders comparing by Seatoun of Touch and

Murray, apparent of Polmains, the Lords, after hearing parties,
remit this matter back to the said sheriff depute to do justice herein,
and, to take away all pretext of suspicion, they appoint Thomas Bruce,
provost of Stirlane, and Mr Robert Murrey, commissary there, or either P. 156.
of them, assessors to the said sheriff depute herein.

Supplication by John Balcraig and Alexander Martine, sailors in
Leith, as follows:— They and their company were recently taken by the
Turks and carried to Salie, "where they have beene keepe, as they ar
yitt in great miserie and slaverie, working all the day like hors, bound
with ane yrne chaine of threescore pund weight about their legs, and
cruellie beatin, and at night putt doun in a pit of 26 faddom deep, and
fed upon beer bread and water." They are redeemable on payment of
their ransom, which being but poore sailors they cannot raise, but "must
expect the same from the benevolence of compassionat Christians." They
crave a recommendation for this from their Lordships. The
Lords, "commiserating the deplorable condition of the saids suppllicants,"
recommend their case to all noblemen, barons and gentlemen, magis-
trates of burgs, synods, presbyteries and sessions of kirks and other
charitable Christians whatsoever upon both sides of the Water of Forth,
and desire them to give their contributions to William Riddoch, in P. 167.
dweller in Leith, who has acted himself to apply the same for the
purpose intended. The recommendation is to endure for one quarter of
a year and no longer.

Supplication by James Campbell, sailor in Air, as follows:—In
April last he was taken captive by "the mercilesse Turkes and brought to Salie, where he hes lived with his companie in great miserie, compelled to work like ane hors in the day, with yrne chaines on his legsge and sore beaten with manie straikes and fed on bread and water, and in the night kepted in a deep dungeon and deprived of all Christian comfort, and he hes nothing to pay his ransom, but must expect support from charitable Christians." He craves a recommendation, and the Lords grant this as in the former case to be used in the shires of Air, Lanerk and Renfrew, only for three months and no longer, the money to be paid to Matthew Campbell, the supplicant's father, who has acted himself to apply the same for his son's ransom.

"Ane act past appoynting a justice court to be kept at Jedburgh to the 1 of Februar and another at Dumfreis the 15 of Februar, and appoynteing assessors to the Justice in these courts."

"Ane comission past agais fugitives from the former justice courts in the Borders for apprehending of thame."

"The Lords thinke it fit and thairwithall ordains the hail noblemen of the south Borders to be present at the justice courts abovewryten and to assist in everie thing that may tend to the strentnning of his Majesties auctoritie in the saids courts, and that letters be writen to thame for that effect."

"The quhilk day in presence of the Counsell compeird personalie geometrical and historic.

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Armstrang called of the Syd, Symmie Armstrang alias Caffeild, Francis Border, Armstrang, son to Francis Armstrang called of Kynmont, Hob Elliot called of Thorbishop, Will Crosser, son to umquhill John Crosser called the Fryday theefe, Johne Graham in Quhithauchmilne, Johne Armstrang in Wintropheid, Johne Armstrang called of Capilgill, William Foster, brother to umquhill James Foster in Greina, Sym Armstrang called Archis Sym, Johne Armstrang called Unschanck, Jock Elliot called Jock a gods name, Sym Wilson, called the Colt, Robert Elliot, son to Hobbeis Chrystie, Johne Wingham, son to William Wingham in Neather Quhisgills, William Stauert called the Chiftan, James Clerk in Sprotsknow in Oxnen, William Johnston called Langside of the Gall, Johne Johnston of Richartrig, Daniel Irvin called of Kirkpatrick, Johne Jackson in Achnidynning, William Blaiklock thair, Johne Wichtman in Clairfoot, Johne Graham called of the Gall, Gawin Tagart of Bus, Ludovik Carruthers of Wormbie, Richard Irwin called young Willeis Richie, James Irwin, his brother, Johne Tagart in Birha, Archibald Steill, servitour to William Halyday in Fenton, Robert Jonston of Butterquhat, Andro Pott, son in law to the Cleg, William Johnston of Mellumtae, Archibald Johnston, called of Catlynes, Johne Blaiklock in Neather Mossop, Simon Corrie in Granton, Martine Gledonning in Moffet, Francis Bell in Greengaithous, William Huchesone in Guthheide. William Johnston, oy to Cuddie of the Hais, William Johnstoun of Briggsmer, John Johnston called of the Gall, George Armstrang, son to Francie of Kynmont, Johne Carruthers called Jock of Rafills, Johne Dinwiddie in Cleuchbrae, Simon Johnstoun in Moffat, Johne Graham of Ley, Johne Bell in Aldhall, Johne Graham, bird in Kadmurehous, Robert Gilmoresone in , Johne Kynmont called Perkown, Alexander Kynmont called Frances Sandie, George of Kynmont and James of Kynmont, Johne of Kynmont called Johne of Sark, William of Kynmont his brother, Sym Armstrang of Quhitelsside, William Armstrang of Wodheid, Francis Armstrang, his brother, Percie Rayning at Quhitelsside, Gawin of Ragget, Edie Graham called Tulles Edie, Walter Scot called Watt of the Bus, Johne Armstrang, son to Thom of Mangerton, William Armstrang called of Cannabie, Lyell Croser, Croser, his son, Robert Elliot, called Chrysetis Hob, Robert Henderson, Henderson, his brother, Francie Armstrang, brother to Quhithauch, William Elliot, called of the Boulex, Huccheon Armstrong and Elliot, sometime servant to Stitches, who are known to be notorious criminals, theives and resseters of theft, and most part of thame are declared fugitives and outlawes, whose insolence he been representated to the Lords of Privie Counsell be the prebyteries of Lochmaben and the noblemen, barons and gentlemen in the Borders; for settling the peace quhaifor and repressing the insolence foresaid the saids Lords of Privie Counsell he appointed tua justice courts to be kepted, the one at Jedburgh upon the first day of Februar nixt and the other at Dumfries upon the 15 day of the same moneth, unto the which it is verie requisite
the persons abonewrittin be brought and exhibit to underly their
deserved punishment, for qubilk purpose the saids Lords hes givin and
granted be the tenor heirof gives and grants full power and com-
heid, Robert Ker of Gradin, Johne Maxwell of Couhill, Johne Maxwell of Langholme, and the provest and bailleis of Jedburgh and Dumfreis, conjunctle and severallie, to convocat his Majesteis lieges in armes, and
to pas, searche, seek, and take the persons fuggitives and delinquents
particularly abonewrittin wherever they may be apprehend, and to
bring, present and enter them at the saids tua justice courts, time and
place forsaiss, to underly their tryell and punishment for the crimes
foresaids as accordes; and in cape it saill happin the saids persons for
ehewing of apprehension to flee to strents and housis, with power to the
saids commissiouns to pas, follow and persew them, assiige the
said strents and housis, raise fire and use all kynd of force and war-
like ingyne that can be had for winning and recoverie of the same
and apprehending the saids fuggitives and delinquents being therein; and in
pursuite of the saids persons, they refuseing to be tane, it saill happin
them or anie being in companie with them in the saids strents and
housis and assisting them to be hurt, wounded, mutilat or slaine or anie
other inconvenient to follow thereupon, the saids Lords declares that the
same sail not be impute to the saids commissiouns nor persons assisting
them in execution of this commissioun as crime nor offence, and that they
nor none of thame sail not be called nor accused therefore criminallie
nor civillie be anie maner of way in time coming, exonerating them thereof
and of all payne, crime and danger they may incurre therethrow simpliciter be thir presents; and generallie, etc.; firme, etc.; and ordains
letters to be direct to make publicatioun heirof at all places neidfull,
wherethrow nane pretend ignorance of the same, and to command and
charge all and sindrie his Majesteis lieges and subjects to reverence,
acknowlege, obey, concurre, fortifie and assist the saids commissiouns
in all and everie thing tending to the execution of this commissioun, and
to doe nor attempt nothing to the prejudice thairof, as they will answer
uppon the contrarie at thair perrell. This commissioun to endure till the
last of Februar next."

"Forsamekle as there hes beene diverse supplications given in to the Justice-courts
to be hold at Jedburgh and Dumfries on
Borders of this kingdome towards England complaining on the manifold

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thiefs, ressetts of thift, slaughter, depredations, breaking of ministers Borders' houssias, witchcraft, charming and others odious crimes committed be a number of lawlesse and insolent persons, who ar the more encouraged to goe on and persist in their lawlesse and goddesse practyses aganis his Majesties good subjects through the want of execution of justice in these bounds, and the Lords of Privie Counsell, being willing and carefull that the saids thiefs and others crimes foresaids may be punished and represt in time coming and justice administrat to his Majesties good subjects, they have for this effect appointed and be the tenor heirof appoints a justice court to be keept at Jedburgh upon the first day of Februar nixt and another at Dumfreis upon the 15 day of the same moneth of Februarie nixto-Fol. 104, a come be his Majesties Justice Generall and his deputies. Lykeas the saids Lords have heirby appointed and appoints Sir William Douglas of Cavers, Sir Robert Greirson of Lag, Sir William Scot of Harden, Sir Thomas Ker of Cavers, and James Johnstoun of Corheid, or anie tua of them, to be assessors to his Majesties Justice Generall in the saids tua courts; and for the better preparing of the processis of partieis aganis that time the Lords ordains preceptts to be direct in the name of his Majesties Justice Generall for summoning of all such persons as sall be givin up in roll to him as delinquentes to appeare and answer at the saids dyets, and where the parteis cannot be had personallie nor at their dwelling places, the Lords declares the execution of the saids preceptts at the parish kirkis and mercat croces of the heid burrowes of the shires where the parteis compleannad upon doe oftent resort, to be sufficient in all suche cases, and ordains publication heirof to be made at all places neidfull, wherethrow naene pretend ignorance of the same."

Sederunt:—Chancellor; Hamilton; Eglington; Glencarne; Lauderdale; Lothian; Southesk; Dalhousie; Calander; Balmerino; Advocate; Justice Clerk; Treasurer Depute; Cavers; Dundas; Din.

Commission to the Earl of Lothian to proceed to France and treat for the renewal of the ancient privileges of the Scots in France.
See ante, p. 346.

"The Lords of Secret Counsell of the kingdom of Scotland, having tane to their consideration the ancient alliance and federation of the said kingdom with the kingdom of France, together with the digniteis, privileges, liberties and immunitieis formerlie enjoyed be the Scottish nation of all rankes in France upon deserving and honorable grounds, and that for the present the samyne hes not beene injoyed be them, as hes beene particularlie remonstrat to his Majestie and the saids Lords, who being verie careful and sollicit for renewing, strenthening and confirming the said ancient league and alliance bethix the two kingdoms and for restoring the subjects of this kingdom to their saids digniteis, privileges and immunitieis, preserving the same intire in time comming and repairing of their losses, and the saids Lords being authorized be his Majestie to appoint some to treat with suche as sall be appointed be the Frenche King thereat, and having good proof and experience of the affection and abilliteis of his Majesties trusty cousine and counsellor,
William, Earle of Lothian, Lord Newbottle, to doe good and acceptable service to his Majestie and the countrie in this particular, therefore the saids Lords of Privie Counsell hes nominat, elected and chosen, made and constituent, and be the tenor heirof nominat, elect and choose, make and constitut the said Earle of Lothian his Majesties commissioner to the effect underwritten, givand, grantand and committand to him full power and commission to repaire to the kingdom of France, and there to treat and deals with such asall be warranted be the Frenche King anent the restoring of the subjects of this kingdom of all conditions to the priviledges and liberties formerlie injoyned be thame and their predecessors in the said kingdom of France, and for preserving the same inter without anie diminution in all time comming, and anent the redresse of such losse as they have latelie susteaneed by infringment of their saids priviledges, and also tuiching the mutuall and reciprocall priviledges due and acclaime be the Frenche within this kingdom and for strenthening and confirming thatirof, with power to the said Earle to agree and conclude thereaneant, according to the instructions heerwith given to him, and to heare and receave all such propositions as shall be made for corroborating the said ancient league and allience and to acquaint the Kings Majestie and Lords of Privie Counsell therewith; and generallie all and sindrie other things to doe, exercis and use qulikles for execution of this commission ar requisit and necessar according to the instructions foresaide; firme and stable holding and for to hold all andWhatsomever things shall be lawfullie done heerin; ordaining heirby the said Earle to make report of his proceedings to his Majestie and his Counsell, to the effect the same may be ratified in the nixt Parliamant.

"The Lords of Secret Counsell, having considered the contract made for furnishing 90 last of hering for the Scottish armie in Ireland, they doe allow thatirof; lykeas John, Earle of Loudon, Lord Chancellor, undertooke for Sir Mungo Campbell of Lawers, colonel, his brother, and in Ireland, Alexander, Earle of Eglinton, William, Earle of Glencarne, and William, Earle of Lothian, etc., undertook for themselves to pay the proportionable parts of the said hering for their severall regiments, in respect quhairof the saids Lords of Privie Counsell ordains the herring to be transported to Ireland and divided amongs the said severall regiments."

"The Lords gives comission to the Lord Chancellor, Hamilton, Argyle, Lauderdail, Louthian, and Balmerino, or the most part of thame, to draw draught of suche instructions as they thinke fitting to be given to the Earle of Louthian in his comission to France, and to represent the same to the Council."

Sederunt:—Chancellor; Leven; Hamilton; Argy; Eglinton; Edinburgh, Glencarne; Lauderdail; Louthian; Southesk; Yester; Balmerino; Treasurer Depute; Dundas; Cavers.

[No record of business.]
SEDENT:—Chancellor; Hamilton; Argile; Eglington; Glencarne; Murray; Lauderdale; Lothian; Southesk; Dalhousie; Angus; Balmerino; Advocate; Justice Clerk; Sheriff of Teviotdale.

£3000 sterling "Forsamekle as the Earle of Lothian is implied be the Kings Majestie and Lords of Privie Counsell to repaire to the kingdom of France with commission for his Majesties service and good of this kingdom, the Lords of Privie Counsell have modified the soume of tua thousand pounds sterline money to be givin to the said Earle for defraying of his expenses in this imployment, and to be payed out of the first of his Majesties rents and casualteis, and ordains the Commissioners of the Treasurie to caus the said soume of 2000lb. sterline be tymouslie delivered and payed to the said Earle out of his Majesties saids rents and casualteis. Lykeas the saids Lords of Privie Counsell doe heiby oblige themselves to procure his Majesties warrant for allowing of the same in the compts of the Commissioners for the Treasurie together with the annuell and expenses that sail happin to follow heiron."

"Forsamekle as James Hamilton of Boisg and James Stuart, merchant burges of Edinburgh, he at the desire of the Lords of Privie Counsell undertane and bound themselves in presence of the Counsell to furnish and send over for the use of the Scottisarmie in Ireland tua thousand bolls of sufficient oat meale, by and attour the ten thousand bolls alreadie agreed unto be them, and to delvery the same in bleichted hardin sees at Knockfergus betuix and the first day of Januar nixtoocome or at the least the one halfe their of betuix and that time and the other halfe with all possible speed at ten punds Scottishe the boll, qhilk price and soume the Lords of Privie Counsell bind and oblige them to caus presentlie be payed to the saids undertakers; and in respect of the great planes and travells takin or to be takin be the said James Hamilton and James Stuart in this earand and in the furnishing and sending over of the saids ten thousand bolls and tua thousand bolls, being twelfe thousand bolls in whole, and in respect of the dearth of victual and smalnesse of gayne, the Lords declares they will give to the said James Hamilton and James Stuart the soume of one thousand pounds sterline for their reward by and attour the price of twelfe thousand bolls at ten pund the boll, and that they will give present order for paying thereof out of the first and readiest of the moneys due to be payed be the Parliament of England to the armie in Ireland; and, as in the former bargane, the Lords will beare the sea hazard of thir tua thousand bolls now to be furnished."

SEDENT:—Chancellor; Hamilton; Argile; Eglington; Glencarne; Lauderdale; Lothian; Southesk; Yester; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavera.

Complaint by Isobel Forbes, Lady Williamston, and Thomas Arekine of Pittodrie, her husband, as follows:—On 14th December, 1633, William
Coutts of Auchterfoull was put to the horn for non-payment of a debt of 1200 merks and interest and expenses due thereupon; but he pays no heed to the same. Thomas Areskine comparring for himself and his wife but the defender not comparring, the Lords ordain the said William Coutts and all havers of the house of to render the same, and him to enter himself in ward within the castle of Blackness within fifteen days after being charged, on pain of treason.

"Forsamekle as there ar certane good acts made be his Majestie and his predecessors much conducing to the glorie of God, the punishment of vice and commoun weale of this realme, quhilks heitrofore have tane small effect in default of speciall commision to execute the same, as it is necessar in everie particular landwart parish," the Lords grant commision hereby to Thomas Hay of Park, Hugh Kennedie of Synnons, James Ros of Barneill, John Catheart of Genigh, William Kennedie of Gille-spick, John M'Dougall of Creuche, Quinten M'Dougall of Barlokhart and William Baillie of Meikle Drumragat, or any three of them, as his Majesties justices in that part within the parish of Glenlucie, to put the said acts of Parliament to execution, viz., "Anent the crime of fornication, anent drunkards and swearers of abominable oaths, anent them that perturbs the kirk in time of Divine service, anent them that knows themselves under the process of excommunication, discharging of mercats and labouring on Sunday, playing and drinking in time of sermoun, that householders have bibles and psalme bookes, for punishing of strong and idle beggers and releefe of the poore and impotent within the bounds of the said parish." They are to hold courts, summon assizes and witnesses under the penalty of 20a., and to apply the fines and proceeds of the courts for the relief of the poor of the said parish. This commission is to endure for one year.

Sedentum:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Lauderdaill; Lothian; Southesk; Yester; Balmerino; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cavers.

"The Lords of Privie Counsell gives warrant to the Lord Register to give out under his hand just copeis of all such writs, infeftments or charters as doe conserne the Dutchie of Chattelaurt and the Marquis of Hamilton's interese thereto, notwithstanding the principalls of the said writs ar not keepe be the said Lord Register with the remnant publick records of the kingdome. Whereanent thir presents shall be to the said Lord Register sufficient warrant."

Sedentum ut die predicto.

"Forsamekle as there hes beene some rancounters alreadie and appereance of trouble like to fall out heerafter betuix Sir Gilbert Meinysis of Pitfoddells, on the one part, and John Fresb of Leslie, on the other..."
part, who intend to draw their friends and followers together in convoca-
tions and backings within and about the town of Aberdene to the dis-
turbance of the public peace," charge has been given to both parties to
compel this day; and Sir Gilbert comparring personally and John
Forbes by Mr James Baird, advocate, his procurator, (who produced a
certificate under the hands of Dr Din and the minister of Aberdene of
his sickness and inability to attend, whereupon his absence is excused),
the Lords ordain both parties to find caution for keeping the peace under
a penalty of 10,000 merks. The Laird of Pitfoddell is to find this
cautions presently and John Forbes before 10th January next, and the
former is not to be in force until the latter is found, but the principals
meanwhile are declared to be obliged from the date of the first charge.

John Blackhall of that Ilk, comparring personally, became cautioner
in 10,000 merks for Sir Gilbert Menyes of Pitfoddell that he will
keep the peace with John Forbes of Leslie, and not molest him nor his
other than by order of law, and that he "shall behave himself in a
quiet and sober manner as a peaceable and good subject," with clause
of relief.

Complaint by Bessie Marjoribanks, widow of Mr Thomas Gray in
Peterhead, liferenter of the town and lands of Dilspro, mill and mill
lands thereof, and Robert Cheyne in Aldgowell and Thomas Mercer in Old
Aberdene, tacksmen thereof, as follows:—The said deceased Mr Thomas
comprised these lands from Thomas Gordoun of Dilspro about Whit-
sunday last and set the same to the said tacksmen, who entered on pos-
session, but, after the death of the said Mr Thomas in September last,
the said Thomas Gordoun of Dilspro and Margaret Allerds, his spouse,
with a number of lawless and broken persons armed with swords, staves,
and other weapons, came in the same month under cloud and silence of
night to the said lands, entered the houses and assaulted the said tack-
smen and their servants, violently thrust them to the doores and would
not suffer them to labour the lands or keep the mill, or their goods
thereupon, to their great prejudice and that of the poor widow. The
pursuers comparring by Mr Andrew Marjoribanks, advocate, their pro-
curator, but the defenders not comparring, the Lords ordain the latter to
be put to the horn and echeated.

"A letter sent to the Earle of Lanerick and to his Majestie for
allowing 36,000 merks for defraying the Earle of Louthians charges, and
a band granted be the Council to Sir John Smith for that money."

[No record of Sederunt.]
Morphie, one of his Majesties Privie Counsell, being informed heirof, out of the dutie of his place did discharge both parties to come to the said kirk with anie convocations but in a peaceable way till their differences could be settled be the course of justice; notwithstanding qhahirof the said Barclay in contempt of his Majesties counsellor came with great convocation of his freendra in a tumultuarie and lawlesse forme to the said kirk, and thereby did what in him lyes to breake the peace of the countrie, quhilk is ane insolence and contempt of dangerous consequence and cannot be past over with impunitie; and therefore ordsains letters to be direct charging both parteis to compeir before the Counsell upon the 3 of Januar nixt to underly the Counsellors pleasure for the peace of the countrie, and the said Barclay to answer for his said contempt, under the pane of rebellion, etc., with certification, etc.

Sederunt:—Chancellor; Hamilton; Argile; Eglinton; Glencarne; Edinburgh, Launderdaill; Southesk; Lanrick; Angus; Yester; Balmerino; 20th December 1642. Balcarras; Clerk Register; Treasurer Depute; Dundas; Wauchtun; Cavers; Innes.

"The whilk day there was a letter presented to the Lord Chancellor and direct to the Counsell from the Earle of Lindsey of the 14 of December instant, within the which was enclosed a declaration sent from the Parliament of England of the date the 7th of November last past, craving supplie of forces from this kingdom for assisting them to suppress the armie of papists in that kingdom, qhahirof the tenor followes:—We, the Lords and Commons assembled in the Parliament of England, considering with what wisdom and publick affection our brethren of the kingdom of Scotland did concurre with the endeavours of this Parliament and the desires of the whole kingdom in procuring and establishing a firme peace and amitie betuix the tuo nations, and how loovinge since they have invited us to a neerer and higher degree of union in maters concerning religion and church government, which we have most willinglie and affectionatlie embraced and intend to pursue, cannot doubt but they will with als much fordwardnes and affection concurre with us in settling peace in this kongdome and preserving it in their owne, that so we may mutuellie reap the benefit of that amitie and alliance so happilie made and stronglie confirmed betuix the tuo nations. Wherefore, as we did above a yeere since in the first appearance of trouble then beginning amongst them actuallie declare that in our sense and apprehension of the nationall alliance betuix us we wer therby bound to apply the auctoritie of Parliament and power of this kingdom to the preservation and maintenance of their peace, and seing now that the troubles of this kingdom ar growne to a greaeter hight, and the subtle practises of the commoun enimie of the religion and libertieis of both nations doe appear with more evidence, strenth and danger nor they did at that time, we hold it necessarie to
declare that in our judgement the same obligation lyes upon our brethren by the aforesaid act with the power and force of that kingdom to assist us in repressing these amongst us who are now in arms, and make warre not onlie without consent of Parliament but even agains the Parliament and for the destruction thereof."

"Wherefore wee have thought good to make knowne to our brethren that his Majestie hes givin commissions to diverse eminent and knowne papists to raise forces and to compose an armie in the north and others parts of this kingdom, whiche is to joyn with diverse forrane forces intended to be transported frome beyond the seas for the destruction of this Parliament and of the religion and libertie of this kingdome, and that the prelatical part of the clergie and their adherents have also incited his majestie to raise another armie which in his owne person he doeth conduct agains the Parliament and the citie of London, plundering and robbing sundrie weill affected towns within their power; and that in prosecution of their malice they ar so presumptuous and predominant over his Majesties resolutions that they forbear not these outrages in places to which his Majestie hes givin his royall word and protection; a great caus and incentive of which malice proceeds frome the designe they have to hinder the reformation of ecclesiastical governement in this kingdome, so much longed for by all true lovers of the protestant religion. And heerupon we further desire our brethren of the nation of Scotland to raise such forces as they shall judge sufficient for securing the peace of their owne borders agains the ill affected persons there; as likewise to assist us in suppressing the armie of papists and forrainers which, as we expect, will shortlie be on foot heir, and if they be not timelie prevented may prove als mischeevous and destructive to that kingdom as to ourselves. And though we seeke nothing frome his Majestie that may diminish ather his just auctoritie or honour, and have by manie humble petitions endeavoured to putt an end to this dangerous and unnaturall warre and combustion in the kingdom, and to procure his Majesties protection and securitie for our religion, libertie and persons, according to that great trust which his Majestie is bound by the lawes of the land, and sall still continue to renew our petitions in that kynd, ytt to our great greefe wee see the papisticall and malignant counsell so prevalent with his Majestie and his person so engadged to their power that we have little hope of anie better successe of our petitions than we formerly had, and ar thereafter necessitated to stand upon our just defence and to seek the speedie and powerfull assistance of our brethren of Scotland according to the act agreed upon in the Parliament of both kingdoms, the commoun deuie of christianitie and the particular interest of their owne kingdome, to which we hope God will give such a blessing that it may produce the preservation of religion, the honour, saifetie and peace of his Majestie and all his subjects, and a more strict conjunction of the counsells, designes and endeavours of both nations for the confort and releefe of the reformed churches beyond
the sea. Datum 7° November, 1642. Subscribitur, Jo. Browne, Cleric.,

"Lykeas the Earle of Lanrick, his Majesties Secretar, produced a
letter from the Kings Majestie direct to the saids Lords, conteaining
his Majesties pleasure concerning the said declaration, and therewith-
all declared that it wes his Majesties pleasure that the said letter could
be printed, and so made knowne to all his Majesties good subjects of this
kingdome. Quhilk letter being read in the presence and hearing of the
saids Lords, they have concluded and ordnaed that, according to his
Majesties pleasure signified unto them be the Secretar present, order be
given for printing the same, quhaireof the tenor followes:—CHARLES R. His Majesty's
—Right trustie and welbelovit cousins and counsellors, right trustie
and welbelovit counsellors, we greit yow weill. We have labelee seene
a paper presented to us by the Earle of Lindsey as a declaration of
the Lords and Commouns assembled in the Parliament of England of the
7th of November to our subjects of our kingdom of Scotland, which,
after manie high taxes of us and our governement, verie earnestlie incites
and in a maner challenges assistance from that our native kingdom of
men and armes for making warre aganis us, making a clause to that
assistance by virtue of the late act of pacification, to the which (out of
our desire to make a perpetuall union betweene our tuo kingdoms for
the happiness of both, and by it the more firmelie to establish our owne
greatnes and just power) we cheerefullie consented. As we ar at our
soulle afflicted that it hes been in the power of anie factious, ambitious
and malicous persons so far to possesse the hearts of manie of our sub-
jects of England as to raise this miserable distraction in this kingdom
againis all our reall actions and endeavours to the contrarie, so we ar
glade that this rage and furie hath so far transported them, that they
apply themselves in so grosse a maner to our good subjects of Scotland,
whoes experience of the religion, justice and love of our people will not
suffer them to beleue these horrible scandals layed upon us, and their
affection, loyaltie and jealouzie of our honor will disdain to be made
instruments to oppresse their native soveran by assisting ane odious
rebellion.

"We have from time to time acquainted our subjects of that kingdom
with the accidents and circumstances which have disquyetted this, how
(after all the acts of justice, grace and favor performed on our part,
which wer or could be desired to make a people completitie happie) we
wer drivin by the force and violence of rude and tumultuous assembles
from the citie of Londoun and our houses of Parliament; how attempts
have beene made to impose lawes upon our subjects without our consent,
contrarie to the foundation and constitution of this kingdom; how our
forces, goods and navie wer seazed, taken from us by force, and im-
ployed aganis us, our revenues and ordinarie subsistence wrested from
us; how we have been pursued with scandalous and reproachfull language,
bold, false and seditious pasquels and libells publiclirie allowed against us,
and been told that we might, without want of modestie and dutie, be deposed; how after all this (before anie force raised by us) an armie was raised and ane generall appointed to lead that armie against us with commissioun to kill, slay and destroy all such who should be faithfull to us; that when wee had beene by these meanes compelled, with the assistance of our good subjects, to raise ane armie for our necessarie defence, wee sent diverse gracious messages earnestlie desiring that the calamiteis and misereis of a civill warre might be prevented by a treatie, and so wee might know the grounds of this misunderstanding, how we wer absoutilie refused to be treated with; and how at last the armie raised (as wes pretended for the defence of our person) wes brought into the feild aganis us, gave us battell, and (tho it pleased God to give us the victorie) destroyed manie of our good subjects with als eminent danger to our owne person and our children, as the skill and malice of desperat rebells could contrive; of all which and the other indigniteis which have been offered us we doubt not the dutie and affeccion of our Scottich subjects will have so just a resentment that they will express to the world the sense they have of our sufferings. And our good subjects of Scotland ar not, we hope, so great strangers to the affaires of this kingdome to believe that this misfortoun and distractiou is begott and brought upon us by our two houses of Parliament (though, in truth, no unwarrantable action anagis the law can be justified even by that auctoritie), they well know how the members of both houses have beene drivin thence, in so much that of above 500 members of the House of Commouns there ar not now there above 80, and of above 100 of the Houe of Peeres not above 15 or 16, all which ar so awed by the multitud of ana-baptists, Brownists and other persons desparat and decayed in their fortouns in and about the citie of Londoun that, in truth, their consultations have not the freedom and privilidge which belongs to parliaments. Concerning anie commissiouns granted be us to papists to raise forces, we refer our good subjects to a declaration latele sett furth by us upon the occasion of that scandall, which we send together with this. And for our owne true and zealous affecioun to the Protestant religion (the advancement quhairof our soule desires) we can give no other instances then our constant practise, on which malice it selfe can lay no blemishes, and these manie protestations wee have made in the sight of Almightye God, to whom wee know wee sall be deerele comptable if wee faile in the observation.

"For that scandalous imputation of bringing in forранe forces, as the same is raised without the least shadow or culour of reason, and solemnelie disavowed by us in manie of our declarations, so their cannot be a deere argument to our subjects of Scotland that wee have no such thought, then that we have hitherto forborne to require the assistance of that our native kingdome, from whose obedience, dutie and affeccion we sould confidentlie expect it, if wee thought our owne streth is too weake to preserve us, and of whose courage and loyalty we sall looke to
make use before we sall think of anie forrane aid to succour us. And we know no reasonabill nor understanding man can suppose our good subjects of Scotland ar obliged or enabled by the late act of Parliament in both kingdoms to obey the invitation which is made to them by this pretended declaration, when it is so evidentlie provided for by that act, that as the kingdom of England sall not make warre aganis the kingdom of Scotland without consent of the Parliament of England; so that the kingdom of Scotland sall not make warre aganis the kingdom of England without the consent of the Parliament of Scotland, and when they have always declared themselves so carefull of our honnour, saifetie and just rights which now undergo such great violation.

"This wee have thought fitt to say upon occasion of this late declaration, and doe commend it to you, the Lords of our Privie Counsell of our kingdom of Scotland, to be communicated and published to all our loving subjects there. And, if the grave counsell and advice which yow derived hither by your act of the 22 of April last had beeene followed heir in a tender care of our royall person and of our princellie greatness and auctoritie, then would not this face of confusion have appeared which now threatens this kingdom. And, therefore, we require yow to use your utmost endeavours to informe our subjects of that our kingdome of the truth of our condition, and that you suffer not the scandalles and imputations layed on us by the malice and treason of some men to make ane impression in the mindes of our people to the lessening or corrupting their affection and loyaltie to us, but that yow assure them the hardnesse we now undergoe and the armes we have beene compelled to take up ar for the defence of our person and saifetie of our life, for the maintenance of the true protestant religion, for the preservation of tife lawes, libertieis and constitution of this kingdom and for the just priviledges of parliaments, and we looke no longer for the blessing of heaven then we endeavour the defence and advancement of all these. And wee doubt not a duetifull concurrence in our subjects of Scotland in the care of our honnour and just rights will draw doun a blessing upon that nation too. Given at our Court at Oxen., the 5th day of December, 1642."

"The Lords of Privie Counsell continues the advising on the subject or mater conteained in his Majesties said letter or declaration of the Parliament till a more frequent meeting of the Counsell."

"It being voiced whether or not it wes fittting that order soould be gavin for printing the declaration sent from the Parliament of England it wes agreed unto that it wes not fittting to give order for printing thereof."

Sederunt:—Chancellor; General; Hamilton; Argile; Eglinton; Edinburgh, Glencarne; Southesk; Lanerrick; Calander; Angus; Yester; 22nd December 1642. Balmerinocht; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Deput; Cuaver.
This day compeared personally in presence of the Lords, Thomas M'Cleud, of Assint, narrating that a complaint was given in to the late Parliament by his Majesty's Advocate and himself against George, Earl of Seaforth, Mr Colin M'Keinyie, his uncle, Kenneth M'Keinyie of Skatwall, John M'Keinyie of Fairbarne, and John M'Keinyie of Ord, of some injuries done to the complainant and his tenants of his lands of Alusin and Leadmore, and to his said father about Whitsunday, 1641, which lands named were apprised at the instance of the said Earl of Seaforth, at least of Thomas M'Keinyie, of Pluscardin, his brother, to his use from the complainant's father, who obtained thereupon a decree of removing and letters of horning and ejection to have taken possession. The complaint was remitted by Parliament to the Privy Council; nevertheless, seeing that what was done by the Earl of Seaforth in the apprising was for just and true duties and in a lawful way, as he is informed, and that the complaints were therefore unadvisedly given in by him against the said Earl and his friends, for the repairing of the honour of the said Earl the said Donald, for himself and his father, declares and testifies before their Lordships and all others whom it concerns as above, and that he acted unbecomingly and rashly "toward the said noble Earle, contrare to that dutifull respect which I ought to the said noble Earle," and so he passes from all complaints against them. He is content this discharge be recorded in their Lordships' books and appoints Mr Samuel Gray, his procurator, for doing so. The discharge is dated at Edinburgh, 20th December, 1642; witnesses, Mr Francis Hay of Balhouse, W.S.; Hew Fraser, his servitor; John M'Keinyie of Darchirnie, William Ros, writer in Edinburgh, and Mr Thomas Nicolsone. It was written by Robert Stuart, servitor to Hew Ros, W.S., and presented before the Lords by Thomas M'Keinyie of Pluscardin, who protested that in respect thereof the said Earl and his foresaid should at no time hereafter be obliged to answer to the said complaint; and the Lords admitted the protestation.

"The Lords recommends and gives comission to the Lord General, Hamilton, Argyle, Eglinton, Glencairne, Lauderdaill, Callander, Balmerino, Wauchton, Innes, to conveene and consider on the best means for providyng things necessarie for the armie in Ireland, and what they think to be represented to the Earle of Lindsay thairanent and to report."

Sedentur:—Chancellor; General; Hamilton; Argyle; Eglinton; Glencarne; Kingorne; Lauderdaill; Southesk; Dalhousie; Lanerick; Calander; Angus; Burlie; Balmerino; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchton; Innes; Cavers; Morphie.
how necessar it is for the good of his Majestye's service and maintenance of the Scottish armie in Ireland that all victuall, meale or anie other interteament that could be caried thither be custome free, for the encouragement of merchanta to transport the same, and the Lords of Privie Counsell being carefull that all meanes be used for the good of that armie, they doe therefore recommend to the commissioners of the Treasurie and Lords of Exchequer to grant such warrants for that effect as they sall thinke fitting."

"The Lords of Secret Counsell, considering how tymouslie and cheerfull James Stuart, merchant burges of Edinburgh, and Mr Robert Ferquhar, burges of Aberdene, did advance great quantities of victuall for supplie of the armie in Ireland, and that they ar as yitt unpayed for 4644 bulls meale at ten punds the boll, extending to 3870th. English money, and withall considering how that the said James Stuart and James Hamilton of Boigs have also since underteane the furnishing of 12,000 bulls meale for the said armie at ten punds the boll, which service and undertaking has beene so confortable to the armie but with so small advantage to the undertakes as the saids Lords have by their act of the date the 8th day of December instant modified ane thousand punds sterline to be payed to the said James Stuart and James Hamilton equallie betuix thame for their panes and travels by and attour the price of their meale; and the saids Lords, finding that by contract and act of Counsell they ar obliged for payment of the moneys foresaid, which in all equitie aucth to be advanced out of the moneys due to the armie from the Parliament of England, therefore the saids Lords ordeins and commands Johne, Earl of Lindsey, and William Thomson and either of them to make payment to the said James Stuart and Mr Robert Ferquhar, or their commissioners warranted from thame, of the said soume of 3870 lbs., and to the said James Stuart or his commissioner foresaid of the soume of 5500 lb. sterline as for the price of the equall halfe of the saids 12,000 bulls meale and modification foresaid due to the said James, together with the anual rents also due for the meale so furnished so long as the prices ar not payed conforme to the contracets made heereanent, and that out of the first and readiest of the moneys receaved from the Parliament of England for the said armie being in their hands, whereanent thir presents sall be their warrant."

"The Lords of Secret Counsell, considering the good service done be Archibald, Marquis of Argyle, in suppling the pinching necessitie of the armie in Ireland with 1363 bulls of victuall and ane hundreth last of herring, according to the recepta of the same, and finding themselves obliged by contract with the said Marquis to see him thankfullie and tymouslie payed for the said victuall and herring furth of the readiest of the moneys due to the armie from the Parliament of England, therefore the saids Lords ordeins and commands Johne, Earl of Lindsey, and William Thomesone and either of thame to make payment to the said Marquis or his commissioner of the soume of 2586 lbs. 5 sh. 8 d.
sterline for the quantitie of viciuall foresaid and number of herring abovewritten, as the just prices agreed upon for the same, and that out of the first and readiest of the monies received or to be receaved be the said Earle of Lindsey or William Thomson for the use of the said armie, for doing quhaireof thir presents sall be thir warrant.”

“Forsamekle as James Hamilton of Boigs hes latelie furnished 437 bols meale with nyne score three secks at ellevin punds the bolt for the use of the Earle of Lindsayes regiment in Ireland, as also the said James Hamilton and James Stuart, merchant burges of Edinburgh, hes since undertane the furnishing of 12,000 bols meale for the use of the said armie, in regard quhaireof and of the small advantage the saids undertakers hes in this bargane and of the great panes and travels they have tane and confortable service they have done to the said armie, the Lords of Secret Counsell, by their act of the date the 8th day of December instant, hes modified to them the soume of ane thousand punds sterline for their saids panes and travels and acceptable service by and attour the price of their viciuall to be payed equallie betuix them; and the saids Lords, finding themselves in duetie bound by contracts, acts of Counsell and otherways for encouragement of the saids undertakers to see thir monies thankfullie and tymouslie payed unto them out of the readiest of the monies due to the said armie from the Parliament of England, therefore they ordaine and command Johne, Earle of Lindsey, and William Thomson or either of them to make payment to the said James Hamiltoun or his commissioner warranted from him of the soume of 5900 lbs. 11 sh. 8d. sterline as for the just price of the viciuall advanced to the Earle of Lindseyes regiment and equall halfe of his part of the said 12,000 bols meale and modification foresaid, together with the annual rents for the prices of the said viciuall so long as the same ar unpaid, conforme to the contracts made thereanent, and that out of the readiest of the monies due to the armie from the Parliament of England being in their hands, whereanent thir presents sall be their warrant.”

[Sederunt as recorded above.]
bangsterie and oppressing cariage" renders void all the complainers' expensive procedure, which can never prove effectual as long as she keeps that house. These five years past "they have beene defrauded of their moneyes, stock and brock, and ar like lie still to suffer in that kynd." Many of the poor creditors have nothing to live upon but what is in the hand of the said Laird; and the complainers believe that had they been heard at the granting of the said suspension the Council would not have yielded to the weak reasons of the Lady, whose purpose is merely to hold to the house until she secures this year's crop by violence from the tenants and not to discuss her suspension. Charge having been given to the said Lady West Nisbit, and the pursuers compearing personally with a great number of the other creditors of the said Laird, and the lady compearing by Sir Alexander Swintoun of that Ilk, who produced the letters of treason and suspension above mentioned, the Lords, after hearing parties, find the letters of treason orderly proceeded, and ordain them to be put to further execution notwithstanding the said suspension.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and by John Baillie in Ballinglach and John Stuart there, tenants to Thomas Hay of Park, with the said Thomas for his interest; also by James M'Dougall of Garthland, Alexander M'Dougall of Logan, Uthred M'Dougall of Freuch, younger, Hugh Kennedie of Symnons, Andrew M'Dougall of Killassar, Quentin M'Dougall of Barlokhart and James Tod in , as follows:—The said Laird of Park is heritable proprietor of the lands and barony of Ballinglach, which has been a burgh of barony and has been bruikd by him and his predecessors, with all the privileges of such, past memory of man, until that lately the magistrates of Wigtoun for about a year past have grievously oppressed the said Laird and his tenents by citing, fining and warding of them upon coloured pretexes of forestalling and keeping of "ca lteroeis," especially the said John Baillie and John Stewart, whom they put to a costly process of law. Then upon a protestation obtained by them in a clandestine way they denounced and obtained letters of caption against them, and under colour thereof, in violation of the laws prohibiting the carrying of hagbuts and pistols and convocation of the lieges in arms, John Murdoch and Patrick Coltrum, bailies of Wigtoun, Patrick Hannay, bailie there, John Murdoch, elder, late provost, Alexander M'Kie, late bailie, William Dunbar, notary, Patrick Galbraith, messenger, Finlay M'Crankane, Archibald Blane, Gilbert Fraser, John and William Clugston, Patrick Blaine, John and Alexander Fraser, John M'Cane, Roger M'Croschie, Alexander Reid, John Keith, John Sprout, Patrick Stenhouse, John M'Quharg, Adam M'Kie and John Dunbar, all in Wigtoun, to the number of three score persons or thereby, all horsemen, armed with swords and pistols "came twelue myles without their owne bounds to the saids two tenents houses upon the day of , being the Lords Sabbath, at night, entered within the same with drawin swords,
tooke them out of their beds and would not suffer them to putt on their cloathes, but carried them away to Wigtoun and keeped them prisoner there the space of twentie dayes." Charge having been given to these persons complained upon and to John McGuffock of Arlrick, John McGoune in Auchinleg, and William McGuffock of Chippirmore as witnesses, and the said Thomas Hay conspiring personally for himself and the other pursuers, but neither defenders nor witnesses conspiring, the Lords ordain the defendants and witnesses to be put to the horn and escheated.

Sederunt:—Chancellor; General; Hamilton; Argyle; Eglinton; Glencairne; Lauderdale; Southesk; Lanerc; Callander; Angus; Yester; Balmerino; Balcarres; Clerk Register; Advocate; Innes; Dundas.

"A letter from the Council to the Earle of Lindsay with some instructions anent the armie in Ireland and another letter to the Earle of Lindsay anent the Earle of Dunfermlines restraint."

Sederunt:—Chancellor; General; Hamilton; Argyle; Mar; Eglinton; Glencarne; Kingorne; Lauderdale; Southesk; Wemeston; Dalhousie; Lanerc; Calander; Angus; Yester; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Treasurer; Deputy; Innes; Waughtun; Dun; Cavers; Morphpie; Dundas; Cambo.

Complaint by Alexander Alshunder, baker in the Cannogait, and William Anderson, notary there, for his interest, as follows:—There was a decreet arbitral pronounced between the said Alexander Alshunder and William Bruce, cordiner in the Cannogait, by George Craufurd, cordiner Burgess of Edinburgh, and Andrew Malloch, baker in the Potterraw. It was subscribed by them on 5th November last and placed in the keeping of the said William Anderson, who wrote it. Margaret Sinclair, spouse to the said William Bruce, having desired the said William Anderson to read the decreet to her, he complied, but while he was reading it, "she pulled it out of his hand and hes brunt and destroyed the same." Charge having been given to the said Margaret Sinclair and George [sic] Bruce, and parties conspiring personally, the Lords remit the trial and punishment hereof, as well as another complaint at the instance of the said Margaret Sinclair, to the provost and bailies of Edinburgh.

Complaint by Alexander Alshunder, baker in the Cannogait, and William Anderson, notary there, for his interest, as follows:—There was a decreet arbitral pronounced between the said Alexander Alshunder and William Bruce, cordiner in the Cannogait, by George Craufurd, cordiner Burgess of Edinburgh, and Andrew Malloch, baker in the Potterraw. It was subscribed by them on 5th November last and placed in the keeping of the said William Anderson, who wrote it. Margaret Sinclair, spouse to the said William Bruce, having desired the said William Anderson to read the decreet to her, he complied, but while he was reading it, "she pulled it out of his hand and hes brunt and destroyed the same." Charge having been given to the said Margaret Sinclair and George [sic] Bruce, and parties conspiring personally, the Lords remit the trial and punishment hereof, as well as another complaint at the instance of the said Margaret Sinclair, to the provost and bailies of Edinburgh.
tion, and only to do so in a peaceable way until their difference should be settled by course of justice. Yet, in contempt of this prohibition, the said Barclay came that day “with great convocation of his freinds in a tumultuarie and lawlesse way to the said kirk and thereby did what in him lay to the breake of the peace.” Charge having been given to both parties, and they compearing, the said Barclay confessed that he was inhibited as above by the Laird of Morphie, and disregarded the same. This the Lords find to be a contempt of dangerous consequence, and for it commit the said Barclay to ward within the tolbooth of Edinburgh during their pleasure. They further ordain both parties to find caution in 3000 merks for the keeping of the peace within 48 hours.

“Forsamekle as the Lords of Privie Counsell, taking to their con-
sideratioun the supplicationis givin in to thame be the heretours and ministers dwelling on the Borders of this kingdome towards England complaining on the manifold thefts, ressetts of thift, slaughters, depreda-
tions, witchecraft and others odious crimes committed be a number of lawlesse and insolent persons, and, being carefull that the saids crimes be punished and represt in time coming, did for this effect appoint tis justice courts to be holdin at Jedburgh and Dumfreis in Februario nixt be his Majestis Justice Generall and his deputis, and therewithall considering the shortnes of the time betuix and whiche preecptis and summounis cannot convenientlie be givin out and execut aganis such delinquentis as ar to answer at the saids courts, they have thairfor and and for diverse others good and weightie considerations moving them continued and prorogated and be the tenor heirof prorogats and con-
tinues the dyet of the saids courts till Marche nixt, and appoints one of the saids justice courts to be keeped at Jedburgh the 8 day of Marche nine toome and the other at Dumfreis the 16 day of the said moneth, and ordains publication to be made heerof, etc.”

“Forsamekle as the Lords of Privie Counsell, taking to their con-
sideration the complaints givin in to them be sindrie of his Majestis good subjects in the Borders of this kingdome toward England complaining on the manifold thefts, ressetts of thift, slaughters, and others odious crimes committed be a number of insolent and lawlesse persons upon them, and the saids Lorde being carefull to have the saids crimes punished and the same represt in time comming, have therefore appointed twa justice courts to be keeped in these bounds be his Majestis Justice Generall and his deputis; and for the better preparing of processes and bringing in of delinquentis ordains preecptis to be direct in name of his Majestis Justice Generall for summonding all such persons as saill be givin up as delinquents to appeare and answer, and therewithall gives commission to Francis, Erle of Bucleuch, James, Erle of Quenisberrie, Harie, Lord Ker, Johne, Lord Linton, and James, Lord Johnston, and to the shireffs of Roxburgh, Dumfreis, and Stewart of Annerdaili, within their severall jurisdictions respective, to pas, searche, sekke, apprehend,
and committ all such persons as shall be compleanned upon as suspect or guilty of any of the said crimes and who refuse to give caution to appear to answer at the said courts, the plaintiff always first setting caution for pursuing them conforme to the acts of Parliament; and siolyke to take, apprehend, and committ all others agains quhom dittayes shall be givin up and whois names shall be insert in the porteous to be givin to the said commissioners be his Majestie Justice Generall, and who shall not find caution to appeare, and to bring, present and enter them to the saids courts to underly their tryell and punishment for the saids crimes as accord of the law; and, incaise it shall happen the saids persons or anie of them for eshewing of apprehension to flee to strengts and housas, with power to the saids commissioners to pass, follow and pursue them, assiège the said strengts and housas, raise fire and use all kynd of force and warlike ingyne for winning and recoverie of the same and apprehending the saids persons being therein, and if in pursuite of the saids persons, they refusing to be tane, it shall happen them or anie being in companie with them or within the saids strengts and housas and assisting them, to be hurt, wounded, mutilat or slaine or anie other inconvenient to follow thereupon, the saids lords declares that the same shall not be impute to them nor persons assisting them in execution of this commission as crime nor offence, and that they nor none of them shall not be called nor accused therefore criminall nor civilly be anie maner of way in tyme comming, exonering, etc.; and generallie, etc.; firme, etc.; charging, etc. This commission to endure till the last of Marche nixt.”

[End of the Register of the Borders.]
and Patrick Young, bailie of Hadintoun, armed with swords, staves and other invasive weapons, all at the instigation of the said Andrew Haitlie, who gave order to the said William Turnbull, “came to the lands of Easter Monkrig, where the said William Wilsone was yoking his pleuche, and without anie offence done be him pursued him of his life and with their saids wepons dangerouslie wounded him on the head with manie other bauch, blae and bloodie strakes in diverse parts of his bodie; and not content therewith cruellie and shamefullie ranne upon his wife, being great with childe, and with rungs and stalifes strake her upon the head, fingers and armes, quhairof she will be lamed, and left her for dead; dispossess them of their roume, and went to their houses and byres and brake up the doores thereof and so hes almost beggered the poore man, his wife and nyne childrene; and still keeps the saids houses and lands with numbers of men armed with forbiddin weapons in contempt of law and justice.” Charge having been given to the persons complained upon, and William Wilsone compearing personally for himself and his wife, and the said Andrew Haitlie also compearing, but none of the other defenders, the Lords, after hearing parties and certain witnesses, find that the said Isobel Seatoun, Hector Turnbull, Patrick Liddell and Patrick Craufurd “dang the said William Wilsone from his pleuche, took the same from him, and that Hector Turnbull strake him on the head with a tree to the effusion of his blood and felde him to the ground; and that the saids three persons dang the said Jonnet also to the ground, dragged her alongs the same and that the said Isobell Seatoun switched her and her husband on the head with a bolls peissill when they wer lying on the ground; as alsa that the said Hector tooke the pursuers pleuche, threatening all such as would stop him with a pistoll quhilk he had at his side,” thereby committing a very great insolence. For this the Lords ordain these four persons to be committed to ward within the tolbooth of Edinburgh until order be taken with them hereaunt, and they are to be charged to enter thereto on six days warning, on pain of horning. But the Lords asoillezie Andrew Haitlie, as upon probation being referred to his oath of verity he denied the accusation. £4 are to be paid to each of the witnesses by the defenders.

Supplication by John Duncan in Touchmaller, Andrew Murrey there, Robert Stevensone there and William Archibald in Castelhill of Touche adam, as follows:—“In the advocation pursued before the said Lords at the instance of John Waters, elder and younger, and Gilbert Water, whereby they desired that the pursue of thift intended aganis them before the shireff of Stirlinie sould be advact to the Justice, the saids Lords remitted the same back to Mr John Rollock, shireff deput of Stirlinie, and adjoynned to him the provest and commissar of Stirlinie or anie of them as assessors, who upon the secund of Januarie instant having arraigned thir persons before them, the saids John Water, younger, and Gilbert Water, wer convict of the stealing of seven sheep upon lawfull probatioun, as the processe beirs; but in regard the provest
of Stirlin was to come heir to attend the commissioners of peace he would not stay and concur with the shireff to pronounce sentence. They therefore crave warrant to the said sheriff to pronounce sentence and see the same executed. The Lords ordain the said sheriff to pronounce sentence of banishment against these two persons convicted as above and to take them acted never to return to the kingdom; and they ordain the provost and bailies of Stirlin to deliver them to Captain James McMath to be carried by him to the French wars.

Sederunt:—Chancellor; General; Hamilton; Argile; Mar; Eglin- 
ton; Glencarne; Murrey; Wigtoun; Kingorne; Lauderdale; 
Southeek; Wems; Lanrick; Callander; Angus; Balmerino; 
Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; 
Treasurer Depute; Wauchten; Morphie; Dundas; Cavers; 
Cambo; Din; Provost of Edinburgh.

The whilk day the missive letter underwrittin, signed be the King’s Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and red in thair audience, of the quhilk the tenor followes:—CHARLES R.—Right trustie and welbelovit counsels and counsellors, and right trustie and welbelovit counsellors, we greet yow well. Having been informed that, according to our commandes expressed to you by our Secretar, the Earle of Lanrick, you have given order for printing our letter to you of the 5th of December, which occasionallie wee wrot in answer to a declaration sent you by our houses of Parlia- 
ment in England, being unwilling to be silent and suffer our Scottish subjects to swallow anie information so destructive and contrarie to our pious intentions, as if we either intended to invite a forrainer to, or encourage poperie anie of our kingdoms, both of which have been so far from our thought that necessitie itselfe could never force us to either; for tho the eminient abiliteis and moderat disposition of some few of that profession hath moved us in this great extremite to make use of their fidelityis, yitt we have ever beein so far from countenancing their religion that it hath and ever saill be our speciall care to suppress it, by putting in executionin these good and wholesome lawses alreadie in force anagis thame; and as for anie assistance of forrane forces it is a feare so absolutlie groundlesse that we are confident it is offered for no other end then (by such subtle insinuations) to infuse ane apprehensiun in the breasts of our Scottish subjects of a danger can be no otherwise expressed then under such a generall notion, not being able reallie to make it appeare ather in intiention or fact. But wee ar so cleare from either of these that we conceave nothing can be more for our advantage then that the malice of these calumnieus may be made knowne to all our good subjects, the authors quhairof we ar confident God will never suffer to escape the hand of justice, and we hope none will beleive that heirby we meanes our houses of Parliament (whome in none of our declarations
we have ever accused) but onlie such factious and seditious members of either houses as we have named and ar readdie to proceed against legallie. Therefore we have thought fitt to require you to give order for printing the foresaid declaratioun to you of the 7th of November last, and lykewise to take the best course of causing publish it with our letter to you in answer thereof through all the several parishes of our kingdom of Scotland whereby our subjects there will perceave the subtle wayes which is used to corrupt their fidelitie and alledgeance, which other-waies being at so great a distance they cannot possiblie be informed of. So expecting your obedience heerin, we bid you heartilie farewell. From our Court at Oxen, the 29 of December, 1642. Qubilk letter being read, heard and considerd be the saids Lords, they, in obedience of his Majesties pleasure exprest therein, ordains the said declaratioun sent to the Counsell of the 7th of November with his Majesties letter in answer thereto, and the letter abowenwrittin to be presentlie printed, and that order be given to his Majesteis printer for that effect."

"It being this day voted whether or not the printing of anie papers be warrant of the Counsell doeth import the Counsells approbation of what is so printed, it was resolved that the printing is no approbation."

"The Lords of Privie Counsell, having heard what has beene represented be the Lord Chancellor to thame frome the commissioners for conserving the articles of the treatie, doe recommend to the Lord Chanceller to acquaint the saids commissioners that this day the Counsell receaved a letter from his Majestie requiring them to give warrant for printing the declaration of the Parliament of England of the 7th of November, which accordinglie the Counsell did, and that the Counsell finds that their giving order for printing anie papers doeth not import their approbation thereof, and that this was done before anie thing was represented be the said Lord Chancellor from the saids commisioners."

"The Counsell recommends to the Lord Chancellor to represent to the commissioners for conserving the articles of the treatie that the Counsell is verie willing to keep a good correspondence with them, and that as the Counsell hes givin answer to a petition this day exhibit to them desiring the petitioners not to trouble the Counsell heerafter with farther supplications, so the Counsell doeth wish the commissioners may take the like course for preserving such petitions of that nature as sall be givin in to thame."

[Sederunt as above, Innes being added.]

"The Lords, having read and considerit the letter this day exhibit to them from the Earle of Lindsey with the demands given in be him to the Parliament of England and their answer thereunto, gives commission to the Lord Chancellor, the Generall, Hamilton, Argile, Eglinton, Glen-carne, Lauderdaill, Balmerino, Burlie and Wauchton to meet and think..."
upon the best means for supplee of the necessities of his Majesties Scottish armie in Ireland."

"The Counsell recommends to the Lord Chancellor to appoint some persons for posting betuix his Majestie and Londoun, and this for bringing intelligence as occasion sall offer."

"The Lords of Privie Counsell, in obedience of his Majesteis pleasure exprest in his letter of the 29 of December, and this day exhibit to them, ordains the declaration sent to the Counsell of the 17 of November with his Majesteis letter in answer thairto and the letter abowenwritten to be presentlie printed, and that order be given to his Majesteis printer for that effect."

"The quhilk day the Erics of Mar, Glencarrar, and Lanerick declared that their voicing to the resolution abowenwritten wes not for satisfaction of the doubte of anie of his Majesties subjects, since they conceave the Counsell comptable for their actions to the Kings Majestie and Parliament onelie."

"Sedervnt:—Chancellor; General; Hamilton; Argile; Mar; Eglington; Glencarrar; Murray; Wigtoun; Kingorne; Lauderdaill; Southesk; Wemes; Dalhousie; Lanrick; Calander; Angus; Yester; Balmerino; Burli; Balcarres; Clerk Register; Advocate; Treasurer Depute; Wauchtune; Dundas; Cavers; Cambo; Provost of Edinburgh."

"The whilk day, in presence of the Lords of Secret Counsell, compeired personallie, Johne, Lord Maitlane, Sir David Hume of Wedderburne, Sir David Barclay of Cullernie, Sir William Carmichael, appearing of that ilk, Johne Binnie, merchant burge of Edinburgh, Mr William Bennet, minister at Edinburgh, Mr Robert Blair, minister at St Andrewes, Mr Johne Moncreiff, minister at Kingorne, and Mr James Fleeming, minister at Bothans, and in name of the Commissioners of the late Generall Assembley gave in to the saids Lords the suppletion underwritten, of the quhilk the tenor followes:—To the Right honorabill the Lords of his Majesties Privie Counsell the petition of the Commissioners of the late Generall Assembley humblelie sheweth, That whereas in our meetings heire according to the great trust committed to us we have bee endeaouer in our ecclesiasticall way the union of his Majesties dominions in religion and kirk government, the continuance of our owne peace at home and the commoun peace betuix the kingdoms, and doe find the letts and impediments of so blessed and desireable a work daylie to increase, specially by the prevailing power of papists, prelats and malignants in Ireland and England, which is also a reall threatening agains the religion and peace established in this Kirk and kingdome, we have resolved both for reformation of religion in England and for preservation of religion heire by humble supplication to re尊est to his Majestie our humble conceptions and
desires, and in all humilitie and earnestnes to entreat your Lordships to consider of our petiition, which we do exhibit to your Lordships, and to joyn with us and contribut your endeavours for removing out of the way all such hinderances of unitie of religion and for securing the reformation of religion and peace of this kingdom. And with all we ar constrained with greeved hearts to represent to your Lordships that whil we ar exercised in doing our deuittie and in promoting of so good a work, of which we must give ane acount to God and the nixt Generall Assemblie, a petition presented to your Lordships by some privat noblemen, barons and gentlemen is come to our hands, which in the points of unitie of religion, of our solemne covenant, of our deuittie to the Kings Majestie, of our owne peace and of the peace of the tuo kingdoms, then which no maters can be of greater importance to be the subject of the grassest deliberations of civill and ecclesiasticall assemblies, yitt this petition in all these so weightie maters proceedeth upon grounds not onelie diverse but contrarie to the meaning of the Kirk and of all that hath beene formerlie done by your Lordships, by the conservators of the peace and by the assemblies of the Kirk and their Commissioners. And, altho we have beene diligentlie attending since the 4th of Januar to doe the best offices according to our place and calling, yitt this petition about maters so nearlie concerning us and our commerce has been altogether concealed from us in privat and in publick. And, therefore, as we have resolved by publick declairation to vindicat the truth and our owne proceedings reallie called in question and accused by the said petition, least by our neglect and silence we could seeme ather indirectlie to approve such a petition or give causs of stumbling to others who through want of information may be scandalized, so also humblie to intrest your Lordships to take this to your most serious consideration as a mater that concerneth the publict of both kingdoms in their religion and peace, and as deputed by the Generall Assemblie in our fidelitie and trust, and for preventing the like disturbance and danger in time comming, and that we may all wakle in one way to our wished ends, by your auctoritie to give order that no petiition concerning the unitie of religioun or trinching upon the Covenant or such maters as properlie belong to the Generall Assemblie and ar committed to us who ar deputed by them, be admitted or answered by your Lordships unles it come in the direct and ordinarie way from the Generall Assemblie or their Commissioners, at least with their knowledge and approbation. Qhilk supplication being heard and considered be the saids Lords and they advised therewith, they doe declare that they will concurre with the Commissioners of the Generall Assemblie in recommending to his Majestie the establishment of unitie of religion and uniformitie of kirk government in all his Majesties dominions, and the removing of all impediments that doe hinder the same, and that they will keepe so good a correspondeonce with the Commissioners of the Generall Assemblie, that whenever anie petition saall be presented to the Generall Assemblie they will
acquaint them therewith, or in their absence the presbyterie of Edin-
burgh, before they give answer thereto.”

**Sederunt:**—Chancellor; Generall; Hamilton; Marquis of Argyl;
Mar; Eglinton; Glencarne; Murrey; Wigtoun; Kingorne;
Lauderdale; Southee; Wemes; Dalhousie; Lanrick; Callan-
der; Angus; Yester; Balmerino; Burlie; Balcarres; Clerk
Register; Advocate; Treasurer Depute; Wauchton; Dundas;
Cavers; Cambo; Provost of Edinburgh.

[No record of business.]

**Sederunt:**—Chancellor; General; Hamilton; Argile; Eglintoun;
Glencarne; Murrey; Wigtoun; Lauderdale; Southee; Lanrick;
Wems; Angus; Balmerino; Burlie; Balcarres; Clerk Register;
Advocate; Justice Clerk; Treasurer Depute; Cambo; Din.

The Lords of Privie Counsell recommend to the Commissioners of the
Generall Assemble to think upon the best courses that may prevent all
occasion of division and mistake among the subjects, and qhilk may
procure the advancement of religion and unitie among ourselves.”

“The Lords of Privie Counsell do declare they will concur with the
commissioners for the peace in their desire to his Majestie and the
Parliament of England for removall of Episcopacie, establishing unitie of
religion and uniformitie of kirk governement and for removall of the
differences betuix his Majestie and the Parliament.”

[Sederunt as recorded above.]

Complaint by John, Viscount of Duddop, Lord Scrimmoure, James, Master
of Duddop, and John Lamb, Andrew Smith and John Bower, quarrers
in Clepintoun, as follows:—The said Viscount and his predecessors,
constables of Dundie, have been in peacable possession past memory of
man “of ryding the first faire of Dundie throw the towm thairof, receav-
ing the keyes of the tolbuith, uplifting the customes of the said faire
and doing justice, and this their possesiuon was never querrelled nor
interrupted till latelie that the provest and bailleis of Dundie hes de-
barred the said Vicount from the said priviledge; and in August
last when the faire wes to be riddin steeched their ports upon him,
refused him the keyes, would not suffer him to ryde the faire nor sett
his guard nor uplift the customes, but apprehended the said Andro
Smith, his customer, and committed him to ward, and by bangersterie
resolves to seclud him from his possesiuon and ancient priviledge and
make his customs unprofitable to him. Lykes in the moneth of
the said provest and bailleis of Dundie, their officers and a great number
of their inhabitants came to the said Vicount his proper querrrell within
the hill of Dundie and putt the saids John Lamb and John Bower, . . . kust down stones upon the workmen, birsed and bruised them to the effusion of their blood so as they wer not able to serve for a moneth, and had not failed to have slaine them if they had not left the work, and then tooke all the workloomes from them. And, becaus the said Vicount did latelie caus some of his tennents of the Hill of Dundie subscribe a supplication to the presbyterie of Dundie for M. George Haliburton to be their minister, William Stevisone, deacon convenner, unlawned a number of them for that caus; and by these and the like affronts they heavilie vexed the said Vicount and his tennents." Charge having been given to Robert Davidsone, Thomas Mudie, and John Blyth, late bailies of Dundie, and William Stevisone, collector, deacon convenner, and James, Master of Dudnop, compearing for himself and the other pursuers, and also the said Robert Davidsone compearing, with Alexander Milne, bailie, who produced a written procuratory from the provost and bailies of Dundie and William Stevisone, collector of the crafts of the said burgh, under the hand of Mr Alexander Wedderburne, town clerk, empowering them to act for them in this complaint, but Thomas Mudie and John Blyth not compearing, the pursuer passed from the last part of the complaint as to the fining of his tenants, referred the probation of the complaint as to the fining of his customer to the oath of the said Robert Davidsone, and declared he would prove the rest by witnesses. The defenders opposed the process as irrelevant, but the Lords repelled their objection, and after hearing the parties and witnesses find and declare "That the Vicount of Dudnop and his predecessors, constables of Dundie, hes beene in peaceable possessioun these manie yeeres bygane of ryding the first faire of Dundie in August yeerelie throw the toun, receaving the keyes of the tolbuith and uplifting the customers of the faire, and that during the time thereof for the space of eight dayes they wer sole judges of all causes criminall and civill within that toun, and that notwithstanding thairof the said Thomas Mudie and John Blyth, bailleis for the time, in August last closed the ports upon the Vicount of Dudnop his bailleis, would not suffer them to enter and ryde the faire or give them the keyes of the tolbuith and that they caused committ the said Andro Smith, customer, to their tolbuith during the time of the said faire, albeit the constable of Dundie wes in possessioun of judging all causes criminall and civill during that time; as also that the said Robert Davidsoun caused some of the towns people cast down stones upon the perseveners quarrriers the time labelled and that thereby they have committed a verie great ryot upon the perseveners of dangerous consequence." Therefore they ordain Robert Davidsone to be warded within the tolbooth of Edinburgh until they release him, because on being sworn he admitted the imprisoning of the pursuer's customer, but that it was for injurious words uttered by him. This defence the Lords repelled seeing the pursuer was in possessioun of the jurisdiction. His violence to the quarrriers was proved by witnesses. The Lords
further ordain that Thomas Mudie and John Blyth be charged to enter into the same ward within six days until order be taken with them, under pain of horning; and that the provest and bailies of Dundie repossess the said Vicount of Duddop at the next ensuing fair at Lemmas in the priviledge of riding the said fair and others of which he was in possession before the said interruption under a penalty of 20,000 merks, and not again to interrupt the same under the like penalty toties quoties. The Lords also ordain £10 to be paid by the procurators for the town of Dundie to each witness, being a horseman, and 10 merks to each footman. On the pronouncing of this sentence Mr Peter Wedderburne, advocate, protested in name of the town of Dundie that it should be without prejudice to the declarator intended or to be intended by the town of Dundie against the Viscount of Duddop, and thereupon asked P. 187. instruments.

The Lords being informed of some appearance of trouble likely to fall out between James, Earl of Finlater, and George, Lord Bamff, and George, Master of Bamff, ordained the said Lord and Master of Bamff, being in town, to be charged to compear before them this day, and the said Lord Bamff compearing and having been heard upon the matter, the Lords ordain both parties to be charged to appear on 16th February next to underlie the Council's pleasure anent the peace of the country. And till then they ordain the said Lord Bamff to remain in town and to exhibit his son on Thursday next.

"A petition from some noblemen."

"Ane act to the Assemblie."

Edinburgh, 19th January 1643.

Sederunt:—Chancellor; General; Hamilton; Argyle; Eglinton; Glencarne; Cassills; Wigtoun; Lauderdaill; Southesk; Wems; Calander; Angus; Balmerino; Burlie; Balcarras; Clerk Register; Advocate; Treasurer Depute; Dundas; Wauchtan; Cambo; Innes.

"The whilk day, in presence of the Lords of Secret Counsell, comepted personallie Sir William Carmichaell, appearand of that ilk, M' George Winrame of Libbertoun, M' William Colvill, minister at Edinburgh, M' James Fleming, minister at Bothans, M' Johne Duncan, minister at Culros, M' Arthure Morton, minister at Craill, and M' Johne Smith, minister at Leslie, and in name of the Generall Assemblie gave in to the saids Lords the petition underwritten, of the whilk the tenor follows:—

To the Lords of his Majesties most honorabill Privie Counsell the humble remonstrance and petition of the Commissioners of the Generall Assemblie. Fol. 73, b.

Having considered the petition presented to your Lordships by some privat noblemen, barons and gentlemen, upon which your Lordships in your wisodoms did recommend to us to think upon the best means that may preveene all occasson of division or mistakes amongst the subjects and which may procure the advancement of religion and union amongst
ourselves, which as we thankfullie accept as a testimonie of your Lordships justice and goodnes and of your respect to the Generall Assemble, so doe we humblie and earnestlie intreat your Lordships to take notice of the progresse of their petitioning and of our proceedings. Being mett heir at Edinburgh, Januar 4, upon such affaires of the Kirk as wer committed to us by the late Generall Assemble and, according to our expresse commission published in print, thinking by what wayes ecclesiastical and proper for us the great work of the uniting of this Yland in religion and kirk gouvernement might be furthered and our owne peace and the peace betuix the tuo kingdoms continued and preserved, we wer desired be some noblemen, barons and burgesses to joynie with them in a petition to the Lords and others commissioners for conserving the peace, which having perused and finding in it a coincidence both in the ends and midis with our owne desires and deliberations, we did appoint some of our number both ministers and elders to be humble petitioners with them. But after some dayes, contrarie to our expectation, another petition is presented to your Lordships by some privat noblemen, barons and gentlemen, which after perusall and examination we found to be croese and contrarie¹ not onelie to the former petition presented by us to the commissioners for conserving of peace, but in our best and most impartial judgement, altho in faire words and under specious pretences, destructive of our intentions and proceedings; wherein, as we have satisfied our owne minds, so we beleve our declaration conteanuing our just exceptions against it sall give your Lordships satisfaction; which wee therefore humblie present to your Lordships view, and intreat that your Lordships may be pleased to take to your consideration. Wee acknowledge that a necessitie is layed upon us as native subjectts, as christians, as pastores and as Commissioneres of the Assemble to preserve peace at home and to promove unitie of religion with England, unto which manifold obligation your Lordships have superadded your recommendation. And therefore as wee have beene, according to our places and callings, both preaching and praying agains division and have in our meeting agreed upon a warming and certaine directions to be sent to all the ministers in the kingdom how to deale and to carie themselves toward the present enemies of our religion and peace, so doe we conceave, since the contrarie petitioners would not be moved by all that we could say or doe to take up their petition, since it is now spread abrod through both the kingdoms and since they hold such ane opinion of their petition that they not onelie justifie it but that it will sufficiantlie justifie them and their intentions; first, that there is no meane so able and so easie to make up the breach of peace and unitie which they have made as the sending furth with speed our declaration to follow their petition at the heelles for deleting the impressions which it may make in the mynds of such as of themselves, without some helpe, cannot so well discern of things that ar different; secundlie, that all good

¹ The petition against which the General Assembly petitioned was known as the "Cross Petition."
means may still be used by your Lordships, by the commissioners for
conserving the peace and by the Generall Assemble and their Commis-
sioners for union of religion in England, without which wee may seek for
peace and follow after it but unless we will deny our daylie sense and
bygane experience can have small hopes of anie great successe; thirdly,
that your Lordships and all that ar in eminencie endeavoure by your
wisdome and auctoritie to suppress and prevent all divisive motions
which may tend to the troubling and renting of the Kirk and kingdome,
wherein we faithfullie promise to contribute what is in our power in our
ecclesiastical way. When kirkmen alone seek after reformation of reli-
gion, princes ar not so much moved with their supplications; but when
governours that ar sent by them shew themselves sensible and zealous of
the kingdom of Christ the streth is doubled, and the work is more easie,
who knoweth whether your Lordships ar come to be counsellers to the
Kings Majestie for such a time as this, a time unparalleled with anie time
that your Lordships or your progenitors have scene, a time wherein the
hearts of the godlie in all places ar full of hopes, and the hearts of the
enemies stricken with terrors, both looking for some notable change; and
a time wherein the devill, before he be dispossessed, is in a rage by tear-
ing nations with civil warres, by stirring up troubles and multiplying
of scandalls, all to this end that he may make the truth of religion
odious among the people as a cause of these confusions. But wee trust,
er it be long, all such tempests and commotions shall cease and end in a
sueit tranquillitie and pleasant calme, wherein everie one in Kirk and
policie shall have his confort and peace answerable to his cariage in the
time of trouble, the Kings Majestie shall be more honorable and his
dominions more peaceable, Christ shall be more glorious and christian
religion more pure and powerfull then before; which against all intestine
division and forrane opposition is and shall be the publict and privat
prayer of your Lordships humble petitioners. Qubilk petitioun and
remonstrance, together with the declaration of the saide Commissioners
of the Generall Assemble upon ther petition exhibit to the Counsell upon
the tenth of Januar instant being heard and considerd be the Lords of
Privie Counsell and they advised therewith, the saide Lords declare that
as they have and doe resolve to concurre with the saide Commissioners
by their recommendation to the Kings Majestie and Parliament of Eng-
land for unitie of religion and uniformitie of kirk government and
removal of all contrarie impediments, and as they have not givin appro-
bation to the said petition, so they will be carefull to maintaine peace
and unitie and prevent all divisions.

[Sederunt as recorded above.]

The Lords ordain the provost and bailies of Edinburgh to liberate Hector
Turnbull, Patrick Craufurd and Patrick Liddell, seeing they have found
caution, each in 400 merks, to appear before the Council on Tuesday next.
Sedunt:—Chancellor; Hamiltoun; Argile; Egliintoun; Cassills; Edinburgh, Glencarne; Lauderdaleall; Southesk; Angus; Yester; Elphinston; 1648. Balmerino; Clerk Register; Advocate; Justice Clerk; Innes; Dundas.

"The Lords of Secret Counsell nominates and appoints David Dunbar of Enterkin to be shireff principal of Air till the ordinar time of electioun and that his Majesties farther pleasure be knowne, to supplie the place of Sir Hugh Campbell of Cesnock, shireff of Air, who is sick and unable to serve; and ordains a commissioun to be pass to the said David, who, being personallie present, accepted the office and gave his oath."

"The Lords of Privie Counsell, in respect of the Lord Chancellors's employment to England for the public affaires of the kingdom, appoints Archibald, Marquis of Argyle, to preside and be president of the Counsell till the first of Juneij nixt or till the said Lord Chancellors returne from England."

[Sedunt as recorded above.]

Complaint by John Murdoch, elder, late provost, Alexander M'Kie, late bailie, William Dunbar, notary, Patrick Galbraith, messenger, Finlay Craikane, Archibald and Patrick Blain, John and William Clugston, Gilbert and John Fraser, John M'Keane, Roger M'Croshrie, Alexander Reid, James Keith, John Sprott, Patrick Stenhous, and John M'Quharg, burgesses of Wigtoun, Adam M'Kie, John Dunbar, and Alexander Fraser, notaries there, as follows:—They are informed that they are denounced rebels at the instance of his Majesty's Advocate, John Baillie in Ballinglach and John Stuart there, tenants to Thomas Hay of Park, the said Thomas for his interest, and James M'Dougall of Garthland, Alexander M'Dougall of Logan, Uchtreid M'Dougall, younger of Freuche, Hugh Kennedie of Synnons, Andrew M'Dougall of Killassier, Quintin M'Dougall of Barlokhart and John Tod in , for their non-compearance before the Council to answer to their complaint against them for convocation of the lieges, carrying of pistols and other oppressions. Now, if they had been lawfully charged to appear they would willingly have done so; but they have found caution, each in 400 merks, that they will appear on 19th January next and clear themselves, and pay £40 for their escheat if found liable therein; and so they crave that the horning be suspended. Charge having been given to the parties, and the suspenders compearing personally with the exception of the said John Murdoch, late provost, William Dunbar and John Sprott, who were excused on testimonials of their inability to travel; also the said Thomas Hay of Park compearing for himself and the remanent chargers, the Lords, after hearing parties, suspend the horning. With reference to the complaint the defenders averred that they lawfully apprehended the said John Baillie and John Stuart by virtue of letters of caption, and that as touching "oastlerie" they did nothing but by order of law and as they had been in use to do for many
years past. It was answered that the caption was used upon the
Sabbath at night with convocation and pistols, and this being referred to
the suspenders' oath of verity, they denied using violence and taking
the rebels on Sabbath night, "but upon Monday in the morning; and
the saids John Murdoch, younger, Patrik Coltrane, Alexander Fraser,
William Clugstoun, Alexander Reid and Finlay M'Craekane granted they
had pistolls," the others denying. The Lorda, therefore, assolzie the
suspenders from the charge of riot but remit the carriers of pistols to
the Commissioners of the Treasury for punishment.

Complaint by Isobel Seatoun, spouse of Andrew Haitlie of
Sneip, Patrick Liddell, Patrick Craufurd and Hector Turnbull, as follows:—
Their Lordships have charged them at the instance of William Wilson
and Jonet Tait, his spouse, to enter in ward within the tolbooth of Edin-
burgh until they should be dealt with for dispossessing the said William
of "the roume of Monkrig, wounding him on the head, felling him to
the ground, wounding also his wife and switching them with a bulls
peissill and putting the said William from his pleuch." Now they were
never lawfully charged to appear and answer to this complaint, the di
t of their appearance being the 3rd of January instant, "and the charge
onlie givin upon the evening before, quhilk could not be a laulfull
warning for a gentlewoman residing 14 myles from Edinburgh to come
in this winter season; and they would gladelie have appeared if they
could tymouslie come in; and did then also undertake upon the Thurs-
day thereafter to appeare and cleere how unjustlie this complaint is
moved aganis them. Lykeas they doe now alledge and offer to make
good that the pursuers had no laulfull possessioun of the roume libelled
as they claime, but be the contrare the said William Wilson his father,
who deceasst about six moneths since, being tacksman of the roume
questioned and in possessioun thatirof till his death, and thereafter
Marion Dickson, his relict, continuing in the same possessioun by pas-
touring her goods, sheirig and winning the corns upon the same be
verture of ane right and tack flowing from the said Isobell, lyverenter
of the roume, at lenth the said Isobell disposned to the compleiner her
right and possessioun of the said roume and goods, and she accordinglie
in peaceable maner went with the baillie of Hadintoun, one publict
notar, upon the penult day of December, to apprehend possessioun
according to the law. And being about that actioun in sober way the
said William and his wife in a shamelesse maner came upon them,
uttering odious and disgracefull speeches and swearing to bring out a
gunne and shoot the same at the said Isobell and her servants. At
quhilk provocation made be the tennents of her owne lands she onelie
pulled forth some oasts out of a stack and threw them at the said
William without anie further, whereupon they have grounded so foule
and odious ane complaint of felling of the said William with a tree and
switching him and his wife with a bulls peissail, wherein there is no
trueithe, never anie of the companie having a tree nor striking therewith.
And for the bulls peissill wherewith the said Isabella is burdened as she had none at that time as never at anie time in her life." The witnesses have deponed beyond what was libelled, and had she been present she would have easily "put them from depouning or being admitted, for George Pea, one of the witnesses, is the said William his cottar, and so not admissible in law to depone for him in this mater, and the other tua witnesses wer not within a myle and more to the bounds where the alledged ryot sould have beene committed." The said Patrick Crauford, Patrick Riddell and Hector Turnbull have meanwhile entered ward as charged and the said Isabel Seaton has found caution to appear on 17th January instant and make good the reasons of this suspension. Charge having been given to the said William Wilson and Janet Tait, and the former compearing and also the suspenders, the Lords, after hearing parties, fine Lady Sneip in £50 to be paid to the said William Wilson for the riot proven in the said decreet. This her husband undertook to pay with the witnesses expenses within 24 hours. The Lords thereupon suspend the horning, and declare that this sentence shall be without prejudice to Wilson's civil actions for dispossessioning him and taking away his goods.

Complaint by Alexander Borthwick of Sauchnell, as follows:—For Complaint by Alexander Borthwick of Sauchnell, praying for release from the tolbooth of the Canongate, where he is warded by Sir Robert Douglas of Blaikerstoun, to whom he is cautioner for 6000 merks or thereby, though he may be otherwise secured of this debt, has lately apprehended and imprisoned the complainer in the tolbooth of the Cannogait, "where he is destitute of all comforts requisit to a sickelie, aged man of his condition, but speciallie of the benefit of divine service, qubik is his greatest greefe; and the miseries attending him, if he remaine anie while in this prissoun, will undoubtedlie putt his gray hairis to the grave with sorrow, if the saids Lords shew him not the customary favors for merlie granted in such caises." The pursuer compearing personally but not the said Sir Robert Douglas, the Lords, "in respect of the said pursuer his great age and sicknes, and to the effect he may have the benefit of divine service, ordains and commands the bailies of the Cannogait to putt him to libertie and fredome furth of thair tolbuith in so far as he is warded at the instance of the said Sir Robert Douglas, whereanent thir presents sall be thair warrant, becaus Mr. Andro Borthwick of Sauchnell, Walter and Robert Borthwicks, burgesses of Edinburgh, ar become cautioners for the said pursuer that he sall keepe ward in the burgh of Edinburgh and the Cannogait and not remove furth thairof till he be releeveed, under the pene of payment of the haill soumes for qubiks he is warded. And the saide Lords declares that upon complaint of ane partie finding himselfe heirby prejudged they will
take suche course ather for the pursuers reimprisonment or otherways, as they all thinke fitting."

The Lords, considering that on January instant they modified 4th dayly to be paid to John Wilsone, prisoner in the tolbooth of the Cannogait, for his maintenance, by Robert Arbuckill, William Graham, and James Younger, burgesses of Edinburgh, by whom he is kept in ward, declaring that if the same were not paid weekly he should be liberated, and that they have now seen an instrument under the hand of Alexander M'Breck, notary, whereby these three persons on 13th instant declared that "they had bestowed over mekle charges alreadie upon him," and were content that he should be liberated, ordain the bailies of the Cannogait to put the said John to liberty in so far as he is warded at their instance.

"A missive direct to the Kings Majestie recomendinge to his Majestie the desyre of the Commissioners for the General Assembly."

Seconunt:—Argile, præses; Leven; Hamilton; Cassills; Murrey; Lauderdaill; Southesk; Angus; Yester; Balmerino; Clerk Register; Advocate; Innes.

Complaint by George Bell, Thomas, James, John and Isabel Burrell, and Adie Wylie, tenants to Fergus Grahame of Blastwod, and the said Fergus for his interest, as follows:—In the action before their Lordships on 24th November last by the said Fergus against Archibald Douglas of Dornock for various oppressions, specially for compelling thame to give bonds and renunciations to him after he had apprehended them on p. 194. captions for not finding lawburrows to him, notwithstanding that they had done so and produced their acts of caution, their Lordships ordained the said Archibald to produce on that day fifteen days before them all such deeds. This he has not done but still keeps the same, specially one given by the said George Bell, Adie Wylie and Thomas Burrell in the town of Annand, and another given by them and the remanent tenants, complainers, in the Dornock about the same time, intending to hold them over the heads of the poor men, in contempt of the Council's decree. The pursuers compearing by William Graham, son of the said Fergus, and the defender also being present, the latter alleged that by the said decret he was not obliged to produce any bonds granted for sums of money by virtue of his letters of poinding, of which nature these two bonds libelled were, seeing that by the decret the validity of his letters of poinding was remitted to the Lords of Session and they have sustained the same. He was only obliged to produce bonds granted by the said tenants for leaving the ground, and these he had produced and delivered to the said Fergus Graham. He gave his oath that he had no other bonds of that nature. The Lords therefore assoilzie him from this complaint.
December, 1641, Mark Loch, burges of Dumfreis, granted to the
complainant a bond of relief for the sum of 500 merks or thereby, and
the bond was laid upon "a boord in the hous of . . . ." beside the
complainant; whereupon the said Mark suddenly took up the same "and
rave his name therefra." The complainant comparing by William
Graham, his son, and the defender being personally present,
probation was referred to the latter's oath; who, being sworn, "declared
that after the subscribing of the band lyb ellit and before he delivered
the same, he tooke his name therefra because there was a blank thairin
whilk he thought might be prejudiciall to him." The bond being his
own and undelivered, he did no wrong to the pursuer. The Lords
assoilzie the defender and ordain Fergus Graham to pay to John
Johnston and Walter Miller, who were cited and had come hither as wit-
tesses in the case, £10 each, and that within ten days of the charge,
otherwise to pay 20 merks within other ten days.

Complaint by James Beatsone in Pascar Milne, and David Beaton,
his son, tenants to James, Earl of Murrey, also the said Earl for his
interest, as follows:—Dame Jonet Scot, Lady Balmuto, elder, and Sir
John Bosuell of Balmuto, having conceived some grudge against the
said James Beaton in reference to "ane water draught beside the said
Earles milne at Pascar, they have resolved to duang and oppress the
said James Beaton, his tennent. And for this effect the said ladie,
accompanied with Alexander Young and Robert Demperston, servants
to the Laird of Balmuto, and Thomas Ralfe, servant to Captain Pitts-
cottie, boddin with swords, staffes and other weapons invasive, came
upon the last of December to the smiddie of Mosehill, where the said
David Beaton was causing make his fathers work, patt violent hands in
his person, carryed him to the place of Balmuto and kept him prisoner
there, being his Majesties free liege. And upon Moonday, the 16 of
this instant, Robert Tay, at direction of the said ladie, came to the said
James Beatsone himselfe and pursued him of his life; and when he
departed he told he was directed be the ladie, but soold come better
prepared the nixt time." Charge having been given to these persons
complained upon, and the pursuers comparing personally, also Sir John
Bosuall with the said Dame Jonet Scot, his lady, "who granted and
confest that she desired the said David Beatsone to goe to her hous with
her and she would learne him good manners, and keeped him there a
certane space, and desired him goe to the milne dam," but the other
defenders not comparing, the Lords find that by her own confession
the said lady has done wrong to the said David, and ordains her to be
waried in the tolbooth of Edinburgh, until they release her. They also
ordain the said Alexander Young, Robert Demperston, Thomas Ralfe
and Robert Tay to be put to the horn and escheated.
Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Provost of Edinburgh.

"A letter produced from the Earle of Lindsay quherin was enclosed a warrant signed be the Kings Majestie allowing the Commissioners of the Thesaurarie to make payment to the Earle of Louthian of £2000 sterline for defraying of his expenses in his voyage to France."

Sedentum: — Chancellor; Leven; Hamilton; Argyle; Eglinton; Cassillis; Lauderdale; Southesk; Angus; Elphinston; Balmerino; Advocate; Treasurer Depute; Justice Clerk.

Complaint by William Craighead in Buchlay, as follows:—On 10th September last, James Bruce at Scotsmilne, John Stratoun, messenger, James Gray, servant to the said James Bruce, Robert Arbuthnot at Inganelne, William Donaldson and Andrew Chessour there, Alexander and David Fraser in the Maynes of Inverrugie, George Brydie in Barhill, John Arbuthnot in Rora, David Arbuthnot at the Mill thereof, Gilbert Simson, servitor to James Bruce in Coterstoun, and William Watt in Rounhillock, cam'd armed to the house of the complainor, when he was from home, "and without anie lawfull warrant ranne at the doores with double geists, brake up the same with the kists, coffers and almereis, and tooke furthe thairof their haill goods, geir, bands, evidents and writts, insich, plenishing and what they were able to carie away, brake all the timber work and other plenishing qyhil they left behind, and left the doores open and so made all a prey to thieves and pyckers in the countrie, whocame in thereafter and left nothing; and thereby hes altogether herreyd the compleiners, who, having come to stop this lawlesse act, they patt violent hands in the compleeners person, P. 198. gave him diverse straikes in his bodie and hes brought him to extreme povertie and miserie." The pursuer compairing but not the defendants, the Lords, after hearing the evidence of witnesses, find that the defendants broke up the doors of the pursuer's house, "with trees and tooke furth the plenishing thairof," and for this they ordain them to be charged to enter in ward within the tolbooth of Edinburgh within fifteen days and there remain until order be taken with them for this P. 199. insolence. The Lords also modify payment to the witnesses, viz. £16 to each horseman and £10 to the footman, to be paid by the producers, but they declare they will cause the defendants repay the same when they enter into ward.

Complaint by Elizabeth Quhyt, widow of James Douglas, sheriff- clerk of Berwick, and Mr Thomas Ridpeth, now her spouse, as follows:—On 18th November, 1638, Robert Lauder of that ilk and William Lauder, his brother, were put to the horn for non-payment of a debt of 2000 merks with interest and expenses, but they take no heed thereto. Mr. Thomas Ridpeth compairing for himself and his said spouse but the
defenders not compearing, the Lords ordain the latter to be charged to Ilk and William 
render their houses to the herald or pursuivant, who shall execute the letters of treason now granted against them, and to enter their persons in ward within the castle of Blackness within ten days after the charge. The Lords declare that this sentence shall be without prejudice to Mr. Peter Arbuthnot's right to the said rebels' lands and houses by virtue of his apprising thereof.

Sederunt:—Argyle; proeses; Cassills; Lauderdaill; Southesk; Edinburgh, Angus; Elphinstone; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes.

Complaint by Charles Hendersone, commissary of Lauder, as follows:—Same complaint by Charles Hendersone, commissary of Lauder, against the said Robert and William Lauers.
George Davidsoun in Lintoun Park and Lancel Mouat in Lintoun Burnfute compearing personally this day produced two copies of a summons whereby they are charged at the instance of Alexander Thomson in Kaipup, tenant to John Rutherford of Hunt Hill, and the said John for his interest, to compear before the Council this day, and protested that in regard their chargers had not compeared, and that they were here ready to answer, no further process should be granted in this matter until they should be cited of new and their expenses paid. The Lords admit the protestation.

Sederunt:—Argile; Cassilla; Glencairne; Southesk; Angus; Elphinstone; Balmerino; Advocate; Justice Clerk; Wauchtane.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir Alexander Falconer, elder of Halkerton, Sir Alexander Falconer, sir of Halkerton, one of the Senators of the College of Justice, and John Barclay of Johnestoun, as follows:—The wearing of hagbuts and pistols, "shooting and killing of doves, wilde dukes, herrouns and haires and others foulla" is strictly prohibited by law. The complainers stocked their dovecotes upon their lands of .... "with great store of doves," and planted "ane herrounie thereon, wherein they had great numbers of herrouns"; but Andrew Watt at the coble of Haltoun, Alexander Milne in Hospittall, George Smith in Fordoun, John Pettes in Achnablay, James Presh in Stone of Benholme, George Wilson at Dempsters Milne, William Wilson there, John Henrie in Wattoon, William Grubb in Discolerne, Robert Falconer in Johnsheaven, Alexander Anderson in Inglismadi, Alexander Wod in Craignestoun, William King in Glenbervie, and Alexander Richie in Carnetoun, during the years 1640, 1641, and 1642, came to the complainers' lands armed with hagbuts and pistols with which they killed their "whole doves and herrouns with the wylde dukes and haires being on their bounds," and daily make such destruction thereof that the complainers' lands are now entirely destitute. Charging having been given to these persons, and his Majesty's Advocate compearing with Mr. David Falconer, commissary of Edinburgh, for the remenant pursuers, but of the defenders only the said Alexander Milne compearing, who on giving his oath of verity denying the complaint was assolized, the Lords ordain the remenant defenders to be put to the horn and eschated.

Complaint by Sir Robert Douglas of Blaikerstoun, as follows:—P. 255. Alexander Borthwick of Sauchell was imprisoned in the tolbooth of the Cannogait upon letters of capition for not paying to the complainant the sum of 5000 merks, but upon representation made to their Lordships of his age and infirmity his ward was enlarged to the burgh of Edinburgh and the Cannogait, reservation being made to the complainant of having him re-imprisoned if occasion required. He expected that the
said Alexander and his sons, to whom he has disposed all his estate, offers of satisfaction to the complainer. would have made some offers of satisfaction to him after this enlarge- ment, but nothing has been done, and the rebel lives at as great liberty as the complainer himself or any other good subject, a precedent which may prove dangerous by the disappointing of justice and the prejudice of the lieges. Both pursuer and defender compearing and having been heard, the Lords ordain the defender to re-enter to his ward upon Thursday come eight days if before that time he give not satisfaction to the complainer.

Sedent ut die predicta.

Complaint by Sir William Scot of Clerkington, one of the Clerks of Session, as follows:—In the Parliament held at Edinburgh in July, 1606, it was statute “that no person sall hyre or conduce coaliers or coalebearers without a sufficient testimoniall subscrivit be the maister whom they last served, or at least ane attestation of a reasonable caus of their removing from the baillie or magistrat where they came fra, and incaise anie receive, fee, hire, supplee or interteane anie of the saids colyours or coalebearers without testificatioun, as said is, the maister challenging them within yeare and day, the person challenged sall deliver them back agane within 24 hours, under the pane of ane hundreth punds to be payed for ilk person to these from whom they past so oft as they sall be challenged and not delivered; and the colyours and coalbearers who receive forewages and fees to be reput and holdin as theves and punished in their bodis.” Now, William Alabunder, collier to the complainer, “having left his coale of Clerkington without ane attestation and gone to William Hendersone, baillie of Ormiston, and James Gourlay in Pencaitland, the compleanner directed Johnie Waldie, his tennent, to them upon the 17 of Januar, who required them to deliver back his coalyear, qhilk they refused; and the same day he went to Johnie Furd, coalegreave in Southside, who had receaved David Leggat, another of the compleanners coaliers, without attestation and craved the coalyear back, whilk he also refused; and upon the day of he caused make new requisitioun of the saids coalyears, qhilk still they refuse,” and so they have incurred the said penalty for each requisition, while they have also injured the complainer by the stoppage of his coalheugh. Charge having been given to the said William Henderson, James Gourlay, and John Furd, the pursuer comppearde personally and declared that he passed from the complaint against William Henderson, provided he received back his collier. William Henderson comppearde and exhibited the said William Alabunder, and John Furd also comppearde and exhibited the said David Leggat, producing with him an instrument dated at Clerkington, 24th October, whereby the said David Leggat renounced “his service of working to the said John Waldie, tacksman of the coale of Clerkingtoun.” This instru-
ment the Lords find to be invalid, as it specifies no reason for his renunciation in terms of the act of Parliament. John Furd confessing upon oath that he refused to deliver the collier when required, the Lords fine him £100 to be paid to the pursuer; and they also ordain both the colliers to be committed to ward until they are released.

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and the provost and bailies of Renfrew, as follows:—Though the wearing of hagbutes and pistols and convoyation of the lieges is strictly prohibited, yet on 19th May last Robert Stuart of Barsecub, Thomas Stuart, younger thereof, William Stuart at the ferryboat of Inchynnane, John Montgomrie in Kowhoill, William Montgomrie, his brother, John Clerk in Carslop, William Stuart in Milnetoun, James Laing in Dalmure, Walter Colquhoun there, Robert and Walter Brock there, and others to the number of thirty persons, armed with swords, staves, and also with the forbidden hagbutes and pistols, “came to the river of Clyd and to that salmon sound foremost the lands of Dalmuir betuix the Marlingfur and Blackstone, perteaning to the town of Renfrew, in quhilk salmon sound and fishing within the bounds foresaid upon both sides of the river of Clyde, the saids compleanners per expressum infete, and has beene in possession past memorie of man without interruption, and where upon the said 19 of May they had their fishers fishing in the said shott with foure or fyve cobbles; and not onelie at that time but diverse dayes thereafter and in the moneths of Junij and July the persons foresaid with convoyation and forbidin weapons, as said is, threatened the compleanners fishers and servants to fish in the said [shott], kist out a net of their owne and fished and drew salmon sound furth of the compleanners shott, where the saids persons nor their predecessers had never right nor possession. And when as the compleanners fishemen and others inhabitants of the town of Renfrew wer fishing up and doun the water in the said shott, the said persons shott their hagquebuts and pistolet at them to the hazard of their lyves and proud contempt of law and justice.” His Majesty’s Advocate compareing personally, and the said provost and bailies by John Somervell, provost, and Andrew Sempill, clerk, as pursuers, and the defenders also compareing, with the exception of William Stuart in Milinetoun, John Clerk and Walter Brock, the Lords, after hearing parties and witnesses, find that the said Robert P. 209. Stuart of Barsecub, and Thomas Stuart, his son, with convoyation of the lieges, “violentlie intruded themselves in the fishing libelled upon the said 19 day of May last, and that the said Thomas Stuart had pistolls at that time,” for which they ordain them to be warded within the tolbooth of Edinburgh during the Council’s pleasure; and the Lords discharge them from troubling the pursuers in their said fishing hereafter save by order of law. They also remit the said Thomas Stuart to be dealt with by the Commissioners of his Majesty’s Treasury for his carrying of pistols. The Lords, however, declare that this sentence shall be without prejudice to the rights of parties; and they ordain
payment to be made by the defenders to the witnesses, of £10 to every horseman and £5 to the footman.

The Lords, having considered the petition of Captain Thomas Gray, setting forth "that he, being employed in the service of his Majestie and Parliament of England under Alexander, Lord Forbes, Lieutenant-general of the additional forces for Ireland, and being with him in a fleet going from the river of Limbuck to the countie of Cork, the ship was separat from the fleet and cast upon the yle of Baneshallock in the bailierie of Knapdaill and sheriffdom of Argile, and that he has spent all that he could gett to land for intertainment of himselfe, his officers and souldiers to bring them thither, and therefore desiring some present releef for himselfe, his saids officers and souldiers"; find the desire reasonable and recommend and give warrant to the Lords of Exchequer and Commissioners of the Treasury to grant some allowance for defraying the petitioner's necessary charges at this time, not exceeding £200 sterling.

Sedentum:—Argile, Presses; General; Glencarme; Cassils; Southesk; Lauderdaill; Finlater; Angus; Balmerinocht; Clerk Register; Justice Clerk; Treasurer Depute; Innes; Din.

Edinburgh, 14th February 1643.

"Forsamekle as the Kings Majestie and Estats of Parliament of this kingdom, considering how necessarie, expedient and profitable the erecting and maintaining of manufactories will be for this kingdom, as well in keeping of great quantitie of moneys within the same, quhilk is now daylie exported for wrughted commoditieis, as in setting poore ones to work, restraining of ydle beggers, increasse of vertue and bringing of moneys into the countrie, and being resolved to use all ordinarie means for directing, cherishing and mainteining of manufactories in this kingdom, have therefore be their act of the 16 of November, 1641, givin commiission to such persons or quorum theirof, who sall be nominat be the Lords of Privie Counsell (to whom his Majestie and Parliament be the said act gave the nomination of the commissiners and quorum theirof foresaid) to convene, consult, advise and determine upon the best rules, overtures, propositions and wayes for erecting and maintaining of the saids manufactories of all sorte, as is at more lenth contenanne in the said act of Parliament made heeranent. Lykeas the Lords of Privie Counsell, being willing and desirous that all good meanes be used for the furtherance of a work so much concerning the good of the kingdom, have, according to that power givin to them be his Majestie and Parliament, nominat Johnes, Earle of Loudon, Lord High Chancellor of this kingdom; Archibald, Marquis of Argile, Johnes, Earle of Cassils, Johnes, Earle of Lauderdaill, David, Earle of Southesk, Archibald, Lord Angus, Johnes, Lord Yester, Johnes, Lord Balmerinocht, Robert, Lord Burlie, James, Lord Coupar, George, Lord Foster, Alexander, Lord Balcarres, Sir Johnes Hamiltonon of Orbestoun, Justice Clerk; Sir James Carmichael of that ilk, Treasurer Deput; Sir Adam Hepburne of Humbie, knight, Sir
Patrick Hamilton of Little Preston, Sir Patrick Hepburne of Wauchtune, Sir John Wauchope of Nidrie, Sir David Crichton of Lugton, Sir William Douglas of Cavers, Sir William Scot of Harden, Sir Robert Drummond of Medhop, Mr George Dundas of Manner, William Rig of Athernie, Archibald Tod, Robert Fleeming, James Rouchheid, Robert Trotter, James Murray, younger, Thomas Beg and Thomas Paterson, burgesses of Edinburgh, James Bell in Glasgow, Mr Robert Ferquhar in Aberdene, James Simson in Dundie, James Suard in St Andrews and Richard Chaplane in Hadinton, or anie nyne of them, there being tuo of everie estat present, to be commissioners for the mater of manufactorieis, and ordains them to proceed therein conforme to the warrant and power given to them be the act of Parliament.

Forsamekle as the Lords of Privie Counsell, understanding the great prejudice and losse like to ensue to diverse of his Majesties good subjects of this kingdome by the false and deceitfull cariage of some of their servants and cotters, who being hired be their maisters for service fra terme to terme doe notwithstanding betuix termes and without knowledge and consent of their maisters privilie runne away, leave their maisters service and convoy themselves over sea, where they remaine for some certane space, thereby disappointing their maisters of their service in labouring the ground or otherways as they ar obilged, to the great prejudice of the countrie; for remeid quhairof ordains letters to be direct to command, charge and inhibit all and sindrie cotters, labouring men and hired servants who are tyed in service to their maisters frome terme to terme that none of them presomme nor take upon hand to leave their maisters service within termes or runne away out of the countrie without a sufficient testimoniall of their maisters under the pane of fourtie pundis to be paid be them to their maisters; and als discharging all skippers, maisters, mariners and owners of shippes to transport anie such persons over sea in their shippes without a sufficient testimoniall under the hand of the shireff or shireff deput of the shire where they douell or magistrat of the burgh or minister and kirk sessionn of the parish where they last duelt or under the hand of the maister whom they last served under the pane of fourtie pundis for everie person whom they sell transport to be payed and imbrought to his Majesties use: Commanding heirby his Majesties customers and searchers, as they shall find anie such persons within their bounds running away, as said is, to apprehend them and present them to the nixt magistrats to burgh or land that order may be takin with them as accords.

[Sederunt as recorded above.]
subscription, the compleanner being conscious to his innocencie was Williamson, forced for cleering thairof and credit of his calling, being ane notar publict and procurator before severall judicareois, to pursue the said William before the High Commission, judge competent at that time in this caise, and obteanned decreit aganis him to confess his fault in the kirk of Kirkaldie when he sould be required be the ministers." For fulfilling this decrei, he thereupon raised letters before their Lordships which were suspended, and the said William was "ordained to improve the band before the judge ordinari betuix and the first of August thereafter." But upon 4th August he gave in a supplication declining this improbation upon some frivolous pretextes and was thereupon ordained to satisfy the foresaid decrei as he would answer upon his obedience. "Notwithstanding quhairof he hes ever seneyne in all publict places, but speciallie in the months of August, September, October, and November last, in face of the kirk-session of Kirkaldie, renewed his former slanders, offering to prove the false band and counterfeit subscription foresaid, and undertooke to doe the same before the kirk session when the compleanner did remonstrat thir foule aspersions; but the kirk session remitted the matter to the Lords of Session, judges competent. Lykewise the persons underwritten, they ar to say, Captane Alexander Hird, James Quhvyt, William Young and John Tennent, younger, doe publictlie also avow to mainteane all that the said William hes said, by the which infameis they have not onelie verified the tua decreits foresaid, but also doe quhat in them ly to putt the compleanners from imploymont and so to begger him and his familie." Charge having been given to these persons complained upon to compear and be compelled to "improve the said band" and the said William Williamson to be punished for his contempt of the Council's decrei, and the pursuers and defenders all compearing, except William Young, the Lords, after hearing parties, remit the matter to the judges competent, civil and ecclesiastical respectively, to be decided by them according to law.

Complaint by Robert Gordoun, natural son of the deceased John Gordoun of Carnburrow, as follows:—In January last he was apprehended by the Viscount of Fendracht and upon his information to the Sheriff of Aberdene and his deputes, was imprisoned in the tolbooth of Aberdene, where he has been for a year, "being ane meane gentleman not able to interteane himselfe." All this time the said Viscount has not made any charge against him, neither can he do so, yet the complainer cannot obtain his liberation. Charge having been given to the said Viscount of Fendracht, Mr William Davidsone, sheriff depute of Aberdene, and Alexander Jaffrey, bailie of Aberdene, for himself and in name of the provost and remanent bailies of Aberdene, and the pursuer compearing by Mr Robert Petre, his procurator, but the defenders not compearing, the Lords ordain the provost and bailies of Aberdene to put the complainer at libery.

This day comppearei Hugh, Master of Lovat, in name of Hugh, Lord
Lovat, his father, who was sick, and, producing a copy of a summons dated 2nd November, 1642, at the instance of Robert Dunbar of Grangehill, Ninian Dunbar of Grangehill and Patrick Campbell of Booth, his tutor, whereby his said father was charged to compear before their Lordships this day and hear letters of treason directed against him for rendering his houses and the warding of his person in the castle of Blackness, protested that in respect of the non-compassance of the chargers no further process herein be allowed until his father was cited anew and his expenses paid. The Lords allow the protestation.

Sederunt:—Argile, Præses; General; Hamilton; Glencarne; Canvass; Lauderdale; Southea; Dalhousie; Finlater; Angus; Balmerinocht; Elphinston; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes; Wauchtun; Din.

Order prohibiting a petition to his Majesty against the payment of the annuities of tithes.

"The Lords of his Majesties Privie Counsell of the kingdom of Scotland, being informed that there is a petition drawn up with some specious pretences to be presented to his Majestie for discharging or superseedng all execution agains the petitioners for payment of the annuities of tithes, and that some have dispersed the same throw the countrie and ar to mendicat hands thereto, have thought it incumbent to them who ar entrusted be his Majestie and Parliament in all things concerning the good of this nation to give warning thereof to this whole kingdome, least be their silence they might seeme neglective of their dutie or by suffering the petitioners neglect of the publick judicatoreis (which ar channells for convoying all publick affaires betuix his Majestie and his people speciallie now in his Majesties absence) they shoulde be secretlie taxed as unworthie of so great a trust; for the not taking notice heirof cannot but prove a dangerous preparative of contempt of these publick judicatoreis so well constitut be his Majestie and Estats of Parliament. And since the saids Lords of Counsell have ever been and still ar most willing to see the subjects satisfied in all their just desires and wishes to have them releaved (when it sall be thought fitt in ane ordinar and orderlie way without gathering of subscriptions) not onelie of that of the annuittie but of all impositions which sall be found grievous unto them, they doe therefore ordaine heralds, purservants and messengers of armes to make publication heirof be opin proclamation at the croce of Edinburgh and others places neidfull, to the effect none of the subjects pretend ignorance of the unusall and unwarrantable way of proceeding foresaid; and also ordains this to be printed and thereby made knowne to the severall shires, burrowes and presbyteries of this kingdome."

[Sederunt as recorded above.]

James, Earl of Finlater, on the one part, and George, Lord Bamf, and George, Master of Bamf, his son, on the other, being charged to compear this
day in reference to the fears of a breach of the peace between them, the Earl of Finlatter complained and produced letters of complaint by him against the said Lord and Master of Bamf (who were also present) upon which he had caused them to compear and answer upon 9th March next. The Lords, in respect that this complaint deals with the ground of difference between them and that it is to be discussed on 9th March, ordain both parties to remain in town until that day and to find caution respectively in 10,000 merks for keeping the peace, Lord Bamf himself to be cautions for his son.

Supplication by William, Earl of Dumfreis, as follows:—His Majesty has been pressed by a patent under the great seal to grant him the office of heritable sheriffship of Dumfreis, and the Laird of Lag presently holds that office by warrant from their Lordships. He craves that they would "exoner the said Laird of Lag" thereof. The Lords, having seen the said gift, "have exonerated and exeqned the said Laird of Lag of the said office of shorefhip of Dumfreis to the effect the said Earle may enter to the exercise thereof and bruke the same conforme to his gift." 

"The Council ordane David Bennet, notary in Kirkcaldie, to be committed to warde within the tolbuith of Edinburgh, thairin to remaine upon his owne expenses ay and whill the Counsellors ladder pleasure be knowin concerning him, for his threatening speecches uttered at the Counselhouse doore against Williamsone in Kirkcaldie." 

"The Council recomends to the Lord General, Hamilton, Argyle; Glencarne, Cassills, Lauderdail, Balmerino, General Artellerie, Innes, to conven and melt and consider on the best wayes for relieving the present necessitie of the armie in Ireland with victual and clothes, and to report."

"The Council appoynts a meiting of Council to be kept at Edinburgh the 9 of Marche."

Complaint by the moderator and brethren of the presbytery of Kirkcudbright and Mr Alexander Robertson, expectant there, as follows:—

"The said presbyterie, taking to their consideration the desolat condition of the parishioners of buttill for want of a preacher, appointed the said M' Alexander to supplie that defect, who upon the elevunt of December last came to the said kirk to preache; but George Maxwell of Munches, not only withdrew himself and numbers of people from the afternoons, but cursed the said M' Alexander and those who sent him. And upon the 18 of December thereafter, being the Lords day, he did the like, saying—the said M' Alexander hanged Christ the day before and now he hoped he would drown him. And upon the 25, the
Sabbeth thereafter, when as the said Mr Alexander came to preach, the said George Maxwell, Herbert Irwing of Logane, John Maxwell, younger of Collingnaw, John M'Cairtney of Leiths and William Broun of Little Knox violentlie debarmed him from the kirk, shutt the doores and putt in James Peirson and James Wylie, armed with forbiddin weapons to keep the kirk, so as the said Mr Alexander was forced to preach in the kirk yarid and the people wer exposed to the injurie of the weather. And upon the first of Januarie thereafter the said George came to the said Mr Alexander imperiouslie demanding, 'Did I not forbid yow to come? Ar yow come to hang Christ?', called him ane offensive and ignorant knave. Lykeas William Maxwell, brother to the said George, threatned to stick the said Mr Alexander, saying he was but a fellow none would take notice thereof; and that he had a commissioun from the Earle of Nithdaill to suffer none come there without his consent.' Charge having been given to these persons and there comparisg the pursuers Mr Irwing, minister at Mr John M'Clellan, minister at Kirkcudbright, and Mr Hugh Henderson, minister at , in name of the said presbytery, with the said Mr Alexander Robertson, and as defenders the said George and William Maxwell, Harbert Irwing, John Maxwell, John M'Cairtney and William Broun, and they and certain witnesses having been heard, the Lords find "that the said George Maxell uttered the blasphemous speeches libelled upon the said 18 of December when the said Mr Alexander came to preach by order from the presbytery, saying that the minister had hanged Christ the day before and now he hoped he would drowne him; and that upon the 25 day thereafter, being the Lords day, he caused James Peirson close the kirk doores upon the said Mr Alexander"; for which "verie great insolence" they ordain him to be warded in the tolbooth of Edinburgh, fine him 300 merks which are to be paid to the presbytery and disposed of by them as they think fit, and order him to pay 20 merks to each of the witnesses examined in the matter. This sentence is not to interfere with any ecclesiastical sentence already given or to be given hereaenent.

Supplication by Thomas Muddie and James Blyth, late bailies of Dundee, for suspension of horning.

Complaint by Thomas Carpenter, John Feild, Richard Stiles, John Leignou and Steven Arnolt, merchants in Dubline, and Nicolas Key, their commissioner for his interest, as follows:--They recently purchased
1643.

CHARLES I.

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at Newrie in Ireland from Lieutenant-Colonel Sinclair governor there, 2450 salt hides, 60 cakes of tallow weighing 40 stone at 36s. per stone, a bag of wool containing 4 stone at 9s. per stone, and a bag of feathers containing 8 stone at 8s. per stone, and having paid for the same and carried them to Carlingford they were violently taken from them by John McAdams by the force of some soldiers and transported by him to Ayr in Scotland or elsewhere, where they are now in the possession of John Kennedy. Of this matter his Majesty’s Council in Dubline has taken notice and written to the Council of Scotland for justice. Charge having been given to the said John McAdams and John Kennedy, and Nicolas Kea compairing, and also the said John Kennedy, who produced a warrant under the hand of General Major Monro, dated at Caricfergus 10th May, 1642, to Hugh Kennedy, bailie of Air, brother of the said John, and John McAdams, to receive such hides and tallow as were in the garrison at the Newrie conform to the said General Major’s letter written to Lieut.-Col. Sinclair; as also another warrant by the said General Major Monro, dated at Caricfergus 7th June, 1642, to the same persons to meddle with the said hides and tallow, “being in the barks of Thomas McAla, Thomas Lyoun, James Briggs and William Montgomerie,” the Lords, having seen and perused the warrants, find that the said Hugh Kennedy and John McAdams have acted lawfully in this matter as warranted by Major General Monro, who had chief command in the army, and declare them free of the arrest of the said goods or claim against them for the same by the pursuers. But they recommend his excellency the General to take some course with Lieut.-Col. Sinclair for satisfying the pursuers.

“...A petition presented be some noblemen and others desiring the Petition and to the Exchequer that the petitioner might upon caution have suspension of these charges used against them for payment of the annuity.”

“...The quhilk day David Bennet, being brought out of the tolbuith and Apology to the exhibit before the Council, did humblie upon kneis with open doores David Bennet, crave pardon of the Counsell for his threatening speeches uttered at See ante, p. 395. the Counsellhous doore against Williamson in Kirkcauldie.”

[No record of Sederunt.]

“...The quhilk day George Halden, Keeper of the Signet, produced a signet in gold made be warrant of ane act of Counsell in September last, together with the old signet, quhilk was brokin in presence of the Counsell, and the new one delivered to the said George Halden to be made use for service of the lieges.”

“The Lords of Privie Counsell, considering that his Majesties service at Coroner of the the justice courts in the Borders may suffer in respect it is not perfity knewne who is crowner of the steaurtrie of Annderdai, doe therefore ordaine him who served in that place at the last justice courts to exer-
The Lords of Secret Counsell, being informed that at the late meeting of the barons and free holders of the constabulary of Haddington for choosing of commissioners to the Parliament, Sir John Achimowtie, shireff of Hadintoun, did present to the saids small barons a petition subscribe to some noblemen and others to be sent to his Majestie for discharging or superseeding the exacting of the annuities of tithes, and desired these who were conveenned to signe the same, quhilck petition the saids Lords for speciall considerations found requisite to be exhibit and considered be them, and thairfore ordains letters to be direct charging the said Sir John to compeir upon the 28 of this instant, and exhibit the petition foresaid presented be him to the saids small barons to be considered be the saids Lords and such course taken thereanent as they shall think fitting, under the pane of rebellion, etc., with certification, etc.

Forsamekle as the Lords of his Majesties Privie Counsell, having by warrant from his Majestie and Estates of Parliament granted commission of justiciary to certane noblemen and others within the bounds of the Hielands, quhilks commissioners, according to the warrant of their commision, met at Perth in April, 1642, and divided themselves in tua quorum, the one quhairof to remaine and doe justice in the west and the other in the northerne parts; notwithstanding the service hes beene hither till neglect and the lieges disappointed of justice throw the not attendance of such persons as ar appointed commissaries to attend the saids courts; and whereas George, Marquis of Huntlie, William, Earle Mairshell, James, Earle of Murrey, George, Earle of Seafort, James, Earle of Finlatter, George, Lord Gordon, John, Lord Areskin, Andro, Lord Fraser, Hugh, Maister of Lovat, Sir Robert Innes of that ilk, Sir Alexander Irving of Drum, James Crichton of Fendracht, Sir William Forbes of Craigivar, John Forbes of Leslie, Sir Alexander Sutherland of Duffus, Alexander Dumbair, shireff of Murrey, Thomas M Keznie of Plascardin, James Grant of Freuchie, William M Intosh of that ilk, Sir Alexander Abircrombie, younger, of Birkinboig, Sir James Fraser of Brea, Walter Barclay of Towie, John Grant of Moynes, Hugh Ros of Kilraock, Alexander Ogilvie of Kempicarne, Alexander Strachan of Glenkindie, Robert Ferquharson of Invercauld, M Alexander M Keznie of Culcowy, Alexander Brodie of Lethin, and Duncan Forbes of Culloddin ar appointed commissaries to attend a justice court, quhilk is to be haldin upon the ellevant day of Aprile nixt, the Lords ordains letters to be direct charging the saids persons to attend the said court and to concurre and assist with the rest of the commissaries according to the tenor of their commission, and not to leave the court untill the samine sall be by commoun consent of the hairl commissaries ended and dissolved; and this they faile not to doe as they will be answerable to his Majestie and the saids Lords upon their perrell.
Supplication by Oliver Mouat, indweller in Stornaway, as follows:—

William Cob, Englishman, in September, 1641, sold to him a "bush called the Row of Londoun, and, having entered him to the possession thereof, he has sailed in the said bush and traded therewith continually sensyne whil the moneth of November last, at whilk time the said William Cob arrying at the said town of Stornaway, intending, as appeared to the supplicant, to have takin away his said ship and hall furniture thereof perforce; and at last, having discovered his secret practises, he affirmed to the Earl of Seaforth, duelling there for the time, that he had a letter of mart from the Kings Majestie for seasing upon the supplicant and his ship and to apprehend all other shippes and goods comming and going to the Lewes, North yles, and Orkney. Whereupon the said Earle, for avoiding of trouble that was like to fall out betwixt the said William Cob and the supplicant, caused seaze upon the supplicants ship and goods thereintill whill the questions and clames moved aganis him sould be decyd, albeit no processe hes beene intented aganis him at the said Williams instance before anie judge within this kingdome, nather anie arrestment hes beene made upon his ship and goods at his instance, or at the instance of anie other person or persons pretending right thereto. And, seeing his said ship wherein he hes eighteen men upon his hand daylie interteanne upon his charges and expenses is lying ydle, to his unspeakeable lose and prejudice, and, if the said ship and goods ly anie longer, not onelie will she be spoyled and the supplicants hall goods being thereintill wasted and destroyed, but lykewise he sall loose and tyne this ensuing summer trade of herrings and other fishes, as he hes done his winter trade bypast, whilk will tend to his utter wrack and ruine," he craves their Lordships to order the Earl of Seaforth to restore to him his ship and goods. The Lords, after advising, ordain the said Earl to deliver to the supplicant his said ship and goods that "he may use his calling and trade therewith without stop or trouble," because the said Oliver Mouat, comparing personall before their Lordships, and declaring himself, upon oath, unable to find a cautioner, obliged himself to make the said ship and goods forthcoming to all parties having interest under the penalty of 4000 merks and of perjury, infamy and defamation.

The Lords ordain the provost and bailies of Edinburgh to liberate George Maxwell of Munschies from their tolbooth, in so far as he is warded upon the complaint of the presbytery of Kirkcudbright, seeing he has paid the fine of 300 merks imposed upon him and found caution in 1000 merks (whereof the one half to the King and the other half to the presbytery) not to interrupt Mr Alexander Robertstone nor any other whom the said presbytery may employ to preach at the kirk of Buthil, except by order of law.
The sheriff of Haddington.
See note, p. 393.

John Bulcraig and Alexander Marten.

Edinburgh, 29th February 1643.

Sederunt:—Argile, Præses; Leven; Hamilton; Eglinton; Glencarne; Cassills; Murrey; Lauderdale; Southesk; Finlater; Callander; Angus; Balmerino; Yester; Elphinston; Balcarras; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cambo; Wauchtun; Innes; Provost of Edinburgh.

Proposal for procuring money for the maintenance of the army in Ireland.

"The Lords of Secrete Counsell finds that the readiest way for procuring of moneys to supply the necesseties of the armie in Ireland is that all counsellers, judges, noblemen and others weill affected be desired to contribut upon the publict suretie of the judicatoreis of Counsell, commissioners for the peace and commoun burdens and assignation to the pay due or to be due to the said armie be the Parliament of England; and recommends the Earles of Lauderdale and Southesk, the Lord Balmerino and his Majesties Advocat to descend on the forme of the suretie."

Proclamation against eating flesh in Lent.

"Forsanekle as in the Parliament holdin at Edinburgh in the moneth of Junij, 1594, it is statut and ordained that in all time comming the time of Lentron, for preventing the dearth and skarsetie of all kynd of fleshes, sall be certane fra the first day of Marche inclusive to the first day of May exclusive, lykeas for avoiding of all appearance of superstition in this point as the former yeere, so now also the Lords of Prive Counsell find it necessar and expedient that the liesges be tyed to the observation thereof in all time comming, and that the selling, slaying and eating of flesh forbidin heirofore sall be during the time foresaid prescribed be the said act of Parliament and conforme to the tenor thereof in all points; and ordains letters to be direct to make publication heirof be open proclamation at the mercat croce of Edinburgh and others places neidfull quhairthrow none pretend ignorance of the same, and to command, charge and inhibit all and sindrie his Majesties lieges and subjects of quhatsomever rank, qualitie and degree that none of them presoome nor take upon hand fra the said first day of March inclusive to the first day of May exclusive, to eat or make readie for eating anie kynd of flesh, and that no fleshers presoome nor take upon hand during the time foresaid to slay nor sell flesh under quhatsomere cullour or pretext under the panes conteanned in the acts of Parliament, certifinge them that failleis that the saids panes sall be uplifted of them without favour; and siclyke to command and charge all and sindrie shireiffs, sturts, provests and bailleis of burrowses and all others bearing anie publitt charge within this kingdom, everie one of them within their
several offices and jurisdictions, to have a speciall care and regard to see this present act observed in everie point."

[Sederunt as recorded above.]

Supplication by James, Earl of Finlater, Thomas Black and Alexander Anderson, falconers to the said Earl, as follows:—They have summoned Lord Bamf and his sone and servants to compear before their Lordships on 9th March next "to answer for the base and cruell insolence comitted be them upon the said falconers" as therein set forth. "This barbarous fact was committed in the feild neir hand the Lord Bamf's house of Rettie," and none were present thereat save the Lord Bamf and his son tenants and servants. The supplicants can only obtain probition from such, and they have raised letters to summon Robert Ogilvie, uncle to Lord Bamf, John Ogilvie, his bastard brother, Thomas Josse, his tenant and chamberlain, Robert Bruce, his steward, William Broun, his gardener, Davidson, his footman, John Dick, another footman, Patrick Gellie, his tenant and servant, and William Sheroun, his servant, as witness; but, seeing they are all servants and followers of the said Lord, it is probable they will not appear unless the Lords issue an order upon Lord Bamf to exhibit them. This the supplicants craved; and the Lords, having on 10th February heard Lord Bamf on the point, found at that time that Lord Bamf ought upon Tuesday to exhibit such witnesses, being his tenants and domestics, as the Earl of Finlater should give in a roll of to the Clerk of Council and against whom Lord Bamf could make no exception, and Lord Bamf compearing this day and acknowledging that the persons named, with the exception of his uncle and his bastard brother, were his tenants or servants, the Lords took him bound to exhibit them on 9th March next.

For the safe appearance of Patrick Dalgarno of Towie before his Majesty's Justice on 1st March next to answer at the instance of John and John Forbes of Blyth, the Lords declare him free of all hornings and captions until 4th March next.

Complaint by James Fletcher, provost, James Simson, Alexander Milne, Alexander Wedderburne, and George Broun, bailies, James Wedderburne, Robert Davidsone, Thomas Mudie, John Blyth, Robert Fletcher and Alexander Halyburtoun, William Wright, elder, Patrick Guthrie, elder, Robert Bultie, Alexander Wedderburne, James Leslie, Robert Strane, William Stevensone, collector, John Lauson, elder, and Peter Wright, councillors of the burgh of Dundie, as follows:—They have been charged by their Lordships at the instance of John, Viscount of Duddop, and James, Master of Duddop, to find caution in their Lordships' books for the indemnity of the said Viscount and Master and their men, tenants and servants at their hands and the whole inhabitants of their town under a penalty of £10,000; and for the complainers' alleged disobedience they are threatened with hornng. Now this is wrongly done,
for (1) by the law of this kingdom they are only bound to find caution for themselves and their men, tenants and servants; (2) being all burgesses, they cannot be charged for a greater sum than 500 merks; (3) there are many inhabitants in their town who are gentlemen having no relation to nor dependance upon the complainers and for whom they cannot be answerable; (4) it should be cleared who are the said Viscount's and Master's men, tenants and servants to whom this caution applies, seeing they are in many places, as in Argile and other shires, and some of them in Dundie, who will disclaim the charge; and (5) the charge is groundless as the said Viscount and Master cannot swear that they dread bodily harm from the complainers and the inhabitants of Dundie since many of them are their own tenants, and others are gentlemen of good correspondence with them, and none of the complainers did ever give them just cause of fear. Still for eschewing the danger of horning they have found caution as required and now seek that the letters be suspended. The complainers compearing by Alexander Wedderburne, bailie; Thomas Mudie, dean of guild; John Blyth, Alexander Halyburtoun and Mr Alexander Wedderburne, clerk to the P. 224.

town of Dundie, the last named gave in an additional reason, viz., "That the magistrates and counsell of Dundie cannot be tied to find caution to anie particular person for everie inhabitant of their burgh, becaus the burgh being ane incorporation can ane be esteemed the representative bodie for what concerns the haill toun in generall or what is done be their command; and cannot be answerable for the deid of everie individual burges, who aught to [be] lyable for themselves and have als great freedom within the burgh as the magistrates, and so aught to be particularlie charged conforme to the act of Parliament and under the panes allanerlie conteanned therein; nather can the town be answerable for their haill inhabitants who ar not burgesses and under their jurisdictioun since the charger himselfe may be ane inhabitant, and anie of his servants or tentents dwelling in the toun doing him anie wrong cannot be layed to the charge of the toun." The Master of Duddop also compearing for himself and his father, replied "That the charge is used against the magistrates as a representative bodie and who aught rather to be lyable for their inhabitants and members of their toun then a maister for the persons being in his familie, speciallie in this caise where a cleere oppressioun hes beene provin to be done be them against the chargers; and the Counsell hes beene in continuall custome of modifieing panes of lauborrowes according to the qualitie of the persons and merit of the caus. And the toun aught also to be answerable for such of their burgesses as ar tentents to the charger in respect he hes no power over them, but they may be instigat to violence in the touns quarrell being subject to their jurisdictioun. And, farther, the toun cannot but be answerable for their haill inhabitants since they as the representative bodie have charged the Lord Duddop and his sone not P. 225. onelie to sett caution to themselves but also to their haill burgesses.
So the termes being reciprocall the caution aucth also to be reciprocall."

The Lords, after advising, suspend the horning in respect of the caution found by the suspenders, which the Lords ordain to stand and be in force simply " aganis the tooun of Dundie for everie fact or deid to be done be the provest, anie of the baillies or counsell, or be anie of the commoun officers of the burgh for the time being; and declares the tooun to be no farther bound for the deeds of the rest of their inhabitants or burgesses but such as sall be done be their causing, sending, hounding, command, ressett, assistance or ratihabitiooun; excepting awaies the particular time wherein the Vicount of Duddop or his successors sall be in exercise of the priviledge of their office of constabularie within the tooun of Dundie, during quhilk time the Lords finds that the toon aucth to be liable simpliciter for the deeds of their hail inhabitants."

The Lords ordain that this act shall not prejudice any former act or decreet procured by the chargers against the suspenders. On pronouncing hereof Mr Alexander Wedderburn, in name of the suspenders, protested that the same should be without prejudice of their civil actions depending against the Viscount of Duddop.

"The quhilk day Argyle, Cassillas, Lauderdale, Southesk, Angus, Edinburgh, 29th February Balmerino, Yester, Burlie, Balcarres, Justice Clerk, Treasurer Depute, 1643.
Humbie, Wauchton, Sir Patrick Hamilton, Medop, Maner, Archibald Commission Tod, Robert Fleeming, James Murrey younger, Thomas Beg, Thomas for the establishment of manufactories. Paterson, Mr Robert Ferquhar, James Sword, Richard Chaplan, commis- sioners nominat for the bussines of the manufactories, and accepted the Seeante, p. 391. commission on thame and gave their oathes de fidei."

"The quhilk day Southesk accepted on him the commission for Lord Southesk regulating the commissariots and gave his oath de fidei, etc."

"The Council finds that the reddiest way for procuring of money to supplie the necessities of the armie is that all counsellers, judges, noblem- men and others well affected be desired to contribut upon the publick suretie of the judicatories of Counsell, Commissioners for the Peace and Burdens, and assignation to the pay dew or to be dew to the armie in Ireland be the Parliament of England; and recomends to Lauderdale, Southesk, Balmerino, and Advocat to condiscend on the forme of the suretie."

"The Marques of Argyle offered 1000 lib. sterline; the General, 500 Offers of money by the lib.; Eglinton, 500 lib.; Cassils, 500 lib.; Argyle, in name of the Chancellor, 500 lib.; Balmerino, in name of Louthian, 500 lib.; Marquis of Argyle and others in Balmerino, for himselfe, 500 lib.; Lauderdale, 500 lib.; Yester, 500 lie., tua be precept; Callander, 400 lib.; Burley, 300 lib.; Glencairne, 500 lib.; Southesk, being satisfied of the surtie and the hail soume not exceeding 20,000 lib. sterline, 500 lib.; Clerk Register, 200 lib.; Advocat, 200 lib.; Justice Clerk, 200 lib.; Treasurer Deput, 200 lib.; Wauchton, Cambo, and Innes, among thame, 500 lib."
"Anent the supplication presented to the Lords of Secret Counsell in name of some noblemen, barons, gentlemen and others occasionallie mett at Edinburgh, makand mentiouen that quhair the saids Lords be their act of the 16 of Februar, have beene pleased to give warning to the whole kingdom of a contempt of this publict judicatory of the Privie Counsell and of ane unusuall and unwarrantable way of proceeding in mendicating and gathering subscriptions to a pettioun drawin up with some specious pretences to be presented to his Majestie for discharging or superseding all execution against the petitioners for payment of the annuities of their tithes, the petitioners doe in all humilitie present to the Counsells grave consideration that in their purpose they did pretend nothing but what they intended, which was out of the sensible feeling of their sufferings, by reiterated valuations of their estates, the heavie danger of different oaths, the charges, distractions, attendance and such like over and above the annuitie it selfe to desire to be eased of so suddane payment of their annuitie, that they did not conceave the offering a petition without anie complaint or rubb upon anie judicatory quhatsoever immediatlie to the King, the head and fountane from whence all other streams and channelles doe flow, could have gVIN anie offence; that they did not understand that the supplicating the King directlie without interposing anie intercession would have beene interpreted to have beene ane unordered leapin over the Counsell, seing they did not supplicat contra jus generale aut utilitatem publicam; they thought it was agreeable with the natural libertie of the subject in their greevances to have recourse to the King and consonant to the power and place the soverane hes from God out of his bountie and munificence to bestow favors upon his people; that, albeit appellation in some case be prohibited, yitt did they not remember or ever find that supplications ather by the commoun law or our municipall law wer unwarrantable; that they did apprehend that the subscriptions of a number equallie interest would be ane inducement to his Majestie to listen to their humble petition. The saids petitioners doe therefore become sueters to the saids Lords that they would beleve their signing of the pettioun to be no neglect or inorderlie contempt. And, least by delay manie of the supplicants suffer by the strict course which is takin aganis them for payment of these annuities, speciallie all suspensions being refused, but upon consignioun they humblie crave that the saids Lords would be pleased to recommend to the Commissioners of the Exchequer the superseding of all execution agains them at least upon caution that suspensions may be granted untill the returne of his Majesties pleasure in this particular; lykaes at mair lenth is conteanne
in the said supplication. Quhilk being read, heard and considdered be the saida Lords, and they advised therewith, the Lords of Secrete Counsell declares they will take such course heerin as may conduc most for the good of his Majesties service and the publict weale of this haill kingdom, without consideratioun of anie mans particular or of petitions of this kynd."

"The quhilk day the Lords Johnston and Barganie, the Lairds of Kilbirnie and Lamington, compeirand before the Counsell, declared they had seen the petition exhibit to the Counsell be Mr Alexander Belshes and that in the petition givin in be them upon the 21 day of Februarie and answered this day they did not intend to taxe the Lord Chancellor nor anie of his servants, but onlie desired that for eschewing the danger of horning the Counsell would recommend to the Exchequer that upon caution they might have suspensioun of the charges used agains them for payment of the annuitie. And being asked in whois name they did present that petition they declared they did present the same for themselves and all who doe or will joynie with them therein."

"The Lords ordans Mr Alexander Belshes to have ane extract of the declaration made be the Lord Johnston and others presenters of the said petition."

"Forsamekle as anent the charge given to Sir John Achinmowtie, shireff of Hadintoun, to have compeir before the Lords of Privy Counsell at a certane day bygane, and to have exhibit ane petition subscribed be some noblemen tuiching the annuitie, and presented be him to the small barons of the shirefdom of Hadintoun in a shire court there, as at mair lenth is conteanned in the letters direct heer. anent, quhilks being called, the said Sir John, for obedience of the charge, compeirand and produced the said petition, of the quhilk the tenor follows:—To the Kings most excellent Majestie, the humble petition of the noblemen, barons and gentlemen occasionallie mett, humblie sheweth that, whereas your Majestie, at your late being in Scotland, being humblie moved to discharge and liberat the subjects of this kingdom of the annuitie due to your Majestie out of the tithes wes pleased in that onlie particular to delay to give us all our hearts desire, we now, out of the sense of the great burdens which ly on us and in confidence of the continuance of your Majesties fatherlie care of the good of your subjects, prosome humblie to suplicat your Majestie to be graciouslie pleased in this particular to dispense with your benefit, or, at least, till your Majestie be informed of the true estat thereof, to discharge all executioun aganis us for the saida annuities. And for all your Majesties incomparable goodnes and gracious favors, we sall, as in dutie bound, behave our selves in everie thing as becometh loyall and faithfulfull subjects and, as we have unanimouslie endeavored, so we sall continue to returne such thankfull acknowledgment as may give unto your Majestie a reall testimoniue of our zealous affection to your Majesties sacred per- son, honnour and greatness derived upon your Majestie be so manie
unparalleled descents, and as your Majestie may expect and justifie choice of us, your Majesties most obedient and obliged subjects."

"The Lords of Privie Counsell thinks fitt that twentie thousand pundis sterline be presentlie dealt for and as much more or lesse as sail be volunturly offered betuixdt and the first of May next for supplie of the Scots army in Ireland."

"The petition given in upon the 21 of Februar be Barganie, etc., this day answered."

**Sederunt:**—Argile; General; Eglinton; Cassills; Lauderdaill; Southseak; Callander; Yester; Balmerino; Burghlie; Advocate; Innes; Wauchtune; Cambo.

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Supplication by Sir Robert Adair of Kinhilt, as follows:—In February last, by warrant from the Parliament of England, "he levied a troop of three score hors, besides officers, upon his owne charges to attend the Scottish armie in Ireland, which was to be interteanned be the said Parliament; and for this effect did engadge his owne estat in this kingdom with his credite and freindship, and carried them over for the most part out of this kingdom and hes kept them there for the space of eight moneths without anie pay or furnishing; quhilk he did expect from the Parliament of England but receaved never anie thing except some provend and oate from the General his Excellency. The losses quhilk the supplicant susteane for adhering to the Nationall Covenant by the adversaries thereof in Ireland and by the late rebellion, wherein his hall estat there is waisted, and this late engagement is likelie to ruine him and overthrow his hall estat and freinds in this kingdom, and he hes small hopes for the present of anie releef from the Parliament of England becaus of the distractions there, so as he knowes not how to subsist nor keep his people anie longer in service." He therefore craves their Lordships to recommend his case to the Parliament of England so that the arrears of pay due and the future pay may be paid to the receiver and commissary of the Scottish army, and that meanwhile their Lordships would grant to him and his troop the like relief as they give to the rest of the Scottish army in Ireland. The Lords recommend P. 227. to the Scottish commissioners in England to deal with the English Parliament for payment of what is due to the supplicant, and declare that in the course to be taken for the supply of the Scottish army they will have consideration of the supplicant's troop.

Supplication by Sir John Gordon of Embo, as follows:—Donald, Lord Rea, "taking advantage of the troubles of the time, hes rendered himself altogether lawliss, contemning both dutie to God and his prince, and hes endeavoured to ruine the supplicant and his hall estat by practises of high attempts, for the quhilks he has raised letters to charge him to appeare to his answer before the said Lords; and least he should have anie pretex of excuse for his absence becaus of his restraint and
confinement within his owne bounds, where he tyrannizes as if there were no king nor law to putter order to his insolencies," he craves that their Lordships would declare that such restraint, if any be, shall be no impediment to his compearsance, but that he is hereby enlarged for twenty days before and twenty days after the diet fixed for the same. This the Lords do, and further direct that this be intimated to the Lord Rea when he is charged to compears.

"Conservators of Peace:—Argyle; Leven; Eglinton; Lauderdale; Callander; Balmerino; Kerse; Warestoun; Cambo; Waughton; Innes; Wedderburne; Patrick Hamilton; W. Smith; W. Semple; James Sword; Hew Kennedy; with the Commissioners of Burdens."

"A letter direct from the Council to the Kings Majestie and an other to the commissioners anent the annuitie."

"For supplie of the armie in Ireland upon publick surtie Humbie offered 200 lib.; Wareston, 200; Cassills and Humbie for Lindsay, 500; maintenance Wedderburne, 100; Nidrie, 100; Bandeth, 100; Preston, 100; Caprinton, 100; Balmyne, 100; S. W. Smith, 200 lib.; Forrester, 300 lib.; W. Binnie, 50 lib.; James Sword, 50 lib.; Hew and W. Kennedy, 100 lib."

Sedunt:—The Lords of Privie Councell, Commissioner[s] for conserving the peace and of the Commoun Burdens following.—Argyle, 1643.

Presess; General; Eglinton; Cassills; Lauderdale; Southesk; Callander; Balmerino; Burtie; Foster; Advocate; Waughton; Charles Areskine; Innes; Cambo; Kerse; Humby; Warestoun; Wedderburne; Sir Patrick Hamilton; Caprintoun; Balmaine; Sir John Smith; John Sempill; James Sword; Hugh Kennedy; John Kennedy; George Gardin; Nidrie.

"Forsamekle as the Lords of his Majesties Privie Counsell of this kingdom, having according to the offer made in Parliament and particular treatie agreed upon with his Majestie and the Parliament of England sent over to Ireland the number of ten thousand men for the defence of the protestant religioun, his Majesties service and assistance of the kingdom of England in suppressing the popish rebells there, and having daylie advertisments of the great necesitie and wants of the said Scottish armie in Ireland, as well officers as souldiours, who for want not onelie of their ordinar pay but even of victuals in the spairest measure and of clothes and shooes ar redacted to that extremitie that their bodeis ar daylie decaying for want of necessarie sustenance to uphold nature and are not able to endure anie considerable time longer unles speedie and tymous remeid be not [sic] provided, the christian consideracion quahrof not onelie belongs to his Majesties Privie Counsell in speciall but to the hail kingdom also in generall; and because the unhappie differences and distractions in England ar such that the Parliament of England (which is obliged be the said treatie and capitulation for the monethlie pay and
intereatemen of the said armie) cannot so tymelie and plentifully pro-
vide victual and moneys for payment of their arreares or supplie them
for their present maintenance, besides manie other inconveniences will
arise if they be not tymelie supplie with some money and victual
frome this kingdom, therefore the Lords of his Majesties's Privie
Counsell, according to their bound duetie, with concurse and consent
of the lords and others commissioners for conserving the peace and
commissioners for the commoun burdens, and they for themselves having
at length considered on the best wayes and meanes for the borrowing of
money and providing of victual, cloaths and shoes to the said armie,
have resolved and determined that there sall be presentlie borrowed for
the use of the said armie the soume of twentie thousand pundis sterline
and als much more or lesse as sall be voluntarlie offered betuix and the
first day of May nixtocone be counsellors, commissioners of both com-
missions foresaid, and everie one of them who ar within this kingdom
or be anie others well affected subjects and to be payed be them to
William Thomson, generall recever and commissar of the said armie,
or to John Jessie,merchant in Edinburgh, his deput in his absence;
upon the deliverie quhairof to the said William Thomson or his said
deput, the inger of the money sall receave a note subscrivit be the said
William or his said deput granting the recept of the same for the use
foresaid, and obliging them to hold compt and deburse the said money
as the saids Lords of Counsell or anie having warrant from them sall
appoint for the use foresaid; the quhilk note being showin to the Counsell
and registrat in their bookes for a charge upon the receavers the Lords
of Counsell will give furth and grant ane act of Counsell declaring the
samine to be lent for the use foresaid, and which act is heirby declared
to be als valide as if the same was done be the Counsell with consent of
the quorum of both the saids commissioners. Lykeas the saids Lords of
Privie Counsell, commissioners for conserving the peace and commis-
sioners for the commoun burdens, doe heirby oblige them to caus the
saids soumes so to be lent be thankfulie payed and delivered back agane
to the saids persons their airs and assigneys betuix the date heirof and
the terme of Witsunday nixtocone in this instant yeer, 1643, together
with the ordinar annual rent fra the date of lenning the same, so long as
the hall or anie part thereof sall remaine unpayed. And incaise that
money sall not come tymouslie from the Parliament of England to repay
the saids soumes or anie part thereof so to be lent in due time, the saids
Lords of Privie Counsell, with consent and concurse foresaid, declare that
the same with annuall sall remaine as a publicit debt due to the saids
persons, lenners and advancers thereof, ay and quhilk the repayment of
the same be the Parliament of England or be some other commoun
course to be takin thereanent. Lykeas the Lords of Privie Counsell
and the Lord Generall, with consent of the colonells present and taking
the burden on him for the said Scottish armie, doe heirby hypotheecat and
assigne for repayment of the moneys to be lent, as said is, the first and
readiest of the somes of money due or to be due to that armie be the Parliament of England, and ordains the same to be employed proportionable for that affect, and declares that it sall not be lawfull to the said commissarie or his deput to distribut anie of the saids moneys without speciall warrant of the Counsell, but that he sall frome time to time, as he receaves anie moneys due to that armie, send a note thereof under his hand to the Clerke of Counsell to be registrat in the books of Counsell that the advanceds may know the proportion of their repayment and releeff. And the saids Lords of Counsell, with consent foresaid, doeth hereby desire everie one who will contribut their helpe and assistance to so good and charitable a work in so great a necessitie, that they would be pleased to len and advance such somes of money as they sall think fitt, upon the like securitie and assurance to be givin them in maner foresaid, and ordains thir presents to be registrat in the bookes of Counsell, commissioners for the peace and commissioners for the commoun burdens, and to have the strent of ane act of the saids judicatoreis joynitlie or severallie, and declares that the double heirof, under the hand of the clerke of anie of the saids judicatoreis, sall be ane sufficient intimation to the severall shires and presbyteries to whom the same sall be presented."

"The quhilk day, in presence of the Lords of his Majesties Privie Counsell and commissioners for conserving the articles of the tratie and peace betuix the tuo kingdoms, and commissioners for the common burdens, being all solemnelie conveened anent the supplee of the armie latelie sent from this kingdome to Ireland for suppressing the popish rebell there, compeired personallie Johnie Jossie, merchant burges of Edinburg, and acknowledged that he had warrant and deputation frome William Thomson, general reciever of the said armie, to receave all moneys in the said William his name for the use of the said armie, and to doe everie thing ellis concerning the said armie and provision thereof in absence of the said William Thomson conforme to the commission granted be the Lords of Privie Counsell and Lord Generall to the said William Thomson for that effect, and produced in presence of the saids Lords and commissioners certane instructions and warrants subscrivit be the said William Thomson to the said John Jossie for that effect. Lykeas the said John Jossie actet and obliged himselfe to receave such moneys as sall be lent and advanced for the present supplie of the foresaid armie now in Ireland, and to give particular recepts to the persons advanceds of the saids somes, and to hold compt to the Lords of his Majesties Privie Counsell for what he sall receave for the foresaid use, and that he sall deburse and imploie the samine moneys so to be receaved be him according as he sall receave order from the Lords of Privie Counsell or others having their power for that effect conforme to the general act this day past be the saids Lords of Privie Counsell and commissioners of both commissions foresaid." 

John Jossie acknowledges his warrant for receiving money voluntarily contributed towards the maintenance of the army in Ireland.

Fol. 81, b.

"Forsamekle as Hugh Kennedie in Air hes presentlie undertane in

Order for the payment of
Hugh Kennedy in Ayre, who has undertaken to send 2000 pairs of shoes for the army in Ireland. 

The Lords hes ordained William Thomsone or in his absence his deput to make payment to the said Hugh, or anie having his warrant, the price of such of the saids shoes as he shall transport to Ireland for the use foresaid, and to report a note under the hand of John Campbell of the receipt thereof in Ireland, and that the same be payed at returne of the receipt thereof in Ireland."

"The Lords of Privie Counsell ordains and commands William Thomsone to pay and deliver out of the first of the moneys he hes or is to receive from the Parliament of England due to the Scottish armie in Ireland these moneys due to the merchants and others furnishers of victual and herring to the armie, conforme to the precepts direct to him alreadie for that effect, the haill soumes not exceeding twentie thousand punds sterline, and that notwithstanding of ane act this day made be the Counsell with consent of the commissioners for the peace and commoun burdens."

"The Lords of Privie Counsell gives commission to the Lord Generall, the Marquis of Argile, the Earle of Lauderdale, the Lord Balmerino, the Justice Clerk, the Lord Humby, the Lairds of Innes and Nidrie, or anie three of them, to agree with merchants for furnishing ten thousand bolls of meale to the Scottish armie in Ireland at the best conditions they can, and to report to the Counsell on Thursday nixt."

[Seferunt ut die predicto, except the Lord Yester.] 

Complaint by Sir Thomas Hope, his Majesty's Advocate, and John Cunningham, son of the deceased John Cunningham, late provost of Wigtown, as follows:—"The bearing of hagbute and pistols and convocation of the lieges is strictly prohibited by law, yet "it is of truthe that the said John Cunningham was heretablie infet be his umquhill father in his houses and tenements within Wigtoun, reserving his fathers lifetime, and als wes nominat executor be his said father who deceat upon the 20 day of December last; lykes upon the morn thereof after the brother and sisters of the said umquhill John, being conveennd with others freinds, and speciallie with Robert Cunningham, brother to the defunct; John Cunningham, sone to the said Robert; Jonet Cunningham, daughter to the said John; Marion Cunningham, sister german to the defunct, and Andro Miller, her spous; who all met within the said duelling houz the said day, being the 21 of December, to take order with the household geir, where there wes ane inventar tane of the same pertainng to the defunt, and whereunto the compleanner had right as executor; quhilk inventar wes subscrivit be six of the freinds present, speciallie be Robert Miller, sone to the said Marion Cunningham. And
Upon the 22 day of the same moneth, the saids brotheer and sisters, being of new convened to consider of the legacies left in the defuncts testament, the compleanner did instantlie make payment to them of their severall legacies, viz., to everie one 400 merkes, whereupon he receaved their discharges, and speciallie fra the said Marion Cunningham and Andro Miller, her spous, not onelie of the saids legacies but of all that they could crave of the defunct; and they dispounded to the said John all that they could crave be birthright, except a feather bed and a boll of beir yeerlie, quhilk is also left to them be testament. And immediatlie thereafter the saids brether and sisters returned to their awne houses and left the compleanner within the same, quhilk he peaceablie possesit unquerrelled be Robert Miller or remanent defenders, with the haill goods and geir being within the same be the space of fourteeene dayes or thereabout, none being in the hous with him but Jonet Miller, who wes fied servant to the defunct at Martime before his death, and remained with the compleanner as his servant thereafter. And in the moneth of Januar last the compleanner comming to Edinburgh for his necessarie affaires he left his said servant in the hall with the key of the hous, with the plenishing being therein, expecting no wrong to her in his absence, yit, by his expectatioun, upon the 6, 7, and 9 dayes of Februarie, when the said compleanner wes in Edinburgh, the saids Andro Miller, Marion Cunningham, his spous, Robert Millar, in whose presence the inventar wes made, as said is, and to whom the compleanner made payment of the legacies, he, accompanied with Patrik Hannay, baillie of Wigtoun, John Hannay, wright, John McGumpse there, William Stuart, merchant, Alexander Herroun in Monygoiff, and Patrik Wilsone in Wigtoun, with diverse others, boddin with hacque-butts, pistolls and others forbbidin weapons, come to the compleanners said duelling hous, entered within the same, tooke the key thereof fra the said Jonet Millar, his servant, putt her furth of the hous, putt furth the fire, manned the hous, keeps the same with forbbidin weapons, seizid upon the haill goods and gear being therein with the compleanners writts, evidents, haill monies being in his coffers, almereis, chambers and others roumes in the hous, went to the merchant buiths perteaning to the compleanners tenement, filled the lockes thereof with stone and sand, went to the stables and byres of the said houses where the compleanner had ane din horse with ten nolt and ky with their calffes, and left the same when he came to Edinburgh, and wer foddere daylie with straw before his comming and after be the said Jonet Millar, his servant, putt furth the goods out of the stables and byres, held them furth, tooke the keyes from the said servant, entered therein with their owne hors and goods, quhilkis they yitt keepe, and the compleanners goods hes ever since lyen in the streit night and day without care or fodder; the hors is dead and the noltlike to perish. Of which oppressions the compleanner being informed he came to Wigtoun, which being notified to the persons foresaidis they sent for poulerd and bullett and vowed if he sould
approache they would shoot him with their bulletts; and to terrifie him to come neir, upon the tenth and eleventh of Februar, when the com- pleanner came to toun about the gloming and midnight, they shott diverse shotts of gunnes and pistolls out of the hous, quhill they yitt deteane." Charge having been given to the said Marion Cuninghham, Andrew Miller, her spouse, Robert Miller, his son, and Patrik Hannay, and the pursuers and defenders, except the said Marion, compearing, the Lords, after hearing parties and witnesses and taking the oaths of the defenders as to the firearms, assoliiz the latter. They denied having firearms, except that Patrik Hannay, finding a loaded pistol in the house, fired the same against the wall about midnight. The Lords refer the P. 231. question of possession, involving those of intrusion, ejection and spulzie, if any be, to the judge ordinary, and ordain the pursuer to pay 20 merks to each witness being a horseman, and 12 merks to each footman.

Complaint by John Forbes of Balnagask, against David Barclay of Mathers for contempt of horning.

Act of public security.

Sederunt:—Argile; Glencarne; Cassills; Murrey; Lauderdaleil; Dalhousie; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Innes.

Commission to consult with the Town Council of Edinburgh about supplies to the army in Ireland.

Missives for the supply of the army in Ireland.

Act touching the supply of the army in Ireland to be printed.

Sederunt ut die predicto.
Acta, November 1641—October 1646.
Fol. 82, a.

William Thomson, commissar of the Scotch armie in Ireland, the soume of tua thousand and four hundred pund Scottish, as hee clerely appeared to the Lords of his Majesties Privie Counsell by the discharge upon the receipt thereof granted be the said Johne Jossie and this day produced in Counsell, of the date the sixth of March instant, therefore the Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the commissioners for the peace and commoun burdens upon the fourth of March instant, doe declare the said soume of 2400th Scotch money to be lent be the said Sir Thomas Hope for the present supplee of victual and cloths for the Scotch armie in Ireland, and that the same sall be payed to him, his airis, executors and assigneeys conforme to the said act abonewritin.”

Fol. 82, b.

“The like act past to the Marquis of Argyle upon Johne Jossie his receipt of the soume of 12000th, dated the 8 of Marche instant, and to Sir Adam Hepburn of Humbie for himselfe upon Johne Jossie’s receipt of the soume of 2400th, dated the 7 of Marche, and to the Earle of Lindsey for the soume of 600th delivered to the said Johne Jossie by Sir Adame Hepburne conforme to his receipt of the said date, and to Johne, Earle of Lauderdale, for the like soume upon his receipt of the said date, and to William, Earle of Lothian, for the like soume delivered to the Lord Balmerinocht in his name conforme to the receipt of the same date, and to the said Lord Balmerinocht for the like soume upon receipt of the said date, and to Johne, Earle of Cassills, of the like soume upon receipt of the same date, and to Sir Archibald Johnstoun upon receipt of 2400th of the same date, and to James Suord in St Andrewes upon receipt of 600th of the same date.”

“The Lords of Secret Counsell recommends and therewithal gave commission to Alexander, Earle of Leven, Lord Generall, Archibald Marquis of Argyle, Alexander, Earle of Eglintoun, William, Earle of Glencarn, Johne, Earle of Cassills, Johne, Earle of Lauderdale. Johne, Lord Balmerinocht, Robert, Lord Burlie, and Alexander Hamilton, Generall of the Artillerie, or anie fyve of thame, to agree with merchants and others for furnishing of meal for the use of the armie in Ireland at the best condition they can, the haill proportion of meale not exceeding ten thousand bolls, and also to agree for furnishing of such proportion of clothes and shoes as they sell think fitting, and ordains William Thomson or Johne Jossie, his deput, to answer and give out such moneys for payment thereof or for furnishing the officers and soldiours of the armie proportionable, as the saids commissioners or anie fyve of them sall frome time to time give warrant.”

Charges to the magistrates of Edinburgh: to remove Lord Banff from their tolbooth and to deliver him to the captain or constable of Edinburgh whom the Lords ordains to receive him aff the bailleis hands and keep him prisooner within the Castell of Edinburgh untill be warrant from the Counsell he be releieved.
whereament thir presents sall be to the saids bailleis and keepers of the Castell of Edinburgh sufficient warrant."

"The like for John Lyon of Mureak."

[Sederunt as recorded above.]

Complaint by James, Earl of Finlatter, Thomas Black, his falconer, Alexander Anderson, his servant, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—On December last the said Thomas Black went out of the said Earl's "place of Cullen aileie in the morning with three hawkes, one being a falcon, whilst he carried on his owne hand, and the other two caried be the said servant, whereof the one was a falcon and the other a tessel of falcon, and they being both on their foot in the feilds about five or six miles from the place of Cullen seeking occasion of hounding the hawkes about two hours in the afternoone they came toward the burne of Rattie, where finding the occasion of flying upon some tells the said Thomas did louse his falcon to flee upon the said tells; and George, Lord Banff, perceiving him and his servant serving the hawks at the said burn, called for George, Maister of Banff, his sone, and some servants to come out of the place of Rattie, where he was for the time, being distant from Rattiburne be the space of a quarter of a myle or thereabout, and being accompanied with their complies to the number of ten or tueilfe persons, having long gwnnes and pistolls prohibit to be borne be the lawes and acts of Parliament, came down to the said falconer and his said servant where the hawkes was flying, and how soone they perceaved the said Thomas Black to be falconer to the said Earle of Finlatter, James Gordoun, Angus Bayne and other domestick servants to the said Lord Banff, came to the said Alexander Andrsone at the side of the burne nearest the hous, he having one of the saids falconus and tessel upon his hand, patt violent hands in his person, threw him to the ground and pulled the hawke wallet over his head, buffettad him, threw the hawkes aff his hand and barbarouslie birsed them; and when as the said Maister of Banff perceaved the hawk quhilck wes hounded to light and sitt doun upon that same side of the burne he bended his pistoll and shoot the hawk deid. And the said Thomas Black, being upon the other side of the burne, and perceiving his servant thus abused, he came to the said Lord Banff and compleanned of the wrongs done to his servant and hawkes, who answered, 'You may be glad to be gone so easilie. Goe home and take your dead hawke to be Yuill meat to your lord and ladie, and tell your maister that he is not crowner now of the shyre.' The barbaritie of this inhuman fact is such as the like hes never been done in mans remembrance to anie nobleman or gentleman in the countrie, and is so much the more odious as the said Erle wes in the moneth of November, 1641, reconcilied before the Lords of Privie Counsell with the said Lord Banff, and did shaike hands with him in their presence; and since that
time rather the said Earle, nor anie having dependence upon him, hes
giving occasion of dialyke or discontent to the said Lord Bamff. This
fact, as it is a great crueltie aganis fouls of sport, so is it is ane high
despite aganis the said Earle, being ane nobleman and counsellor, to
whom they belong; and howsoever be the lawes and acts of Parliament
the crime is capitall and punishable be the lose of the moveables and
amputation of the right hand and so might be pursued criminallie before
the Justice, yitt becaus it hes pleased his Majestie and Estats of
Parliament to make choise of the said Earle to be one of the Privie
Counsell, he is therefore moved to have recourse to them, being confi-
dent to find justice in such a way as the said Earle may be repaired in
his honnour and by condigne punishment others may be terrified from
such barbarous affronts aganis noblemen and counsellors in time
coming." Charge having been given to the said Lord and Master of
Bamff and to James Gordon and Angus Bayne, and they and the pur-
suers all comparong, the Lordes, after hearing parties and their wit-
nesses, assosilzie Lord Bamff and the other defenders from the charge of a
riot, but find that the Master of Bamff had pistals, and they remit him
to the commissioners of the Treasury for the same. They ordain the
Earl of Finlatter to pay the witnesses, £12 to every horseman and £8 to
every footman; and that he and Lord Bamff find caution each in
10,000 merks for keeping the peace.

"Forsamekle as James, Earle of Finlatter, and George, Lord Bamff,
being inhibit and discharged be ane maiser (having warrant from the
president of Counsell for that effect) to meet with or speek to these per-
sons who wer charged to appeare before the Counsell as witnesses in the
caus persewed at the instance of the Earle of Finlatter" and others in
the above case "untill first they wer examined and sould have given
their depositions thairanent, and the Lords of Privie Counsell under-
standing be the declaration of the said Lord Bamff and John Lyoun of
Mureik respective that the said Johny Lyoun had be the knowledge and
assent of the Lord Bamff after the discharge foresaid and before the
dyet appointed for the judicall appearance of the witnesses dealt for and
procured from John Ogilvie, one of the saids witnesses, a declaration
under his hand and oath bearing that he did not see no wrong done be
the Lord nor Master of Bamff to the Erle of Finlaters servants or
hawkes at the time libelled in the summounds, and that the said Johny
Lyoun said to the said John Ogilvie that if he refused to subscribe the
said declaration (qwhilk several times he had acknowledged to him to be
true) he might expect no good that the Lord Bamff could doe to him, and
whilk declaration was produced in Counsell be the Lord Bamff," the
Lords find that this carriage has not been fair nor answerable to the
inhibition, and therefore ordain both Lord Bamff and John Lyon to be
committed to prison within the tolbooth of Edinburgh, and that there-
after they be carried to the Castle of Edinburgh and remain there upon
their own expenses until they are released by the Council.
Complaint by James Wright of Glaisawod, as follows:—On 15th July, 1634, Andrew Ker of Lintoun was put to the horn for the non-payment of 2500 merks of debt to the complainant with due interest and expenses, but this procedure “he doeth so villyse and slight by the power and freindship quhill he hes in the countrie that the compleanne is altogether frustrat of the course of justice.” The pursuer comparing but not the defender, the Lords ordain the latter to be charged to render his houses, and enter himself in ward within the Castle of Blackness P. 237. within ten days under the pain of treason.

Sedunt:—Argile, Prestes; Leven; Eglinton; Cassills; Lauderdaill; Dalhousie; Balmerino; Clerk Register; Justice Clerk; Treasurer, Depute; Waughton; Dundas; Cambo.

= Letters of horning against excommunicated persons. =

“The Lords of Secret Counsell ordains the Clerk of Counsell to give out letters of horning, captioun and intercommouning againis all such excommunicat persons as sall be givin in roll to him to the Lord Advocat under his hand or be the presbytereis.”

“Forsamekle as John Robertson, seminaria preist, being apprehended be Sir Alexander Abirrcrombie of Birkinboig and committed to the tol-buith of Bamff, thereafter examined be the presbyterie of Bamff and his depositions reported to the Counsell, who have ordained him to be convoyed to Edinburgh and entered in the tolbuith there under the conduct of certane persons to be appointed be the magistrats of Bamff upon publicit allowance, who ar to be assisted in the transporting the said priest be the shireffs of the severall shires respective, and to have a care that none have intelligence nor correspondence with him be the way, therefore ordains letters to be direct charging the shireff of Bamff and his deputis to assist the persons foresaid entrusted with the transport of the said priest and to convoy him to the shireff of Aberdene or his deputis within 24 hours after the charge; and that the saids shireff of Aberdene or his deputis doe the like and assist his convoy to the shireff of Kincardin or his deputis within the like space; and that they make the like assistance to the shireff of Forfar or his deputis within the said space; and that the said shireff of Forfar and his deputis assist the saids persons entrusted, as said is, and convoy them within the like space to the provest and bailleis of Dundie, who ar within the same space to assist their transport to the shireff of Gyffe or his deputis, or to the provest and bailleis of Coupar, who ar to make the like assistance and transport to the bailleis of Kingorne or Bruntilland within the same space and from thence be the saids bailleis of Leith or Edinburgh within the like space; commanding heirby the saids bailleis to receave and commit the said preist within one hour after the charge, and that none of the saids magistrats faille in this service, under the pane of rebellion, etc.; and, if they fallie, the spaces respective foresaid being past, to denunce, etc.”
"The Lords of Secret Counsell, having tane to their consideration the act of Counsell made anent the apprehending of vagabounds for the use of the Earle of Irwings regiment and the forme and maner how the saids vagabounds sall be made knowne to be of that qualitie, the saide Lords, for preventing all mistakes or prejudice [that] may arise in the giving up of persons of this kynd, declares that none sall be repute of the qualitie foersaid or apprehended as such but these who sall be givin up be the minister and kirk sessioune sitting in sessioun or be the magistrates of burrowes sitting in judgement within their severall bounds and no otherwayes."

"Forsamekle as in the commissions granted be the Lords of his Majesties Privie Counsell for apprehension of jesuits, seminarie and masse preests and excommunicat rebellious papists and committing them to waird it is not clerlie condescended where and be quhom they sall be receaved in prissoun, quhilk may prove prejudicall to this important service, therefore the saide Lords of Privie Counsell declares that it sall be lawfull to the saids commissioners or anie one of them entrusted with the service to commit all persons of the qualitie foersaid to be apprehended be them within the narrest jayles to the bounds where they sall be apprehended; and for this effect ordains letters to be direct charging all magistrates of burrowes to receave within their jayles all such persons of the qualitie foersaid to be presented be anie of the saids commissioners to them or anie of them and to detaine them therein till they receave farther directioun from his Majesties Counsell concerning them, as the saids magistrates will answer upon the contrare at their highest charge and perrell."

"Forsamekle as Alexander, Earle of Eglington, hes payed and delivered in reall money to Johne Jessie, deput to William Thomson, Comissar of the Scottish armie in Ireland, the soume of six thousand pounds, as hes clerlie appeared to the Lords of his Majesties Privie Counsell be the discharge upon the recepit thereof granted be the said Johne Jessie, of the date the tenth day of Marche instant, and this day presented in Counsell, therefore the saids Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the Commissioners for the Peace and Commoun Burdens upon the fourth of Marche instant, doe declare that the said soume of six thousand pounds is lent be the said Earle of Eglington for the present supplee of victuall and cloaths for the Scots armie in Ireland, and that the same sall be repayed to him, his airs, executors and assigneyes, conforme to the said act abonewritten. The like act upon Johne Jessieis recepit of 1200lb from Sir Patrick Hamilton of Little Prestou, dated the 8 of Marche instant; and upon Sir David Hum of Wdderburns recepit of the like soume, dated 18 Marche; and upon the recepit of 1000 merkes from Mr Robert Douglas of the 25 of this instant; and upon the recepit of the like soume from Mr Robert Nicolson, commissioner, of 27 Martij; and upon the recepit of 2400lb from the Justice Clerk, 28...
Martij; and upon the receipt of 1000\textsuperscript{th} from David McCullo of Gutters, Acts, November 28 Martij; and upon the receipt of 2400\textsuperscript{th} from the Treasurer Deput, 24 Martij; and upon the receipt of 6000\textsuperscript{th} from the Lord General, 13 Oct. 1643.

[Sederunt as recorded above, omitting Cambo and adding the Advocate.]

Complaint by James Speir, merchant, as follows:—About a month since, when he was in the house of George Moresone, burgess of Edinburgh, receiving silver, some people whom he knew not came in upon him and dangerously wounded him on the head, of which the watch getting notice they came and rescued him, and for his security put him in the tolboth where he has been detained ever since. The provost and bailies refuse to liberate him without a warrant. Charge having been given to John Kiblo, one of the bailies of Edinburgh, and the pursuer compearing P. 228, personally along with Captain James McMath, who alleged that “the pursuer was tane be him [being a vagabound] for the Erle of Irwing’s service, as appeared by the testimonial of James Bell, baillie of Glasgow, quhilk he produced,” the Lords find that the said Captain had no power to apprehend the pursuer and command the provost and bailies of Edinburgh to liberate him in so far as he is warded for the above cause.

The Lords having heard James Scot, lawful son of Robert Scot of Well, prisoner in the tolboth of Edinburgh at the instance of David Brown, saddler there, and also the said David thereupon, with the latters consent ordain the provost and bailies of Edinburgh to put James Scot to liberty in so far as he is warded at the instance of the said David Brown.

Complaint by George Sibbald, advocate before the Lords of Session, as follows:—David Bennet, notary in Kirkaldie, and Edward Bennet, his son, have conceieved a deadly malice against him, “because, being advocate and pensioner to the town of Kirkaldie, he did compeir for them before the Lords of Privie Counsell in a late pursute moved be the said David aganis the speciall persons in that toun,” and the said Edward resolving “to execut this his malice in a craftie way,” came on 7th instant to the complainer “upon the His Streit of Kirkaldie beside his owne yett, and before Johne Hog, baillie, desired the compleanner with insinuating discourses to goe drink with him, whereunto after some refusall he yelded. And, being in freindlie maner in the hous of Alexander Law, the said Eduard began to vent his resolution and demanded how the compleanner durst, being a penman, conpeir againis his father, being another. Which threatening the compleanner past with a modest answer and come home to his owne hous with the said Eduard, expecting no farther. But when he was going up his turnpyck and a boy carrying a lantern before him, the said Eduard treacherously came

\footnote{The words within brackets are scored through.}
behind his back, tooke him by the neck, birsed him to the turnpyck, wrested his arme, disjoyned his thounb, and gave him diverse others strokes to the effusion of his blood; and upon the morne vaunted there-of, saying—'Thir tua hands hes givin the toun of Kirkaldeis advocat for his panes halfe a dosoun of nevells, and if they wer not weill layed on devill cutt aff my hands.' Quhilk is a proud contempt and may prove of dangerous consequence to all advocats if the same be not exemplarlie punished." The pursuer comparing personally, but not the defender, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and William and Patrick Hume, falconers, his informers, as follows:—Although the bearing of hagbuts and pistols, shooting therewith and killing of fowls with nets and guns is strictly prohibited by law, yet and others for the slaying of wild birds. Cuthbert and John Tunter in Gordoun, Robert Tunter at Gordon Milne, Robert Bredie at Thirlestane-Milne, William Graham in Dunce, James Young in Cokburnside, Daniel Dickson in Wodheid, William Greinside and William Tait in Wester Fala, have for several years past, but especially during the months of this last year, slain great numbers of fowls of all sorts within the bounds where they dwell and thareabout with guns, girms and nets, and do daily make such destruction of fowls of all kinds that they are like to leave none, to the great prejudice of the country and contempt of the law. Parties being charged, the Advocate and Patrick Home compeared as pursuers, and Daniel Dickson compeared by William, Earl of Dalhousie, who undertook to exhibit him on 1st June next. But the remaining defenders, of whom none compeared, the Lords ordain to be put to the horn and escheated.

Supplication by George, Lord Bamf, as follows:—Their Lordships are aware that he has been confined within the burgh of Edinburgh since February until the 9th of March, and that thereafter he and John Lyon of Mureseik, his son-in-law, were made prisoners in the tolbooth and Castle of Edinburgh, to the great prejudice of their affairs and suffering otherwise. They crave that they may be put to liberty. The Lords consent hereto, and give order to the captaine, constable and keepers of the Castle of Edinburgh accordingly, because Robert Irving of Fedderat has become cautioner for the said lord that before 1st June next he will report a bond marked by the Clerk of Council and subscribed by the Lord Ogilvie as cautioner for him of the tenor of the Earl of Kinlaters bond, and that until then he will keep the peace with the said Earl under a penalty of 10,000 merks. They further ordain the said Lord to find lawburrows to Patrick Gellie under the penalty of 1000, and that he be cautioner for his son, the Master of Bamf, that he will keep the peace with the said Earl under the penalty of 10,000 merks.

"Act approveing the Lord Justice proceedings at the Justice Courts in Jedburgh and Dumfreis."
REGSTER OF THE COUNCIL 1643.

[Sedevmt ut die prideto, unacum Cambo.]

"The whilk day, in presence of the Lords of Secrett Counsell, compeired personallie Mr Robert Burnet, advocat, and produced and exhibtit before the said Lords the missive letter underwrittin direct from the State of Hamburg tuiching the delay for six moneths of the letters of reprisall granted be the Kings Majestie and Estats of the late Parliament againis the said State of Hamburg, of the quhilk missive the tenor followes:—

Serenissime regii Majestatis sanctioris in regno Scotiae consilij illustissimi, generosissimi, magnifici, nobilissimi, et amplissimi Domini, Proceres, Domini gratiosi, et amici plurimum honorandi, Posteaquam et per aliquotes repetitas literas nostras et per nostrum in Magne Britanniae regna legatum, senatorii ordinis virum prudentissimum et consultissimum, Dominum Petrum Lutkins I.V.L, non tantum regie Majestati verum vestris quoque Excellentissimi, generositatis et amplitudinis, abunde sati demonstravimus repressalis nobis non ita prudem in causa hæreditum Davidis Robertseone et consortium actorum contra Alexandrum Longuen et Michaelcm Utenholten reos comminatæ sub et obreptitie impratratæ, adeoque iniquissimis locum iusd invenire posse, exinde fermiter speravit fore ut sicuti regia Majestas, detecta jam rei veritate, nostram in hoc processu innocentiam et legitime a nobis administratam justitiam in regii suis ad vos Nottingamo, 24 Augusti anni proximo elapsi, perscriptis litteris publice attestata est, ita et vos quoque dictas represalias, destructo jam omni earum fundamento, revocaretis et annullaretis. Ast quia ex dicti legati nostri relatione percepimus id quamvis multoties instantissime a nobis nostro nomine Edimburgi petiverit, precesque suas aquissimis validissimis et irrefutabilibus rationibus fulciverit, impetrari tamen hactenus prater omnem spem atque expectationem non potuisse, sed vestras excellentias, generositates et amplitudines espe fretas, quod durante hoc tempore aliqua inibitur ratio qua prænominatis actibus satisfiat, eos induxisse ut consentirent executionem pretensarum represaliarum in sex menses differentam; nos quidem in omnem eventum omnia nostra jura salva integra et illaes nobis et reipublice nostræ reservamus; interim ne quidquam a nobis quod nostrarum sit partium desiderari possit, idem id quod praefatus nostre legatus pollicitus est repromittimus; nos scilicet omnes adhibiturus conatus ut lis hæc Hamburghi inter actorum mandatarium, qui pleno omnium consortium mandato instruxit sit, vel per justam et subiitam sententiam finiatur, vel per aequam et tolerabilem transactionem componatur. Omnino etiam confidimus vestras excellentias, generositates et amplitudines inducturas actores ut sibi vigilent et in tempore hic per pleni poten- tiarium suum vel caussam suam peragant, vel aequis et tolerabilibus conditionibus cum reis transagiant, neque statutum sex mensium terminum nihil agendo denuo elabi patiantur. Secus si fiet, id non nobis sed ipsis actibus imputandum esse omnes ratione recta præditi neque animi sui affectibus indulgentes judicabunt, uti et vestras quoque excel-
1643. CHARLES I.

lentias, generositates et amplitudines ita existimaturas nobisque literarum quoddam rescriptum transmissuras nullatenus dubitanus, illas divinæ protectioni, nos vero nostramque rempublicam illarum gratie favori et aquabilitati studiose recommendantes. Dabuntur sub nostræ civitatis Hamburgi sigillo, 6 Februarij anno 1643. Illustrissimarum vestrarum excellentiarum generositatum et amplitudinum observantissimi atque studioissimi consules et senatores reipublicæ Hamburgensis. Quhilk missive being read, heard and considdered be the saids Lords, they declare that they can give no answer thereto in respect the six moneths time expires the mornne.”

Supplication by John Forbes of Leslie and William Forbes, fir Supplication thereof, as follows:—The Clan Gregour lately came to their lands of Duncanston and carried away James Andersone, their tenant, whereupon the suppliants and their friends followed them, and, overtaking them at the Cabrach, recovered their tenant, but in doing so killed one of the broken men and took another prisoner, whom they have brought to Edin- burgh. They crave that the Lords would approve this their service and take some course for securing the suppliants against the invasions of these broken men. The Lords, after reading the confession of Duncan McGregour, the prisoner above mentioned entered by the suppliants within the tolbooth of Edinburgh, remit the said Duncan to his Majesty’s Justice to be punished; and also grant commission to the sheriff of by examination of witnesses and otherwise “to try the condition and life of the partie killed and report to the Council.”

“A letter from the Counsell to the Earle of Louthian.”

“The quhilk day the Lord Balmerino desyred in presence of the Council and accordinglie had delveryed to him the principall commision and instructions given to the Earle of Louthian, [for] quhilk he promised to be answeraable.”

Sederunt:—Argile, Præses; Leven; Eglinton; Cassils; Lauder- dail; Balmerino; Advocate; Waughtun; Cambo; Dundas.

Order for the printing of two letters addressed to his Majesty from them of the 22 and 24 of Januar, whereby they concurred and recommended to his Majestie the desires of the commissioners for the Kirk and peace, to be printed with the proceedings of the saids com- missioners.

“The Lords of Privie Counsell gives warrant to such Counsellors as Money for the ar in toun to direct missives to the shireiffs to conveene the barons to army in Ireland, and len money for supplee of the armie in Ireland, and appoints the next meeting of Counsell to be upon the first of Junij nixt; and, if anie occasion occure sooner, with power to the Earle of Lauderdaill or Lord Balmerino to give advertisment thereof to the rest.”
Acknowledgment of the sum of £6000 lent by the Earl of Loudoun for the army in Ireland.

"Forsamekle as Dame Margaret Campbell, Countesse of Loudoun, in the name of the Lord Chancellor, her husband, has payed and delivered in reall money to Johnie Josie, deput to William Thomson, Commissar of the Scottis armie in Ireland, the soume of six thousand pundus, as hee clerrie appeared to the Lords of his Majesties Privie Counsell be the discharge upon the recept of the said soume granted be the said Johnie Josie, of the date the tenth of Marche instant, and this day presented in Counsell, therefore the saids Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the Commissioner for the Peace and Commoun Burdens upon the 4th of Marche instant, doe declare that the said soume of six thousand pundus is lent be the said Lord Chancellor for the present supplie of victual and cloths for the Scottis armie in Ireland, and that the same sall be repayed to him, his airs, executors and assigneyes conforme to the said act abonewrittin."

"The like act upon the percept of 600th from Johnie Meyn, merchant burges of Edinburgh, 29 Martij; and upon the percept of 200 merkes from Andro Law, merchant, 27 Martij; and upon the percept of 1200th from Mr Samuel Johnston of Currihill, 11th Martij; and upon the percept of 1000 merkes from Eduard Littill, 29 Martij; and upon the percept of 1000 merkes from Mr George Gillespie, 25 Martij; and upon the percept of 6000th from the Lairds of Wauchton, Innes and Cambo, dated the tenth of Marche."

[Sederunt as recorded above.]
ing parties, defer pronouncing sentence in the matter until "the right of the lands of Crannmin and others contrverted be discust before the judge ordinar." Till then they suspend the letters of horning and caption thereupon.

"Appoynts the next meiting on the 1 of June and, if anie occasion occurre sooner, with power to the Earle of Lauderdail and Balmerino to give advertisement thereof to the rest."

**Sederunt:**—Chancellor; General; Hamilton; Argile; Glencarne; Edinburgh, Cassilla; Dumfermlin; Lauderdaill; Southesk; Dalhousie; Callander; Balmerino; Burlie; Balcarres; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Wauchtun; Cambo.

"The Lords of Privie Counsell gives commission and warrant be thir presents to Archibald, Marquis of Argile, to agree with such persons as he can most commodiouslie for the transport of 1000 bolls of meal by the west sea to Ireland for supplee of the Scottish armie there; and ordains John Josse to furnish and advance such soumes of money for this effect as the said Marquis sall give warrant, and that out of the first and readiest of the moneys being in his hand.

"The Lords of Secret Counsell, having heard the report made by James, Earle of Calander, tuiching his apprehending of one John Rylie, suspect and delate guiltie of the forcing of Margaret Rankene, daughter to Robert Rankene, they allow the said Earle his behaviour hearin, and ordains him to transport him to the tolbuith of Edinburgh to remaine therein till he be persued for the said crime before his Majesties Justice be the partie, whom the Lords ordains to intent the said processe and prosecute the same with diligence conform to the caution found be them to the said Earle of Calander."

"Forsamkle as Sir Johne Wauchop of Nidrie hes payed and delivered in reall money to John Josse, deput to William Thomsone, Commiss of the Scottish armie in Ireland, the soume of 2000 merkes, as heh clerlie appeared to the Lords of his Majesties Privy Counsell be the discharge upon the receipt of the said soume granted be the said John Josse, of the date the sixt of April last, and this day presentt in Counsell, therefore the saids Lords of his Majesties Privy Counsell, according to ane act made be them with consent of the Commissioners for the Peace and Commoun Burdens upon the fourth of Marche last, doe declare that the said soume of 2000 merkes is lent be the said Sir Johne for the present supplee of victnall and cloths for the Scottish armie in Ireland, and that the same sall be repayed to him, his airs, executors and assignyes conforme to the said act abonewritten. The like acte upon the recep of 200\(^{lb}\) from Thomas Young, merchant in Edinburgh, of the 6 of April last; and upon the recep of 1200\(^{lb}\) from Sir Charles Areskin, of the 6 of March; and upon the recep of 6000\(^{lb}\) from the Earle of Murrey, of the 4 of April; and upon the recep of 200
merkes from James Monteth, pouterer, of 28 Aprilis; and upon the receipt of 1000 merkes from M't A. Ramsay, of 29 March; and upon the receipt of 1000 merkes from Sir Thomas Ruthven of Freland, of 26 Aprilis; and upon the receipt of 1200\textsuperscript{th} from the Laird of Balmaine, of 29 Martij; and upon the receipt of 500 merkes from Simon Chalmers, merchant, of 28 Aprilis; and of the soume of 6000\textsuperscript{th} from the Earle of Glencarne, the 28 Aprilis; and of 200 merkes from James Chalmers, marikinmaker, the said 28 Aprilis; and upon the receipt of 400\textsuperscript{th} from Robert Carnegie, merchant, the said day; and upon the receipt of 7\textsuperscript{th} merkes from the Ladie Carnegie, of 22 Martij; and upon the receipt of 200\textsuperscript{th} from William Scott, merchand, of the 22 of April; and upon the receipt of 200\textsuperscript{th} fra Laurence Scott, merchand, of 28 April; and upon the receipt of 500 merkes from Gilbert Acheson, merchand, of 30 Martij; and upon the receipt of 1000 merkes from Archibald Sydserf, baillie, of 29 Martij; and upon the receipt of 500 merkes from Thomas Leishman, merchand, of 28 Aprilis; and upon the receipt of 800\textsuperscript{th} from Sir John Hamilton of Preston, Sir Alexander Moreson of Prestongrange, M't Cornelis Ainslie of Dolfiphton, and M't John Ker, minister at Preston, for themselves and parish of Preston, of 4 Aprilis; and upon the receipt of 1000 merkes from Archibald Tod, Dean of Guild, of 28 Aprilis; and upon the receipt of 100\textsuperscript{th} from William Sandilands, baxter, of 2 May; and upon the receipt of 100 merkes from James Johnston, merchand, of the first of May; and upon the receipt of 200 merkes from Robert Corteer, merchand, of the 2 of May; and upon the receipt of 300 merkes from Robert Meklejohnes, of the 7 of April; and upon the receipt of 1200\textsuperscript{th} from M't George Winram of Libberton, of 26 Aprilis; and upon the receipt of 500 merkes from Johne Bannatyn, Justice Clerk Deput, 6 Aprilis; and upon the receipt of 1000 merkes from M't W. Bennet, minister of Edinburgh, 30 Martij; and upon the receipt of 200\textsuperscript{th} from Alexander Binnie, merchand, 29 Aprilis; and upon the receipt of 500 merkes from Walter Rankene, merchand, 27 Aprilis; and upon the receipt of 600\textsuperscript{th} from Issobell Duff, wedow, 25 Aprilis; and upon the receipt of 1200\textsuperscript{th} from Robert Lokhart, merchand, 6 Aprilis; and upon the receipt of 2000 merkes from Sir Robert Adair of Kinhilt in name of M't William Sandilands and Dame Elizabeth Cuningham, his spouse, 12 Aprilis; and upon the receipt of 5400 merkes from Robert, Lord Burghlie, 10 Martij; and upon the receipt of 300 merkes from Robert Lempitlaw of the first May; and upon the receipt of 500 merkes from Johne Marjoriebanks, merchand, the same day; and upon the receipt of 500 merkes from Helene Gilchrist, 2 Aprilis; and upon the receipt of 500 merkes from M't W. Colvill, minister, 28 Martij.”

“The quhilk day, in presence of the Lords of Secrett Counsell, com-peid personallie Johne, Lord Maitlane, and M't Robert Douglas, minister at Edinburgh, with some others of the commissioneris of the Generall Assembly, and declared that, as they had acquainte the Counsell with their petition to his Majestie, so, having receaved ane
answer thereto, they wer likewise to acquaint the Counsell therewith, quhill they produced, and being read was delivered back to them."

"The Lords of Privie Counsell thinks fitt that the Commissioners of the Peace and Commoun Burdens convene the morne with the Counsell, that by joynit advice some course may be tane concerning the Scottish armie in Ireland."

[Sederunt as recorded above, adding Yester.]

This day compeared Robert Inglis, merchant in London, and produced the duplicate of a letter, dated 6th February last, from the State of Hamburg to their Lordships touching "the reprialls granted be his Majestie and Estata of Parliament in favors of the Earle of Rothes, Sir George Hamilton and their partners againis the said State," which was formerly produced before them on 30th March last by Mr. Robert Burnet, advocate; as also he produced "certaine bookes printed at Hamburg in anno 1642, entitled Succinta causae delineatio, etc., containing all that hes past before the said State in that mater, with their protestation."

"A comission to the Marquis of Argyle to bargaine with merchants for transporting ane thousand bolls of meale to Ireland, etc."

"Act in favors of the Earle of Callander anent the apprehending of a man that is alledged to have forced a woman."

"Ordaign a letter to be written to the Lindsay desyerig him to presse ane answar from the Parliament of England to his instructions and to returne thairwith betuix the 8th of June, and if he gett no answar, notwithstanding to returne."

"A precept direct to John Jessie to delyver to John Campbell, comissar of the Scots armie, seven thousand and fuye hundreth pund sterlin to be distribut in among the officers of the armie as the Generall sall give warrand."

Sederunt.—The Lords of Privie Counsell; Commissioners of Peace and Common Burdens following—Chancellor; General Hamilton; Argile; Glencarne; Cassills; Lauderdaleil; Southesk; Dalhousie; Calander; Yester; Burlie; Balcarres; Advocate; Treasurer Depute; Justice Clerk; Wauchtune; Cambo; Kerse; Wareston; Humbie; Lag; Nidrie; Ireland; Sir Patrick Hamilton; Sir John Smith; Eduard Edgar; John Binnie; Thomas Bruce; Mr. Robert Barclay; James Sword; Hugh Kennedy; Mr. John Corsan; W. Glendon[ing].

"Forsamekle as the Lords of Privie Counsell, Commissioners for con-law obligation to repay all such serving the Peace, and Commissioners for the Common Burdens, taking to their consideratioun the necessities of the Scottish armie in Ireland, which, for want of pay, victual and clothes, is not able longer to subsist, for the main-tenance of the army in Ireland."
and having resolved, according to their bound dutie, to provide some Acta, November 1641-
supplye for their present maintenance, did therefore by their act of the
fourth of Marche last determine that the soume of twentiethousand
punds sterline, and als much more as should be offered voluntarlie be his
Majesties good subjects betuix and the first day of May instant, should
be presentlie borrowed to that effect upon the conditions and securitie
contanned in the said act, and now, considering that, in respect of the
shortnes of the time, manie of his Majesties good subjects who will
willinglie putt to their helping hand to this religious and necessarie
work could not have tymous advertisment to provide what they ar to
len and that the hail monie alreadie givin is onlie able to furnish some
meale to the soldiours, without which they had ather sterved or dis-
banded er now, therefore the saids Lords of Privie Counsell and Com-
missioners of both Commissions foresaid, doe heibry declare that what
soumes of money sall be yit lent for the use foresaid betuix and the
tenith of July nixtocomie sall be thankfullie repayed to the lenners, their
airs, executors and assigneyes betuix and the first of August nixt,
together with the ordinarie annual rent frome the dait of the lenning of
the same so long as the hail or anie part thereof sall remaine unpayed,
and that conforme to the tenor of the foresaid act of the 4th of Marche
quhilk is holdin as heir repeated, and that the lenners sall upon deliverie
of their money have ticketts of *recept and acts of Counsell in maner
conteannned in the said act; and als declares that as anie soumes of money
due or to be due to that armie sall come from the Parliament of Eng-
land or otherwise quhatesoever that the same sall be employed for pay-
ment of the advanceurs proportionallie according to the soumes lent be
them; and therefore the saids Lords of Privie Counsell, with consent
foresaid, doe now as of before desire everie one of his Majesties subjects
who will contribut their assistance heerin, that they will be pleased
speedilie to advance such soumes as they sall think fitt upon assurance
and securitie in maner foresaid, and ordains thir presentes to be regis-
trat in the bookes of Counsell and Commissions foresaid, and to have
ane act of the saids judicatores, joyntlie and severallie, and to be
printed together with the former act of the fourth of Marche."

Sederunt:—The Counsellors, Commissioners of Peace and Commoun
Burdens ut die predict; together with the Earles of Morton
and Dumfermlinie and Lord Balmerinochit, the Clerk Register, the
Laird of Wedderburn and George Gardin.

Summones of a
Convention of
the Estates on
22nd June
next.

"Forsamekle as the Lords of his Majesties Privie Counsell, Commis-
sioners for conserving the articles of the treatie, and Commissioners for
the Commoun Burdens, who ar entrusted be his Majestie and Estats of
Parliament with the publicit affairs of this kingdom, conforme to the
particular commissions givin to them for that effect, having, in respect
of the weightines of the charge lying upon them and of the present
condition of the estat of this kingdom, mett together that be commoun
advice some course might be tane thereanent, and considering the danger
imminent to religion, his Majesties person and peace of this kingdom be
papists in armes in England and Ireland, and be the distractions betuix
his Majestie and houses of Parliament of England which cannot (if not
tymouslie prevented) but be the occasion of the like trouble heir and
there, withall considering the great burdens lying upon this kingdom,
both be the charge of ten thousand men who, by warrant of his Majestie
and Parliament, wer sent over to Ireland for defence of the protestant
religion and suppressing of the rebellious there, and ar now almost
sterving throw want of maintenence (the Parliament of England having
exprest that they ar not able, in respect of the distractions there, so
tymelie nor plentifulie to provide for them as they ar bound by treatie),
and als by want of a great part of the brotherlie assistance due frome
the kingdom of England; and finding the same to be maters of greater
weight then they ar able to beare themselves, and doe require the advice
and resolution of the representative bodie of the kingdom, therefore, and
for such other publicit affairs as sall be represented to the saids judicato-
tories conforme to their severall commissions, the Lords of his Majesties
Privie Counsell, with concourse and advice of the Commissioners of both
Commissions foresaids, have thought it most necessarie, and therefore
have appointed ane meeting and Convention of the Estates to be keaped
heir at Edinburgh, the 22 day of Junij nixtocome; and ordains letters
to be direct in his Majesties name commanding maisers, heralds and
pursevant to pas and make publication heirof be open proclamation at
the mercat croce of Edinburgh and others places neidfull, and to com-
mand and charge all persons having interesse to attend the said dyct as
they will be answerable.

It being this day voted be the Counsell, Commissioners of the Peace
and Commoun Burdens whether or not it be fitting in respect of the
present condition of the publicit affairs of this kingdom that at this
time the saids three judicatoresis sall consult and resolve joyntlie what
course is best to be tane thereanent, it is resolved *affirmative* that it is
fitting, etc.

It being voted whether or not it be necessarie at this time that there
be a Convention of the Estats that the advice and resolution of the
kingdom may be knowne anent such things as sall be represented to
them be the Counsell, Commissioners of Peace and Commoun Burdens
according to their severall jurisdictions, it is resolved *affirmative* that it is
necessarie, etc.

It being voiced whether or not in respect of the necessitie of publicit
affaires that the time of the Convention sould be presentlie appointed,
and warning thereof givin to all partes having interese and that his
Majestie sall be acquainted therewith, or if it sall be continued till his
Majesties pleasure be knowne thereanent, it is resolved that the meeting
sall be presentlie appointed, and the 22 of Junij nixt condescended on
for the dyct.
It is further resolved be the saids judicatoreis that missives be sent for convening the Estates and that it be sufficient they be subscrivit be the Lord Chancellor with anie tuss of everie commission foresaid.

The quhilk day the Marquis of Hamilton declared that, as a Counsellor, he could not voice joyntlie with or in presence of the Commissioners of the Peace or Burdens to anie of the articles abonewritten; and, as a conserver of the peace, he will willinglie give his opinioniou when it sall be required be anie judicatorie, which in this is that no meeting of the Estates can be called without his Majesties speciall warrant had for that effect.

The Lord Advocate declared that as a Counsellor and as his Majesties Advocate he adhered to the declaration abonewrittin made be the Marquis of Hamilton.

"Missive to his Majestie concerning this matter:—Most sacred soveran, The extreme necessitie of the armie sent from this kingdon by order from his Majestie and Parliament heir aganis the rebellion in Ireland, for want of meane for their necessar supplie throw not payment of their arrearis and maintenance due to them frome the Parliament of England, the delay of the payment of the brotherlie assistance so necessarie for relieff of the commoun burdens be reason of the distractions in England and the sense of the danger of religion, of your Majesties royall person and of the commoon peace of your kingdoms, have moved us of your Majesties Privie Counsell, Commissioners for the Peace and Commoun Burdens to joyne ourselves in a commoun meeting for acquitting ourselves in the trust committed to us be your Majestie and Estates of Parliament; and having found after long debate and mature deliberation that the maters aforementioued ar of so publict concernment, of so depe importance and of so great weight that they cannot be determined be us in such a way, and with such hope of success as may give satisfaction to your Majesties service for the good of this and your Majesties other kingdons, and as may make us answerable to the trust committed to us be your Majestie and your Parliament we have beene constrained to crave the advice and resolution of ane Convention of the Estates, June 22, which, as according to the dutie and obligation of our places, we ar bound to shew to your Majestie, so doe we humble intrest that againe the time agreed unto by commoun consent, your Majestie be graciously pleased to acquaint us with your pleasure and commandements that maters may be so determined as may serve most for the honour of God, your Majesties service and weale of your kingdons, which is and ever sall be the earnest desire and constant endeavours of your Majesties most faithfull and humble subjects and servants.

"The quhilk day, in presence of the Lords of Secret Counsell, William, Declaration by
Earle of Lanerick, his Majesties Secretarie, produced and exhibit the missive letter and declaration underwritten, of the quhilk the tenor followes:—CHARLES R.—Right trustie and right welbelovit counsellors and counsellors, right trustie and trustie and welbelovit counsellors, we greet yow well. Tho we ar confident that no art nor industrie (how cunninglie so ever it be covered with seeming specious pretences) sall ever prevaile so much with yow or anie of our Scottish subjects as to procure the least countenance or encouragement to the rebellious armes now maintained aganis us heir in England, yitt, the better to remove even the nicest feares, we have thought fitt to give all the assurances we can think upon of our reall intentions to preserve inviolable the present government, both of church and state, according to the lawes now established within that our native kingdom, as you will find it more fullie exprest in this enclosed declaratioun, which we do require yow to caus print and so publish to all our loving subjects as the continuance of our gracious intentions towards them may be best made knowne; wherein we expect your care as in that which exceedingly concerns the good of our service and our subjects happiness. So we bid yow heartilie farewell. From our Court at Oxford, the 21 of April, 1643."

"His Majesties declaration to his loving subjects of his kingdom of Scotland. As there hes beene no meanes left unattempted by some seditious persons which the malice and witt of rebellious could devise to infect and poysoun the affections and loyaltie of our good subjects of our kingdom of England and to withdraw their hearts from us by the most pernicious and desperat calumnies that could be invented, to undervalue and lessen our reputation with forrane princes by injurieis and affronts upon their publick ministers, and by procuring agents to be sent qualified for negotiation without our consent and thus to expose us and our regall auctoritie to scorne and contempt by assuming a power over us, so these pernicious contrivers of these bloodie distempers have not delighted in anie art more then in this by which they have hoped to stirre up our good subjects of that our native kingdome of Scotland to joynce with them, and to infuse into them a jealouzie and disesteem of our true affection and our gracious intentions toward that nation. To this purpose they have used great industrie to convoy into that our kingdome and scatter and disperse their diverse seditious pamphlets framed and contrived aganis our person and governement and have procured agents to be sent to reside there and to promote their designs, one of which
latelie resident their, one Pickering, by his letters of the 9th of Januar from Edinburgh to Mr Pym assures him of the concurrence of that kingdom, and that the ministers in the pulpits doe in downright terms press the taking up of armes. And in another of his letters of the same date to Sir John Clatworthy he says that the trumpets sounded to the battell and all cried Arme, Arme, with manie other bold, scandalous and seditious passages verie derogatorie from that dutie and affection which we are most confident our good subjects of that our native kingdom beare unto us. To this purpose they traduce us with raising and making a warre againis our Parliament, of having ane armie of papistes and favouring that religion, of endeavouring to take away the libertie and propertie of our subjecta. And upon these grounds they have procured a publie declaration to invite our good subjects of that our kingdom of Scotland to joyne with them and to take up armes againis us their naturall liege lord. Lastlie to this purpose they endeavours as well in public as by secret slee insinuation to begett ane apprehension in them, that if we prevalie so farre heir as by the blessing of God to preserve ourselves from the ruine they have designed to us, that the same will have a dangerous influence upon that our kingdome of Scotland and the peace established there, and that the good lawes latelie consented to by us for the happines and welfare of that our native kingdom will be no longer observed and maintaenaded by us then the same necessities which they say extorted them from us hangs upon us, but that we will turne all our forces againis them—a calumnie so groundleslie and impioualie raised that, if we wer in anie degree conscious to our selie of such wicked intentions wee sould not onelie not expect a dutifull sense in that our native kingdom of our sufferings, but sould think our selie as unworthie of so great blessings and eminent protection as we have receaved from the hands of the Almighty, to whom we know we must yeeld a decre accompt for anie breach of trust or failing of our dutie toward our people. But, as we have takin especiall care from time to time to informe our good subjects of that our native kingdom of the occurrences heir, particularlie by our Declaration of the 12th of August, wherein is a plane, cleere notion of the begining and progres of our sufferings to that time, so the bold and unwarrantable proceedings of these seditious persons have beene so publick and visible to the world that our subjects of Scotland could not but take notice of them and have observed that after we had freeliy and voluntarilie consented to so manie acts of Parliament as not onelie repaired all former greevances but also added whatsoever was proposed unto us for the future benefit and securitie of our subjecta, in so much as in truthe there wanted nothing to make the nation compleitlie happie but the just sense of their owne excellent condition, a few discontented, ambitious and factious persons so far prevailed over the weakenes of others, that instead of receaving that returne of thanks and acknowledgement which we expected and deserved, our people wer poysounded with seditious and scandalous feares
and jealouseis concerning us; wee wer encountered with more importunat and unreasonable demands, and at last wer drivin by force and tumults to flee from our citie of London for saiftie of our life, after which we wer still pursued with unheard of insolences and indignities, and such members of either hous as refused to joyne in these unjustifiable resolutions likewise drivin from those counsell, contrarie to the fredome and libertie of Parliaments, in so much as above fourre parts of five of that assemblie wer likewise forced and ar still keept from thence; our forts, touns, shippes and armes wer takin from us; our money, rents, and revenues seized and deteanned; and that then a powerfull and formidable armie wees raised and conducted aganis us (a good part of which wes raised and mustoured before wee had givin our commissions for raising of one man); that all this time we never denied anie one thing that by the law wee wer required to grant, or asked one thing but what by the knowne law wees unquestionable our owne; that wee earnestlie pressed and desired a treatie, that so wee might but know at what price wee might prevent the miseries and desolation which wer threatned; that this wes absolutelie and scornfullie refused and rejected, and wee compelled with the assistance of such of our good subjects as came to our succour to make use of our defensive armes for the saiftie of our life and preservation of our posteritie. What hath since passed—that battell hath beene givin us, our owne person and our childrane endeavoured to be destroyed; that unheard of pressures have beene exercised upon our poore subjectes by rape, plundering and imprisonment, and that confusion which is since brought upon the excellent frame of governement of this k应急管理 is the discourse of christendome. We ar verie farre from making a warre with or against our Parliament, of which wee our selues ar ane effectual part; our principall querell is for the priviledges of Parliament, als well those of the tuo houses as our owne. If a few persons had not by arte and force first awed and then drivin away the rest these differences had never arissen, much lesse had they ever come to so bloodie a decision. Wee have often accused these persons aganis whome our querell is, and desire to bring them to no other tryell then what, by the law of the land, they ought to be tryed by, and wee have beene compelled to take up these defensive armes for saiftie of our life assaulted by rebellious armes, the defence of the true reformed protestant religious scornfullie invaded by Brownists, Anabaptists and other independt sectaries (who in truth ar the principall authors and sole fomenters of this unnaturall civil warre) for the maintenance of the libertie and proprietie of the subject maliciouslie violated by a vast unlimited arbitrarie power, and for the preservation of the rights, dignitie and priviledges of Parliament almost destroyed by tumults and faction. So what hath by violence beene takin from us being restored and the freedom of meeting in Parliament being secured, wee have latele offered (tho we have not beene thought worthie of ane answer) to disband our armie and to leave all differences to the triall of a full and
peaceable convention in Parliament. And wee cannot from our soule desire anie blessing frome heaven more then we doe a peaceable and happie end of these unnaturall distractions. For the malicious groundlesse aspersion of our having ane armie of papists, tho in the condition and streight to which we wer brought no man had reason to wonder if we receaved assistance from anie of our subjects of quhat religion so ever, who by the lawes of the land ar bound to perform all offices of dutie and allegiance to us, yitt it is well knowne that wee tooke all possible care by our proclamations to inhibit anie of that religioum to repaire to us, which wee preciselie and strictlie observed (notwithstanding even at that time we wer traduced as being attended by none but papists, when there have not in a moneth together not ane papist been neere our court), though great numbers of that religioum have with all alacritie beeene interteanned in that rebellious armie against us, and others have beeene endeavoured to be seduced to whom wee had formerlie denied employment, as appeares by the examinoum of manie prissouner of whom we have takin tuentie and threttie at a time of one troup or companie of that religion. What our opinion is of the popish profession our often solemne protestations before Almighty God, who knowes our heart, doe manifest to all the world; and what our practisie is in religioum is not unknowne to our good subjects of that our native kingdom. And as we have omitted no way our conscience and understanding could suggest to us for the advancing and promoting the true protestant religioum, having protested our readiness in a full and peaceable convention of Parliament to consent to whatsoever sall be proposed to us by bill for the better discoverie and speedier conviction of recusants, for the education of the children of papists by protestants in the protestant religion, for the prevention of the practises of papists against the state, and the due execution of the lawes against them, so we sall further embrace anie just christian meanes to suppressse poprie in all our dominions, of which inclination and resolution of ours that our native kingdom hath receaved good evidence. For the other malicious and wicked insinuation that our successe heir upon the rebellious armes raised aganis us to destroy us will have ane influence upon our kingdom of Scotland, and that wee will endeavour to gett loose frome these wholsome lawes which have beeene enacted by us there, wee can say no more but that our good subjects of that our kingdom doe well remember with what deliberation, our selfe being present at the debates, wee consented to those acts, and wee doe assure our good subjects there, and call Almighty God to wintes of the uprightnes and resolution of our heart in that point, that wee sall always use our utmost endeavours to defend and maintaine the rights and liberteis of that our native kingdom according to the lawes civil and ecclesiasticke established there, and wee sall no longer looke for obedience then wee sall governe by the lawes. And we hope that our zeale and courage in the defence onelie of the lawes and governement of this
kingdom, and for the subjecting our selfe to so great hazard and danger
will be no argument that when that work is done we would passe
through the same difficulties, to alter and invade the constitutions of
that our other kingdom. We find disadvantages enough to struggle
with in the defence of the most upright, innocent, just caus of taking
up armes. And therefore, if wee wanted the conscience, we cannot
the discretion to tempt God in ane unjust querrell. The lawes of that
our kingdom sall be always sacred to us. We sall refuse no hazard to
defend them, but sure we shall runne none to invade them. And there-
fore wee doe conjure all our good subjects of that our native kingdom
by the long, happie and uninterrupted governement of us and our royall
progenitors over them, by the memorie of these manie large and publict
blessings they enjoved under our deere father, by these ample favors
and benefits they receaved from us, by their owne solemn Nationall
Covenant, and their obligation of freindship and brotherhood with the
kingdom of England, not to suffer themselves to be misled or corrupted
in their affections and duetie to us by the cunning, malice and industrie
of these seditious persons and their adherents, but to looke upon them
as persons who would involve them in their guilt, and sacrifice the
honour, fidelity and allegiance of that our native kingdom to their
privat ends and ambition. And wee require our good subjects there to
consider that the persons who have contrived, fomented and doe still
maintaine these bloodie distractions and this unnaturall civill warre,
what pretence soever they make of the care of the true reformed
protestant religion, ar in truth Brownists, Anabaptists and other
independent sectaries; and, tho they seeme to desire a uniformitie of
church government with our kingdom of Scotland, doe no more intend,
and ar als farre from allowing the church government by law established
there, or indeed anie church government quhatsoever, as they ar from
consenting to the episcopall. And we cannot but expect a greater
sense of our sufferings, since the obligations wee have layed upon that
our native kingdom ar used as arguments against us heere, and our
free consenting to some acts of grace and favour there (which wer asked
of us by reason of our necessarie residence from thence) have encouraged
these ill affected persons to endeavour by force to obteane the same
heir where we usuallie reside.

To conclude, wee cannot doubt our good subjects there will so far
hearken to the treason and malice of our enemis as to interrupt their
owne present peace and happines. And God so deale with us and our
posteritie as wee inviolable observe the lawes and statuts of that our
native kingdom and the protestations we have so often made to this,
for the defence of the true reformed protestant religion, the lawes of the
land and the just priviledges and freedom of Parliaments."

"The Lords of his Majesties Privie Council, having read and con-
sidered his Majesties letter and declaration abowenwrittin this day,
exhibit to them be the Earle of Lanerick, his Majesties Secretarie, doe

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with all humble dutie and thankfulness acknowledge his Majesties grace and goodnes so fullie express therein towards this kingdom. And that the same may be made knowne to all his Majesties good subjects of this kingdom doe, conforme to his Majesties warrant, ordain the said declaration to be printed and published at the mercat crose of Edinburgh be heralds and pursuivants with sound of trumpet and displayed coat of armes, and that the shireffs, sturts, bailleis of regalitie and their deputys and magistrats of burrowes within this kingdom have a speciall care to see the same with all diligence published and proclaimed at the mercat croes of the burghs within their severall jurisdictions.

"The quhilk day the Lord Chancellour declared that his lordship subscribe the letter writtin be the Counsell to the King this day as Chancellour onlie, becaus the same was carried be pluralitie of voices as ane act of Counsell and that he reasouned, voiced and protested agains that claus in it, viz:—And endeavour to prevent all jealousis which may arise upon anie groundles report of levying of armes or maintaining of forces within this kingdom without speciall warrant from your Majestie and Estats of Parliament. And quhilk claus is still contrare to his Lordships judgement as implying a contradiccion to that letter formerlie writtin to his Majestie anent conveening the Estats."

"Forsamekle as Mr Robert Melvill, minister at Simprene, hes payed and delivered in reall monies to Johnie Jossie, deput to William Thomsson, commissar to the Scots armie in Ireland, the soume of a thousand merkes, as hes clerlie appeared to the Lords of Privie Counsell by the discharge upon the recept therof of the date the 30 day of May last and this day produced in Counsell, therefore the Lords of Privie Counsell, according to ane act made be them with consent of the commissioners for conserving the peace and commissioners of commoun burdens upon the 4th of Marche last, doe declare that the said soume of a thousand merkes is lent be the said Mr Robert for the present supplee of victuals and cloths for the Scottish armie in Ireland, and that the same sall be payed to him, his airs, executors and assignees conforme to the said act abonenwrittin. The like act upon the recept of 500 merkes from Mr Alexander Gibson, minister at South Leith, of 30 May last; and upon the recept of the like soume the said day from Mr W. Arhure, minister; and upon the recept of 400 merkes from Johnie Liddell, merchand, 15 May; and upon the recept of 1000 merkes from Aleson Forman, wedow, 10 Aprilis; and upon the recept of 500 merkes from William Tennent of Mossyd, 23 May; and upon the recept of 600th from James Cochran of Babachla the same day; and upon the recept of vth merkes from Andro Dick in Hauch of Kilpont, 23 May; and upon the recept of jth merkes from Johnie Gillon of Wathous the same day; and upon the recept of 600th from Johnie Binnie, baillie, of the first of Aprile; and upon the recept of 500 merkes from Thomas Paterson, 27 Aprilis; and upon the recept of 500 merkes from Alexander Lokhart, merchand, the first of May; and upon the like
Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Jacob Dickinson, skipper, indweller in Birlington, Easy Newton, indweller there, and George Gray, burgess of Dysart, as follows:—By the law and practice of this realm and sundry acts of Parliament made in favour of strangers, importers of victual, especially the 72nd act of the 10th Parliament and 114th act of the 14th Parliament of King James the Third, by which it is provided “that strangers importers of victual for support thereof have libertie to dispone upon their owne goods and be honorablie receaved and intrested and that no trouble nor arrest be putt upon them nor their goods but that they may sell and dispone upon the same to freemen without compulsion or violence, and that no price be sett upon the saide goods but by buying and selling with their own consent; and that whatsoever strangers ar plainteous of goods tane from them or injurie done to them sall have payment incontinentlie made and reformation according to justice agenis anie person within this realme but delay; so that throw administration of justice and favorable treating of all strangers they may have occasion to repair to this land for the weale of the realme.” Now the said Jacob Dickinson and Easy Newton “brought latele from England a ships laiden to the burgh of Dysart and made proffer of the same to the inhabitants thereof three severall mercat dayes, viz., Saturday the 20 of Aprile, Wednesday the 24, and Saturday the 29, conforme to use and custome, and after expyring of the saide dayes” sold the remainder to the said George Gray, freeman of the said burgh. Yet upon May John Gay and David Simson, bailies in Dysart, for illegal interference with the complainers in the pursuit of their trade.

[Sederunt as recorded above.]
thereof, in contravention of the foresaid acts of Parliament. Charge having been given to the said bailies to compair and answer to the fore-going complaint and for repayment of the £5 sterling, with 20a. sterling for each day's delay of the ship, and George Gray compearing for himself and as procurator for the other pursuers, the defenders also compaered and produced an act of court wherein the said Jacob was fined £5 sterling "for irreverent cariage to George Gay, bailie, and for having a pick pott seathing above in his ship quhilke tooke fire and fired his ship." The Lords, after advising, ordain the said bailies to repay the £5 to the said Jacob within ten days after the date hereof.

Sederunt:—Chancellor; General; Argyle; Glencarse; Dumfries-line; Lauderdale; Dalhousie; Calander; Balmerino; Burlie; Balcarres; Advocate; Justice Clerk; Treasurer Depute; Wauch-aton; Cambo; Dundas.

Edinburgh, 6th June 1643.

The Viscount of Aboyne and the Earl of Nithsdale to be tried by the Justice-General for disloyal correspondence with the Earl of Antrim.

"Forsamekly as the Lord Generall, having this day produced in Counsell fyve missive letters direct to the Earle of Antrim, quhairof tua wer writin and subscribit be the Vicount of Aboyne of the 3 and 8 May last, and the other three be the Earle of Nithsaill, one quherof without anie dait and the other tua of the 2 and 8 of May last, together with tua papers of ciphers, all quhilks wer tane and found in the possession of the Earle of Antrim when he was apprehended be Generall Major Monro; and the Lords, having read and considered the same and finding them to conteane ane discoverie of dangerous plotts for invading of the kingdom in diverse parts therof and tending to the prejudic of the estat and subversion of the religion, have therefore thought fitt that the saids Earle of Nithsaill and Vicount of Aboyne sall be processed therefore before the Justice and his deputes; and for this effect ordains and commands his Majesties Advocaet to libell ane summouns of treason againis them before the Justice Generall and his deputes upon twentie dayes warning. Lykeas the saida Lords hes instantlie delivered to the said Lord Advocaet the saids fyve letters and papers of ciphers, all marked be the Clerk of Counsell, for raising the saids summouns of treason, and declares that the citationoun to be used againis the Earle of Nithsaill at his hous of Langholme, mercat croce of Dumfreis, and mercat croce of Edinburgh, and the citationoun to be used against the Lord Aboyne to be used at the place of Aboyne and Strobokie, mercat croces of Aberdene and Innermes, sall be als sufficient as if the same wer used personallie against them."

[Sederunt as recorded above, omitting the Justice Clerk.]  

Complaint by John Irwin in Kame, in which he prays to be relieved. 

Complaint by John Irwin in Kame, as follows:—He is charged to compair before the Earl of Queinsberrie and George Irwin, his bailie of Dalgarock, on 8th April next, to underlie the law for some criminal
charges, or be declared fugitive. Now they can be no judges to him from appearing seeing he dwells not in that regality but is tenant to Robert Johnston of Stableton; “and farther the said baillie hes sworne to renunce his God if he have not the compleaners life, and for this effect hes given him a charge to answer super inquirendis.” The complainer is willing to answer to anything that can be laid to his charge, but craves that his trial may take place before his Majesty’s Justice. Charge having been given to the Earl of Queinsberrie, James Douglas and George Irwin, his bailies, and the pursuer compearing personally, and the defenders by Mr Alexander Burnet, advocate, their procurator, the last named produced an act made in the justice court held by his Majesty’s Justice in the tolbooth of Dumfries on 18th March last, setting forth that the said John Irwin, being challenged for theft, compeared, and that “Archibald Douglas, brother to the said Earl, did lawfullie repledge the said John, as dwelling within the regality of Dumlânrig, and found caution to doe justice upon him and report his diligence to his Majesties Justice betuix and the tenth of Junij instant under the pane of v* merkes,” in respect whereof the Lords remit the trial of the pursuer to the said Earl and his bailies, providing the said George Irwin be not a judge in the matter. And, seeing by reason of this advocation the said Earl cannot report before 10th June next, the Lords prorogate the diet of his reporting to 12th July next. Further, Robert Johnston of Stableton, compsieing personally with the pursuer, became cautioner for him that he will comppear to his trial upon 5th July next, under the penalties contained in the acts of Parliament.

Sederunt:—Chancellor; Argile; Eglinton; Dumlarmoline; Yester; Edinburgh.
Burlie; Balcarres; Advocate; Justice Clerk; Treasurer Depute;
Wauchtun; Dundas; Cambo.

“The Lords of Privie Counsell think fitting that the commissioners for the peace be acquainted with all business concerning the commoun peace which hes past in Counsell since the last meeting of the commissioners and that a way may be thought how the kingdom sall have true information of the same.”

“Forsamekle as Johne Gibon, one of the Clerks of Session, hes payed Acknowledgment of sum of money lent for the supply of the army in Ireland. Discharge upon the receipt thereof of the date the 28 day of Apryle last and this day produced in Counsell, therefore the saide Lords of Privie Counsell, according to one act made be them with consent of the commissioners for conserving the peace and commissioners of commoun burdens upon the 4th of Marche last, doe declare that the said sume of a thousand merkes is lent be the said John for the present supplies of victuall and cloths for the Scottish armie in Ireland, and that the
same sall be repayed to him, his airs, executors and assigneyes conforme Acta. November 1641-October 1646. Fum. 93. b.

"The like upon receipt of 400 merks from Adam Scott, merchand, 3 Junij; and upon receipt of 400 merks from John Bonnar, merchand, 15 May; and upon receipt of 500 merks from Mr George Lealie, minister, 3 Junij; and upon receipt of 500 merks from William Mure, merchand, 31 May; and upon receipt of 400th from George Stirlin, merchand, 29 Martij; and upon receipt of 600th from David Wilkie, merchand, 29 Martij; and upon receipt of 500 merks from Edward Edgar, baillie, 1st Aprilis; and upon receipt of 400 merks from Jo. Smith, merchand in the Bow, 16 May; and upon the receipt of 200th from Adam Greene, merchand, 7 Junij; and upon receipt of 500 merks from James Stevenson, merchand, 23 May; and upon receipt of 500 merks from James Gairdin, litister, 7 Junij; and upon receipt of 500 merks from John Gardin, litister, 7 Junij; and upon receipt of 500 merks from William castellaw, apothecar, 28 Aprilis; and upon receipt of 500 merks from James Wright, hatmaker, 5 Aprilis; and upon receipt of 200 merks from Elizabeth Fram, wedow, 22 Aprilis last."

[Sedunt as recorded above.]

Complaint by Laurence Mercer, son of the Laird of Aldie, Rorie Clerk, son of Mr. Donald Clerk, minister at Lochells; James Borthuick, son of the deceased Mr. Eleazar Borthuick, minister at Leuchars; and Peter Hay, son of George Hay, younger of Naughtan, students of the College of St. Andrews, as follows:—A criminal pursuit has been raised against them to 30th June next by James Stuart of Ardvorlich, as father, Robert and Harie Stuart, as brothers, and the remanent kin and friends of the deceased Alexander Stuart, student in St. Andrews, wherein they are charged with the murder of the said Alexander Stuart within the said College upon 14th January, 1642 "with buttons dropped with lead." Hereby it is intended "to rub upon the compleasers the odious aspersion of murder" and bring them under the danger of the law, most maliciously, as will appear by "the true relation of the mater which wes thus. Some dayes after ane accidentall tumult betuix tuo classes, to writ, of Bajans and Semeis of St Leonards Collodge, occasiouned by the said umquhill Alexander Stuarts provocations and insolent behaviour, the said Alexander appeared to be unweall, keeping his bed, at least his chamber for some other few dayes; whereof the maisters of the colleedge getting notice they tooke particular tyrrell of the said Alexander his caise by themselves and others who sighted his bodie and found not so much as ane blemish, skarre or wound thereupon, or a drop of blood to have beene shed at anie part of his bodie upon occasion of the saids wounds allledged receaved be him, but that he was sound in all parts thereof, far otherways than is calumniouelie libelled in this pretended pursuite; to writ, that the blood gushed out at P. 252.
his mouth, nose and secret parts from the time of the alledged receaved wounds till the day of his death and could nowayes be stemmed be chirurgians; and that he lost his sight. But being in his owne and all other mens judgments in good health, having rather at that time takin bed for sicknes nor afterward anie fitt or continuance of agonie till the day of his death, he returned shortlie to the collage, applied himselfe to his studeis, observed all the dyets and order of discipline there als and more punctuallie then ever of before, exercising himselfe at pastymes and laufull recreations with the compleanners and others his condisciples in all familiar and kynd correspondence, ever continuing in good health and in the foresaid exercises till the first of August thereafter, at qhillk time, parting from the suppliants weill satisfied in his minde and in perfyf health he wes fullie resolued to have returned tymelie to the said collage to follow out the course of his studies; and among manie other evidences of his wholesome constitution after the said tumult this one particular may witness againis the partie that their pursue is calumnious, viz.—At Couper race in Aprile thereafter he bursted a poore mans hors. So as it appeares clearlie that having died about the last of September, almost nyne moneths after the alledged wounds receaved, his death has proceeded from some usuall distemper or fever, which, as the compleanners ar informed, was a purpil fever, and did affect diverse of that familie where he died and remains there as ytt. And howsoever the compleanners feare no hazard, being conscious of their innocencie, yet seing the preparative of so malicious a pursue may prove troublesome to students and advantageous to turbulent persons, the compleanners have thought fitt to represent the mater to his Majesties Counsell that they may be cleered and freed and the partie ensered as they deserve.” Parties being cited, the said Laurence Mercer compared by Mr James Mercer, younger of Adie, his brother, Peter Hay, by the said George Hay, his father, and James Borthuick and Rorie Clerk personally as pursuers, while as defenders compared the said James Stuart and Robert Stuart, his son, for themselves and the said Haris Stuart. There also compared Mr James Reid of Pitlathie, conservator of the privileges of the University of St Andrewes, who represented in the interests of the said University that this matter had already been tried and censured by them conform to the rights and jurisdiction of the said University granted by his Majesty and his predecessors and ratified in several Parliaments, and in regard that their proceedings were called in question by this criminal pursuit he craved their Lordships for clearing of the University to take trial thereof. Further there compared Mr Thomas Nicolsone, advocate, in name of the Earl of Lindsay, bailie of the regality of St Andrewes, who is the competent judge, as he affirms, in this alleged murder committed within his bounds and jurisdiction, and consented that this matter should be tried by the Council. The Lords, after hearing parties, and both parties being agreeable to any form of trial of the case the Council should think fittig, in respect that the truth of
the case may be best investigated in the sheriffdom of Fyffe where the fact took place, grant commission hereby to John, Earl of Lindsey, John, Earl of Wemse, and Alexander, Lord Balcarres, or any two of them, to examine such witnesses as the parties may adduce at such times and places as the commissioners should appoint, and, choosing their own clerk, to set down these depositions in writing and report the same closed to the Council at their best convenience. They are given power to compel the attendance of witnesses; and the Lords further ordain his Majesty’s Justice to continue the criminal diet upon this matter till 1st November next.

The Lords, understanding that Steven Wylie, master of the ship called The Steven of Lubick, Josias Schaw, Matthew Greg, Thomas Broun, Robert Quhyl, Hugh Henderson, John Kessan, and William Donald, sailors of the said ship; Archibald Wallace, master of the ship called The Pelican; David Ferguson, William Cunningham, John Jack, and William Templeton, sailors of the said ship; John Walker, master of the ship called The Margaret of Air, John, Alexander and Ludovick Kennedie, John Hunter, elder and younger, John Angus, William McCubine, David Bannatyn, elder and younger, McCnedder, and John Mouat, all indwellers in Air, “ar prissouners with the mercilese Turkes, keepe them in great miserie and distresse and ar unable to ransom themseles,” and “comisserats the hard condition of the saids persons, being Christians and his Majesties good subjects,” recommend “their lamentable estat to the compassion and charitie of all noblemen, barons and gentlemen, synods, presbyteiris and sessions of kirks, magistrats of citeis and toons and all others his Majesties subjects to burgh and land upon this side of the Water of Forth, requesting and desiring them and everie one of them to extend such proportion of their beneficence and charitie for releife of the saids prissouners as in their christiane judgment they sall thinke fitting, and to deliver the same to Johne Kennedie, deane of gild, James Chalmers, James Cochran, William Cunningham, younger, Robert Kelso and George Maisson, burgesses of Air, collectors nominat be the saids Lords for receiving this contribution.” These persons have found caution to employ the money received for the behoof of the prisoners, and to report their proceedings to the Council on 1st November next, till which time this recommendation is to endure.”

This day William Bruce, portioner of Lyth, compearing personally, produced before their Lordships Alexander Cogill of that Ilk and William Bruce, his son, to answer the complaint against them by his Majesty’s Advocate and Sir John Sinclair of Dunbeth for hurting of the said Alexander [sic] in manner contained in the said complaint, having become cautioner for that effect; and because the said Alexander Duncan did not compear he protested that he might be exonered of his obligation. As also the said Alexander Cogill and William Bruce, his son, protested that, as they were here present ready to answer the said
complaint, nothing further should be done in the said process until they were cited of new and their expenses paid. The Lords admit the protests and modify to Alexander Coghill £40 and William Bruce 40 merks, to be paid by the said Alexander Duncan.

Complaint by John Ewin of Cuikspow, as follows:—He is informed that he has been put to the horn at the instance of Sir Alexander Areakine of Cambuskenneth for his non-comparency before their Lordships to answer to a complaint of cutting the trees of Cuikspow. This is wrongfully done, "because the verie time of the charge givin to him for his appearance he was engadged and in reall service as ensenie to George Gordon, brother to the Earle of Sutherland, and upon his journey for Ireland, so as he could not appeare without disappointing his service, and for cleering himself of that complaint he has found caution to appeare before the Counsell" on 1st June next under a penalty of 1000 merks, and payment of his escheat of £40 if found liable therein. He craves suspension of thehorning. The suspender compearing (along with Michael Elphinston, his cautioner, that having satisfied his cautionry he should be free thereof) and Sir Charles Areakine also compearing, the Lords, after hearing parties, continue the discussing of the suspension till the last Council day of July; because the said Michael Elphinston became cautioner for the said John Ewin of Cuikspow not to cut any of the said trees till then under the penalty of 1000 merks. The Lords further grant commission to Alexander, Lord Elphinston, and Mr John Rollock, sheriff-depute of Stirlin, to survey the fruit trees and orchard of Cuikspow on 5th July next and report to the Council with their best convenience.

Complaint by Alexander Gilbertson in Haister and Elizabeth Ogill, his spouse, as follows:—On 1642, John Doull in Weik and William Doull, his brother, armed with swords, staves, forks and other weapons invasive, came under cloud and silence of night to the complainers' dwelling-house in Haister, "forriblie brake up the back and foroir doores, tooke the said Alexander be the craig, wounded him in the head and face to the effusion of his blood, held him prissouner till in like maner they entered at the backdoore, and hurt and wounded his wife in shamefull and cruel barbaritie to the effusion of her blood and hazard of her life, and threw down a credell with a young barne who was so affrighted as the babe hes never beene weill since but in perrell of death." The pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

"The quhilk day the Advocate produced the 5 letters delivered to him on Tuesday last direct from Nithdaill and Aboyne to the Earle of Antrim."

Sederunt:—The Lords of Counsell and Commissioners of Peace following—Chancellor; General; Argile; Eglington; Glencarne; Dumfermline; Lauderdale; Lindsey; Wauchtune; Cambo;
"The Lords of his Majesties most honorable Privie Counsell and the Commissioners for conserving the peace, according to the great trust reposed in them by his Majestie and the Estates of Parliament, whereof they are to make accompt to God, his Majestie and the nixt ensuing Parliament, taking to their deepest and most serious consideration, the best ways of preserving the peace of this kingdom that all his Majesties good and dutifull subjects may injoy their religion, liberties and lawes, which God in a singular and wonderfull providence in the time of his Majesties raigne hath vouchsafed them, and of the peace betuix the tuo kingdoms so unanimously and happilie established in the late treatie of peace and in the Parliaments of both kingdoms, have faithfullie endeavoured by all good meanes to reduce Ireland to his Majestie's obedience, which through the unnaturall, barbarous and antichristian cruelty of papists is from a peaceable kingdom turned into a stage of unexampled and unexpressible miseries, to be looke upon as ane horrid and dangerous example by this kingdom; and by their earnst supplications to his Majestie and by their declarations to the Parliament of England, but speciallie by their earnst desires for establishing unitie of religion and uniformitie of kirk gouvernment and for disbanding all papists in armes within their dominions, and by the humble offer of their mediation to remove the unhappie differences and quenche the fire of a waisting warre begun betuix his Majestie and his subjects of the kingdom of England, wherein his Majesties sacred person is exposed to so great danger and so manie thousands of his subjects have alreadie perished. But finding to their great greefe the successe no wise answerable to their endeavours and expectation, and the troubles of the neighbouring kingdoms, and the dangers of this kiningdom daylcle arising to a greater hight then they by their care, counsells or diligence were able to remeid or obviate, they did resolve, for this and other causes which exercise and heavilie presse this kingdom at this time, to call a Convention of the Estates as the onelie meane (his Majestie not thinking fittig to hearken to their motion for calling of a Parliament) which might by commoun counsell, consent and resolution take the best course for representing ytt more sensiblie these manifold evills and dangers and for overcomming by greater wisdom the dificulteis which wer above their power.

In the meanwhile (which they cannot but attribut to the mercifull and marvellous providence of God, and which is a confirmation to them of their resolution in calling the Convention, and layeth the greater necessitie upon the Estates to meit the more willinglie and frequentlie) a treacherous and damnable plott of the Yrish, English and Scottish papists is begun to be discovered by the unexpected apprehending of the
Earl of Antrim coming from York, where he had kept his meetings and correspondence by letters with certain popish lords, his confederates, and amongst others with the Earl of Nithsdale and Viscount of Aboyne, their devilish designs and devices are come to light and brought to our knowledge, partly by letters from Ireland shewing the deposition and confession of a servant of the Earl of Antrim, and partly by letters which were found in the Earl's own pocket, all sent from Ireland. His servant, which was hanged at Carriquetfergus the day of May, depousted, as the letters bear, before and at the time of his death that the designe was to reconcile the English and Yrish in Ireland, that they by their joint power, having expelled the Scots, the Yrish forces there might be sent against the Parliament of England to deal with some fittest instrument there by all their strength to surprise the Yles and Hielands, and to depopulate and waste so much of this kingdom as their power could extend unto, being assured of the like dealing in the north by the papists and their assistants there, and to have a magazine at Carlill for 20,000 men to fall in with all hostility upon the south parts of this kingdom. The letters sent from Nithsdale and Aboyne, all written and subscrib'd be their hands to the Earl of Antrim and found with him, altho in some things covertly writin, doe carie this much expresalie, that for furtherance of the designe and point resolved on there was assistance assure frome the Yles and from the north and south of Scotland; that ammunition and armes, without which they think their service uselesse, were appointed to be sent to the north and other parts of this kingdom, and that popish officers were commanded and had undertakin to goe into Scotland, of which wee are informed some are already gone to the north. For stopping and disappointing so far as may be for the present (till the same divine providence make a more full discovery), the attempts and devices of this unnatural and bloody confederacie and conjuration, as the Lords of his Majesties Privie Counsell have given order that Nithsdale and Aboyne be cited and criminally pursued of high treasoun, and have made the same as a matter of publick and most high importance knowne to his Majestie and the Parliament of England, so they and the commissioners of peace also, for acquitting themselves in their trust and for the saftie of the kingdom, doe make the same publickly knowne to all his Majesties good subjects that, being forewarned of their danger, they may be upon their guards and prepared against foreign invasion and intestine plots and insurrection, and specially that the noblemen, commissioners of shires and burrowes, perceiving greater and more apparent necessity of the approaching Convention then they could have wished or expected, may at the day formerlie appointed meit in such celeritie and with such publick affection and disposition of heart as the present condition of affairs doeth require and call for at their hands, and as beseemeth the lovers of their religion, King and countrey, which are in so great danger from papists, atheists and other degenerated countrimen who a no
lesse enraged against this kingdom even since the late reformation of this kingdom, then wer their predecessors at the first reformation of religion, when their negotiating was so restlesse and their attempts so manie and malicious against the work of God in this land. Nor is it to be past without observation that whill his Majestie is making a public declaration of his intentions to defend and maintaine the religioun, rights and liberties of this kingdom according to the lawes, civill and ecclesiasticall, the papistes ar conspiring, plotting and practising against the lyues of his Majesties good subjects, whereby they doe reallie manifest to the world what the Kings Majestie against all his declarations, and his subjects against their confidence grounded thereupon, may looke for frome their malice and power if they sall continue in armes, and, which God forbid, if they sall prevalie in the end. And whereas the Lords of Counsell ar informed that the late act of Counsell for publishing his Majesties declaration is mistaken by sindrie as a declaration of their owne judgement concerning the proceedings of another kingdom, for preventing of this mistake they think fitt to remember and declare, according to the act of Counsell in Januarie last shewing that their Lordships giving warrant to print anie paper conming from his Majestie or Parliament of England did not import their approbation of the contents thereof, that they did on the first of Junij remember the same and expresse their intention in this proclamation to be farre frome taking on them to judge of the proceedings of the Parliament of another kingdom, but onelie to thank his Majestie for his gracious expressions toward the preservation of the rights and liberties of this kingdom, and ordains this to be printed and published at the mercat croce of Edinburgh and all other burghes within this kingdom, querethrow none pretend ignorance of the same.

"M' Walden produced tua letter from the Parliament of England and a copie of a letter sent to the Queen from Roxburgh, Morton, Annadail, Kinnoul, Lanerick and Carnwath, and letters ordanit to be written to these noblemen to appeire before the Commissioners upon the 19 of June instant."

Edinburgh,
15th June
1643.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Lauderdale; Balmerino; Yester; Advocate; Clerk Register; Justice Clerk; Treasurer Depute; Wauchtune; Innes.

The above-noted letters to be left to the consideration of the commissioners for the peace.

Meal for the army in Ireland.

"The Lords of Secret Counsell, having read and considdered the letters of credence and another letter sent from the Parliament of England and this day exhibit to them be M' Welden, with a copie of a letter sent to the Queens Majestie be the Earles of Morton, Roxburgh, Annandail, Kinnoul, Lanrick, and Carnwath, they doe leave the same to the consideration of the commissioners for the peace."

"The Lords of Secret Counsell gives warrant to the Marquis of Argile to bargane with James Hamiltoun of Boigs for 400 bolis meale
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more then the thousand first agreed upon, and to give warrant for payment of the prices thereof."

"The quhilk day M' Walden produced ane answer to the instruc-
tions sent to the Earle of Lindsey anent the armie in Ireland."

[Sererun as recorded above.]

Complaint by James Fletcher, provost, James Simson, and Alexander Milne, Alexander Wedderburne of Kingany and George Brown, bailies of Dundie, as follows:—They have been charged at the instance of James, Viscount of Duddop, to find caution to repossess him at the next ensuing fair in Dundie at Lammas next in the privileges of riding of the said fair, delivery of the keys, uplifting of the customs and all others whereof he was in possession before the complainers' alleged interrupt-
ing of him under the pain of 20,000 merks, and that they will not interrupt him, nor his followers and servants in time coming under the same pain toisquties. This charge ought to be suspended for the following reasons:—1. The fair foresaid does not begin at Lammas, but fourteen days thereafter, upon the 15th August. 2. The burgh of Dundie has already found lawburrows to the said Viscount, and being thus secured the adding of this charge under so great a penalty seems to be of purpose to ensnare the complainers with many and great penalties; and 3. The privileges of sole judging during the time of this fair are under process of reduction and improbation before the Lords of Session, and the second summons executed thereupon, and therefore they cannot obey this point of the charge until the action be discussed. Still for avoiding the danger of horning they have found caution to obey if it be found that they ought so to do. The suspenders compearing by Alexander Wedderburne and James Simson, bailies, Alexander Haliburton, treasurer, Thomas Mudie, dean of guild, and Mr Alexander Wedder-
burne, clerk of Dundie; and the Viscount of Duddop compearing personally, the last named answered to the foresaid reasons of suspension that although the time of riding the said fair was generally expressed as at Lammas, yet the precise time was the 15th of August and he was content that the charge be restricted thereto. But to the other reasons he opposes the decree pronounced by their Lordships in the matter on 17th January last (see ante, p. 376). The Lords find the letters of horning against the suspenders orderly proceeded, and ordained their act of caution to stand and have force against them in terms of the said decree (the said Thomas Mudie, who was cautioner herein, consenting hereto), but upon pronouncing of this sentence the suspenders protested that it should be "without prejudice of anie power granted to the toun of Dundie or magistrats thereof be the acts of Parliament of judging and punishing all cariers of gunnes and pistolls within their toun, as accords of the law."
The Lords of Privy Council, having on 24th January last given commission to the sheriff of Murray and his deputies, James Dunbar of Dumphail, and William Falconer of Kincorth, to do justice on Katharine Burgess who has been condemned for witchcraft.

John Grant of Moynes, William Ros of Clavach, John Ros of Bredley, John Hay of Knockondie, or any three of them, the said sheriff or one of his deputies being always one, to put Katharine Burges in the parish of Cromdell to the trial of an assise “for witchcraft, sorcerie, enchantment and using of charmes,” and report the process of her conviction, and having now considered the said report of her trial upon 8th March last, ordain the said commissioners to proceed against her and do justice upon her “conform to the lawes of the kingdom provided agains charmers and abusers of the people.”

Complaint by John Smith, John Umphra, Alexander Hodge, Robert Colquhon, John M'Apie, Robert Chester, Richard Pickles, Thomas Tailyeour, Andrew M'Gie, Dayid Philip and William King, as follows:—About ten weeks since they were going to Falkirk on their lawful business when “they wer pressed be one Captane Monteth and tane by force and incarcet within the Blacknes, whereas they ar yitt lying almost starving for want of maintenance, and their wyves and childrene ar begging through the countre.” Charge having been given to the said Captain Monteth, who compaired, and the pursuers comparing by Jean Riddick, spouse of the said William King, Grissell Granton, spouse of the said Robert Colquhon, and Agnes Squire, spouse of the said Alexander Hodge, the Lords, after hearing parties, grant commission to James, Earl of Callander, and Robert Livingston, constable of Blacknes, to take trial by witnesses or any other legal way whether or not these persons did willingly “take on with the said Captane before they wer apprehended be him or anie in his name, and that they wer not forced nor constrained thereto,” and report this day eight days. And until then the Lords discharge the transporting of any of the pursuers.

Complaint by Robert Inglis, merchant, citizen of London, and John Jeale, merchant there, as follows:—William Jackson, merchant of London, instrusted the said John Jeale and James Metcalf with a ship, laden “with rich commoditeis, which latelie arryved in the river of Clyd about Dumbartane,” at which time John Jeale went to London to report to William Jackson the state of his ship and commoditeis and receive his instructions about them. It pleased William Jackson to assign the whole to William Rennoyar, merchant in London, and he appointed Miles Arundell his factor thereanent. Upon this being notified to the said James Metcalf, he, in violation of his trust, before the return of the said John Jeale with the owner’s directions, unloaded the ship and took forth rolls of tobacco and salt hides; and when, on 6th December last, the said Miles Arundell came as factor for the said William Pennoyer and required account from the said James of his dealings with the ship and cargo, he, conscious of his “unjust dealing, ever after that absented himself and lurked in Glasgow with Robert Dorroch, merchant
there, Mary Schairp, his spouse, Mr Robert Stuart and Coline Campbell, merchants there, disposing and putting away the goods, and thereby rendred his carriage verie suspect to the said Miles Arundell, who for the discharge of his trust came to Edinburgh to ask counsell of lawyers how to prosecut the bussines, where he also found the said Mr Jeale latelie come from London and came with him to Glasgow upon the 16 of December to the dwelling house of the said Robert Dorroch, quhair the said Mr Jeale lodged with the said James Metcaiff and intended to have fitted compt with him; and for that effect layed aside his sword and pistolls and went to a chamber and entered upon the bussines. But the said Robert Dorroch and his spouse, being advertised by a letter writtin from Lithgow be the said Coline Campbell of the compleanners resolutions, and fearing that their proceedings would prejude them in the bargains unlawfullie made be the said James Metcaiff, they came to the said chamber, called for the said James and violentlie took him from the said John Jeale and convoyed him out be a back doore; and, when the said Johne preast to follow him, they rent his cloathes and beate him with hands and feet. And upon the mornere thereafter the said Mr Jeale, being in the said Robert Dorrochs houss seeking his pistoll and sword qubilk he left there the night before, the said Robert and his wife, with the said Mr Robert Stuart, shamfullie strake him with hands and feit; and, because the said Miles Arundell interposed himselfe for his releiffe, the said Mr Robert Stuart drew a whinger, swearing to stab them if they did not remove. And now latelie upon the sixt of this instant the said Robert Inglis, as attourney for the said William Pennoyer, being in Glasgow trying for the said Metcaiff and the ship and goods foressaid, the said Coline Campbell came to him on the hie streit, and, after a querrelling challenge, called him rascall, douped him on the breast and departed, but came shortlie back with Peter Gemmille and Alexander Craufurd, toun officer, and uttered manie opprobrious and contumelious speeches in boasting way aganis the said Robert, requiring him to goe aff streets or ellis he sould gett his harness doung out." Charge having been given to the said Robert Dorroch, Marie Scharp, Mr Robert Stuart and Coline Campbell, who all compaire except Marie Scharp, and Robert Inglis compaireing personally for himself and Mr Jeale, the Lords, after hearing parties, assoilzie Coline Campbell and Robert Dorroch, who, on probation being referred to their oath, denied the complaint, but Mr Robert Stuart, who confessed "the doupping of the said Mr Jeale," they commit to ward within the tolbooth of Edin- burgh until they should receive him; and they ordain Robert Inglis to pay ten merks to each of his witnesses.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Lauderdale; Edinburgh, 16th June 1643. Yester; Balmerino; Clerk Register; Advocate; Treasurer; Depute; Innes.
Complaint by Robert Neilson, merchant burgess of Dumfries, as follows:—On 12th and 14th February, 1635, William Gordon of Murefad and Robert Gordon of Burnes were put to the horn for not paying to the complainer 200 merks of principal and 40 merks of expenses, with the due interest, but pay no heed thereto. Charge having been given to the said William Gordon, and the pursuer com- pearing but not the defender, the Lords ordain the latter to be charged to render his houses and to enter himself in ward within the castle of Blackness within ten days on pain of treason.

Supplication by Hugh M'Clartie, indweller in Donnochadie, as follows:—"The officers of the Marquis of Argyles regiment in Ireland, being press'd with want of victual, seized upon a bark pertaining to the compleanner loadned with victuall in the moneth of May last, wherein they receav'd 80 bolls victuall and agreed to pay him 26′ steraline for the boll," by a note under their hand, and they directed him to seek payment "from the Lord Generall, the Marquis of Argyle, or general commissars of the armie." He is but a poor man and has already suffered heavily through the want of his victual and price thereof, as also by his coming hither for payment, and craves their Lordships to order the same. The Lords ordain John Josie, depute to P. 299. William Thomson, commissary of the army, to pay to the supplicant 26 sterlings for each of the 80 bolls mentioned above.

Supplication by Mr John Hart, doctor of physic, Richard Guthre, writer to the signet, Bathia Aird, widow of Joseph Miller, advocate, David, Alexander and Jonet Denniston, Mr Robert M'Gill, advocate, and William Craufurd, tailor burgess of Edinburgh, as follows:—Harie Cunningham, portioner of Restalrig, is at the horn for several great sums of money due to them, but all legal process is futile as no messenger darre goe neiir the hous quher he duells from whence he caste don great stones to fell them, and keepes himself as in a hous of warre." They therefore crave that commission may be granted to the sheriff of Edinburgh and his deputies, and to Lord Balmerinoch and his bailie, jointly and severally, to search for and apprehend the said Harry and imprison him, making open doors and using his Majesty's keys for this purpose as may be necessary. The Lords grant commission as craved.

This day compeared before the Lords Mr Archibald Camron, minister at Incheallioch, and George Buchanan, apparent of that Ilk, and submitted the decision and determination of the complaint by Mr Archibald against the said George respecting his payment of £600 to the said Mr Archibald, and all other differences between them, especially anent the erection of the chapel of Buchanan "for the parish kirk of Incheallioch and providing the same with a competent stipend and a convenient gleib and manse" in terms of summons raised before the commissioners of tithes, to the arbitration of Walter M'Anlay of Ardincaple for the part of the said Mr Archibald, and Sir Robert Drummond of Medhop for the part of the said George, and to Archibald, Marquis of
Argile, as oversman, in case of variance, and both parties obliged themselves to abide by their determination without appeal.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Thomas Peirsone, messenger, and Mr David Courtie, minister at Stitchell and Hume, for his interest, as follows:—The defacing of messengers is strictly prohibited by law, yet on 17th May last when the said messenger was executing a precept of the Commissary of Launder at the instance of the said Mr David, and had lawfully poind a horse belonging to William Tinno in Home for a debt, "Patrik Trotter, toun officer in Home, with shouotts and cryes raised the haill touns people in armes with stallfes and others weapons, he himselfe having a speir in his hand, and came upon the messenger and his witnesses, and not onelie abused them with injurious words and threatenings, but also pursued them of their lyffes to have killed them, if they had not beene stopped, and tooke the pouynded horse from them, promising to abide be all that he had done or sould doe." The pursuer comparring but not the said Patrick Trotter, the Lords after hearing the evidence of witnesses, find that "Patrick Trotter, with a banded lance in his hand, cryed to the touns people to rise, and tooke away the poyned, and offered to kill the messenger if he sould carie the same," for which great insolence they ordain him to be charged to enter into ward within the tolbooth of Edinburgh within six days on pain of horning.

Complaint by Mr John Norwell, servitor to Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—On 23rd May, 1642, Sir James Sinclair of Murkill was put to the horn for non-payment of a debt of 1800 merks with interest and expenses due to the said complainor, but he pays no heed thereto. The pursuer comparring but not against Sir James Sinclair of Murkill for not rendering his houses and enter himself as prisoner within the castle of Blackness within fifteen days on pain of treason, which they certify shall be executed without favour; but they supersede the giving out of these letters until 1st July next.

Sederunt:—Chancellor; Argile; Eglinton; Cassills; Dunfermline; Edinburgh, 16th June
Lauderdail; Yester; Treasurer Depute; Justice Clerk; Wauchtune; Innes.

"The Lords of Secret Counsell gives commissioun be thir presents to Commission to the Marquis of Argyle and others to examine Thomas Lillie, the Earl of Antrim servant, and to search and try his clockbags and what letters he hes with him, and that he be kept close prisoner in the mean time."

[No record of Sederunt.]

The Lords, having given commission to James, Earl of Callander, and others to examine Thomas Lillie, the Earl of Antrim servant, and to search and try his clockbags and what letters he has with him, and that he be kept close prisoner in the mean time.

Edinburgh, 19th June 1643.
John Smith
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Robert Livingston, constable of Blaknes, at the instance of John Smith, John Umpha, Alexander Hodge, Robert Colquhoun, John McCapie, Robert Chestou, Richard Pickles, Thomas Tailyeour, Andrew McGie, David Philip and William King, for the present in Blacknes as "alleged tane on for Captane Monteth to the Frenche warres, to try if they did willingly take on with the said Captane and wer not forced nor con-
treid thereto," and having heard their report, find that Richard Pickles, John Umpha, Robert Chestou, Alexander Hodge, Thomas Tailyeour and David Philip, "wer willingly tane on and wer content to
goe with the said Captane; and therefore they ordain the said constable to deliver these six persons to the said Captain to be transported by
him to the French wars with his best convenience, and to liberate the
others.

Sederunt:—Chancellor; General; Hamilton; Argile; Mairshell; Acta, Novem-
ber 1641—
Mar; Morton; Eglinton; Glencarne; Cassills; Perth; Wigtoun;
Dumfermline; Roxburgh; Lauderdale; Kinnoull; Lindsey;
Lanrick; Calander; Angus; Yester; Balmerino; Clerk Register;
Advocate; Justice Clerk; Treasurer Depute; Wauchtan; Innes;
Cambo; Provost of Edinburgh.

The treaty anent the Scots army in Ireland.

Approval of the Earl of Lindsay's proceedings in England.

Letter from his Majesty anent an order from the English House of Lords and Commons for the arrest of certain Scottish Earls—an order which his Majesty desires the Council not to put in execution.

Edinburgh, 20th June 1643.

"The quhilk day the Earle of Lindsey produced the articles of the
treaty for the Soots armie in Ireland subscribed be the clerks of the
Parliament with ane order of either House bearing their assents thereto.
The saids Lords gives commisson to the Lord Generall, the Earle of
Cassills, the Lord Balmerino and Laird of Innes to revise and confirms
the same with the former copeis of the treatie sent down and with the
instructions givin for that effect."

"The Lords of Secret Counsell, having heard the report made be the
Earle of Lindsey of his proceedings in England, doe find that he has
caried himselfe conforme to the instructions givin to his Lordship, and
doe approve of his diligence therein."

"The quhilk day the Earle of Lindsey produced ane order of both
houses of the Parliament of England with ane copie of a letter direct be
the Earles of Morton, Roxburgh, Annandaill, Kinnoull, Lanrick and
Carnwath, with a letter from his Majestie concerning the saids noble-
men, quhilk letter the saids Lords ordains to be registrat and showin to
the commissioners of peace. Of the quhilk letter the tenor follows:—
CHARLES R.—Right trustie and right welbelovit cousins and coun-
sellers, and right trustie and welbelovit counsellors, we greet yow well.
Whereas our right trustie and right welbelovit cousin, John, Earle of
Lindsey, hath, according to his boundin dutie, showin to us the copie of
ane order of both houses of Parliament, by which the said Earle is
desired by both houses to acquaint yow and the commissioners for
conserving the articles of peace and treatie betuix the tuo kingdoms
with a letter intercepted by the Lord Fairfax, subscribed by diverse
Earies of Scotland, to the end that the persons of the saids Earles may be by yow and them secured to answer what sould be objected against them from both houses of Parliament in England; and whereas the said Earle hes likewise showed unto us a copie of the letter quiberupon that order is founded, which we find to be subscribed by our right trustie and welbelovit cousines and counsellers, William, Earle of Morton, Robert, Earl of Roxburgh, George, Earle of Kinnoull, and William, Earle of Lanrick, and by our right trusty and welbelovit cousins, James, Earle of Annandaill, and Robert, Earle of Carnwath, and directed to our royall consort; and whereas we find that letter to conteane a bare representation of the condition of these parts and of the desires of our right trustie and welbelovit cousine James, Earle of Derby, and nothing that anie wayes concerns that our kingdom of Scotland, nor that can render them suspected of anie crime to answer for which they can deserve to be secured, or of anie thing but care of our service and well wishing to our affaires in these parts, we doe therefore signifie unto yow that we cannot doubt but you will consider the present condition of both houses (out of which the major part by much hes beene drivin away by tumults and violence nursed and encouraged by some factious and furious Anabaptists and other sectaires, and manie yitt remaining ar awed there by soulouders actuallie in armes and in opin rebellion against us), and that by their orders and ordinances the present rebellion of the armie under the command of the Earle of Essex is countenanced and maintained, and that comparing the present condition of the persons who desire this from yow with the innocencie of the persons against whom this is desired and what reason we could have to resent it, if persons of their qualitie and of so knowne merit, affection and fidelitie to us sould for that their affection and fidelitie suffer under anie cullour of restraint quhatsoever, we doe expect from yow, notwithstanding of anie such order or message, that yow receave them as persons of whom we ar knowne to have so good ane esteeme, and in whose harme or disparagement in the least degree we cannot but think our selfe highlie concerned. And so being fullie confident of your readie compliancy heerin, we bid yow heartlie farewell. Giving at our Court at Oxford, the 29 of May, 1643."

"The Lords of Secret Counsell gives commision to the Earle of Lauderdale, the Lord Balmerino, the Lairds of Cambo and Wauchton to examine William Maxwell of Killoilling and Johne Maxwell of Broomholme, the said William of his knowledge of the correspondence keepe betwix the Earles of Nithdaill and Antrim and the said Johne Maxuell for his making proclamatiouns, etc."

"The Lords of Secret Counsell ordains the provest and bailies of Order to the Edinburgh to putt Thomas Lillie to libertie furth of their tolbuith, and recommends to the Generall to give order that the said Thomas may saiflie goe to the Earle of Antrim and, in the presence of Generall Major Monro and such as he sall appoint, deliver his clokbag and such
things as ar within the same. Qubilk being done that the said Thomas Acta, Novem-
be suffered to returne and the said Earle have libertie to make choice of
anie such of his servants as are there to wait upon his persoun, providing
he have no intelligence with Thomas Lillie and that the said servant be
kepeed close prisoner with the said Earle."

"Forsamekle as Doctor Alexander Ramsay hes payed and delivered
in reall moneys to Johne Jossie, deput to William Thomson, commissar
the Scottish armie in Ireland, the soume of fuye hundreth merkes, as
hes cleerlie appeared to the Lords of Privie Counsell by the discharge
upon the receipt thereof, of the date the 12 of Junij instant, and this
day produced in Counsell, therefore the Lords of Privie Counsell, accord-
ing to an act made be them with consent of the commissioners for con-
serving the peace and commissioners for commoun burdens upon the 4th
of March last, doe declare that the said soume of v^e merkes is lent be
the said Doctor Alexander Ramsay for the present supplee of victuals
and cloths to the Scottish armie in Ireland, and that the same sall be
payed to him, his airs, executors and assigneyes conforme to the said act
abonewrittin."

The like act upon Robert Balfoure, brother to Mitchell Balfour of
Grange, his discharge of 600 merkes the 13 of Junij instant. The like
upon William Schaw, merchand, [his] discharge of j^m lbs of the 15 May.
The like upon Bessie Schaw, relict of Johne Mitchell, baxter, her dis-
charge of 200 merks of the 15 of May last. The like upon Umphra Dowy, commissar clerk in Edinburgh, his discharge of 400 merkes,
dated the 20 of Junij instant. The like upon James Melvill of Halhills
discharge of ij^m merkes, dated the 13 of June instant. The like upon
Hugh Boyd, merchand burges of Edinburgh, his discharge of ve merkes,
dated the tenth of May last. The like act upon Patrik Hepburne,
apothecar, his discharge of j^s merkes, dated the tenth of May last.
The like act upon Johne McNeish, merchant, burges of Edinburgh,
his discharge of iiij^s merks, dated the 20 of Junij instant."
MISCELLANEOUS PRIVY COUNCIL PAPERS.
A.D. JANUARY 1638—JUNE 1643.
1. “Forsamekle as the time of the late infection of the plague within the bounds of the Middleshires order wes givin to the shireffs of the shires, justices of peace, provest and bailleis of burrowes within the saids bounds for ordering commerce and trade within these parts according to the instructions sett doun in the acts and proclamations published to this effect, as alseu the mercats at Dunce, Kelso, Selkirk, Jedburgh, Melros, Hawick, Coldstreame and others places on this side wer discharged and direction givin to the saids shireffs and others foresaid for keeping of thair bounds free of the said contagion; a[nd the] Lords of Privie Counsell being now informed that this contagion is now [at the] pleasure of God brokyn out in Jedburgh and Crailling, within the Mid-dle[shire]s of this kingdome, quhilk may prove dangerous to this countrie if diligence [be] not tane for preventing the forder spreading of this infection; and the saids Lords reposing special trust in the commissioners who this last yeere did successfullie govern and rule the bounds the time of the last infection, thairfoir [the] Lords of Secret Counsell hes givin and grantit and be the tenor heirof [gives] and grant full power and commission, expresse bidding and charge to Rof[bert], Earle of Roxburgh, Lord Privie Seale, William, Erle of Lothiane, Johne, Lord Cranstoun, Sir William Dowglas of Cavers, shireff of Roxburgh, and to suche others persons as they shall assume and associat to thameselves, to see that the acts and proclamations made the last yeere in this behalfe be preciselie observed in all points, with full power to thame to prescribe suche others orders and rules anent the forme and maner of commerce and trade or anent the discharging of the same simpliciter, and of all mercats and faires within the saids bounds, and anent the interteanement of suche poor people as shall be closed up upon suspicion of the said infection and tuingeing the strait keeping of the persons infected apart be thameselves as they shall find necessarie and expedient; and ordains letters to be direct to make publicatioun heirof at all places neidfull, and to command and charge all and sindrie his Majesteis subjects quhatsomewer quhom these presents doe or may concerne to reverence and obey the saids commissioner in all and everie a[ne] of thair injunctions and directions, under all highest pane and charge that after may follow, and in speciall to command and charge all persons suspect of the said contagion to address thameselves to the places to be assigned to thame and not to transcend the same till they be orderlie releved, under the pane of death, certifieing thame that failleis that the pane of death sall be execute upon thame without favour.”
28th February 1638.
Letter from Archbishop Spottiswoode excusing his absence from the present sederunt, and stating his opinion that the Service-book should not be imposed on the nation.

2. "Please your Lordships to excuse my absence from this meeting quicher I promised to keep, but am hindered by diverse urgent occasions. Your Lordships knoweth my minde in the cheepest bussines that is to be entreated, which I assure myself will be the minde of all good clergiemen, that is to lay aside the book and not to press the subject with it any more rather then to bring it in with such trouble of the church and kingdoms peace as we see. But I shud wishe all this to be fairly carried without any touch to his Majesties honour and the opening of a doore to the disobedience of ill affected people, whereof I know your Lordsships will be carefull, and so beseeching God to bless your counsells with a good success, I take my leave, resting, your Lordships humble servant, Sanctandrews. Edinburgh, the last of February, 1638." [Address on back] "To My very honorabill good Lords, the Lords of his Majestie Privie Councell." [Holograph.]

Stirling, 3rd March 1638.
The Earls of Roxburgh and Buccleuch, and Francis Steuart.


Stirling, 3rd March 1638.
The same.

4. Extract of the same Act of Council containing the decreet itself, subscribed by Jacobus Prymoirs.

Stirling, 5th March 1638.
Letter of Council to the Earl of Morton about the public evils occasioned by the introduction of the Service-book.

5. "Our verie honorable good Lord, Wee, findeing the subjects feares and sturres to encrease since the last proclamation, did appoynt, be the Lord Chancellers and others lords of the clergie their speciall advyce, a solerne diet of Counsell to be kept at Stirline on the first of Marche instant, where the Lord Chancellor and others lords of the clergie promise to be present to consult upon the growth of the publict evills and remedies thairof, for his Majesties honor and peace of the countrye. Bot, hauing met at Stirline, wee ressavued a letter of excuse from the Lord Chancellor and we were forced to proceed without him and others lords of the clergie, where, after wee had spent foure dayes in adviseinge upon the saide evills and remedies thairof, we resolved in end to direct Sir Johne Hamilton of Orbestoune, one of our awne number, with a letter of trust from us to his Majestie, to whom we have imparted our opinions and reasons of the saide publict evills and remedies of the same to be represented to his sacred Majestie. And, becaus the bussines is so weightlie and important that to our opinion the peace of the countrye was never in so great a hazard, we have thought fit to recommend the bussines to your Lordships consideration, that, after your Lordship hes hard the Justice Clerke thairin, your Lordship, according to your great estreint in his Majesties honor and peace of the kingdome, may concurre be your best advyce and assistance, at his Majesties hands, to bring thi great and fearfull evills to ane happie event. And so committing your Lordship to God, wee rest, your Lordships verie good freinds Traquair; Roxburghe; Wintoune;
6. Summons at the instance of Patrick Maule of Panmure against 3rd April 1638.
Robert Montgomerie in Haltoun, as narrated (ante, p. 82); dated at Edinburgh, 3rd April, 1638, and signed JA: PYMROIS. At the foot is noted, “24 Septembris, 1638, chargit personallie; witnessse, Thomas Schewane and Patrik Maule, to the 13 Novembris, 1638.” Also on the margin, “... [N]ovember 1638: [persewer] be Keith, servitor to Mr John Rollok: defender absent.” Also noted on the back, “Halyrudhous, 13 Novembris 1638, persewer be Keith; the defender absent. Andro Wat in Haltoun, sworn, depon he saw Robert Montgomerie cast doune an hous perteaning to the persewer and quehrin he formerlie dwelt himselfe, and toke possession of ane other hous perteaning to the persewer tenent qhilk he yit violently keeps.
Thomas Montgomerie, sworn, depon conformis precedentis.

Probatur. Ordains letters to be direct charging Robert Montgomerie to enter his person in ward within the tolbuith of Edinburgh.”

7. Summons at the instance of William Seatoun of Meany, and the other persons mentioned (ante, p. 60), against Nathaniel Keith of Cocklaw, and the other persons there named upon the charge there set forth; dated at Halyrudhous, 13th June, 1638, and signed JA: PYMROIS. On the margin it is noted that on 21st August William Seaton compeared personally for himself and the other pursuers and that the defendants compeared by Mr John Sandelands, “who alledgit that the defendants being charged to compeir on the sevint day, and come heir that day, but missing Counsell that day they returned home and are now attending their harvest and that the Lords notwithstanding ordains processe presentlie and the defenders, being oftymes callit, compeired not. Decernis.”

8. Summons at the instance of Mr Archibald Cameron, minister at 12th July
Inchecallioch, against George Buchanan and others, as formerly narrated (ante, p. 86), dated at Edinburgh, 12th July, 1638, and signed JA: PYMROIS. On the margin there is noted a companeance on 1st November, 1638, when the pursuer and Young Buchanan compeared, and the case was, with consent, continued till the 13th. Also the companeances and decreet in the case on 14th November.

9. Summons at the instance of Colonel Robert Monro against Captain 24th July
George Curror, laird of Finzeas, as formerly narrated (ante p. 84). On 1638.

the margin is noted the hearing of the case on 14th November, 1638, against
Captain George Curror, laird of Finness, at the instance of Colonel Robert Monro.

27th July 1638.

Summons against Mungo Park in Hool of Kirkbryde at the instance of Mr. Robert Blackwood, minister at Kirkbryde.  

10. Summons at the instance of Mr Robert Blackwod, minister at Kirkbryd, against Mungo Park in Hoill of Kirkbryd, as formerly narrated (ante p. 85); dated at Edinburgh 27th July, 1638, and signed JA: PRYMROES. On the margin is noted the hearing of the case on 14th November, 1638; and on the back are noted three executions, (1) on 2nd August, 1638, by Alexander Porteous, messenger, against Mungo Park, personally apprehended in Leith; witnesses, David Crychotoun, pewterer in Edinburgh, and James Drysdalell, servitor to Sir William Douglas of Cowesoagall, knight. (Signed) A. Portous, mess’; (2) On 24th September, 1638, by Thomas Blair, messenger, against Mungo Park in Hole of Kirkbryd, personally apprehended; witnesses, William Blackwood in Kirkbryd and James Braidfute in Hole of Kirkbryd. (Signed) Tho: Blair, mess’; and (3) on 27th September, 1638, by the said Thomas Blair against William Harrown in Enochtooun, John Brunie there, James Shankiland there, and John Kellok in Kirkbryd, all personally apprehended; witnesses, George McCaull in Changlok-fute, and John McMathie in Enochtooun. (Signed as the last.)

31st July 1638.

Three executions at the instance of George Kerr.  

11. Three executions in the complaint at the instance of George Ker, (1) on 31st July, 1638, by James Grahame, messenger, against Sir Patrick Home of Polwart, knight, personally apprehended at the West Port of Edinburgh; witnesses, William Symeson, younger, cordiner in Edinburgh, and William Purves, servitor to the said Sir Patrick Home. (Signed) J. Grahame, mess’; (2) on the same day by the same, against John Stewart, burgess of Edinburgh; John Hunter, smith there, James Stevinson, merchant there, and Hew Lauder, messenger in Edinburgh, all personally apprehended in Edinburgh, as witnesses in the case; witnesses, the said Hew Lauder and George Gordon, messengers, John King, post there, Robert Kennedy, smith in Edinburgh, and Andrew Hislope. (Signed as above); and (3) on the same day by Hew Lauder, messenger, against James Grahame, messenger, personally apprehended upon the street of Edinburgh, also as a witness in this case by George Ker against Sir Patrick Home of Polwarth; witnesses, John Stirling and Alexander Porteous, messengers in Edinburgh. (Signed) Hew Lauder, mess’.

31st July 1638.

Execution at the instance of Robert Keith, mer-

12. Execution by John Oliver, elder, messenger, against James Quhythie, portioner of Currie, charging him to compear before the Lords of Privy Council on 7th August next, to see and hear suspension
1638.

CHARGES I.

granted of letters of hornig purchased by him against Robert Keith, merchant burgess of Edinburgh, who has found caution conform to the said letters which are dated 31st July, 1638.

13. Summons at the instance of Mr Matthew Lumsden of Rudreston, bailie of Aberdene, as follows:—The lands of Rudreston and water and fishing thereof belong to him heritably, and he has been in peaceable possession thereof for diverse years past until that, on 26th July last, Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, his natural son, and Walter Forbes, far of Tolquhon, and others, armed with swords and other invasive weapons came to the complainer's water, "tooke out the dyke and hemme of the fuird thairof and thereby he scattered the said water and spoyled the fishing thairof." Charge is therefore given for the compearance of these persons before the Lords of Council at Edinburgh on and also for the citation of witnesses; dated at Edinburgh, 1st August, 1638, and signed JA: FRYMOIR. On the back is noted the names of some witnesses, George Smith, John Morgie and Alexander Cuper, to the service upon William Forbes, younger, and John and James Forbes; and at the Cross Walter Orton and the said Alexander Cuper; upon William Leslie and John Forbes, witnesses, William Freman and James Broun.

14. Note of execution by William Blair, messenger, on 4th August, 1638, at the instance of Mr Archibald Camrone, against George Buchquhanane, younger of that Ilk, personally apprehended in the burgh of Edinburgh, to compear before the Council on 1st November next. Witnesses, Robert Spalding, servitor to Mr William Strang, writer in Edinburgh, and Hew Lauder, messenger there. Signed W. BLAT, of Mr. Archibald Cameron.

15. Note of two executions on 5th August, 1638, by John Stratton, messenger, at the instance of William Seaton of Menie, Patrick Seaton in Loklae, Ronald Pantoune there, Thomas Robertson there, and John Hedderwike there, against (1) Nathaniel Keyth of Coklae, Patrick George and Andrew Davidson there, George Grae, George Scot, Gilbert Smyth there, John Paterson there, Alexander Brig there, Archibald Rob there, William Slaesour, elder and younger there, James Prat there, John Teilyour, William Keyth, Patrick Reid and John Meill, servitors to the said Nathaniel Keith, to compear before the Council at Halirud hous on 21st August instant; witnesses, Andrew Wat, son to Elspet Simson in Coklae, and William Pantoune, servitor to Patrick Seaton there; and (2) against George Lang, son to James Lang in Blakhou, and George Michell in Coklae, as witnesses, both personally apprehended; witnesses as above. Signed Jhone Stratone, me², v³ my hand.
16. Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, for his Majesty's interest, and Sir William Forbes of Monymusk, knight baronet, and George Barker and Robert Gibbon, laxeishers, his servants, against Mr Mathew Lumsden of Rudrestoun, and Thomas Lumsden, his son, and other persons after named to come before the Council on a charge of assault.

6th August 1638.

Summons at the instance of Sir William Forbes of Monymusk and others against Mr. Matthew Lumsden of Ruthrieston and others to appear before the Council on a charge of assault.

In contravention of the laws prohibiting the wearing of hagbuts and pistols and convocation of the lieges on July, 1637, the said Mr Mathew and Thomas Lumsden came to the Water of Dee and to that part thereof where the said George Barker usually attended the complainant's fishing of Laggart and Poldoune (the waters and fishing of which have been in the peaceable possession of the complainant and his predecessors and their tenants past memory of man without interruption), and there "the said Thomas putt violent hands in the said George, threw his nose backward and strake him on the face with suche violence that the blood gushed furth at his eares and nose. Lykeas, upon the day of July last, David Currour, servitor to the said Mr Mathow, at his command and direction came to the said George Barker at the said fishing and after manie threatnations used againis him if he fished there cruellie strake him on the face to the effusion of his blood. And upon the twentieth-seventh day of the said moneth of July the said Laird of Monymusk his servaunts, being fishing in their salmond cobills according to their ordinar custome lippennin for harme nor injurie of no man, it is of trueths that the said David Currour, William Smith, Thomas Duncane and Johne Martine, servitores to the said Mr Mathow Lumsden, Thomas Lumsden, his sone, with convocation of our lieges to the number of twenties foure persons or thereby, men and weomen, boddin with swords, stalfes and others weapons invasive and with hacquebuts and pistoletas prohibite to be worne, as said is, and with great stones, cudgells, and battounes prepared for the purpose, in thair pretended maner of fishing came with thair salmond cobill and mett the compleannels servaunts and salmond cobill in the middes of the said water of Dee about foure houres in the morning, being fishing, and drew the said Robert Gibbon, servant to the said compleanner, furth of his said salmond cobill in the water, gave him manie bauch, blae and bloodie straikes with thair saids cudgells in diverse parts of his bodie, thrust him in the water and had almost drowned him therein." The summuns is dated at Edinburgh, 6th August, 1638, and is is signed JA: PRYMROIS. On the margin is noted "14 November, 1638, his Majesties Advocaet and the Laird of Monymusk, personallie for thameselffes and the rest of the perseeuors; Mr Mathow Lumsden for himselfe and Thomas Lumsden, his sone, Johne Martine and William Smith, his servaunts; Thomas Duncane personallie, David Currour absent. Mr Mathow crave the Laird of Monymusks oath de calumnia. The persuers declared they [past] fra Thomas Duncane [as] a partie and would use him as a witnes."
17. Notes of two executions by Andrew Dais, messenger, on 9th August, 1638, of a summons at the instance of John Guild, servitor to David, Earl of Soutesk, against Sir John Blair of Bagillo, knight (1) at the place of Little Lour, where the said Sir John dwells, and where in his absence a copy was delivered to his lady in presence of James Sime(?), James Moray and Alexander Smith, servitors to the said Sir John; and (2) at the market place of the burgh of Forfar, in presence of James Piggott, Patrick Chrichtoun and John Webster, indwellers there, and sundry others, charging the said Sir John to appear before the Council at Edinburgh on 16th August instant. (Signed) Andew Dais, messer.

18. Note of execution by John Layng, messenger, on 10th August, 1638, of letters raised at the instance of Margaret Stewart, spouse to Captain William Buxtoun, the said Captain William himself, and James Black, their servant, whereby he proceeded to the pier and shore of Leith and there, after three several eyesses in his Majesty’s name, discharged all and sundry his Majesty’s subjects, especially within the bounds of Orkney and Zetland, from resetting or supplying Patrick Stewart of Gyre, David Tyleour and William Cormoute, his servants, during their rebellion; witnesses, William Wattisston, burgess of Edinburgh, indweller in Leith, and Harry Weiche, one of the searchers there. (Signed) Jo. Layng, messenger.

19. Note of four executions of summons at the instance of Mr Archibald Cameron, minister of Inchcallieogh, (1) on 10th August, 1638, by Patrick McAulay, messenger, against George Buchanann, sizar of that Ilk, George Buchanann of Achinmaur, George Buchanann in Gartincaber, Alexander Buchanann of Blairvokie, and John Dow Finlasoun Buchanann in Easter Mains of Buchanann, all personally apprehended; also, the same day against Walter Buchanann of Drumkill, Patrick Buchanann, sizar of Auchinar, Duncan McFarland of Brachairne, and Alexander Buchanann of Glennie, at their dwelling houses to compair before the Council on 1st November next at Edinburgh; witnesses, Colin Dagleise, Duncan Myller, servitors to the said George Buchanann, sizar of that Ilk, John McNeir, miller at the Mill of Buchanann, George Buchanann, son to the said George Buchanann of Achinmar, and Robert Crokat, servitor to the complainer. (Signed) Patrick McAulay, messenger; (2) on the same day by the same against William Blair of Fynnich, Edward Buchanann of Spittell, John Ghrame, portioner of Catter, John Buchanann of Ross, William Steward in Kilmaronock, Duncan Campbell in Portnellan, John Beg Buchanann in Ballindeneorne, John Moir Buchanann in Gartencaber, Patrick McMartain in Bollinsche and John Hart, officer to the Kirk of Inchcallieogh, all personally apprehended, to compair as above as witnesses in the said cause; witnesses as in the last and signed as above; (3) on 13th August by the same messenger, at the market cross of the burgh of Dumbartan, against the whole persons
20. "Unto the Lordis of his Majesties most honorabill Privie Counsall of the kingdom of Scotland, wee, the persones undersubservers, after dew tryall and consideration takin, doe declair and testifie that Johne Campbell of Calder, younger, being visited by the hand of God, has of lait contracted one disese throche melancholie, which contenewe as yit, quhaireby he is not perfyt in understanding, being distracted in his writis, and is not able either to manage his awin person or to governe his estate and affaires aricht by himself in his present condition, which we afferme by the premisses to be of veritie. In witness quhaireof we have subscribed this presentis at the kirk of Killespierkerrell in Lorne, the tueil day of Agust j=vi= and threttie eicht yeires. (Signed) Duncan Oconchoir, fissistioner; Eoin M'CVarhargh; J. Campbell of Calder; S. Do: Ca. Ardnamorchin; S. A. Campbell of Dunstafnych; Coline Campbell off Galastray; J. Campbell in Dunyvag; J. Campbell in Killespekerrill; J. Campbell; Nicoll M'Ccalman, minister at Kilmoir; A. Kolvorie (Mc'Ilorie), minister at Ballavedan; S' Alex. Campbell off Lochinnel; J. Campbell, iar of Dunstaffnich; Co. Campbell; Geo. Stewart, servitor to the said John Campbell of Calder; J. Campbell of Bragich."

21. Summons at the instance of Margaret Stewart, spouse to Captain William Bruxton, the said Captain for his interest, and James Blak, their servant, against William Campbell in Leith, who reses and harbours Patrick Stewart of Gaire, who has been put to the horn at their instance for not finding caution in the books of Adjournal to compare before the Justice and underlie the law for the "stealing of ane trunke with some silver plait and jewells being therein," to compare before the Council on at Edinburgh; dated at Edinburgh 14th August, 1638, and signed by Ja: Prymrois. On the margin is noted "21 Augusti, 1638; Margaret Stuart personnlie, with William Campbell, who being suorne if he knew the letters of intercommone were execut at that tymte that Patrick Stuart wes in his hous, denied the semyth. Assolizies William Campbell." On the back is noted as follows: —"John Pothinger, suorne, demandit if he knewis since the tent of August last Patrick Stuart wes ressett in William Cumpells, depone.—On Friday beng eicht dayes the deponer went with his uncle, Edward Meikle, to William Campbells hous, quhair he saw Patrick Stuart, and depone upo oath that since that tymte he never saw him thereafter.
Thomas Wright, suorne, depons on the tent of August last he saw Patrick Stuart in William Campbels hous but never sensyne."

There is also written on the back an execution of the sumsmons on 18th August, 1638, by James Neven, messenger, against William Campbell personally apprehended, and also Thomas Wright and John Potinger as witnesses, before these witnesses, William Comrie, indweller in Leith, and John Touring, servitor to Sir James Stewart, and Thomas Neven and John Kennedy, weavers in Leith. (Signed) Ja. Neven, messes.


24. Summons at the instance of Robert, Viscount of Belheaven, against Robert Donaldsone and George Sinclar, officers of Dunbar, and Belhaven, as also against Patrick Brysoun, portioner of East Barnes, Alexander Gulane, portioner there, William Liddell, portioner of West Barnes, and Thomas Thorbrand, merchant burgess of Dunbar, as witnesses; dated at Edinburgh, 15th August, 1638, and signed by JA: Prymbois. On the margin is a note of the proceedings in the case, and on the back there is a scroll of the finding on 21st August and on 23rd August.

25. Summons directed to John Somervell, messenger, at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Robert, Lord Dalyell, as narrated ante, p. 63, with this addition in the complaint in the instance of Robert, Lord Dalyell, written upon the margin, “Lykeas the said John Purdie said upon Sunday last to Simervill that he hard he was to take some of the defenders rouse from the Lord Dalyell and desired him to forbear such dealing, otherwayes he vowed to have his lyffe.” The summons is dated at Edinburgh, 18th August, 1638, and signed JA: Prymbois. On the margin is noted the decreet of the Lords in the case.

26. Summons at the instance of Elizabeth Dowglas, lawful daughter of Sir Robert Dowglas of Blakestoun, knight, and granddaughter and heir of the deceased Robert Dowglas of Blakestoun, "hir gutcher," who was donator to the escheat and liferent of John Stewart of Coldinghame, heritable proprietor of the teinds of the parish of Edнем, and of which teinds she has been in peaceable possession until that this present year Dame Jonnet Lawsone, Lady Ednem, intends to intrude herself therein.
27. Note of execution on 19th August, 1638, by Edmond Reidpeth, messenger, of the immediately preceding summons, against Dame Janet Lawson, personally apprehended; witnesses, James Michell and David Cowen, servitors to the said Lady. (Signed) Edmond Reidpeth, mess."
Roxburgh at Anseraikers and James Steill in Carnwath. All three are signed, Johnne Somervell, mess'.

29. Supplication by Dame Jonet Lawson, Lady Ednem, as narrated ante, p. 60. [On the back] "Apud Halyrudhous, 21 August, 1638. Fiat ut petitur, the fyttene day of September nixt. TRAQUAIE, I.P.D." And also note of the finding by the Lords.

30. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Oliver, younger, messenger in Edinburgh, as narrated ante, p. 62. The supplication is signed by Sir Thomas Hope. [On the back] "Apud Edinburgh, 23 Augusti, 1638. Fiat summontio ut petitur. S. W. ELPHINSTON. Also note of service of summons on 23rd August, 1638, by William Blair, messenger, against David Mitchell and James Reid, personally apprehended, to come before the Council to answer to the said complaint, and also against the following persons as witnesses:—John Clerk and James Johnston, two of the ordinary officers in Edinburgh, John Stirling, James Leslie, Alexander Porteous, messenger, and Walter Scott, burgess of Edinburgh, all personally apprehended; witnesses, Hew Lauder, messenger, and Andrew Leslie, cook in Edinburgh. (Signed) W. BLAIR, messenger.

31. Discharge by Andrew Oswald, merchant burgess of Edinburgh, and John Oliver, younger, messenger there, to David Mitchell, baker burgess thereof, who has been incarcerated in the tolbooth of Edinburgh at their instance until he should enter Thomas Drysdale, baker, burgess of the Cannogait, therein, in as good estate as when he was apprehended by the said messenger or satisfy the party and pay £20 to John Oliver, who has now made the said satisfaction and payment, and they consent to his liberation; dated at Edinburgh, 24th August, 1638; witnesses, Mr Alexander Dick, writer, John Stirling, messenger, and William Neilson, W.S., who wrote the discharge. Signed by the discharger and witnesses.

32. Supplication by Coline Campbell, brother of John Campbell, sizar of Calder, as narrated (ante, p. 62). [On the back] "Apud Halyrudhous, 24 Augusti, 1638. The Lords allow the supplicant to have a care of his brothers person and to intromet with his estate, he being comptable always to the [Lord] Lorne and suche of his brothers freinds as my Lord Lorne saill associat to himselfe; and this act to endure for the space of ane yeere. HAMILTON, I.P.D."

33. Summons at the instance of George Stewart, messenger, against Robert Nisbitt, indweller in Dunce, as narrated (ante, p. 85), to appear before the Council at Edinburgh on the 24th September, 1638, and also against Thomas Balfour and Richard Anderson in Dunce to appear as witnesses, Stewart.
dated at Edinburgh, 21st September, and signed JA: Prym보. On the margin there is a note of compearance on 14th November, 1638; and on the back there is a note of service of the summons on 6th November, 1638, by William D. . . upon Robert Nisbit, personally; witnesses, James Nisbit in Beatricksyd, and James Nisbit, his son; and upon Thomas Balfour and Richard Andersoun in Dunce, personally, on 13th November; witnesses, Robert Lamb, tailor, George Bell, merchant, and James Acheson in Leyte.

34. Original Covenant and General Band sworn and subscribed by the Councillors in obedience to his Majesty's command, as printed ante, p. 67. (Parchment).

35. Notes of two executions on 4th September, 1638, by George Maule, messenger, of a summons against (1) Robert Montgoumrie, personally apprehended, to compear before the Council at Edinburgh on 13th November next; witnesses, Thomas Schewan, notary in Brechine, and Patrik Maule, son of the messenger; and (2) Andrew Wat in Halton and Thomas Montgoumrie in Brechin, personally apprehended, to compear as witnesses in the cause; witnesses, Andrew Thomison, James Miller and Alexander Twedie. (Signed) George Maule, mess'd.

36. Copy of a summons directed to Mr George Norie, messenger, at the instance of James Smythe, against John Fraser, brother of the Laird of Philorthe, in the action narrated ante, p. 84, dated at Edinburgh, 18th October, 1686, and signed M. G. Norie, messenger. On the back is a note of the hearing on 14th November.

37. Note of execution on 22nd and 23rd October, 1638, by Archibald Law, messenger, of summons at the instance of Colonel Robert Munro against Captain George Curror of Fainzes to compear before the Council at Edinburgh on 8th November next. As he could not apprehend him at his dwelling place of Fainzes, the messenger passed to the market cross of the burgh of Aberdene, and to the dwelling house of George Cordiner, burgess of Aberdene, where the said Captain George Curror was residing for the time, but the said Captain absented himself, and the messenger left copies of the summons; witnesses at the respective places were Alexander Findley, David Moir and Walter Fraser, indwellers in Fainzes, at the gate of Fainzes, Alexander Farquhar, burgess of Aberdine, Robert Keith, sometime of Rosehauch, and Stevin Leslie, servitor to the messenger, at the market cross and dwelling house of the said George Cordiner. (Signed) A Law, mess'd.

38. Summons directed to James Graham, messenger, at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Cunningham of Brumhill, party grieved, as narrated ante, p.
87. Against Walter Buchanan of Drummakill, and the other persons named in the complaint, and also against the following persons as witnesses, William Cunningham of Cragance, John Leckie, notary, Thomas Gaw in Balliwwoll, John Fairlie, Arnefnlay, John Blair, elder, John Blair of Cammoquhill, John Mc Clea and David Thomas in Toon- terrick, and William Edmane in Park of Crannnan, to comppear before the Council at Edinburgh on 24th October, 1638, and signed J.A PRYMBROIS. On the margin is a note of the hearing of the case on 15th November. Attached to the summons is a paper containing notes of four executions thereof, (1) By James Grahame, messenger, on 25th October, 1638, against George Buchanan, sfar of that ilk, personally apprehended; witnesses, James Leslie, messenger in Edinburgh, and Alexander McBreke, notary there, (signed) J. Grahame, mess; (2) on 5th and 6th November, 1638, by Thomas Norie, messenger, against Thomas Buchanann of Boquhen, Thomas Buchanann of Carbeitha, John Buchanann, sfar of Carbeitha, Alexander Buchanann, domestic servant to George Buchanann, sfar of that ilk, Walter Buchanann of Drummakill, John Buchanann of Roas, William Buchanann, his brother, and John McClauclhan of Cuthintothe, all personally apprehended, except Walter Buchanann and Alexander Buchanann; witnesses, William Norie in Stirling and John Yulle in Shillinghill of Baltronie; (signed) Thomas Norie, messenger; (3) by the same messenger on 6th November, 1638, against William Cunninghame of Craignence, John Leckie, notary in Blairquhois, Thomas Gaw in Balliwwod, John Fairlie in Arnefnlay, John Blair, elder, and John Blair, younger of Meikle Cammoquhill, John Mc Clea and David Thomas in Tombebrek and William Edmon in Park of Cramannane, all personally apprehended, witnesses as the last; and (4) by the same messenger on 10th November, 1638, at the market cross of the burgh of Stirling against Walter Buchanann of Drummakill and Alexander Buchanann, witnesses, Andrew Alexander, uncle to the Earl of Stirling, and John Williamsone, sheriff clerk and town clerk of Stirling. Signed as before.

39. Notes of three executions by William Watt, messenger, (1) on 25th October-2nd November, 1638, against Sir William Forbes of Monymusk, knight, and William Forbes, sfar of Leslie, at their dwelling houses of Monymusk and Licklieheid, to appear before the Council at Edinburgh, to answer to a complaint by Mr Matthew Lumsdon of Ruthrestoun; witnesses, John Mwrgie, servitor to the said William Watt, James Forbes, servitor to the said William Forbes, and Alexander Cowper, servitor to the said Mr Matthew; (2) on 27th October, 1638, against William Forbes, natural son to the said John Forbes of Leslie, personally apprehended; and at the market cross of Aberdeen, against the said Sir William Forbes of Monymusk, and William Forbes, sfar of Leslie; also, against John Forbes of Leslie at his dwelling house of Bauchie, where he has actual residence for the time; witnesses, Sir
William Forbes of Craigiewar, Mr Robert Forquhar and Robert Skein, burgesses of Aberdeen, the said Alexander Couper, Walter Ortoun in Auld Aberdeen, William Freman at the Brig of Die, and John Mairtin in Ruthriestoun; and (3) On 2nd November, 1638, against John Innes, messenger in Aberdeen, Andrew Robertson, tailor there, John Freman at the Brig of Die, Alexander Harrwe there, Thomas Duncan there, John Tarwe in Petmukstoun, and Robert Mathowsone there, all personally apprehended, also against Robert Gibbon, William Gibbon, his brother, at the Mill of Torrie, George Barcar in Leggat, and James Rait, Kinjorth, at their dwelling houses, as witnesses in the above matter; witnesses, Thomas Lumsden, student, John Barcar, town officer; Alexander Cuper, John Mairtine and John Wynhouse. (Signed) William Watt, mess'r.

40. Notes of four executions of a summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir William Forbes of Monymusk, and George Barcar and Robert Gibbon, lax fishers, his servants, (1) on 27th October, 1638, by Thomas Bruce, messenger, against Mr Matthew Lumsden of Rudrestoun, Thomas Lumsden, his son, and John Marteine, William Smith, and Thomas Duncan, lax fishers, servitors to the said Mr Matthew, all personally apprehended, and against David Currou, lax fisher, also servitor to the said Mr Matthew, at his dwelling house in Rudrestoun, to compear before the Council at Edinburgh on 13th November next; witnesses, Alexander Harrow at the Brig of Dee, John Robertsone, writer in Aberdeen, and John Coutis, servitor to the messenger. (Signed) Thomas Bruce, mess'r, w't my hand; (2) on the same day by the same messenger, at the market cross of Aberdeen, against the foresaid David Currou and Thomas Lumsdene, son of Mr Matthew, as above; witnesses, the said John Robertsone and John Coutis. (Signed as above); (3) On 2nd November, 1638, by David Kempt, messenger, against John Symer in Balnagask, William Forbes, servitor to James Braines, William Freman at the Brige, John Martin in Rudrestoun, Alexander and Gilbert Webster, John Traill, Alexander Huchone, and William Auld in Rudrestoun, and Alexander Rait in Kincorth, some personally apprehended and others at their dwelling houses, to compear as witnesses in the above cause; witnesses, Alexander Harrow at the Brig of Dee, and James Harrow, his son. (Signed) David Kempt, mess'r; and (4) on 12th November, 1638, by William Mowat, messenger, against Thomas Duncan and John Freman, personally apprehended, to compear also as witnesses in this cause; witnesses, John Forbes of Leslie and William Freman, indweller at the Brig of Die. (Signed) W. Mowat, mess'r.

41. Note of execution on 6th November, 1638, by James Thomesone, messenger, at the market cross of Stainhevin, as headburgh of the sherrifdom of Kincardyne, against James Raitt in Kincorth, Alexander
Harrowe there, Thomas Duncan there, George Barcar there, and Robert James Thompson, messenger, against James Rail in Kin-Downny in Findlawstoun, and Thomas Dickie in Stainhevine. (Signed) J. Thomason, mess.".

42. Notes of two executions by William Dickesoun, messenger, of a 6th November summons at the instance of George Stewart, messenger; (1) on 6th November, 1638, against Robert Nisbet, personally apprehended within his dwelling house in Duns, to compeare before the Council; witnesses, George James Nisbit, elder and younger in Beatrikyd; (2) on the same day against Thomas Balfour and Richard Andersoun, indwellers in Duns, against Robert Nisbet and personally apprehended; witnesses, George Bell, merchant in Duns, others, Robert Lamb, tailor there, and James Achesoun in Langtoun. (Signed) William Dickisoun, mess.

43. "We, Doctor Patrick Dune, principal, M John Ray, William Aedye and William Blakhall, regentis of the Philosophie Colledge of New Aberdeine, under subsercyrves, do be thir presentis testifie and declare upon our conscience and credite to the Lords of his Majesties most honorabill Privie Counsell that Thomas Lummisdane, son laufull to M Mathew Lummisdane of Ruthrieston, and four regents of the said college who is now chairgit to compeare befor the saidis Lords of Privie Counsell upon the thretine day of November instant, is ane student and scholler presentlie in oure said College of the toune of Aberdeine, and cannot convenientlie leawe the said College without his great hurt and prejudice in his studies. Be thir presentis subscryvit with our hands at Aberdeine, the sext day of November, 1638 yeires. (Signed) Patrik Dune, P. principal, M John Ray, M William Aidie, M John Setoun, M William Blakhall."

44. Notes of two executions by William Middiltone, messenger, of 6th and 7th November letters of treason at the instance of William McLerine of Stretheure, against Margaret and Isabel Kennadyis, lawful daughters of the deceased Hew Kennady of Barrely, (1) on 6th and 7th November, 1638, against Alexander Gordone of Auechannahye and William Alexander Gordone of Gairre, now in the Damis, to compeare before the Council at Edinburgh or Glasco on 29th November next; witnesses, Robert Barbour and John Greve in Auechannah, Gilbert Vat in Johnisleyis, and Alexander Littilljohn, the messenger's servant; and (2) on 9th November, 1638, at the market cross of Banff, against these persons; witnesses, Alexander Eiraman, skipper in Banff, James Oxbruge, burgess there, and Patrick Schand there. (Signed) Wm. Midditto, mess.

45. Summons at the instance of Sir Thomas Hope of Craigall, his 10th November Majesty's Advocate, and Mr Matthew Lumsden of Rudrestoun, late
the instance of baille of Aberdene, narrating that, in contravention of the law prohibiting the carrying of hagbute and pistols and convocation of the lieges in arms, on 26th July last Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, sijr thereof, William Forbes, his natural son, Walter Forbes, sijr of Tolquhoun, William and Alexander Fraser, servitors to the said Mr William, and others to the number of forty gentlemen, came armed with guns, pistols, swords, staves, axes and other weapons, and with barrows, gavelocks and other instruments, with great convocation of the lieges, to the complainant’s lands and fishing of Rudrestoun, and taking out the “dyke and houme” of the ford scattered the water and spoiled his fishing; and then brought down the said Sir William’s cable and net from above the Bridge of Dee, where they were in use to fish before, to the complainant’s water (where he and his authors have ever been in use to fish), and set out their nets upon the south side thereof, leaving a guard of seven or eight men armed with guns and pistols to attend their fishers and debar the complainant’s servants from fishing. Thereafter the said John Forbes of Leslie and his said two sons and others, armed with guns, pistols and swords, came by way of hamesucken to the complainant’s dwelling house and searched for him to take his life. “Missing him, they called for his wife, uttered manie outrageous threatnings againis him, saying they sould putt order to him and neaw him, and if he did anie more contest with thame that they sould make his harns light among his eyes.” And on the 12th of the same month, as the said natural son was riding past the complainant’s fishing he called for David Currou, one of the complainant’s fishers, and when he came to him “he cruellie strake the poor man on the head and face, drew a durke quhairwith he had sticked him if he had not fallen backe with the former straikes, and then he presented ane bended pistoll to have shott him if the Tutor of Pitaligo, his brother, had not stayed him.” The persons complained upon are to compear before the Council at Edinburgh or wherever they may be on . . . The summons is dated at Edinburgh, 10th November, 1638, and is signed JA: Prysbois. On the margin there is a note of the hearing of the case, but it is almost all eaten away. It appears to remit the taking of evidence in the matter to a commission. On the back there is a note of service by George Gordon, messenger, against Monimusk, Leslie, elder and younger, and William Forbes, natural son to Leslie, all personally apprehended; witnesses, Mr Alexander Leslie, W.S., and John Haiste, post.

Note of execution on 12th November, 1638, by George Gordon, messenger, of summons at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Mr Matthew Lumsden of Radrestoun, late baille of Aberdene, against Sir William Forbes of Monymusk, John Leslie of Leslie, William Forbes, sijr thereof, and William Forbes, natural son of the said John, all personally apprehended in the burgh of Edin-
1638.

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burgh, to compair before the Council on 13th November instant; witnesses, Mr Alexander Forbes, W.S., and John Haistie, post in Edinburgh. (Signed) G. Gordoun, messrs.

47. Note of execution by John Gordon, messenger, on 14th November, 1638, of a summons at the instance of Mr Matthew Lumsden of Radrieston, late bailie of Aberdein, against Sir William Forbes of Monymusk, John Forbes of Leslie, William Forbes, sier thereof, and William Forbes, his natural son, whereby he charged John Innes, messenger, Thomas Duncane at the Brig of Die, John Freman there, Robert Mathesone there, Andrew Robertson there and John Jarwiss there, all personally apprehended within the Abbey of Holyrudhous to compair before the Council at Halyrudhous on 14th instant as witnesses in the said cause; witnesses, Mr Robert Blackwood, minister at Kilberuid (†) and John Fergusson, his servitor. (Signed) G. Gordoune, messrs.

48. Supplication by Thomas McKie, late sheriff clerk of Wigtoun, as narrated ante, p. 84. [On the back] “Apud Halyrudhous, 14 November 1638. The Lords allowis the supplicant to stay and follow forth his business in the country till Pashe nixt, he first finding cautiou to obey the act of banishment after that tyme, and for his good behaviour in the meantime, and discharges the executiou of the commission withinwritten for that space. (Signed) TRAQUAIR, I.P.D.” Also a scroll of the decree.

49. “14 Novembris, 1638, in presence of the Lords Elphinstoun and Napier [Mr Mathow] Lumsden, witnesses. Mr John Innes, messenger, of the age of 24 yeeres, unmarried, demandit if he was present at the casting of the dyke, deposis the day lybellit he saw the Laird of Monymusk with tua of his servants and 20 men or weemen with barrowes taking out stones out of the water lybellit and he saw ane pistole on one William Forbes Bell and saw none mae pistolets nor swords in the companie, and that the Laird of Monymusk was standing without anie wapons, cloake or joup lookeing on; and he knavis nothing anent the bringing of the swords; and deposis he saw not John Forbes of Leslie nor his sones there. Anent the taking the compleaners net out of the water and putting in their awne and appoynting armed men to attend thereon depons he knavis nothing.

“Thomas Duncan at the Bridge of Die, of the age of 22 yeeres, maried, depons he saw the Laird of Monymusk and the rest of the defenders accompanied with 12 labouring men and 16 weomens, and depons he saw William Forbes, the Laird of Monymunks jakman, and Alexander Forbes, his servants, also have either of thame ane pistole at their belt the day lybellit, and denys he saw anie burdens of swords but these that some of thame had at their belts or anie other wapons.
"John Freeman at the Brig of Dee, of the age of 22 yeeres, depones be Miscellanea Papers. was at the fisheing the day lybellit and saw the haill defenders accompanied with some of the servants and woemen extending to 12 or 16. Anent the carieing of pistollets and swords depones conformis precedenti.

"Robert Mathesone, of the age of 30 yeeres, suorne, depones conformis primo in omnibus except the number of the people that caried stons out of the water was greater, extending to 40.

"Andro Robertone there, of the age of fourtie yeeres, suorne, depones he was at the Bridge of Die the day lybellit and he saw Monymusk with 5 or 6 of his men, of whiche Alexander and William Forbes had either of thame ane pistol and John Forbes of Leslie and his sones were away before he came, so as he saw no more.

"John Torres at the Bridge of Die, of the age of 40 yeeres, maried, depones conformis precedent in omnibus.

"The defenders alledged that the witness aucth not to be ressauved becaus be ane of the execuitions product quherby they are sumond it is dayes before the raisinge of the sumonds and the other execution is after the day of compeirance. The Lords examinators remits this to the consideratioun of the Counsell, and lykeways the witness expenses who come fyve score myles, quherof tua are horsemen and the rest footmen. And as for that poynt of the complaint anent their com[ming] in feare of warre to the compleanners hous and threatning [his] wyffe, and anent the strykeing and presenting a pistoll . . . servant David Curror, the compleaner referred the sam[en to] the defenders oath simplicitier."

50. "15 November, 1638, in presence of the Lords Naper and Dalyell, M' William Cunynghames witness—William Cunynghame of Craignie, of the age of 40 yeeres, sworne, and the lybell being red unto him, depones that the Laird of Buchannan send for him and deyred him to goe to Broomehill and speake him that he would not pouyd his tenants might be in the same case that they were in John Grahames tyme; quherupon Broomehill answered that, in respect of his decreits obteaned, he could not continow thame unles Buchannan would produce some right either before lawers or frends, qhilk the deponer haeving reported to Buchannan he repyled that the persewer durst not for his hangeing pouyd anie of his goods, and knawis no more of the lybell.

"John Leckie, notar, suorne, demandit if he hard Buchannan utter the boodword lybellit, depones he hard it not, but depones he saw Buchannan accompanied with 30 or 40 gentlemen boddin with guns and pistolets and produce ane warrand granted be the Lords of Session to Robert Drummond for halding of courts in the lands lybellit and thereupon Buchannan caused the baillie fence ane court and call the tenants, who compeirand confest what they were restand of the dewties of the saids lands, quherupon the baillies gave decreit ordaining the tenants to pay the same to Robert Drummond; and the court being
dissolued and the Laird of Buchanann ryding home he said to Drumman-
kil—‘ What have wee beene doing here for; there is nothing payed.’
Qherupon Drummkkill went backe and spoke the tenants and returned
to Buchanann and shew him he sould have content, quherupon the
Laird and the tenants met in the afternoone at Dumbleke and brought
with thame suche horse, nolt and others bestiall as they had and
delyvered the same to Buchanann who ressaved them in Robert
Drummonds name in part of payment of the restand dewties confest be
thame and decerned be the baillie; and depons he knawis no more of
this lybell bot he hes hard be report that some of the tenants hes payed
the persewer maills and dewties.

"John Blair, elder, sworne anent the threatneing words, depons he
knowis nothing of it, bot depons he saw Buchanann accompanied with
30 or 40 gentlemen boddin with hacquebut and pistolets and hald a
court, creat baillie, and call the tenants and gave ane decreit aganis
thame for payment of the restand dewties, qhilk they payed to Buch-
anann, and the same dewties were poynedt be M' William Cunyngh-
ham at Lambmes and they promeisit to pay him before Hallowmes;
depons farder he hes payed to M' William Cunynghame 50 merks for
his dewtie, 4 yeeres since, and 8 sheep this yeere, and Jonet M'Farlane
payed other 50 merks, and William Ednem payed 29 lib. to M' William.
Depons the tenants were in use to come to M' Williams mylne before
he acqyred it, and since he acqyred, bot now they are discharged be
John Grahame, Buchanans baillie comes not to the mylne.

"15 November, 1638. Sederunt.—Tresaurer; Privie Seale; Hadin-
ton; Anandail; Souteshk; Delyel; Justice Clerk. The Lords find
convocation and careeing of unlawfull wapons aganis yong Buchanann
Ordanis him to be charged to enter his persone in warde within the
tolbooth of Edinburgh and also to desist and cease from troubling the
persewer or his tenants in possession of the lands lybelit, otherways
then be ordor of law, under the paines of j' lib."

51. Original royal letter dated at Whitehall, 15th March, 1639 (Scottish style), about the King's coming to York, printed ante, p. 116.
Addressed on the back to the Earl of Traquaire, Treasurer of Scotland, and the remenant noblemen and others of the Privy Council of Scotland.

52. Original royal letter dated at Beruick, 24th June, 1639, for the
admission of William, Earl of Airth, as a member of the Privy Council, printed ante, p. 125. Addressed on the back to the Marquis of Hamil-
ton, his Majesty's Commissioner for Scotland, the Treasurer thereof and
remenant noblemen and others of the Privy Council. At the foot there
is noted, "Apud Halyrudhous, 8 Augusti, 1639. Presented, red, past,
allowed in Counsell, and ane act past thairupon accordinglie. Tra-
quaire, I.P.D."
53. “Intrat upon pannall Katharein Craigie alias Estquoy for the poynitis of witchcraft underwrittin sorcerie and superstition underwrittin, viz.

Ye the said Katharein ar indyted and accusit for airt and part of contravening the tenour of the act of Parliament maie be our umquhile dreid soveragne leydie Marie be the grace of God queen of Scotland with adyse of her thrie Estates in her nynt Parliament, that quhar they being informit of the heavie and abominable superstition useit be diverse of the leidges of this realme be using of witchcraftis, sorceries and necromancie gevin tharto in tymes bygone against the law of God, and for avoyding and away putting of all sick superstition in tyme cumming it was statute and ordanit be the Quenis Majestie and thrie Estates foirsaidis that no persone or persons, quhatsomever estate, degrie or condition they be of, tak upon hand in any tymes thairefter to use any maner of witchcraftis, superstitiones, sorceries or divinationis or geve thamselflis furtth to any sick craft or knowledge, thairthrow abusand the people, under the pane of death. And trew it is that the said Katharein hes contravenit the tenour of the said act of Parliament be using and practising of witchcraftis, sorceries and divinationis and in geving yourself furtth to have sick craft and knowledge, and in companie and societie with the devill abusand the people at diverse and sindrie places and tymes in manner following, and thairfoir and for airt and pairt of the said abhominable superstition usit and practisit be yow, aucht and sould be adjudeit to the death in example of uthesis to do the lyk.

And in speciall ye ar indyted and accusit for airt and pairt of the abhominable superstition usit and witchcraft committit be yow in cominge to Jonet Craigie, spouse to Robert Robson, alias Costas, hir hous, the said Robert Robson being deadlie seik, and non that ever cam to visit him expected thai he could recover from that sicknesse, ye cam to his hous befor daylight and spak to him (who at that tyme knew nothing that was done or spoken beynd him for hevie seiknesse) on this maner, ‘What, now, Robbie, ar ye going to die? I grant that I prayed ill for you, and now I sie that prayer hath takin effect.’ And leaving of farder speaking to him ye said to the said Jonet Craigie on this maner, ‘Jonat, if I durst trust in yow I sould know quhat lyesth on your guidman and holdis him doune at the grund, I sould tell whether it wer aine hill spirit, a kirk spirit, or a water spirit that so troubles him,’ the said Jonet Craigie answerit you again, schoe sould never reveill anything upon you if ye helped hir guidman. Whairupon ye replied to hir, ‘Well, or the morne at evin I sall witte whether it be a hill spirit, a kirk spirit, or a water spirit that troubles him.’ The nixt morne thairefter ye the said Katharein com to the said Jonetis hous befor day and brocht with you thrie stones, which ye put in the fyre, wher they continewd all the day till effir sonsette, and than ye took thame out of the fyre, laying thame under the threshold of the doore, where they continewd all night till,
upon the morow tymeous before sunrisyng, ye tak thame up frome under
the said doore threshold and taking a veschell filled with water ye put
the stones thairin severallie on after another, of which stones being thus
put into the water be you the said Jonet Cragie hard on of thame
chirme and churle into the water, wharupon ye said to the said Jonet,
on this maner, 'Jonat, it is a kirk spirit which troubleth Robbie your
husband.' Thairefter ye gave the vessell with the water to the said
Denys. Jonet wherinto ye haid put the thrie stones, and directed her to wasch
hir husband thairwith.

"Item, for putting of uther thrie stones into the fyre qubhar they
continowed all the day also till sunsette, at which tyme ye did tak thame
out and layed thame again under the threshold of the dure qubhar they
continowed all that night till, upon the morne tymeouslie before sunrisyng,
ye the said Katharein did again tak up the said thrie stones frome
under the said doore threshold and did tak a veschell (as ye did the day
before) filled with water, wherin again ye put the thrie stones severallie
on after another, of which forsaid stones being thus put in the water be
you, the said Jonet hard thame again the second tyme chirme and
churle into the water, and thairefter gave hir the vessell with the water
and causit hir wasch hir husband with it the second tyme, qhilk
devilrie ye can not deny.

"Item, ye ar indyted and accusit for the witchecraft and devilrie
committit be you the thrid tyme in takin the stones and putting thame
in the fyre till sunsetting and than putting thame under the threshold
of the doore all that night, and in the vessell with the water upon the
morning thairefter as was done before, and one of the stones chirmed
and churled in the water as twyce before it haid done, but wold not
gave the said Jonet the vessell with the water to wasch hir husband, as
Denys.

scho haid done befor at your directioun, but ye did wasch him with the
water your self, and qhilk devilrie and witchcraft ye can not deny.

"Item, ye ar indyted and accusit for the devilrie committit be you
in comming to the said Jonet Cragies hous, ye hearing tell that scho
had reveailit these proceedings of yours usit upon the said Robert
Robbesone hir husband. Scho not being at home, and missing hir, ye
said to on of hir children on this maner (as the child reported and as it
Denys.
fell out accordinglie) 'thy mother hes bein tellig tealls of me, but I
sall put a buckie in her scheek for that that all hir kinne sall never
get out.' So it cam to passe that thair grew a great byle upon the said
Jonetis left cheek, which disfigured her face by drawing her mouth
up on to hir right eare, as is manifest. Warupon the said Jonet finding
hir self thus tormentid scho sent for you and reproved you and said to
yow that ye had witched hir, ye answered her again that it was but the
trow that haid gripped her, and upon the nixt day thairefter ye cam to
the said Jonetis hous befor day and brought with you the trowie glove
and folded the same about the said Jonets craig thrie severall tymes,
and upon the thrid day the byle brak; but as all people may see the
said Jone's mouth is not as it was wont to be, and quhilk devilrie ye can not deny.

"Item, ye ar indyted and accusit for contravening the tenour of the said act of Parliament for airt and pairt of that abominable superstition in comming to James Traill in , he being labouring his

land, with a vessell full of water in your hand, which ye offered him, desyring him to ressave it frome yow and to cast the same water amongst his bearseed, promising to him if he wold doe that according to your direction he sould therby get a good crope of cornes, and quhilk superstition and devilrie ye can not deny.

"Item, ye ar indyted and accusit for airt and pairt of that abominable superstition for coming to Issobell Cragie, relict of unwhilme George Traill of Wesness, ye and the said Issobell being privatlie together and non with yow in the houes of Wesness, ye spak to the said Issobell saying, 'Tell me if ye have a mynd to have Harie Bellendeye to be your husband, and if yow please I will give yow a grasse which being usit at my direction it will caus Harie Bellanden never to have ane other women but your self,' quhilk ye can not deny.

"Item, ye ar indyted and accusit for airt and pairt of the superstition in going to Jone Chatiters hous, William Floris in Crage her husband being lying seik and said to her, 'Jone, if ye wold have your husband ressave some litill health (for he will never recover of that seikness quhilk he is lying in) ye sall go with me about the crosse kirk of Wobuster and the loche of Wobuster before sunrysing,' and desyrit hir to keip silens and not to speak a word, quhilk wes done be your devilrie (quhilk ye can not deny).

"And generallie ye the said Katharein ar indyted and accusit for contravening the tenour of the said act of Parliament and for airt and pairt of the using and practeising of the witcherclties, soroceres and superstition abonespecifeit, and geving your self to have sick craft and knowledge, expresie against the tenour of the said act of Parliament, thairby abusing the people, and that by your cursingis and superstitions ye wrong and hurt men and beastis, quhilkis evilles is brocht to pas be your devilrie and workings of the Devill your master, and thairfoir aught and sould underly the law and be adjudgit to the death thairfor in example of utheris to do the lyk.

"Curia vicecomitatus de Orkny abs apud Kirkwall in templo Sancti Magni ibidem per honorabiles viros Thomam Buchannan et Magistrum Henricum Aitkin, vicecomites deputatos, die decimo sexto Junij, 1640, et affirmata.

'Compeirit the pannell abonenameit and denyit the haill poynitis of dittay abonewrittin, both particular and generall, except hir going about the logh, and could say nothing why acho sould not pas to the tryell of ane assyse.
1640–41. \hspace{1cm} \text{CHARLES I.} \hspace{1cm} 477

\textbf{Miscellaneous Papers.}

"Assisa.—James Hamiltoun in Bigland; John Craigie in Swandell; James Alexander in Bankis; Roland Ingisgar in Ingisgar; Henrie Ingisgar thair; Edward Cristie in Crosbuster; George Alexander in Quendall; Niniane Folsetter thair; Gilbert Reid in Clouk; John Pavie in Bankis; John Winwik in Kirkwall; Thomas Monereiff, merchand thair; John Linkletter, merchand thair; Patrik Smyth, merchand thair; John Symontone thair.

"Upoun the admesioun and sweiring of the assyse the procurator phiscall askit actis and for ane assyse of erour.

"The assyse passing out of judgment for the maist pait elected John Linkletter in chancellar, and re-entering all in ane voice clegis the pannell of the haill poyntis alsweill generall as particular, viz., the 1, 2, 3, 4, 5, and sext poyntis, and yllis bir in the sevint anent the wattering the land in as far as it is provin that scho said it sould not war James Traill, in the aught anent Issobell Craiges marrying of Harie Bellenden, as also of the nynt anent the going about the logh, and remittis sentence to the judge and doome to the dempstar. (Signed) J. LINKLETTER.

"The judge acceptie the determinatioun of the assyse and continewis sentence to the morne.

"xvij Junij, 1640."

54. Fragment containing draft of a finding by the Council in a process by George Chamber against the Laird of Meldrum, in which the Lords grant their protection to the former to come to Edinburgh and have freedom to go about until 31st March next.

55. "Edinburgh, 4 Januar, 1641. In presence of Din—John Mc'Ga, in Colston of the age of 50 yeeres, maried, depons he coning in the way frome Colston he saw on the fields the Ladie Sneip, Hector Trumbull, Patrick Liddil and Patrick Crawford upon the compleaneers land, and when he come he saw the compleaneer blooding in the head bot knawis not who did wound him. Depons also he saw the compleaneers wyffe lying on the ground but knawis not who strake her. Depons he saw the defenders within the houses bot knew not whither or not they brake up the doores, onelie he saw Hector Trumbull, Sneips man, holding the compleaneers pleuche, and he had a pistol in his belt and vowed to shoot it throw anie bodie that would offer to stirre him...

"Richard Pen, of the age of 30 yeeres, maried, depons he dwells in Montagh in a hous belonging to the compleaneers father, who died in harvest last, and payed him sheiring for the mail therof, bot he hes not tane hous of the compleaneer bot is to seeke hous ealquher. Depons he knawis the parties and he saw the Ladie, Hector Trumbull, Patrick Liddel, Patrick Crawford, come to the compleaneers pleuche and putt the poore man fra the pleuche, and Hector Trumbull with a tree dang the poore man on the head, feld him to the ground, bled him, and when he..."
was lying on the ground the Ladie layed on him with a bulls peisel. And depons when the poore mans wyffe offered to hald the pleuch greath the defenders drew her violentlie fra the pleuch and dragged on the ground be space of 16 oxen lenthe, rave the clothes aff her, and the Ladie straikhe with the bulls piseL Depons farther that Hector Trumbull tooke the pleuch and held, haveing a pistoll at his syde and sword, vowinge therwith to kill the compleaner if he stopped him in kepeing the pleuch. Hee knowis nothing anent the breakeing up of the doors.

"John Wilkie, of the age of 63 yeeres, depons he saw the poore man bleeding, and that the defenders were on the feilds, and had possession of the poore mans pleuche, but the straiks was given er he come. Depons Hector Trumbul was holding the pleuche with a pistol at his syde, and knowis no furder.

"William Martene in Barfute, of the age of 30 yeeres, depons he saw the compleaner yokeing his pleuche, and the Ladie Sneyf come with Hector Trumbul and the other defenders come violentlie and dang the compleaner. Depons in ceteris conformis secundo testi. (Signed) A. Erskine off Dun."

56. Supplication by Graham of Fintrie, sheriff of Forfar, as follows:—He is charged to make payment to the Collector General of the Taxation granted to his Majesty in June, 1633, of the arrears of the six terms of that taxation, and of this the feuars and heritors should relieve him by payment of 30s ternily for each pound land of old extent, but they will not do so unless compelled. He therefore craves letters to charge them therefor upon pain of rebellion. [On the back] "Apud Edinburg 22 February 1641. Fiat ut petitur."

57. Supplication by Sir James McGill of Cranstoune Riddle, knight baronet, one of the senators of the College of Justice, and collector general of the taxation granted to the said senators in June, 1633, as follows:—The four terms’ payment of the said taxation are long since past, and there are several persons addebet therein who refuse to pay the same unless they are compelled. He therefore craves letters to compel all archbishops, bishops, abbots, priors, and all noblemen and others in whose favour the erection of any prelacy or other inferior benefice or portion thereof, whether in lands, kirks or teinds, or in whose favour the patronage of any benefice, kirk or teind is past, and other beneficed persons contained in the tax rolls, and their chamberlains or factors, as also all sheriffs, stewards, bailies, "maires of se," chamberlains and receivers of his Majesty’s proper lands, and their deputies and clerks, and the provosts and bailies of free burgs to pay the sums still due by them. [On the back] "Apud Edinburg, 24th February, 1641, Fiat ut petitur."
58. "Memorandum of the thrie resounes gevin be his Majestie for the delay in returning answer to the last demand.

1. "That when all our former demandis ar graunted, gif thair shall be place permitted to new proposiotiones, then no limittes can be set to our desyris, but the same may ture to be endles.

2. "When his Majestie hath graciously setled our religioune and liberties the proposiotione of new articles may appeir to forrane princes and estatittis to trinch upon his Majesties honnour.

3. "The same may be takin be his Majesties other kindomes as ane example and preparative for making proposiitiones of the same or the lyke nature.

"Reasones to remove any scrupulls which his Majestie may haif for differing his answer to the proposiotione maid to his Majestie be the Estaitittis of Parliament concerning the electione of Officiaris of Estate, Counsalloiris and Sessioneris." (This clause deleted.)

[On the other side of the paper there is as follows]:—"His Majestie thinkis fit to renew the commissione of the Counsale, with the aduys of Parliament, and thairfoir will shew thame the roll of thair names which he doubtis not bot they will approve, and lykewayis will nominate all the officiaris of Estate that they may have the approbaitione of the Parliament; and gif they should tak exceptioune against any persone in particular, he is so confident that they will doe it with so much resoun, that his Majestie and they shall agrie. Lykewayis he means to condiscend upon ane limited number of counsalloiris which he will not excid in any tyme to come. And his Majestie myndis to tak the same course with the sessioners, as is abone said for the Counsale, and that Counsalloiris, Officiaris of Estate and Sessioners may haif thair places in tyme coming ad vitam aut culpam."

59. "At the metting of the nobilitie in the afternoone.

1. "That the definite number of Counsalloiris be knowin.

2. "That such Counsalloiris be named as will undertake to attend.

"Gif his Majestie shall be humblie intreasted befor the Parliament tak the list of Counsalloiris to consideratione to condiscend upon the definite number of the Counsale, yea or no.

3. Gif his Majestie shall be intreasted that he may be pleased at the humble desyre of the Estaitittis to nominate the officiaris of Estate befor the Parliament tak the list of Counsalloiris to consideration, yea or no.

"Resolved upon the first questione affirmative, lykewayis resolved affirmative upon the second questione."
60. "Names of the Counsellouris.  
"Erle Lowdoun, Chancellour, p.; D. Lennox, ab.; M. Hamyltoun;  
Argyle, p.; Marschell; Sutherland, p.; Mar, p.; Mortoun, p.; Eglington-  
toun, p.; Cassillis, p.; Glauncairne, p.; Murray, ab.; Perth, p.; Dun-  
fermling, p.; Wigtoun, p.; Kingborne, p.; Roxburgh, p.; Seaforth, ab.;  
Lauderdaleill, p.; Louthian, p.; Kinnoill, ab.; Southeak, p.; Wemys, p.;  
Dalhousie, p.; Finlaster, p. Lanerk, p.; Levin, ab.; Arrundell, ab.; Pern-  
brock, ab.; Salisbury, ab.; Holland, ab.; Angou, ab.; Lyndesy, p.;  
Yester, p.; Sinclair, p.; Elphingstoun, p.; Balmerinoch, p.; Burghlie,  
p.; Almond, p.; Balcarres, p.; Clerk register, ab.; Advocat, p.; Justice  
Clerk, p.; Thesaurer deput, p.; Master of Requetis, p.; Sir Robert  
Gordoun of Dreny, p.; Sir Patrick Hepburne of Waughtoun, p.; Laird  
of Din, p.; Laird of Innes, p.; Laird of Morphie, p.; Sir William  
Douglas of Cavers, p.; Laird of Fintrie, ab.; Laird of Dundas, p.; Laird  
of Cambo, p.; provest of Edinburgh for the tymne being, p."

"Session:—Lord Innerteill; Lord Comir; Lord Innerpeffer; Sir  
John Hamilton, Justice Clerk; Treasurer Depute; Sir James Lermont  
of Balcomy; Sir George Halyburton of Fothrance, Sir John Hope of  
Craighall; Sir John Scott of Scottistarbet; Sir Alexander Falconer of  
Halkirtoun, Sir John Leslie of Nutoun; Sir Thomas Hope of Kerse;  
Sir Archibald Johnstoun of Waristoun; Sir Adam Hepburn of Humble."

"Extraordinars:—E. Ergyll; Lord Angus; Lord Lyndsay; Lord  
Balmerinoche."

[On the back] "Louthian, Lindsay, Balmeroich, Cammo, Carse, Ware-  
stoun, John Smith, Patrick Bel, M' Robert Barclay."

[Apparently addressed] "My Lord and in this meanse time D[uke]  
L[ennox] and Richmond."

61. "Lennox; Hamiltoun; Huntlie; Argyle; Marshall; Mar; Airth;  
Murray; Eglingtoun; Cassillis; Glauncairne; Lynythygow; Home;  
Pearth; Dumerfmling; Wigtoun; Kingborne; Tullibardine; Galloway;  
Seaforth; Lawderdail; Kynnowle; Drumfreis; Southeak; Wemyis;  
Finlaster; Carnewath; G. Leslie; Angus; Lindesay; Elphingstoun;  
Balmerinoch; Almond."

"Englishe counsellouris supernumerarie:—Arrandail; Pembrok; Sal-  
lisberrie; Holland; Sir Harie Vayne; Sir John Cuik."

"Sir Robert Gordoun; Sir William Douglas, shereff of Teviotdail;  
Sir Patrik Hepburne of Waughtoun; Dundas; Fintrie; Cambo; Dwn;  
Innes; Morphie; provest of Edinburgh for the tymne."

"Officers of Estate:—Chancellar—E. Mortoun; Thesaurer—L. Low-  
doun; Privie Seal—E. Roxburgh; Secretarie—E. Lanerk; Clerk  
Register—Durie; Advocat—Sir Thomas Hoip; Thesaurer deput—Sir  
James Carmichael; Justice Clerk—Sir John Hamilton; Master of  
Requestis—Sir James Gallaway."

1. James, Duke of Lenox.
2. James, Marquis of Hamilton.
3. George, Marquis Huntlie.
9. James, Earl of Murray.
10. Alexander, Earl of Linlithgow.
11. , Earl of Hume.
15. John, Earl of Kinorne.
17. Robert, Earl of Roxbrough.
19. George, Earl of Seafort.
23. David, Earl of Southesk.

24. James, Earl of Finlater.
27. Archibald, Lord Angus.
28. John, Lord Lindsay.
30. , Lord Lowdoune.
31. , Lord Balmuirrinoch.
32. James, Lord Amont.
33. Sir Robert Gordon.
34. Sir Thomas Hop.
35. Sir James Carmichael.
36. Sir Jo. Hamilton,
37. Sir James Gallowae.

Supernumerarie Councillors.

Another list of Privy Councillors.

63. Supplication by Sir Patrick Hepburne of Wauchtoun, knight, to the King and the Estates of this present Parliament, as follows:—He has lately acquired the right of the lands of Popell and Auld Hadington from the Laird of Bass, James Levintoun of Peil and James Hamiltoun of Skirling, of which lands the teindes were never collected nor led, yet nevertheless, and although it be his Majestye’s will and pleasure declared by his decreet and general determination ratified in Parliament “that everie man sall have the teyndis of his owne landis, dispoitat to him, or for the yeirlie payment of the valued dewties thairof,” Mr James Raith of Edmeistoun, claiming to be tacksman of the teindes of these lands to Sir William Hamiltoun of Eleistoun, titular of the teind sheaves of the parish of Quhittinghame, has given a factory or tack of these teindes for this year 1641 to Sir Arthur Dowglas of Quhittinghame, knight, who intende “to mak novatioun and to collect and lead the teyndis of my saidis landis this present yeir; qwhilk aucht not to be,” seeing the supplicant is willing to pay the value thereof, and to find caution for so doing. He therefore craves warrant to lead his own teindes and that Mr James Raith, Sir Arthur Dowglas and all others may be discharged from interfering therewith. There is noted upon the petition as follows, “16 Novembris, 1641. This supplica-
tions being moved in audience of his Majestie and Estaitis of Parliament, they remitt the same to the Lordis of Secrett Counsaille." [See a later petition, infra, 5th January 1642.]

64. Supplication by "the gentlemen of the Stewartrie [of] Monteith that quhair their being warrand direct be the Committee of Estaitis for transporting of M'Gregour, who is presentlie prisoner in Buchanann, trow it is that since the granting of the said warrant the hall name of M'Gregour have convenit and ly constantlie about the hous of Buchann. So unless some remeid be provydit he cannot be safflie removed hither." They crave warrant to the Earl of Callander, as sheriff of the shire, "to convocatt the schyre for transporting safflie of the said M'Gregour and his adherents, and dissipating of who ly about the hous of Buchannan, and doe resist his transporting hither." [On the back.] "The Counsell ordains the shireff of Stirlin and his deputys upon sight heirof to pass and sease upon the malefactors within contained and to bring and present thame to the Counsell; and that the shireff tak the assistance of all the forces within the shyre. LONDON, Canrius, I.P.D.

65. "To the Right Honorable the Lord Chancellor of Scotland and remnant Lords of his Majesties most honorable Privy Counsell, the humble Petition of Sir James Galloway, knyght, one of his Majesties Secretaries and Master of the Requests, humbly shewing that his predecessors, Masters of Requests, have had the right expressed particularly in their gifts and the possession of old of presenting all requests (called bills) directed to the Counsell, and of late your petitioner was put in possession therof by the late Clerkes of the Counsell, M' Gilbert Primrose, his acceptace of a deputation thereof from me with the consent of his father, James Primrose, the older, bot joyned clerk with his sonne, wherof there is a double registar in the Books of his Majesties Counsell. My humble desire therfore is that upon consideration of the premises your Lordships will be pleased to mak ane Act for admitting me and my deputys into possession of this my right which I offer to instruct according to the narrative of this petition, and hear upon he humbly craveth your Lordships answer."

"Edinburgh, 14th Novembris 1641, presented and red allanerie, and it being contraverted why the supplicant could have presented this petition as one of his Majesties Secretaries, the said Sir James declared he was content to deleit that designation of Secretarie, and that he craved the desyr abovewritten as Master of Requeists. (Signed) LONDON, Canrius, I.P.D.

66. "My Lord, These two papers which his Majestie hath commanded mee to send to your Lordship were heere presented to him upon his arrival. By what they containe you will perceiv his Majesties returne was not held certaine, now the Parliament is risen and the power of it
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(for what may concerne Ireland) devolved upon the Counsell. His Majesty desires your Lordship to call the Counsell, if you are not mett as you exprest, to remember his birthday, and to what other effects of your affections will bee to add this one, to perfect the instructions of those noble persons who are to bee sent up to treate with the English Parliament, that they may bee dispatched with them that such timetable resolutions may bee taken as may prove for the good of both kingdomes, and the settleing of a third to that dutie and obedience it ought, which to it will bee a greater happinesse then to prevale in micheife. But his Majesties and this whole islands interest in that is sufficient to move all care and diligence which is his desire to your Lordship to intitate to the Counsell; and after that I may present my owne, that you will please to esteeme me, your Lordships most humble servant, J. LENNOX AND RICHMOND. My Lord, some more particulars, His Majestie hath directed my Lord Generall, who at his returne will assist your Lordships in what you will (no doubt) have well prepared. Barwicke, November 18." [Addressed on back] “For my Lord Chancellor.” [Also on back] “Edinburgh, 19 November, 1641, presented be the Chancellor and ordainit to be registrat. (Signed) LOUDOUN, Canrius.”

67. Copy of the act of 18th November, 1641, for the reconstitution 18th Novem- ber 1641.

68. Scroll of the act of Council respecting the protestations by Sir James Galloway and Archibald Primrose, as printed ante, p. 149.

upon these instructions and conditions of the commissions that is to be sent; and to report to the Counsell their opinion thereupon on Saterday nixt." (6) Act for dealing with Sir William Dick for money to pay the soldiers. (7) "The Lords continwis Sir Donald Gorim and till Saterday, and commandis thame to appeir before the Counsell."

[Also on the same paper]—

"Edinburgh, 22 Novembris, 1641. To be callit.
The Earle of Finlater and the Lord Ogilvie.
The burgh of Wigtoun contra the Earle of Galloway.
John McCulloche and others contra the Earle of Galloway.
The Laird of Harthil contra Patrick Leslie.
Sir Donald Gorim.
John Stuart of Coldingham contra Sir Robert Dowglas."

Also a scroll of the Lords voting.

70. Original Bond of caution for Lieutenant-Colonel Alexander Stewart, printed ante, p. 154. [At the foot] "Aypud Edinburgh, 20 Novembris, 1641. Presented, accepted in Counsell and ordaned to be registrat. (Signed) LOUDOUN, Canrius, I.P.D."

71. "At Edinburgh, 19 November, 1641. Forsameikle as there is certane quantitie of his Majesties plait, peutter and other household stuff in missing by the carelesse and negligent keeping of these to whose charge the same apperteand and is kept up be some persone to their own privat use, thairefore the Lords of Secret Counsell ordains maiersand [and] heraulds to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamation to command and charge all and sundrie persons in whose hands anie of his Majesties plait, peutter or other household stuff now in missing is to bring in and delver the same to the Thesaurer depute within 24 hours after the publication heirof under the pane to be persweeded and punished therefore as theeues. (Signed) LOUDOUN, Canrius, I.P.D.; ARCH. PRIMEROSE, Cler. S. Cons."

[On the back] "Upeone the twentie day of November the yeir of God mvyrj and fourtie ane yeirs, I, James Currie, Ilay herald, past to the mercat croce of Edinburgh and be sound of trumpett and oppine proclamations proclamit this within writtine warrend befor thir witnesses, Johne Malcome, Ross herald, Merk Smyth, trumpitter, and for farther witnessing heirof subseryveit with my hand my stampe is affiext. (Signed) J. CURRIE, Ilay herald."

72. "Most sacred soverane, Upon the presentong of a petition to the Counsell be Sir James Galloway, Master of Requests, tuicheing the right acclaime be him be vertew of his place of presenting bills to the Counsell, quherin he designes himself one of your Majesties Secretaries, wee have takin occasion to represent to your Majestie that notice wes taken that anie could presoom in to take titles or names of offices to thameselves
in prejudice as they conceive of the act of Parliament recentlie made anent the election of officers of estate; and, sicing acts of this kynde may breid jealousies in your subjects of the favor your Majestie and the Parliament hes bestowed on thame, wee ar earnestlie to entreat your Majestie out of your royll wisome to give suche order heiranent as there may be no prejudice done to these acts whiche your Majestie hes beene pleased out of your goodnes and justice to grant to your subjects, quhill is the humble deضرر of y . . .”

“Edinburgh, 22 Novembrie, 1641. Sed erunt:—Chancellor; Argile; Sutherland; Eglintoun; Cassillis; Glencarne; Seafort; Lauderdaill; Southesk; Finlatter; Balcarres; Clerk Register; Advocat; Treasurer Deput.

“Most sacred soveraine. In obedience of your Majesties command direct be the Duke of Lenox to the Lord Chancellor, and be him signified to us, we have takin the declaration and instructions therewith sent hither to our serious consideration and out of the sense of that d wetie we owe to your Majestie and respect we carie to the Parliament of England we have presentlie dispatched the Erles of Lothian and Lindsay (whome we earnestlie recommend to your Majesties favorable acceptance) to represent to your Majestie and the Parliament thear such articles entrusted be us to thame as we conceive will conduce most to your Majesties service and accelerating our expedition to Ireland; and we ar with all speed going about such preparations as may farther the same and sall omit nothing quherby we may testifie our affection to your Majesties service and readiness to performe your royll commandements as becometh, etc. Subscribitur, Loudoun, Canprius; A. M. Argile; Southerland; Eglintoun; Cassiles; Glencarne; Seafort; Lauderdaill; Southesk; Dalhousie; Lanrik; Balmerinoch; Balcarres; Advocat; Treasurer Deput; S. R. Gordoun.”

[Endorsed] “Letter from the Counsel to the King with Lothian and Lindsay, 22 November, 1641.”


74. “The Lords of Secrett Counsell ordains and commands Sir John Scot of Scottistarvett, Director of the Chancellarie, to write to the great
seale the commission of the late Parliament granted to certain noblemen
and others for repairing to England to treat and conclude such articles
with the commissioners to be appointed be the Parliament of England as
or not yett concluded in the late treatie and others particulars containned
in their commission; and ordains John, Erle of Loudoun, Lord High
Chancellor of this kingdom, to append the said great seale thereunto,
querearing the extract of this act sall be to thame asse warrand."

The above is written on the back of the upper half of Letters of
Charge, narrating that the Lords of Privy Council are informed that
there is some appearance of trouble like to fall out between James,
Earl of Finlatter, and , Lord Ogilvie, which may lead to a
breach of the peace, and ordaining both parties to be charged to
compeare before the Council on January next; and meanwhile to
keep the peace and not send nor accept cartel or challenges to or from
one another under a penalty of 10,000 merks. For this they are to find
cautien. [This is evidently connected with the act in the middle of
which the forementioned biatus in the Acts ends.]

75. "Apud Edinburgh, 23 Novembri, 1641. Forsamekle as the
Lords of Secret Consell ar informed of some appearance of trouble like
lie to fall out betuix James, Erle of Finlatter, and , Lord Ogilvie, which
may tend to the brake and violation of his Majesties peace if the same be
not tyme lies provided [sic], thairfor the Lords of Secret Consell ordains
letters to be direct charging the said Erle of Finlatter and Lord Ogilvie
personallie at thair chamber within the burgh of Edinburgh or Cannogait
to compeir personallie before the saids Lords upon the 24 day of Januar
nixt to underly such order as sall be tane with thame be the saids Lords
tuicheing the peace of the countrie under the pane of rebellion; with
certificacion; and in the mensye tymes to command and charge both the
saids partis that nane of thame presoom nor take upon hand to invade,
trouble nor molest one another otherways nor be order of law and
justice, under the paine of ten thousand merkes; etc."

76. Copy of the act of Council as to the sitting of the Exchequer,
printed ante, p. 157. (Signed) LOUDOUN, Canrius, I.P.D. ARCH.
PRIMEROSE, Cler. S. Cons.

77. Suppllication by William, Earl of Marishall, as to the honours,
printed ante, p. 157; with the Lords’ finding thereupon signed by
LOUDOUN, Canrius, I.P.D.

78. Sroll of the Minutes of Council of (1) 30th November, 1641—
only adding as follows:—"Apud Edinburgh, ultimo Novembri, 1641.
To mend the narrative of the commission and to make mention that it
hes bene remitted be the Parliamennt to the Consell."
"The Lords recomends to the Lord Chancellor to grant a comission for visiting the old universitie of Aberdene foundit be Bishop Gawin Dunbar, comanding thame to report that the Lord Chancellor with advyce of the Counsell may give order thairatent."

(2) 1st December, 1641—Scrolls of the Sederunt and the act after-mentioned relating to Sir Thomas Hope of Kerse.

(3) 2nd December, 1641—Scrolls of the Sederunt.

(4) A scroll of the act of Council passed on 3rd December, 1641, as Earl of Traquair. to receiving caution from the Earl of Traquair, and a marking of the voting—being nine for receiving with the Advocate's qualification, and two for receiving simply. Also the following:—"The Lords dismisseth Sir Donald M'Donald of Sait and gives him leave to goe home."

79. "The courtis hauldin be ane nobill erle, James, Erle of Murray, Lord Doune, and Abernethie, etc., Sir Robert Innes of that Ilk, 1641.

knicht barronet, Alexander Dunbar of Westfield, shireff principall of Elgin and Forres, Thomas Mackeinzie of Pluscarden, Robert Cuming of Altayr, and Robert Lesley of Finrissie, within the tolbuith of Elgin upon the 9, 10, 11, 23, 24 and 25 days of February the 4, 12 and 18 days of Mairche respective, the yeir of God 1641 yeiris, conforme to ane commissione direct theran from the Committis of Estaititis the day of December, 1640 yeiris; the sectis callit, the courtis lawfullie fensit and affirmit, as wase is.

"Johne Chalmer, notar publict, burges of Elgin, cret clerk, Mr James Annand, notar publict, buresse there, procurator fischall, William Cuik, messenger, cret officer, and William Ross, dempster, quha hes gewin ther aithis de fidei administratione ay and quhill they be dischairgit.

"Duncan Grant in Waster Elcheis, being accusit for ressetting, supplying, maintaining the Clangregour and other brokin men in meat, drink, money, weapons, ludging or intercommoning, being suorne, deponit that sextein or therby of the Clangrigour cam to his house, his wyff lying in chyldbed, in his absence, and they causit mak readie thair supperis and went away befor he came hame, but could not cler himself of intercommoning with them. Convict in fittie pundis money.

"James Grant there, being suorne, deponit that Johne Dowe, younger, with sex men with him cam to his hous in his absence and kewewe nothing thereof bot wes in Elgin quhen they cam, and also confess intercommoning with the Clangrigour at the kirk of Skirdurstane, and confess he drank with them in Thomas Gillimichells hous there. Convict in fittie pundis.

"James Hay in Auchrook, being suorne, deponit that Johne Drummond send to him for supplies, and he send him ane doulour and they cam tuye to his hous. Convict in twentie pundis.
"William Gilbert in Wester Elcheis deponit negative; nevertheles prowin guilte be Duncan and James Grantis in Elcheis. Convict in ten pundis.

"George Lesley at the Boitt of Elcheis, being sworne, deponit that the Clangrigour tuik his boatis at their awin handis, boastit his wyff and drank his aill and payit nothing therfor; yit notwithstanding he is prowin guilte be the saidis Duncan and James Grantis. Convict in twentie merkis.

"John Oig McPherson in Boighed of Eingzie, being sworne, deponit that thrie nicht efter Michelmes day last tua brokin men lodgit with him, and also he confest intercommoning with the Clangrigour at desyre of uthers, and declare he intercommonit with them the night befor John Dow Gair wes killit, and that he drank with them in Mathisones hous in Farnachtie in Eingzie. Convict in twentie pundis.

"Alexander Cuming in Hauche of Dundurcos, being sworne, confest that fourtie of the Clangrigour or thairby cam to his hous thrie yeiris since or thairby and wes forcit to gewe them ane firlot (?) of maill; and declairit thair cuming wes by his knowledge; and also confest they cam to his hous another tyme when they returnit fra the persewing the salmond fischeris of Spey at Gaimeoche and tuik him out of his bed and haid him to the Craig of Sourdane and then dissimt him. Convict in twentie pundis.

"Gilbert Barclay in Allenboy, being sworne, he never ressett them nor supplyit them, but confest that being in company with James Gordoun of Birkinburne and George Adamsone of Braco in James Fordyce hous in Keith thair cam in old John Dowe with ane number of men and he drank with them before Martimes, 1639 yeiris, and he payed nothing for the drink, nether wes thair cuming to his knowledge. Convict in fiftie pundis. (Added in another hand)—"James Gibsoness tennentt."

"John Hamiltonone in Boighed deponit they cam anes to his hous in Auchbeigis in his absence and tuik thair supperis, being young John Dowe, being sexteen in company thrie yeiris since or thairby. Convict in ten pundis.

"William Hay in Mulben, being sworne, deponit he never ressett them nor supplyit them bot wes brocht to his hous be his neighbours and dang him and abusit him and tuik half ane dollour out of his breiks; and declairit it wes John Stronoche, younger, thair, that brocht them to his hous. And lykways William Hay is prowin guilte be James Hay in Mulben, George Hay thair and James Hay in Auchrosk. Convict in ten pundis.

"Androw Thomson in Boighed deponit negative, yit confest he drank with John Dowe, younger, in Thomas Duffis hous in Strathbogie. Convict in ten pundis.

"Thomas Dumbrek in Dundurcos, being sworne, confest that he schuike handis with the Clangrigor at the Craig of Sourdane, and thair-
after gave them ane dollour and supplyt thair wyffis and pairties with wittall; and lykwayis prouin guiltie be Alexander Cuming. Convict in ten pundis.

"George Yevine thair, William Duncan thair, David Allan thair, and Issobell Mein thair, all prouin guiltie be the saidis' Alexander Cuming and Thomas Dumbrek that they contrabute [sic] moneyis to the Clangrigor and supplyt thair wyffis and pairties with wittull. Ilkane of them convict in ten pundis.

"Gawin Milne in Gerbettie, being suorne, deponit he never ressett themselfsis but supplyt thair wyffis and pairties with wittall; and declarit he gave them tua dollouris for his guidis wes takin away. Convict in tuentie pundis.

"Joohne Milne thair deponit negative, yit nevertheless is prouin guiltie be Gavin Milne and utherris his nighbouris. Convict in tuentie pundis.

"Joohne Tallyeour in Carntie, being suorne, confess they tuik taell shillings at ane tymel fra him, and another tymel he went to James Gordounes hous in the Brigg with them and he and Gilbert Mitchell, his nighbour, payit 30s. for meat and drink to them, quhill Gilbert Mitchell confess. Ilkan of them convict in ten pundis.

"Androw M'Kimmie in Balnabruiche deponit negative, yit prouin guiltie be the saidis James and George Hayis. Convict in tuentie markis.

"Joohne M'Kimmie thair deponit negative, yit prouin guiltie be the saidis James and George Hayis. Convict in tuentie markis.

"James Mougache, elder thair, being suorne, deponit Joohne Drummond cam to his hous and himself absente, and confess he gave them 13s., and als prouin guiltie be James and George Hayis. Convict in ten pundis.

"James Mougache thair deponit negative, yit prouin guiltie be James and George Hayis. Convict in tuentie markis.

"Patrik Clerk upon his awin confessione convict and also prouin guiltie be James and George Hayis, James Hay in Aunchrosk and George Scherer. Convict in ten pundis, (Added in another hand)—"James Gibsons man."

"George Scherer convict upon his awin confessione that he drank, mett and intercommunicit with them, and confess he drank with them in Patrik Clerkis hous. Convict in fourtie markis. (Added in another hand)—"James Gibsons tennent."

"Joohne Clerk in Belnabruiche confess he intercommunicit with them and gave them meat and drink, and als prouin guiltie be James and George Hayis, and James Hay in Aunchrosk. Convict in ten pundis.

"Joohne Wentonne in Mulben deponit they were never in his hous, but declarit he met with them and intercommunicit with them in Joohne Robisons hous at the Muire of Rynie about the fair of Auchindor the last yeir. Convict in ten pundis.

"Patrik Milne, milvart in Mulben, deponit that Joohne Dowc cam to
his hous and drank tua or thrie pytis of newe aill; and also prowin guiltie be James and George Hayis. Convict in ten pundis.

"Robert Yevine thair deponit that thrie of them cam within his dores but got nothing; and confess they cam again to his hous and tuik 14s. out of his pouche. Convict in ten pundis.

"James Duncane thair deponit that ten dayis or Johne Dowe wes killit they cam to his hous and tuik thrie bear bannokis and ane pynt of milk, and also prowin guiltie be James and George Hayis, James Hay in Auchrook and Patrik Milne. Convict in ten pundis.

"Androw Duncan thair deponit that thrie of them cam upon him, viz, Duncane Mc-Grigour, Johne Gordoune and ane dummie and tuik half ane hyd fra him, and also prowin guiltie be James and George Hayis and Patrick Milne. Convict in ten pundis.

"Johne Robertsone in Breaben, being suorne, confess they cam to him tua yeiris sensyne and he gave them half ane dollour and sum turnouris, and also confess he gaww ane pek of maill to wtheris of them, qhillk quhen it was brocht to them they wold not tak it; and also prowin guiltie be James and George Hayis and James Hay in Auchrook. Convict in ten pundis.

"Robert Simsone thair confess he gaww them xx s. and maill and declarrit they bled his wyff, and also prowin guiltie be Patrik Milne, Robert Yevine and Johne Robertsone. Convict in ten pundis.

"Johne Rattray in Gairlen deponit that the night James Hayis hous wes brokin tua lounes cam doune fra the hill and causit fill tua pytis of beir and troublit tua of my Lord Forbes men, and also prowin guiltie be James and George Hayis and James Hay in Auchrook. Convict in ten pundis. (Added in another hand)—"James Gibsons tenentt."

"George Tailzeour in Towe confess intercommuning with them and confess he gaww then ane bonet and they keist the bonet bak again being without the hous. Convict in ten pundis.

"James Hay, cordoner thair, deponit that 4 yeiris synce they came and herried him, being 14 men in number, and tua yeiris syne Duncan Mc-Grigour, Johne Gordoune and utheris cam to his hous again and gawe them nothin, yit prowin guiltie be Robert Yevine. Convict in ten pundis.

"Johne Chalmer in Auldchaiste deponit that thrie yeiris bygane at Fastingis Ivin alleven of them cam to his hous and would have four dollouris perforce fra him, and declarrit he wes forcit to borrowe half ane dollour fra ane puir wyff in the toune, callit Jonet Hay, and thair-efters auchoit of them cam, himselfe being absent, quhen they cam fra persewing the salmond fisheiris of the watter of Spay at the Gairmoche. Convict in ten pundis. (Added in another hand)—"James Gibsonnes tenentt."

"James Hossak in Fochabirs, being sworne, confess that the Clan-grigor wes brocht to his hous be Johne Oige ane nief befor Johne Dowe wes killit, being 18 men in number; and also prowin guiltie be Johne Oig and Johne Hamiltoun. Convict in tuentie pundis.
“Thomas Grant in Croftis of Kirdellis, being sworne, deponit that he never supplyit them, but confest at Inchêbroiks desyre he spak with Duncan Gair, and confest he intercommonit with old John Dowre sundrie tymes. Convict in ten pundis.

“Patrick Dollace in Glenairder confest intercommoning with them on the his way. Convict in ten pundis.

“William Grant of Kirdellis confest the resssett of Patrik Oig at Andersmes, 1639 yeiris, and confest intercommoning with Duncan Gair at Dumphaillis desyre in Thomas Gordounes hous in Inveravin. Convict in fourtie pundis.

“William Grant in Auchnahoungens confest intercommoning with them. Convict in tuentie pundis.

“William Innes in Mulben, being sworne, declarit that John Dowre cam to his boundis in October 1639 yeiris and send in ane boy to him, he being in his cornyaird, and he intercommonit with him. Convict in tuentie pundis.

“Robert Leslay in Dundurcurs deponit that sex of them cam upon him ane nicht and brak up his dores and said they got ane dollour fra him, quhilk he wes forcit to give them. Convict in ten pundis.

“William Gray in Daigenis, being sworne, confest that upon Sanct McRuellis day last Johne Drummond with sevin with him cam to his hous and brak his dores and tuik his awne schone aff his feit with tuentie s. fra his wyff; and confest he fillit ane coig full of aill to them, quherof they drank littill, and confest intercommoning with them and drinking with Johne Drummond in Farquhar Muliardis hous. Convict in ten pundis.”

“Alexander Brouster in Crokncroy, being sworne, declarit that thrie of them fell upon him and tuik tuell s. of turnouris fra him; and alse prowin guiltie be William Innes in Mulben. Convict in ten pundis.

“Alexander Schand in Gairlen, being sworne, confest intercommoning with old John Dowre, and they tuik him to ane aihous and drank with them, being on Sunday in tyme of preaching. Convict in tuentie markis. (Added in another hand)—“James Gibeones man.”

“Farquhar Garrowe in Elcheis, being sworne, deponit that fyve yeiris since Johne Dowre, elder, brak his hous and spuilyeit him; and alse is prowin guiltie be the saidis Duncan and James Grantis. Convict in ten pundis.

“Thomas Durstane in Danadal be deponit negative, yit prowin guiltie be William Gray. Convict in ten pundis.

“Thomas Yevine in Dagenis deponit that Johne Drummond, with sex with him, cam to his hous on Sanct McRuellis ivin last and drank thrie pintis aill and went instantlie away and payit nothing for it and confest he intercommonit with them quhen they tuik away his guidis and declarit they tuik sevin head fra him and he gave them sex dollouris for sex head and they killit ane. Convict in ten pundis.
"Donald Moir in Elcheis juravit negative, yit prouin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Proctor thair deponit they brak the gavill of his hous and pantrie dore tua yeiris since and spulieit him and confess intercommoning with them in Skirdustane; and also prouin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Stewart at the Boit of Boig, being sworne, declaris he never resset brokin men to his knowledge, except yfye or sex of them cam in the day Joyn Dowes wes killit and his wyff gave them meit and drink; and also confess that ane fidler of the Clangregouris cam to his hous and wes at his dochteris mariage. Convict in tuentie pundis.

"Thomas Cruikischank in Elcheis deponit he never resset brokin men, yet confess that Duncan Gair and Joohn Dowes Gair came to his hous and tuik him with them to Archibald Stewartis hous at the boit of Skirdustane and keipit thair thair ane nicht and causit him drink and eat with them, and also confess intercommoning and meiting with them at uther times, and also prouin guiltie be Duncan and James Grantis. Convict in ten merks.

"Joyn Jacksone in Fochabirs of Eingzie deponit that thrie of them cam and tuik him and tuik his bygirdill fra him, with fiftie markis money, and they cam to James Hossakis thair and they gave him his money again and thairefter he wes forcit cum to James Hossakis hous and gave them ane quart saill, prouin guiltie be Johne Oig. Convict in ten pundis.

"William Logane in Ardiquische, being sworne, confess that the day old Joyn Dowes gair wes killit sex of them forcit him to put them ower the Watter of Spey and confess he yeit as commissioner for the Clangrigour to the Gairmoche to requyre ane compositione fra them in name of the said Joyn Dowes gair and utheris his complices. Convict in tuentie pundis.

"Thomas Cuming in Elcheis, being sworne, deponit that xvij of the Clangrigour cam to his hous sex yeiris sensyne and tuik his hous, himself being absent, at last with difficulite cam in and wes forcit to give them thair suppersis and brekfast on the morne and confess intercommoning with them sundrie tymes. Convict in ten pundis.

"Joyn McWilliam thair, being sworne, confess four yeir since Joyn Dowes cam to his hous and sought meat, and he offerit bread and milk, quhilk they wold not tak and went away; neverthelis prouin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William McWilliam McKiane thair, being sworne, confess intercommoning and drinking with them in Joyn McCagies at ane brydell; also prouin werei guiltie be Duncan and James Grantis. Convict in tuentie markis.

"Androw Hay thair, being sworne, confess he ressett ane of thair wyffis and bairnes ane yeir since or thairby and gav hir meat with ane corne maill; and also prouin guiltie be Duncan and James Grantis. Convict in ten pundis.
"Robert Lagane that confes intercommoning with Alister McAndie Voir at the bryndell in Johne McTaggie; as also provin guiltie be Duncan and James Grantis. Convict in ten pundis.

"William Hay in Easter Elcheis, being suorne, deponit they herred him oft within this sex yeiris, and anes acht of them cam to his hous and tuik sic meet as wes readie, and is provin guiltie be Duncan and James Grantis. Convict in ten pundis.

"Johne Gray thair, deponit negative, and notwithstanding provin guiltie be Duncan and James Grantis. Convict in ten pundis.

"James Muckill thair, deponit negative, and notwithstanding provin guiltie be Duncan and James Grantis. Convict in ten pundis."

Rothes.

"Patrik Lesley in Petteddertie, being suorne, confest that Johne Dowe, being ane day in Dundurcus, send ane man to him to seik silver, and the said Patrik ansuerit he haid not silver but said Marjorie Roy wes restand to him thrie or four ballis of malt, and giff he were ther he wold give them half ane dolour, lykas they tuik up four pundis fra hir at thair awin hand. Convict in tuentie pundis.

"Leonard Lesley of Cheppellhill, being suorne, confest intercommoning, eating and drinking with them in seiking bak of wther menis guidis takin away; and confest that he drank with them in Johne Guthries hous in Rothes and another tyme in William Grayis hous at the Craignik. Convict in tuentie pundis.

"Walter Innes of Wrtane, bailifie of Rothes, being suorne, confest that Johne Dowe send commissioneris to him to schawe my Lord of Rothes that he wes willing of peace, and confest that he saw sixtein of them or thairby in Rothes and drank with them in the Miltoone of Rothes, and also that he trystit with the Clangrigour anent the gudvyff of Wrtane and David Dunbar; and alse confest that the baronne of Rothes contrabute and gave them ane supper quhilk wes thrie ballis of malt and wes spent at Fiddiche. Convict in ane hundreth markis.

"Johne Guthrie in Maynes of Rothes, being suorne, confest that Allaster McAndie Voir and Johne Drummond, being tuell in company, cam to his hous wpon ane Sunday, and Leonard Lesley being in company, and drank four pundis and payd nothing therof; and another tyme thair cam to his hous Duncan Gair, being aucht or nyne in companie, and brocht Norman Deane perfores thairto and drank tuentie sevin schilling and left him in wod of the lawing. Convict in tuentie pundis.

"Normond Deane thair, being suorne, deponit that quhen M' Johne Weymes guidis wes takin away he mett with them in Mortliche and they schott him fra place to place and another tyme they tuik him perfores to Johne Guthries hous and causit him pay tuentie four schillingis, and confest he payit ane pairt of the contributione to the supper. Convict in fourtie markis.
"Alexander Lesly of Conrak, being suorne, confess that they haid herried his man, George Gray, and tuik sex horse fra himself, and alse confess that he contribute to the Clangrigour for thrice bollis malt, and confess that he met with them and drank with them in seikin bak his awin and wtheris menis guidis at the boit of Fiddiche, and confess Allaster McAndie Voir and John Stewart were in his hous, and confess he met to William Grayis hous at the Craig to supply him, and confess he met with old Johne Dowce, quha tuik him perforce to George Innes hous at Fiddiche, and confess he intercommuned with Johne Drummond, and confess he was at the said William Grayis hous at Dandaleith quhen they drank fourtie s. and causit the tennentis stent for paying of it; and also confess that he and Johne Guthrie wes messengiris betuix the boundis of Rothes and the Clangrigour and declairit that they tuik him perforce to George Innes hous quhen they drank the four pundis giuin be the forsaid Patrick Lesly of Petteddertie. Convict in tuentie pundis.

"Johne Gray in Rothes, being suorne, confess that they cam in to his house at the gavill thairof, and confess that sum of them cam to his hous and stayit tua hours and did eat and drink. Convict in tuentie pundis.

"Thomas Gray thair, being suorne, deponit that Allaster McAndie Voir, with auchtin with him, oam and brak his dores and drank ane brouat of sill and payit nothing for it. Convict in tuentie pundis.

"Michell Yevine in Strabukie, deponit negative, yit prowin guiltie be Leonard Lesly and Johne Guthrie. Convict in ten pundis.

"George Gray in Arndellie, being suorne, deponit that he never supplyit them, except that his wyff haid sumtyme supplyit thair wyffis quhilk he could not purge himself of. Convict in ten pundis.

"Patrick Grant in Delnapoit, Borsche, webster in Oldweime, Patrik Mougache in Knoken, Allaster McCagie in Nether Borlum, David McKeane Mor in Tombrek, Allaster Gillimichell there, Johne Roy at the milne of Daultalies, James Donaldson in Elcheis, Johne Garrowe there, Johne Milvart there, James McCondachie in Clagan, Johne McCagie there, William Dumbrek in Dundurcus, George Gilles in Collie, Alexander Deane in Easter Elcheis, Robert Deane in Dandaleith, William Man there, Johne Man there, William Gray in Carntie, Stronoche there, Patrik Bogoquine in Conrak, Thomas Schankis thair, Robert Yevine thair, Johne Riache in Hanche of Airtindillie, Johne Gray younger in Rothes, Alexander Hay in Maynes of Rothes, William Tailyesour thair, William Man in Auchinroth, Michell Schankis in Keldillie and James Innes in Mulben, they and ilk of them ar unlawit and amerciat for thair not conpeirance to the saidis courtis, being laufullis summundit thairto, quherupon act extract furth of the said court buiks be me Johne Chalmer notar publicit clerk thairof. (Signed) J. Chalmers cir.

"Apud Edinburgh, primo Decembris, 1641. Producit be the Laird of Innes and allowed be the Counsell and letters of horning and pounding ordaned to be past therupon upon 20 dayes warning. (Signed) Loudoun, Canpriors."
80. "At Edinburgh, the first day of December, j^vth and fourtie ano-
yearis. Quhilk day in presence of the Lordis of Secrett Counsaile com-
peared personallie Sir Thomas Hope of Kerse, knight, one of the Sena-
touris of the Colledge of Justice, and produced his Majestis gift and
patent under the great seal makand and constituannd him Lord Cheif-
Justice within this kynkdom, and humbllie desyred his oath to be takin
de fidei administratione. At the productione quhairof ane nobill Marqueis
Archibald, Marqueis of Argyle, etc., declared that thair shoude
be ne ane express exceptione conteined in the foirsaid gift off the shire-
dome of Argyle and the Iles and haill remanent bounds contained in
his Lordshipis heretablie inertment of justiciarie holdin of his Majestie,
and raited in Parlament, and thairfoir protestit that the said Sir
Thomas Hope should either pas from the said gift as it is conceaved and
tak ane new gift bearing the said exceptione or else that the Lordis be
their act wold declair that the said gift shal not be extendit to the
bounds foirsaidis, quhairof the said Marqueis is heretablie justice.
Efter consideratione quhairof the saidis Lordis of Secrett Counsaile, with
consent of the said Sir Thomas Hope, findis and declaires that the for-
said gift now granted be his Majestie to the said Sir Thomas shal
nowayes be extendit to the boundis of the said shireidome of Argyle and
the Iles nor no other boundis speciallie or generallie conteined in the
said Lord Marqueis his said heretabill inertment of justiciarie ratified
as said is, and that the forsaid gift shal nowayes be hurftfull nor pre-
judicall thairto nor to the priviledges, libertys and immunitys thairin
conteined in any sort; quhairupoun the said Marqueis of Argyle akit
instrumentis. Extractum. (Signed) LOUDOUN, Can^rius."

81. Copy of the Act of Council approving of the proceedings of the
Commissioners in the North and the holding of justice courts there
dated 1st December, 1641, and printed ante, p. 159. (Signed) LOUDOUN,
Can^rius, I.P.D.

82. Copy of the Act of Council, dated 1st December, 1641, dis-
charging the double custom on exported coals, printed ante, p. 160.
(Signed) LOUDOUN, Can^rius, I.P.D.

83. Scroll of the Acts of Council admitting Mr John Rollock sheriff
depute of Stirling, etc., and Mr William Hog as sheriff depute of
Hadintoun, printed ante, p. 161. On the back there is the scroll of a
signature with directions for the expediing of a commissiun of justiciarie
to his Majesty's Justice General, Mr Alexander Colvill of Blair, and
Mr James Robertoun, advocate, his Majesty's Justices depute, and failing
of them such as the Justice General shall appoint, for the sheriffdoms
of Dumbarton, Stirlin, Perth, Forfar, Kincarne, Aberdene, Bamff, Elgine,
Forres, and Nanne, and to the Earl of Murray for Inverness. The doing
of this had been remitted to the Council by the late Parliament.
84. Scroll of the immediately preceding Act of Council relating to Sir Thomas Hope; with a note of the two sederunts on 1st December, 1641.

85. Scroll of the Act of Council for the appointments of Mr John Rollock and Mr William Hog. Also the sederunts for 1st December, 1641, as follows:—Ante meridiem—Chancellor; Generall; Marquis of Argile; Cassillis; Southesk; Elphinstoun; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordone; Wauchtoune; Innes; Provost of Edinburgh. Post meridiem—Chancellor; Generall; Marquis of Argile; Murray; Dunfermline; Seaforth; Mar; Cassillis; Kinnoull; Southesk; Angus; Sinclair; Elphinstoun; Balmerinoch; Clerk Register; Advocate; Justice Clerk; Sir Robert Gordone; Innes; Sheriff of Teviotdaill; Dundas; Provost of Edinburgh. Also on second leaf as follows:

1. To mend the narrative of the commissioun and ground it upon the warrant and reference of Parliament.

2. To omitt the words and “others suspect persons” and all that generall claus.

3. “Anent the Justice Deputes,” etc., to alter and “failing of thame such as the Justice Generall sall deput.”

4. The word “respective” to be delete.

5. “Givand, etc.,” heir to leave out “conjunctlie” and “Deputa.”

6. And thereafter, to leave out “conjunctlie.”

7. “Themselves” and “deputa” to be delete.

8. For “several” “anie of the” [sic].

9. “Season” for “Session.”

10. “And in August thereafter till the 15 of September imediatielie following.”

11. The clauses anent suspect persons delete.

12. “Suspect persons” delete.

13. “For the crimes quhatsomever” altered for “anie of the crimes foresaid.”

14. Anent reseters to be added “contrare to the lawes and acts of Parliament.”

15. “In the power of the commissioners” —this claus or “may doe therefter” to be delete.

16. “Upon and with the conditions after specifict” to be added.

17. The exception to be delete.

18. Anent pardons to be altered “With power to thame or anie of the twa quorums foresaid.”

19. The provision in the pardon agains rebels criminalall to be delete.

20. The provisions anent satisfaction to be added—“according too their meanes finding caution to pas their remissions.”

21. Anent the power of the commissioners for tyme cuming tyme bygane.
22. Anent the deputys—to alter thus—or such as sall be deput.
23. Anent the levy of the sax score men.
25. Suspect persons to be added—"of the crimes foresaid." 
26. Anent the commission—for "endure," "Expire."
27. To delete "Parliament" and alter—"be his Majestie and Secret
    Consell."
28. [This claus delete.]
29. Anent the nominatioun of the deputys there to name the Justice
    Generall himselfe.
30. In the commission to adde the shireffs of the shireys to the com-
    missioners where the shireffs ar heretabill.

86. "Edinburgh, primo Decembris, 1641. For the speedier raising of
7000 men for his Majesties service and assisiting Ingland to suppress
the rebellion in Ireland it is thought expedient that my Lord General
speake the commanders and souldiours of Monro and Homes regiments,
quhilks are one foot, and to try if they be willing to goe on in this ser-
vice, and if thair be anie of thame who are unwilling to goe on and
desyres to be licentiat, that the Lord General take suche course for
levying so manie others as will make up the saids tua regiments to
the number of 2000 men.

"That the Lord General wryte to the Lord Sinclair to understand if
he will undertake to keep his regiment on foote for the expedition for-
said, and what will be the number [he] will undertake for.

"It is lykewayes thought fit that order be given to the severall shyreys
for lifting of 3000 men quherof a thousand Hielanders according to the
division following, viz.:

1 "[For levying of three thousand to make up the number of 5000
that there be raised out of the shyreys of Louthians, Yffye, Merse, Stirling,
Teviotdale, Selkirk, Peebles, 1000 men; out of the shyreys of Lanerk,
Renfrew, Air, Wigtoun, Dumfreis, 1000 men; out of the shyreys of Perth,
Dumbartan, Innerne, Argyle, Bute, and Braes of Stirlne shyre 1000 men.]

"And that the Lord Generall take course for appoynting of the
generall, officers, colonels, leutenant colonels, and majors, and that the
captans, leutenaunts, ensignes, and other inferior officers be chosin be
the advyce of the noblemen, gentlemen, and heretors of shyreys, according
to the number and proportion of the souldiours sent out be the bounds,
and that the captane be chosin be the shyre that sends the greatest
proportion, the nixt proportion the leutenant, the least the ensigne, and
the serjants to come with the captane and leutenaunts, and that special
care be had that the captans and leutenants be souldiours that have
served abroad in the warres, at least if the captane be a gentleman who
have not served abroad, that the leutenants be souldiours who have
served abroad.

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1["Lanerck, 300; Air, 300; Wigtoun, Kirkuedbrycht, 200; Dumfrew, Miscellaneoues Papers.
200; Fyffe, 300; Lithgow, 50; Edinburgh principall, 200; burgh of Edinburgh, 200, Hadinton, 200; Peebles, 50; Berwick, 200; Roxburgh, Seikirk, 200."]

"Eodem die, post meridiem.

"And that all the soulsidours, at least as manie of thame as may be, be of thame that were leyved before, and that it be intymat to thame that, before they be requyred to marche in this expedition, they sall ressave compleit payment of thair former arreares dew to thame, and that the quantitie of thaire pay sall be the same quhilk sall be payed to the armie that sall goe out of Ingland for that service.

"And, if the number cannot be gottin compleit of the soulsidours that were in the armie before, that the lyke condition be offered to others who sall be induced to goe for the tyme to come, and that course sall be taken that everie soulsidour from he begin his marche till he come to Ireland quher he is enter upon the Inghish pay sall have sex pence a day, and the officers proportionable.

"That thir orders be written and sent to the shireff to conveene the gentlemen and heretors of eache shyre, that letters be written to the gentlemen and heretors to be delyvered to thame at thair meitings to have special care for leyving of the men according to these orders, and that letters be also written to the severall noblemen within ilk shyre to keepe these meetings and to assist the levyees and to report.

"For transporting of the former 5000 men in hale or part, warrant is to be given to the Marquis of Argyle, Gllacairne, provest and bailies of Glasgow, Dumbartan and Renfrew, and to the Lairds of Greenok, Newark, and Bishoptoun, for all ships, barks and boats of Glasgow and the river of Clyd to the Clochstone, and to the Earl of Eglinton, the provest and bailies of Irwing, and to the Lairds of for all the ships, barks and boats betuix the Clochstone and Irwing inclusive, and to the Lord Chancellor and the Earl of Caissills and to the provest and bailies of Air all the ships, barks and boats of Air, to conveene, transact, and agree with all the owners and maisters, skippers, sailiers of ships, barks and boats within the former bounds respective for transporting of the said armie to Ireland; and that they make report to the Counsell of thair diligence betuix and the day of of what ships, barks and boats fit for transporting they can make sure, of the conditions of the transport.

"2 December 1641.

"The Lord General producit an act of Parliament quherby his Lordship is made captaine of the castle and gave his aith.

"The Lords recomende to the Lord General to give direction for bringinge of Lord Sinclair regiment with convenient diligence hither.

"3 December 1641, Memorandum—To desyre, in respect of the scarsity of victual in the west parts quher the soulsidours that goe to
Ireland are to be sent, that warrant may be given for sending the freeboot quhill lyis presentlie in Leith about to these bounds loadnati with victual.

"Apud . . . The Lords of Secret Counsell remittis the consideratioun of the articles abovewritten to the Commission for the Common Burthenes, as proper to thame."

87. Copy of the Act of Council recommending Thomas Cuinnghame, factor in Campvere, as printed ante, p. 161. (Signed) LOUDOUN, Canarius, I.P.D.

88. Scroll of the Act of Council respecting the compearsance of the Earl of Traquair, printed ante, p. 162.

89. Copy of the Act of Council dated 3rd December, 1641, in favour of Thomas Cuninghame, factor at Camphere, printed ante, p. 164. (Signed) LOUDOUN, Canarius; A. M. Argyll; Cassillis; Leven; Sinclare; Elphinston; Murray; S. W. Dowglas; Sir Thomas Hope; Robert Innes.

90. Copy of the Act of Council, dated 3rd December, 1641, granting a commission for the passing of bills, etc., printed ante, p. 164. (Signed) LOUDOUN, Canarius, I.P.D.

91. Draft of the Act of Council for issuing a commission to deal with the disorders in the Highlands, printed ante, p. 164; and Signed LOUDOUN, Canarius, I.P.D.

92. Copy of the Acts of Council, dated 3rd December, 1641, for the levy of 5000 men for Ireland and for their transport, printed ante, p. 170. (Signed) LOUDOUN, Canarius, I.P.D.


94. "Right honorable and our very good Lords, Oure distressed condition in these parts of Ireland procured by the late rebellion, wee are well assured, is not unknowne unto your Lordshipps, and truely that which adds most unto our affliction is that wee want armes to armre our naked men withall, whereby wee might bee enabled by Gods blessinge in some sorte to resist their traiterous proceedings, untill God did strengthen us with more supplie from his Majesty, as his Majestie in his wisdome shall thinke meetest for our releife. Wee have made this amongst all our other wants knowne unto his Majestie, and to the state heere, and yet have receyved noe releife for our present succour. Understandinge that there are plentie of armes of all sortes to be sould
in Edenborough, and beeinge att this present wholest destitute of readie money to pay for them, in regard thesee troubles fell out before our rents were receved, and allsoe not knowinge howe our bonds may bee accepted in a place where we are noe better knowne, wee presume by this gentleman, Mr James Edmonston, to represent this our distressed condition to your Lordships, beseeching that your honours would be pleased soe to mediate with such persons as have armes to sell there that such armes as hee shall make choice of for our present releife may bee delivered unto him uppon our bondes.

"Wee hope your Lordships will not thinke our estates soe desperate, but that they may yet bee thought good securitie for a greater quantitie of armes then wee shall now demand; and, if God permitt us or any of us lief, wee shall not doubt by Gods assistance in person to make honest payment and allwaies acknowledge this charitable favour. And to this end wee have given this gentleman a letter of attorney to bargain for and buye the said armes and have given him allsoe full power and authoritie to signe, seale and deliver a bond to any person or persons that shall give him credit by your Lordshipps means, and have given him full power to put our handes and seales to the said bond or bondes; and doe allsoe by the said letter of attorney confirme all actes which bee shall doe concerning the same.

"My Lords, wee know not how valyd this bond thus perfected may prove according to the lawes of that kingdome, wherefore wee doe allsoe by this our letter oblige ourselves and every of us and the heires and assignes of us and every of us joyntlie and severallie to make good payment unto any man of what soume or soumes of money this gentleman shall engage himself for our use as aforesaid. The speedie dispatch of these armes to us is of as great consequence as the armes themselves, as the bearer can informe your Lordshipps, to whose relation wee refer the particulars of our present condition. Wherefore, not doubtinge of your Lordshipps most christianlike furtherance in this our extreame necessitie, wee humble take leave. Your Lordshipps most humble servants, (Signed) EDWARD CHICHESTER; ARTHUR CHICHESTER; AI. TYRINGHAM; ARTHUR LILL Carrickfergus, 6th December 1641."

"Producit sexto Januarij, 1642. Recomendit to the Comittee for the Comon Burdens."

[Endorsed] "Letter from the Earl of Chichester anent armes."

95. Supplication by the moderator and brethren of the presbytery of Dunno. They are "ower chargit with a great multitude of poore people quha ar laitlie cum from the keingdoome of Ireland to tua parochins within the said presbetrerie, bot especiallie within the Isle of Boote," and, upon representing this to their Lordships on 13th April last, they commanded John Kennedy and Robert Gordoun, collectors in Air, to pay 1000 merks for the relief of these people at the sight of the said presbytery. But the said Robert Gordoun, by his "testificat"
herewith produced, declares that the contributions from his district are
not yet received and moreover that "their pairs ar overlaid with the
poore of Ireland already, sua that their can be no hoip for any supplie
from them." They represent to their Lordships that the number of these
poor in the Isle of Boote then exceeded 500, and a great many more
have since come, and as no help can be expected from Air, they crave
the Lords to take such course in the matter as they judge expedient.
[On the back] "At Edinburgh, 13 December, 1641. The Lords of
Privy Councell recomend the supplication to the commissioners ap-
poynted for giving out the contributions gatherd for supple of suche
poore as are fled out of Ireland. (Signed) LOUDOUN, Cantrius, I.P.D."

96. "Pleas your Lordships, Accordeing to the advertiseisement gevin be
the schireff to us undersubcriveris and utheris of the gentilmen and
heritouris within this schyre, we haveing convenit att Jedbrught this
day, quhair your Lordships letter and instructiones thairin closed was;
publickly delveryed and red to us, we ar most willing, according to your
Lordships commandement and our dewtie, to contribute our best
endevoir for the advancement of the Kingis Majesties service, and for
the relieff of his Hienes subjectis our neighbours and brethreine in Ire-
land, whairto, iff anything malle slackin or lett our desyres and designes,
it wilbe the want of the arriaris dew to the sojouris for thair former ser-
vice, quhilk, howsoever noblelie promiseit be your Lordships and be us that
ar of the barroones and heritores within this schyre credibillie trustit, yitt
it will nocht satisfe the pairties that ar now to be levyed except that
reddie money be producit to them; for all of them affirms themselfes
[that they have] gottin so many fair promissess and as yit so littill per-
formance [that no assur]ance we can give them will induce them to
undertak. Ane uther impediment will also hinder the present performance
of your Lordships desyre, and it is this, that no sojourny can conveniently
be liftit befor thair captanes and uther officeris remittit to the election
of the schyre be first nominat, and no captanes can convenientlie be
appointit or will willinglie undertak befor they know thair superiour
officeris quho ar to be appointit be the Lord Generall. It war thairfor
necessar, iff itould seeme goode to your Lordships, that his Excellence
micht be moved to nominat or send over heir some of the superiour
officeris of that regiment quhairin these 200 men imposep upon this
schyre sould serve, that be thair advyse these under officeris may be
electit be us. The exceediing great clamour lyikways of the com-
mounes, both to brughie and land in this schyre and speciallie in the
townes of Jedbrugh and Kelso, for the great sowmes dew to thm for
furnessing of the sojourny that was billatted upoon thm thir former
yeirs will muche impeid this or ony suche commoun service unless your
Lordships provyde apedie remeid; but these thingis being done, thair is
no doubt bot your Lordships wilbe ansuerit with all obedience in that
or qhat else your Lordships shalbe pleased to command for the gude of
his Majesties service. So according to our dewtie we thought ourselvis obliged to represent these difficulties to your Lordships, whiche being removed or otherways remeitid as your Lordships sall think expedient, we saile most reddie to the further prosequetioun of your Lordships commandements as become, your Lordships most humble servandis, (Signed) Hunthill; Robert Scott, Quhitaileid; T. Shaw of Cavers; AEdmondstoune, Ednim; S. A. Kerr, Greinhead; Andrew Ker of Lintone; William Scott; W. Eliott; C. Rutherfurde; Walter Scott; Johne Scott; William Scott; Robert Pringill; J. Ker of Getshaw; Androu Ker; Thomas Karr; M't William Bennett; Thomas Makdouell; Gawine Elliott; Geo. Douglas; Johne Halyburton; J. Dobson (?); Johne Mader; M. F. Mader." Jedburgh, 17th December, 1641.

97. "First quher they ar designed be their names to designe thame tennents to M't William in the lands. Item, the nixt claus, to expresse the names of the persouns that wer blinde and to designe thame tennents of his lands. And presented to thame certain bands and declaratioun drawin up be Jon Leckie, notar, being present thair for that effect, and violentie forced thame to subscrive the samyn, at the leist to give command to the said notar to subscrive the samyne for thame. Item, to speciall upon the quantitie of the cornis sawin. Item, to designe these quha cumme with the chamberlan, domestic servants, quher they ar, and quher they ar tennents to designe thame tennents, and to conceave this article in thir termes, that the baillie and chamberlain convocat the particular persouns after following, being servants, tennents and friends to the said George Buchanan. To designe James Galbrath tennent to M't William. Item, anent the wood, to designe thame officer and baillie and others for quhom he mycht be anserable. Item, to condiscend upon the number of tries. Item, anent the laboring of Keptulioch, to express it in thir termes, that the said George came personally to the ground of the lands togethir with syk complies. Item, the nixt heirship after this, to expres the tennents names and to condiscend upon the number of the horse and nolt. Item, in the conclusion to express that they have incurred the paines containing in the said acts, viz. 3° for the said George, and that for every particular of the contraverens abonespecifie extending to etc., and also to have incurred the soume of j° lib."

98. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr William Cuninghame of Broomhill, party grieved, as follows:—That " upon the first of Januar, 1639, George Buchanan, apparent of that Ilke, became cautioner and soueretie in your Lordships bookes for Walter Buchanan of Drummakill, Johne Buchanan of Ros, William Buchanann, his brother, and Johne M't Lauchlane of Achintrag, for the indemnity of me, the said M't William, my tennents and servants in our persons and goods, the said Laird of Drummakill under the
pane of 3000 merks and ilke ane of the rest under the pane of jth merks; lykes upon the 23 of Januar thereafter Robert Drummond of Medhope became cautioner for the said George to me, the said Mr William my tenants and servants in maner foresaid, under the said pane of 3000 merks. Lykeas upon the 15 of November, 1638, I obteanned a decree before your Lordships ordaining the said George to desist and cease from all troubling and molesting me, my tenants and servants in the possession of our lands of Crommane, comprehending the lands of Keptulloch, Tombreck, Gairisland, Scheane, Cammoquell, Carbeth, and Blairvokie, with the pertinents, under the pane of a thousand pundis to be payed to me, the said Mr William tostis quoties he sall contraveene the same, as the saids acts insert and registra in your Lordships books more fullie proports. Notwithstanding quherof, upon the second of August, 1639, the said George and John McLauchlane, Robert Buchanan, callit Rob Lenie, John Buchannan, stylled of Drumfad, and Duncane Miller, servitour to the said George, came to my saids lands of Cammoquell and Gairisland and away toks fra John Blair, younger in Cammoquell, ane young meare of fyve yeeres old, fra James Galbraith in Gairisland a gray horse of 4 yeeres old, and fra John Yuill there ane black meare of yeeres old; and siclyke in the moneth of the yeere foresaid, the said George, Walter, John and William Buchannans and John McLauchlane, Robert Buchannan, callit Rob Lenie, Alaster Buchanan, callit Alaster Glenie, and Duncane Miller, with diverse others in armes, came to the said John Blair's hous in Cammoquell under silence of night, brake up his doores, entered his hous with drawin swords, stogged his beds for himselfe, brake up his kists, ref from his wife the somme of money; and siclyke came to the lands of Crammane, Tombreck and Scheane, strake my tennent thair to the effusion of thair blood, compelled thame to pay to thame the maills and dueteis of my lands and to make certane writings and declarations, and brought Johne Leckie, notar, to subscribe the same for thame, quherof nather I nor my saids tennents knowes the tenor; and further they caused teill and labour a parcull of my saids lands of Tombreck and saw the same with thair awne cornes, thereby intruding thaimelves in the possession of my saids lands; lykeas upon the 23, 24, 25 dayes of Aprile, 1640, the saids George, Walter and John Buchannans, Edward Buchannan of Spittell, William and George Buchannans, brether to Johne Buchannan of Ros, Alaster Buchannan of Blairvokie, the said Alaster Glenie, William and Johne Buchannans in Easter and Wester Ballachs, Johne Lennox of Barnshogill, Johne Naper of Ballaburra, James Stirline, fear of Achyle, Alexander Buchannan in Cashlie, the said Duncane Miller, Callum and Robert McGregor, sonnes naturall to Callum McGregor in Glengyle, with diverse others, came to my saids lands of Kepculloch, lying within the parish of Drymmen, qhiliks ar a part and pertinent of my saids lands of Crammane, and the saids hail three dayes with 24 plewes teilled the said rowme, sew and harrowed
the same in a violent manner, and compelled my tenants of the said lands and of my lands of Crannane, Tombreck, Gairsland, Cammoquihell and Scheane, within the parish of Balfrene, to pay to him the maills and dues therof. About quhilk time I meant myselfe heerupon to the Comitee of Estates upon the 28 of April, 1640, who assignd to me the second of June thereafter to prove my complaint and to be determined be the Parliament, to whom they referred the same; and upon the eleventh of June the Estates of Parliament did remitt the same to the Committee of Estates then to be chosin, with power to thame to doe therein according to justice and equitie, who accordinglie did particularlie take notice of the said complaint and hall circumstances therof and of my clame, title, interesse, writs and evidents of the said lands, quherwith they being advised and with the depositions of witnesses led in this mater I obtaineed decreit before thame ordaining the shiriff of Stirlie and his depute to possess me in the saids hall lands and in the uplifting of the dues therof. And, becaus the said George his cornes wer growing upon my saids lands of Kepculloch, they ordaine him and his servants and thair cornes to be removed thairfra and me to be possest therin betuix and the first of November, 1640; lykeas accordinglie, upon the 9 and 10 dayes of October, 1640, the said shiriff of Stirlie and his depute went to the lands of Crannane, Tombreck, Scheane, Cammoquihell and Gairsland, and put me in possession therof, and the tenants became judiciaillie acted before the said shiriff and his depute to pay me the maills and dewtie of the saids lands in time coming. And yitt, notwithstanding of all this, Edward Buchannan of Spittell, baillie and chamberlane to the said George, with concurse of Johne Buchannane of Ros, Alaster Glenie, Buchannan, sonne to Johne Buchannan, notar, Buchannan in Ballintone, Johne Neilson, servent to Edward Buchannan, Malcolme Kincaid, Robert Leckie, and John Chirrie in Kepculloch, James Buchannan younger in Blairover, Alexander Buchannan in Caishlie, to the number of 40 men in armes, not onlie contented the ordinance of the Committee and refused to transport fra the saids lands and to possess me therein conforme thereunto, but also they came upon the 14, 15, and 16 dayes of October and compelled the hall tenants of the rounies quherin I was possesst to assist thame and thair servants in stacking of the cornes in the barnyard of Kepculloch, quhilkis they sould have transported thairfra. At quhilk time, I being lying in Tranent with the Marques of Argiles troupe going for England, I meant my selfe agane to the Committee, who gave warrant to Thomas Norie, messenger, to charge the said Edward Buchannan and his complices foresaid to compeir before thame to answer upon this contempt and ryott; and the messenger, being in execution of this service, the said Edward Buchannans wife at his direction and command craved a sight of his warrant, and when he shew the same she tooke it from him and putt it in a seithing patt, and the said Johne Neilson, his servant, held the messenger till it wes
done. Upon verification of which proud attempt before the Committee upon the 7 of November, 1640, the said Edward Buchannan was fynned in v° merks and ordained to remove with his cornes and goods from the saids lands of Kepulloch betuix and the first of December thereafter and to find caution for my indemnity, and he acted himselfe judicallie to obtemper this sentence and to compeer and produce his wife upon the 17 of November thereafter. Lykeas upon the ellevint of Januar, 1641, the said Duncan Miller and Robert McGregour, being sent home be the said George frome the armie at Durhame, as twa of his companie, together with the said Walter Buchannan of Drummakill, Johne Buchannan of Ros, Edward Buchannan, Malcolm Kincaid, Robert Leckie, John Chirrie, and Robert Buchannan in the Park of Monteith, they came to my lands of Gairslund and Cammoquhell, brake up the doores of the said James Galbraith, and by reiff and oppression tooke fra him twa black meares worth ij° lib.; and immediatlie thereafter came to my lands of Cammoquhell and brake up the said Johne Blairs doores and tooke away three horse worth 300 li., and cruellie wounded the said Johnes wife when as she stayed the taking away of the hores to the effusion of her blood, and kuest both the plews of my saids twa tennentz rounes, being then streiked so as they came unprofitable. Lykeas the saids Edward Buchannan, Duncan Miller, Allaster Glenie, Malcolm Kincaid, Robert Leckie, John Chirrie, Alexander Buchannan, and Miller at Buchannan with diverse others, of the speciall causing and direction of the said George, hes not onlie contemned and disobeyed the said Committee in maner abonewrittin but also hes builded houses upon the lands of Kepulloch, and for that effect hes cutted my wod, called the Park of Crammane, sauld and dispouned thairupon at their pleasure, and so defaced the said wod that it will never grow agane, quenserby I am damnified in above 5000 merks. Lykeas the said George and Edward Buchannans and remanent persons abonewrittin hes in the moneths of Marche and Aprilie last tiellled, sawin, harrowed and laboured my said roume of Kepulloch, collected and stacked the cornes upon the said roume, aganis the ordinance of the Committee and the said Edward his judicall act foresaid; lykeas upon the 21 of Aprilie last, the said George, Walter and Edward Buchannans, Johne Buchannan of Ros, George Buchannan, his brother, Alaster Buchannan of Blairvokie, Alaster Glenie, Johne Beg Buchannan, Johne Dow Buchannan, Buchannan, sone to Buchannan, notar, Johne Buchannan alias McCondie, Alexander Buchannan in Cashlie, James Buchannan, younger in Blairover, Duncane Abroch McGregor, Johne Buchannan in Wester Ballatt, William Buchannan in Easter Ballatt, the said Duncane Miller, Johne Dow McIlandrish in Drimmne, the saids Robert and Callum McGregor, to the number of 80 persons, all in armes, querofer diverse wer of the brokyn men of the Clanggregour and Clan-camroun, they came to my lands of Crammone, Tombrack, Gairslund, Cammoquhell and Scheane, and refit and masterfullie toke from the
tennents of the saids lands thair haill nolt, sheepe and hors with thair plewees and plew yrnes, and with the saids hors and plewees constrained the tennents to teill the lands of Kepculloch and abstracted thair haill goods till they payed such soumes as they pleased to exact, and after all this they keepeed more than 80 men in armes the space of 9 dayes, taking my tennents and threatning thame to give thair geir or to leave my lands waist; sending out numbers of armed men to the feilds to searche for the tennents goods and threatning the saids tennents to leave them nothing if they carried thair victual to my milne, and soe resolving to lay my lands waist. Lykews, upon the tent of December instant, the said George caused the said Duncane Miller, William Buchanan, in the Maynes of Buchannan, and certane others take away out of my lands of Crummame, Tombreck, Gairsland, Cammoquhell and Scheane ten or twalffe peeces of hors, quherby thay ar disabled to labour thair lands. By quhilk oppresions I am damned in the loose of my rent of the saids lands and milne extending yeerlie to a thousand merks now be the space of sex or seven yeers, quherby the saids George Buchannan of that Ilke, Walter Buchanan of Drummakill, John Buchannan of Ros, William Buchannan, his brother, Edward Buchanan of Spittell, and John McLachlane and everie ane of thame, have violat and contraveened the saids acts of Counsell, decreit of the comission and judicall act made there be the said Edward in maner respective abonewritten, and have not observed and kepted the saids, and therefore they and thair saids cautioners aucht to be decerned to have incurred and to incurr the panes respective conteanneed in the saids acts and letters direct againis thame for payment thereof as accords. Hearifor we beseeke your Lordships that we may have letters direct charging the saids persons to compair before your Lordships at a certane day to heare and see it verified and provin as accords of the law, found and declared, that they and everie ane of thame has violat and contraveened the saids acts of Counsell, decreit and act of the comission, and not observed and kepted the same, conforme to the tenor thereof, and thairfor to have incurred and to incurr the panes respective foresaid conteanneed therein, and letters to be direct againis thame for payment thereof in forme as effeirs, with certification, etc., and your Lordships answer. (Signed) S. THOMAS Hop.” [On the back] “Apud Edinburgh, 27 Decembris, 1641. Fiat ut petitur.”

99. “Instructions frome the Counsell of Scotland to the Earles of Louthian and Lindsay concerning the assistance of the Parliament for suppressing the rebellion in Ireland.

"Whereas the Parliament of England hath takin in good part the kyndnes of the Parliament of Scotland concerning their assistance for suppressing the rebells in Ireland, and hath advised his Majestie to make use thereof for the present reliefs of these parts of Ireland which lie neerest to thame, according to the treatie agreed upon and confirmed
in both Parliaments, and to that effect to provide that the full number of 10,000 men may be raised of his Majesties subjects of Scotland at such time and in such maner as sall be thought fitt by the Parliament of England; of which number there is 5000 men presentlie desyred to be leveyed and furnished with all necessarie armes and munition, with all possible speed to be transported to Ireland under the command of such worthie persons weill affected to the reformed religion and peace of both kingdoms and qualified with such endowments as ar fitt for such ane employment; and as touching the wages and other needfull charges qubilk this assistance will require, to make such agreement with all the commanders and soldiours to be employed, as they would doe in the like caise for thame selves; quherin they rely upon their freindlie dealing with thame, and that they will take care that satisfaction be made accordinglie.

"The consideration of these great and weightie affaires and managing thereof being remitted and seriously recommended be his Majestie and the Parliament of Scotland to the Lords of his Majestie Privie Counsell, they have thought good to send up the Earles of Louthian and Lindeasy with these instructions following:

1. Yow sall shew to his Majestie and to the Parliament of England that, out of the sense of that dewtie we ow to his Majestie and the true affection which this kingdom doeth beare to the kightdome of England, we ar willing, according to the treatie, to contribute our best assistance for a speedie releef of those distressed parts in Ireland which ly nearest to us, and to reduce the rebbels of Ireland to thair due obedience to his Majestie and the Crowne of England.

2. That we may be enabled to give that reall assistance which is desyred by the Parliament of England and so heartillie wished by us yow sall demand the resolution of the King and Parliament of England concerning the particulars following which ar conceaved to be necessarie for this levey.

"Yow sall shew that we wer presentlie disbanding our soldiours who ar on foot in this kingdom, but that upon the intelligence and instructions sent from the Parliament of England we have resolved to keepe thame up till the eight day of December; that, if his Majestie and the Parliament of England sall be pleased to make use of our assistance, they may returne tymous and speedie advertisement, and frome this time allow thame such conditions as they give thair awne soldiours.

"That there be allowed for ilk soldiour to be leveyed, and that both officers and soldiours to be leveyed have thair pay so soon as they come to thair randevous.

1[^ That be allowed for each soldiour per diem frome that time.]

"That there be allowed for transporting of . . .

"That [some flatt boddoned boats be gottin for landing of the soldiouris.]

1 Parts within brackets are deleted.
"That the towns of Carrickfergus, Londondarie and Kulrayne and the forts and castells of Coulmore be putt in our hands for our safe retreat and keeping magazens of all sorts; being tyed for using thame to the advantage of England; and to be restored upon the disbanding of our armie and upon the performance of the conditions of this agreement.

"That some shippes of warre be provided and interteanned to attend on the north coast for saife conduct to our armie of recrues, victualls or other necessaries which sall come for our supplee frome Scotland or ellis where; or upon anie occasion of our sending there that they may have order frome the admirall to attend for that effect.

"That victuall be tymelie provydet for our armie, to be putt in and other convenient places.

"That our forces and souldiours be commanded by our owne officers, and all orders militarie to thame to proceed from him who sall have charge as cheefe commander of our forces, and his officers having charge under him.

"And that the cheefe commander onelie receive instructions from the Kings Majestie or the Lord Lieutenant of Ireland according to his authoritie derived frome his Majestie and the Crowne of England in that frie and honorable way which the generall or commander of ane armie sent from a free kingdom for assisting of another aucht to doe.

"That anie troopers or regiments that sall be sent frome the English to joyne with ours be commandit be the cheif officer of our armie.

"That the inhabittants and all within these bounds, where our forces ar to remaine or goe, be holdin to contribute their best concurrence and assistance with thame, and to bring and give victuall and other things necessaries for interteament of the armie upon reasonabill prices; and that such as oppose thame or refuseth to give thame such victuall and other forsaids for payment, it be lawfull to take their entertainment frome thame by order and in a regular maner, and that carridges be furniht in all places quher our armie gois.

"That the time of delivering the pay and suretie for payment thereof be condiscended upon.

"That canon, armes and ammunition be sent with all possible hast from England to these places of Ireland where they may come saife to our magazen there, and that suretie be given for sending hither als manie armes frome Ireland as wee send to Ireland.

"That such a considerable soume of money be presentlie gottin as will serve for the levey and transport of thousand men and pay thame for the space of moneths.

"That, seing we ar willing to runne the like hazard with England in thir warres and to stand and fall with thame for reducing the rebells of Ireland, yow sall demand that his Majestie with the approbation of the Parliament of Ingland may be graciosly pleased to grant that our service and hazard may be rewarded with the like recompence as sall be
granted to the English or Yrish; which agrees with justice, seing that manie of our countriemen hes to their great labour and expence made manie plantations there, and if we sall with hazard of our lyffes doe good service to his Majestie and crowne of England, we sucht to be sharers of the fruictes of our panes and recompence of our service with the English, being aways subject to his Majestie and the crowne of Ingland as the English are and salbe.

"Becaus the souldiours who hes beene traynned and wer in action these two three yeares bygane will be fittest for the expedition to Ireland, and that our moneys ar exhausted and a great part of the souldiours pay is restand owing thame, yow sall desire that the Parliament of England may be pleased to advance a part of the remainder of the brotherlie assistance dew to us, that the arrerages due to our souldiours may be payed for their better encouragement to goe upon this expedition.

["And that the General of our forces sall have the lyke power to deale and treat with the rebells thair, as is permitted to the Generall of the English by the King and the Parliament of England for the good of this service and better reducing of the rebella.]

["And in the meanetyme that some armour be sent to Air.]

"Yow sall advyse with his Majestie and the commissioners for England what power they thinke expedient to grant to the Generall of our armie for hearing anie treatie or granting pardon to anie of the rebells who sall offer to doe service and returne to his Majesties obedience.

"Yow sall demand some troupes of horse weale appoynted, proportionable to our armie to joynie with our foote forces in Ireland.

"To draw a letter to his Majestie acquainting his Majestie with the receipt of the Duke's letter and instructions sent thairwith, and that, in obedience of his Majesties command, they had taken the instructions and desires thairof to thair consideration, and, to expressse that dewtie they ow to the King and respect to the Parliament of Ingland, they have sent up, etc., to treat and aagree upon the conditions quhill might best conduce to his Majesties service, and accelerat the expedition to Ireland, and sall with all speed go about suche preparations as may further the same."

"If the Parliament of Ingland salbe pleased to advance of the remainder of the brotherlie assistance dew to us toward the payment of the arriars wee are owing to our souldiours and grant the lyke conditions to us for the future as they sall doe to thair awne souldiours, yow sall, to witness our affection and reddines to assist thame, condiscend that the souldiours to be leveyed for this tyme in this kingdome salbe raised and transported to Ireland freelie upon the charge and expens of the kingdome of Scotland, notwithstanding that the moneyis for levey and transport mentioned in one of the former articles will amout to a considerable soum.

"Yow sall give frequent advertisement to the Lords of his Majesties
Privie Consell of your proceedings. Subscribitur, Loudon Can|ius; A. M. Miscellaneous Papers.
Argile; Sutherland; Mar; Eglington; Cassills; Glencarne; Lauderďail; Seafort; Southesk; Finlater; Laurick; Dahousie; Elphinston; Balmerino; Balcarres; Durie; Advocaet; Treasurer Deput; Sir Ro. Gordon; Sir Patrik Hepburne; S. R. Innes; S. W. Douglas.

100. Another copy of the foregoing paper.

101. Roll of Delinquents in 1641.—Patrik, Earle of Tullibairdin; Seatoun of Scheatlin; Robert, Earle of Carnwath; William, Lord Crichtoun; Lord Gordoun; Sir James Scott of Rossie; Sir Johne Fergusson of Kilkerane; Fergusson, younger thairof; James Kennedy of Blairquhan; Sir James Galloway; Harie, Earle of Strivilling; Doctor Arthur Johnestoun; Sir William Elphingston; Johne, Lord Harres; Robert Maxwell of Orchardston; Johne Maxwell of Mylnestoun; Maxwell of Kirkconn; William Mc'Clellane of Softlaw; Mc'Clellane of Stankis; James Gordoun of Rothemay; Generall James King; William Scott, burges of Abirdein; Paull Inglis, burges thair; William Andersone, burges thair; Robert Rae, burgess thair; George Cullane, burges thair; Sir William Hamilton of Els- toune; Bryce Sempill of Cathcart, Patrik Vaus, younger of Barnbarroche; Mr Robert Burnet, advocat; Harie Dun, burges of Abirdeine; Livetennent-Colonell Johnestoun; Mr Walter Quhytfurd, pretendent Bishops of Breschin; James Ogilvie of Newgrange; Johne, Earle of Traquair; Sir Johne Hay, Clark Register; Doctor Walter Balcanquell; Sir Robert Spotsiswood of Donypace; Johne Home of Rentoune; Capitane David Scrymgeour; Robert Hwy, sone to Doctor Hwy; Sir Patrik Drumond, Conservator; Sir Donald Mc'Donald of Sleat; Sir George Ogilvie of Bamff; Sir Johne Scrymgeoc of Dudope, Constable of Dundy; James Maxwell of Littlebar; Roger Lyndsay of Maynes; Johne Lyndsay of Wauchope; Robert Herres of Barbarro; Edward Moriesone of Edinghame; Johne Sturdegon of Torrorie; James Lyndsay of Auchskeoch; William Maxwell of Killelun; Fergus Grahame of Blairetwod; James, Master of Maxwell, brother to Earl Nithisdal; Johne Maxwell of Castlemilk; Sir Johne Maxwell of Conhaith; Johne Mc brazair of Allmigill; George Johnestoun, burges of Aberdein; William Petrie, burgess thair; Robert Forbes thair; David Richard thair; George Gordoun of Nethirmure thair; Sir Alexander Irweing of Drum; Robert Irweing of Federat; Sir Alexander Cumyn of Coulter; Alexander Gordoun of Abiryeldie; M' Johne Paip, younger, advocat; M' James Inglis, servitor to the Earl of Wintoun; George, Marques of Huntley; William, Earle of Airth; Sir Thomas Crombie of Kennay; Sir James Dowglas of Mordingtoun; Sir Johne Seatoune of Barnes; Sir James Lockhart of Ley; Sir Johne Turone of Foverane; William, Marques of Dowglas; Alexander, Earle of Linlithgow; Sir Niabet of Westnabct; James Lord Ogilvie; George Home, brother to the Laird Rentoune; Lodovick, Earle of Crawford; James, Earle of Airlie; Urquhart
of Crombie; Thomas Urquhart of Cromartie, younger; Sir James Stewart of Buit; George Gordoun of Geicht, younger; Ronald Oig M"Ronald; Alexander Gordon of Ardestie; M"David Lyndsay, sumtyme pretendit Bishope of Edinburgh; M"Adam Bannatyne, sumtyme pretendit Bishope of Aberdein; M"Johne Maxwell, sumtyme pretendit Bishope of Ross; M"Patrik Lyndsay, sumtyme pretendit Archebishops of Glasgow; M"Thomas Sydserff, sumtyme pretendit Bishope of Galloway; M"Johne Guthrie, sumtyme pretendit Bishope of Murray; Earle of Nithsdaill; Sir Harie Bruce; Sir Lues Stewart; M"Johne Guthrie, sone to M"Johne Guthrie, sumtyme pretendit Bishope of Murray; Lord Aboyne; the Laird of Craig Gordoun; James Gordoun of Birkinburge; Johne Gordon of Haddo; of Innerbuikat; George Gordon of Tillichowdie; George Gordoun of Corsechie; Johne Seaton, Chamberlane of Fyvie, and his sones; James Gordoun at the Mylne of Des; Hector Abircrombie of Fettirneir; Abircrombie his sone; James Leslie of Auchortes; Johne Gordoun of Dewchries; Johne Leith of Ardoyne; Patrik Leith of Kirkton; George Leith of Newrayne; John Leith of Newlands; John Leith of Balquhairne; M"James Leith, his sone; Adam Abircrombie of Aldrinae; Normond Leslie at the mylne of Carden; Patrik Leslie of Legatsden; Johnes Leslie of Badiforow; Alexander Chalmer of Drynies; John Gordon of Knokaspeik; John Gordon, his sone; Robert Gordon at the Mylne of Auchindore; Alexander Gordon of Methrum; George Gordoun of Cocklarchie; M"James Gordoun, his brother; George Gordoun of Wranghame; Gordoun of Daipersie and his sones; George Gordoun of Newton; George Gordoun of Colluthie; George Gordoun, Chamberlane of Strathbogy; William Gordoun of Maynmure; Adam Duff in Auchindoun; Adam Duff of Drummure; Robert Gordoun of Cowdrayne; Johnes Spence of Bruikis- toun; Spensses, his brether; M"Robert Bissett of Lessindrum; M"Thomas Gordoun of Pittindreiche; Gordon of Tulloche; George Anderson, sone to M"Patrik Anderson of Law; Maister Thomas Gordoun of Keythsmynle; Patrik Gordoun of Sauchin; William Gordoun of Gordounsmyne; Capitane James Forbes; Major Alexander Forbes; Arthur Forbes, sumtyme of Meany; William Doegood of Auchinahoove; Harie Gordoun of Glasso; James Gordoun of Lattirfurie; John Gordon of Auchinraith; Sir George Johnestoun of Caskiben; George Johnestoun, his sone; James Cruikshank in Broadgait of Aberdein, in James Seaton his hou; George Jamesone, paynter; Robert Irweing of Fornet; Patrik, Lord Olyphant; James M"Ronald, alias M"Donald, oy to Alexander M"Donald of Glengarie; John Ramsay of Culueshe; John Lyon of Murres; Thomas Burnet of Campbell; Johne Innes of Tippertie; Patrick Urquhart of Lenthintie; Patrick Meldrum, sumtyme of Iden; Blakhall of that Ilk; Alexander Blakhall of Finersie; Gairdin of Blakfurde and his two sones; George Meldrum of Haltoun; William Meldrum of Strathquharrie; Patrik and William Meldrames, his sones; M"William Seaton of Ranystoun; M"James
Clark of Tillichortie; John Donaldson of Hiltoun; Gordoun of Auchiwechries; M' James Kennedy; Colonell Gairdine; Hew Gordoun of Smythstoun; Patrik Gordoun of Badinscoth; William Troupe of Bannacraig; Gilbert Johnstoun in Essilmonth; Thomas Stewart of Ryeland; Walter and George Mortimers of Auchinbalde, elder and younger; John Gordoun of Innermarkie; Alexander Gordoun, younger of Innermarkie, his son; Gordoun of Beldorne; John Coupland of Hauches; Alexander Gordoun of Lewes; George Adamsone of Braco; Alexander Irweing of Tarsettis; Johne Irweing of Allathin; Alexander Seatoun, brother to Sheathin; Johne Gordoun of Blealak; M' William Davidsone of Ord; George Gordoun in Gallowgait; George Morisonsone, burges of Aberdein; James Blakhall, son to Alexander Blakhall; M' William Johnstoun, burges of Abirdein; Alexander Rothesone, burges their; Johne Scott, burges their; Johne Strauchan, burges their; Androw Chalmer, burges their; James M' Donald, son to Sir Donald M' Donald of Sleat; Johne Seatoune, elder of Auchtorie; Sir James Lundy; William Spotiswood, son to Sir Johne Spotiswood of Dairsie; Robert Hamilton of Torrens; William Hamilton of the Maynes of Kilbryd; Hamilton, his son; Robert Hamilton of Cathkin; Gawne Hamilton, his son; M' Johne Hamilton of Raith; James Hamilton, his brother; M' William Burnet, son to Johne Burnet of Barnes; Johne Burnet, brother to the said M' William; Maister James Gordoun; Johne Wilsone, wretour; Johne Leith of Harthill.” [Endorsed] “The Roll Delinquents, 1641.”

3rd January 1642.

Supplication by William Harper, son of William Harper in Corshill, as follows:—On 2d October last, being the Lord's day, John Fouls, son to Andrew Fouls in Foulshaw, under colour of friendship, invited the supplicant to drink with him. He yielded and remained with him for in the house of apparently on good terms.

But as he was going home the said John, “resolving upon forethought fellonie to kill me, dermed himselfe among the cornes and, or ever I was aware, start out upon me and with a great rung felde me to the ground; thereafter with a long durke gave me nyne deidlie wounds in diverse parts of my bodie and left me for death.” He craves summons against him.


4th January 1642.

Letter from the Earl of Lindsey to the Council on behalf of certain merchants whose goods have been seized by the Commissaries for the army in Ireland.

102. “Right Honorable, I have beene earnestlie desired and solicited by some merchants who alledge themselves to be interested as companions in the goods which wer sold at the Newrie by Leivtenant-Colonell Sinclar, and accordinglie payed for, but therafter seized upon by the commissaries of our armie there for the use thairof, that, seing thair cause is now to come befor your Lordships, I would seriouslie recomend the same to you and be ane intercessour for thame at your Lordships hands that they may be repaired of thair losses according to justice. And although I know how unnecessar all such recomendations are
to your Lordships, whose constant care is to do justice to all men, yet for satisfaction of the importunitie of these merchants I have taken the boldnes heirby to recomend their cause to your Lordships and to intreate you to take such a course for the reparation of their losses (ye they have susteane anie) as your Lordships after triall shall find their cause to deserve, and I shall continew, Your Lordships most humble servant. (Signed) LINDSEY. London, 4th Januarij, 1642."

[Addresed on back] "To the Right Honorabill the Lord Chancellour and remanent Lord [sic] of his Majesties Privie Counsall of Scotland, in Edinburgh." [Small seal containing the Johnstone arms.]

103. Another supplication to the King and Parliament by Sir 5th January 1642.

Patrick Hepburne of Waughtoune, knight, narrating that formerly presented by him on 15th September, 1641, which he now states was ordered by Parliament to be given to the parties. This was done and it was in their hands for two days, "and after redelyverie thairof being desired to be hard, it pleased my Lorde Balmerinocht, President of the Parliament, to assure his Majestie and Parliament that Mr James Raith, Sir Arthur Douglas and others, whom he accuses of illegally seining his teind sheaves."

Thereupon the suppliant was content to pass from his petition and assured the Lord President that he would cause the tenants lead the teinds after they were teinded by the said Mr James and Sir Arthur Dowglas or their servants and carry the same to a barn yard on the ground of Popple, and have a barn ready for them for the outt threshing, the straw being left upon the ground for the benefit thereof. On the following day the Laird of Niddrie brought Peter Cranstoun, servitor to the said Mr James and Sir Arthur, who was then going, as they said, to the east country for teinding the said corns, to obtain a warrant for a barnyard, whereupon the suppliant gave a warrant to one of his tenants, Alexander Crombie, "to have the cairts, waines and loomes off Popple in redidens upon the said Mr James and Sir Arthure or their servandis advertisement and to leid the same to one of the most fitting barneyairs of Popple," and as he was then about to go upstairs to the meeting of the barons, he verbally desired the said Peter Cranstoun "to ryd be the said Alexander Crombie and to direct him accordinglie in my name." But notwithstanding of all this arrangement the said Mr James and Sir Arthur by their servants and accomplices, to the number of , all armed "with hagbuttis, carabines, muskettis, speires, pickes and other wepones came upoun Wednesday last, the sext of this instant, with a great number of cairtes and waines with thame, in heich contempt of his Majestie and sitting of the Parliament, and violentlie tuilk away the saids teyndis" to the

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lands of Quhittingham, threatening to kill and slay the tenants of Popple if they interfered. "Sieing the said injurie is more propretie done to your Majestie then to mee," he craves that summonses may be granted against the said Mr James Raith and Sir Arthur Dowglas, his factor or chamberlain, and against James Prestoun, Thomas Spottiswoode, John Park, John Colvene, John Manderstone, John Lambe, John Dowglas, William Dowglas, Robert Neilson, John Thomson, John Mure, younger, John Lambe, George Henderson, Archibald Neilson, George Fermour and John Sommer, to compleare and be ordained to bring back the said sheaves and underlie due censures for their spoliations and contempt. On the margin is noted as follows:—ts 16 Novembris, 1641. This suppliatione being moved in audience of his Majestie and Estaities of Parliament, they remit the same to the Lordis of Secrett Counsell. BALMERINO, I.P.D. 'PARLIA'. On the back is noted as follows:—"Apud Edinburgh, undecimo Octobris, 1641. The Lordis and utheris of the Committie for the billis appointit by warrant from the Parliament ordanes are maister or messinger of armes to wairne the pairtieis and persones within named complained upoun to compeare before the Parliament the day of with continewation of dayes to answer to the complaint within mentionat and to heire the deyre thairof grantit. ELPHINSTON, S. W. FORBES, J. ANDERSON." Also notes of two executions (1) On 12th October, 1641, by John Tait, messenger, against Sir Arthur Douglas of Quhittingham, knight, James Prestone, Thomas Spottisvode, John Colving, John Lambe, elder, George Fermer, and John Summer, all personally apprehended, and against John Park, John Manderstone, William Douglas, Robert Neilson, John Moore, younger, John Lambe, younger, George Henderson and Archibald Neilson at their dwelling places, for their complearance before his Majesty and the Parliament on 14th October; witnesses, Alexander Crumbie, farmer in Poppill, John Hoge in Quhittingham, Thomas Heriot there, Patrick Duncane there, and James Robison there: and (2) on 13th October, 1641, by Mr John Henryson, maister, against Mr James Raith of Edmestoun, personally apprehended, to the effect as above; witnesses, Mr James Setoun, and John Dunlop, advocate. Also on the back. "Apud Edinburgh, 5 January, 1641 (sic 1. 1642.) Ordans letters to be direct to warne the partie. LOUDOUN, Canriet, I.P.D."

6th January 1642.
Edward, Viscount Chichester.

7th January 1642.
Supplication by Lieutenant Colonel Home, that the Earl of Nithsdale

104. Copy of the act of Council in favour of Edward, Viscount Chichester, printed ante, p. 177. (Signed) LOUDOUN, Canriet, I.P.D.

105. Supplication by Lieutenant Colonel Home, as follows:—"In the articles of capitulation, subscribed be the Erle of Nithsdail and me at the deliverie of the hous of Carlaverock, it was condescended by the said Erle, takand burden on him for himself, his freinds and followers that he nor they sould not in anie time comming take armes in preju-
106. Supplication by Sir Thomas Hope of Craighall, knight, his Majesty’s Advocate, and Sir Alexander Meinweis of Weem, party grieved, as follows:—On 1st April, 1636, Mungo, Viscount of Stormont, became a cautioner for John Murray of Glenstrae and Patrick, his brother, that they would keep good rule in the country and not molest any of his Majesty’s subjects; as also that they would compear before their Lordships on fifteen days warning, if within the country, under a penalty of 3000 merks each. He then narrates the complaint he had already tabled against the said Patrick Murray alias McGregor (ante, p. 177) and concludes that the above penalty should be decreed to have been incurred. He craves that their Lordships would summon the said Patrick Murray and his cautioner to the above effect. (Signed) S. Thomas Hope. [On the back] “Apud Edinburgh, octavo Januarij, 1642. Fiat ut petitur.”

107. Supplication by Robert and George Coventrie in George Fothringhame, their servant, as follows:—On they were coming peaceably to the lands of Wester Fordell belonging to William Ker, and of which Robert Hay is tenant, “with a waine, a cart and a sled for leading away the corners of the saids lands, looking for harmer of no man, before we came the length of the grounds quher the corners wer stowcked, Robert Hay of Strowie, Francis, Robert and Hayes, his sonnes, having a great mastiff dog in thair companie, came upon us and without anie offence done be us to thame in word or deid perseed us of our lyffes and with a staff or battoun strake me, the said Robert, to the ground, toke a gad out of myne, the said George hand, quhair wi I was calling the wayne, and wounded me, the said George Fothringhame, therewith on the head and others part of my bodie to the effusion of my blood in great quantitie and had not failed to do
slaine us wer not our awne better defence.” They crave summons against their assailants. [On the back] “Apud Edinburgh, 8 January, 1642. Fiat ut petitur.”

108. Supplication by John Stewart of Coldinghame, as follows:—On the 6th instant he summoned Sir Robert Douglas of Blaikerstoun and his daughter, the Lord Cranstoun, the heirs of the deceased Mr Robert Craig, and Francis Stewart, son of the late Earl of Bothwell, before their Lordships that commission might be given to some of them for hearing and clearing the accounts of the said Sir Robert Douglas connected with the supplicant’s estate, so that a competent maintenance might be allowed to the supplicant therefrom. Their Lordships found the charge defective and ordained the supplicant to make a new citation. He therefore craves their Lordships’ letters for doing so. [On the back] “Apud Edinburgh, 10th January, 1642. Fiat ut petitur.”

109. Supplication by Robert Law, skipper in Anstruther Easter, master of the good ship called The Androw, as follows:—He was lately on his voyage “homeward from Queinsbrig to S4 Andrewes quhair I was loadned, when my ship came to Elsinure, James Robertson, David Brydie, Johne Stevinson and Androw Carstairs, citizens of S4 Andrewes, who frauchted my ship, came to me, being in my kooe doing my auffaires and threatened to take my life if I did not remove therefra and give it to thame; quhilk the said James had not failed to have done if he had not beene hindered be some of his awne companie, strake out desperatlie with a drawin knife at me, wherewith he had slaine me if the stroke had not been kepped be William Ros, one of my companie, whois hand was so hurt that I was prejudged of his service for the space of a moneth to my great hurt; and they forced me all the voyage for feare of my life to quite my kooe; quhilk is a heavie oppression and deserves exemplarie punishment.” He craves summons against these persons. [On the back] “Apud Edinburgh, 11° Januarij, 1642. Fiat ut petitur. M. A. Gibson, Durie.”

110. Supplication by Adam Irwing, son to the deceased William Irwing of Bonshaw, as follows:—On the 6th instant when he pursued John Rewme of Dalswintoun before their Lordships for illegal arrest and imprisonment, they ordained the provost and bailies of Dumfreis to be charged to exhibit the supplicant and to show upon what warrant they imprisoned him. He craves that the said provost and bailies may be summoned to do so, and also to exhibit him before their Lordships. [On the back] “Apud Edinburgh, 11° Januarij, 1642. Fiat ut petitur.”

111. Supplication by Dame Forbes, Lady Caskiben, as follows:—Upon a caption raised by Mr Alexander Jaffrey of Kingswalls and Thomas Johnestoun of chamberlain of Caskiben, upon a
horning against her for her non-compearance before their Lordships, she has been apprehended and made a prisoner with her husband in the tolbooth of the Cannogait. Now she was never lawfully charged to compair, and she is willing to enact herself under a penalty of 300 merks to appear on 24th February next, and that she will pay £40 for her escheat as she is not able to find caution. She craves that her incarcerators may be cited to see the horning suspended and her released therefrom and the bailies of the Cannogait ordained to release her. [On the back] “Apud Edinburgh, undecimo Januarij, 1642. Fiat ut petitur. LOUDOUN, Ca\textsuperscript{n}r\text{}ius, I.P.D.”

112. “Our verie honorable good Lords, Wee have now receaved three letters from your Lordships, and with the last twa papers of articles givin in be your Lordships to the English, which wee have compared with your instructions and find that you have faithfully discharged the trust committed be the Counsell to you; and doe still require you to urge tymous and speedie satisfaction to your particular propositions, which wee find most necessarie for the good of the service, and so much the rather in regard of the intelligence which wee daylie receive from Ireland of the hard and almost desperat caise of his Majesties good subjects there, so as if they receave not tymous supplie they ar like to become ane irrecoverable prey to these rebells, and the towns and forts necessarie for the use of our armie be all appearance will be gawned be the enemy. We cannot give farther directions to your Lordships in this bussines till we heare the particular answers givin to your severall propositions. Onelie this for the present wee desire, that the pay to be allowed to the 2500 men on foot be quicklie condescended upon and some present and speedie course tane for sending the same thither, in regard of the great charge wee ar at upon the interteachment of the men. And so expecting your Lordships frequent advertisements of your proceedings, as we sall continue in giving our best advice and directions for the good of this service, we rest, your Lordships verie assured good freinda.”

113. Supplication by Mr James Mowat of Ollaberry, Ninian Nevein of Windhous and John Nevein of Lowning, as follows:—On a criminal horning executed against them at the instance of Mr Patrick Cheyne of Valley, Laurence and James Cheyne, his brothers, Matthew Sinclair, son to Laurence Sinclair of Ustanes, Robert Irving, servitor to the said Mr Patrick, and Gilbert Hay, servitor to Andrew Giffert of Melbie, caption was raised and they were apprehended and are now prisoners in the tolbooth of Edinburgh. They have on good reasons obtained themselves relaxed from the said horning and cannot therefore lawfully be longer detained in prison, and accordingly they crave that the provost and bailies of Edinburgh may be charged to put them to liberty. [On the back] “Apud Edinburgh, 13 January, 1642. Fiat ut petitur, Ninian
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Nevin first finding caution for his appearance before the Counsell and Miriscle
answering to the complaint given in against him be the Commissioners
for Zetland under the paine of ane thousand merks. LOUDOUN,
Canarieus, I.P.D."

114. Suppliication by John Innes, eldest lawful son of William Innes
of Tombreakachie, and Grissel Grant, his spouse, as follows:—On 3rd
November, 1640, Duncan Grant of Clowrie was put to the horn at their
instance for non-payment of a debt of 500 merks with interest and
expenses. He contemptuously abides at the horn, uplifts his rents and
dwells in his houses as peaceably as if he were his Majesty's good subject.
They crave letters of treason against him. [On the back] "Apud Edin-
burgh, 13 January, 1642, Fiat ut petitur. M. A. GIBSONE, Durie."

115. Suppliication by James, Marquis of Hamilton, collector general
of the taxations "ordinar, extraordinar and tuo of ten" granted to his
Majesty in June, 1633, as follows:—The whole six terms of the said
ordinary taxation, the six terms of the taxation of "tuo of ten" and the
whole twelve terms of the extraordinary taxation are now long past, but
there are sundry persons who are still due these and will not pay them
without compulsion. He craves that letters may be granted charging
all noblemen and others who are lords of erections and other beneficed
persons, and their bailies, chamberlains and factors, as also all sheriffs,
stewards, bailies and their deputes, and the provosts and bailies of free
burghs or their clerks, personally or by proclamation at the market crosse,
and at the market cross of Edinburgh and pier and shore of Leith to pay
the same to his officers and deputes, and for the giving of the inventories
by the clerks of the several jurisdictions of the sums due by persons in
Fiat ut petitur, LOUDOUN, Canarieus, I.P.D."

116. Suppliication by James, Marquis of Hamilton, collector general
of the taxations granted to his Majesty in 1633, as follows:—In the
late Parliament held at Edinburgh in June, 1640, "the name, title and
dignitie of archbishops and bishopes ar found and declared to be unlawful
within this kirk and kingdome and so extirpit and rooted out of
the samen," but there are still great sums unpaid of the said taxation of
the archbishoprics and bishoprics and other benefices annexed thereto,
which lie in the hands of the feuers, vassals, tacksmen and pensioners
of the said benefices. He therefore craves letters for charging them to
make payment of the same in terms of the taxed rolls of relief already
made, and where there are no such rolls according to use and wont, and
that within twenty days after the charge if the persons charged be
within the kingdome, and sixty days, if out of the kingdome, after
proclamation at the market cross of Edinburgh and pier and shore of
ut petitur. LOUDOUN, Canarieus, I.P.D."
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117. Supplication by Thomas Dalryell of Binns, as follows:—On 21st September and 7th October last William Livingstoun of Westquarter was put to the horn for non-payment for a great many years of the interest of 2250 merks, and he thereupon raised caption against the said William, "but none will adventure to put the same in execution against him in regard of his power about the Fawkirk quhair he dwells and is bailie and exerces that place and behaves himselfe as if he were a free subject." He craves summons against him. [On the back] "Apud Edinburgh, 13th January, 1642. Fiat ut petitur. M. A. GIBSONE, Durie."

118. Supplication by Dame , Lady Whittinghame, as follows:—On July last James Home of Eckills, Andrew Bruntfield of Neathermaynes and other eighteen persons, armed with swords, Jedburgh staves and other weapons, taking advantage of the troubles of the time, came in a violent and hostile manner to her liferent lands of Nunnabank possessed by George Fogo, her tenant, and breaking up the doors of his dwelling house, drove away his cattle and goods, "and patti on the goods pertaing to George Home, his father-in-law, upon the same, and as yit keepes and detaines this his unlawfull possessioun." She craves summons against the said persons. [On the back] "Apud Edinburgh, 13 January, 1642. Fiat ut petitur. M. A. GIBSONE, Durie."

119. Supplication by Sir John Blacader of Tulliallan, as follows:—He has been summoned to appear this day at the instance of George Bruce of Carnock and others upon letters of treason for rendering his house and entering himself prisoner in Blackness. He is ready to obey if he could be secured from the danger of the law for debt. He therefore craves a protection, and that the sheriff of Edinburgh and his deputies and the provost and bailies of Edinburgh, and all other officers of the law might be discharged from apprehending him. [On the back] "Apud Edinburgh, 13th January, 1644. . . Continuonis this businesse till Tuesday and protects for eight and fourtie hours before and 48 hours after. LOUDOUN, Catuarius, I.P.D."

120. Supplication by John Irwing in Old Aberdene, as follows:—On September last Thomas Cumming there, Elspet Barcar, his spouse, and George Cumming, their son, armed with swords, dirks, batons and other weapons, came under cloud and silence of night to the market cross of Old Aberdene as he was going to his own house near by, and at unawares, with the intention of killing him, gave him "manie bauch, blae and bloodie straikes upon the head, face and others parts of my bodie, rave the haire out of my head and held me be the same till with a dunk and their neiffis they pitifullie disfigured my haill face." They would have killed him but for the intervention of the neighbours. "Upon the morn thereafter Thomas Mercer, baillie of the said citie, rancountering me on the hie way did first upbraid and threaten me for
not compleating to him of this wrong, unto whom I having givin all Miscellaneous Papers.
reasonabill satisfaction with modestie and respect, the said baillie, aganis the dewtie of his place, not onelie shamefullie abusd me with con-
tumelious and opprobrious speeches, but also palt violent hands in my
person and with his hands and feit wounded me to the effusion of my
blood." He craves summonses against these persons. [On the back]
"Apud Edinburgh, 14 January, 1642. Fiat ut petitur. HAMILTOYN."

121. Supplication by William Cunningham of Aikett, as narrated,
(ante, p. 215), to which he adds in reference to her pursuit of him
before the Council, that she had adduced certain persons as witnesses
against whom he had very just cause of exception, "as soborned by her,
at the least persons who in law can never be admitted aganis me for
the reasons which I sall give in. And since the skailing of my hous
and others wrongs which I have receaved in maner foresaid she hes
receaved from me eight hundrith merkes, so as heiby and by the manie
burdens which I receaved upon my estat I am reduced to verie great
extremitie; and unless yeour Lordships take some course heerin to make
the said Anna returne to her familie and adhension with me, others
of her dispositioun, by her example may work your Lordships verie much
trouble and their husbands no small disgrace and detriment." He
craves that his wife be summoned before their Lordships, and that
her horning against him may be suspended. [On the back] "Apud
Edinburgh, 14 January, 1642. Fiat summonitio ut petitur to the 24
day of Februar, and to discharge ut infra untill the last day of the said
moneth; becaus the supplicant hes consigned the one hundredth pounds
chargt for presentlie and hes fund caution for the other payable at
Marche nixt. GLINCARNE"

122. Supplication by Hadrian Bowart, doctor of physic, indweller in
Dysart, as follows;—On last he was in the dwelling house of John
Simson there doing his lawfull business, when William Simsone of
Fedincie came in upon him and suddenly, without any offence given,
"first contumeliouslie upbraided me, calling me landloupper and begger
knave; thereafter the said Johne Simson held me till the said William
with a whinger strake out diverse strokes at me, speciallie ane where-
with he intended to have killed me on the head, but be the providence
of God he onlie strake me throw the hatt and then preast to have cast
me over stairs, qubilk they had not failed to have done wer not the
helpe of the neibours. Lykes Alexander Simson, uncle to the said
William and baillie of the town, agane the dewtie of his place, daylie
threatens me with imprisonment and searches for me with his officers
if I sall complains of this wrong." He craves summons against these
ut petitur."
123. Supplication by George Broun, sometime indweller in Hyndlaw and now in Choualie, as follows:—In 1639 he was tenant to Sir Patrick Home of Polwart of his lands of Hyndlaw, and having to remove, he settled with Sir Patrick and obtained a full discharge and an obligation that no impediment would be placed in the way to the removal of his corns to whatsoever place he pleased under the penalty of £100. Nevertheless, upon October, 1639, the said Sir Patrick, with twenty persons armed with picks, lances, swords and other weapons, came to the supplicants tenants and servants as they were conveying his said corns “on carts and waines frome Hyndlaw to Choualie, patt violent hands in my servants, gave thame manie bauche and blae straikes with their saids weapons in diverse parts of their bodeis, retfe frome thame the hail cornes, viz. 50 score thrawes oates, 15 score thrawes beir, and 20 thrawes peis, and carried the same to his barnyard of Reidbras and Hyndlaw and dispouned thairpuon at his pleasure.” He craves summons against Sir Patrick. [On the back] “Apud Edinburgh, 15 January, 1632. Fiat ut petitur. MAR.”

124. Supplication at the instance of Mr James Drummond, brother to the Laird of Innermay, as follows:—On January instant he was on his way from Edinburgh to Bridge of Stirline I foregathered with one, Alexander Campbell, son to Campbell at the Milne of Achlen, with whom I entered in conference and directed him to William Chrysties hous at the neather bridge end to speir for twa gentlemen, who having returned to me undertooke to show me a cleere and saife way home in regard it was dark; quhairof I, being glade, went on with him. But he, or ever I was aware, led me and my horse in a ditche where the hors, being wareied, laired, and the said Alexander thrust me aff in the myre and drew his dyrk and tooke frome me my purse with j° lib. being therein and a packate of letters, and so went away, I knew not quhair. Quhilk being a wicked robrie and quhairof the tryell can be hardlie found out but by strict examination be your Lordships,” he craves summons against the said Alexander. [On the back] “Apud Edinburgh, 15 January, 1642. Fiat ut petitur. HAMILTOUN.”

125. Supplication at the instance of Grisell Robertsone, spouse to 17th January Moses Clark, tailor in the Cannogait, as follows:—Leslie, sometime indweller in Edinburgh, was due 200 merks to the supplicant, and as she could not obtain payment she gave the bond to James Mowat of Robertson, Fawside, writer, to take legal proceedings for recovery of the debt. Meanwhile the party settled with the supplicant personally and received a discharge with an obligation to report the bond. Later a charge was served upon the supplicant to produce the bond, whereupon she went on Saturday last to James Mowat’s chamber to crave it. But not only did Mowat refuse to give it, he also “patt violent hands in my person, assault and
for the production of a bond.

strake me on the face with his n[e]fis to the effusion of my blood, kuist Misce
me to the ground and he had , his servant, shamefullie and
ieuellie strake me with their hands and feit; qubilk is a great insolence
in the said James to be committed so neir the ordinarie judicatoreis
their sitting." She craves summons against them and for production of
Fiat ut petitur."

18th January 1642.
Continuation of sheriffships.


18th January 1642.
Supplication by Mr Robert Bruce, minister at Aberdour, as
follows:—"The boasting, minnassing, persuate and invasion of ministers"
is strictly prohibited by several acts of Parliament, specially by one of
1633; Nevertheless, "the session of the kirk having appointed a seate
to Johne Kirkaldie, one of our parochiners to be placed at the north
west doore, nixt to Mr Johne Phisn seate, whereunto the said Mr Johne
did also condescend (but I cannot tell upon what thoughte he changed
his resolution) and upon the day of December last Captane David
Phin at his direction removed his fathers seate in prejudice of the
sessions act, as also without their warrant he removed another seate of
the kirk. And upon the 26 of December, being the Lords day, being
challenged for the same, he not onelie proudlie avowed the fact in face
of the session, but also uttered manie opprobrious speeches agains me,
saying if I wer not the man I wes he sould be about with me, accusing
me that I had preached all my sermon angsis him, and posing me upon
my conscience if I reprieved him out of malice or invy, and with that
also offered his battoun to me. Qubilk miscarriage is so contrare to the
law and prejudicial to my ministrie and disgracefull to the credit of
my calling as I cannot but in dewayte remonstrat the same to your
Lordships least others of his disposition by his impunitie fall in the
Dundas of that Ilk."

18th January 1642.
Supplication by William Monteth, merchant burgess of Edin
burgh, as narrated (ante, p. 219), craving letters of treason against Sir
Alexander Nisbitt of that Ilk and his son. [On the back] "Apud Edin
burgh, 18 January, 1642. Fiat ut petitur. Dundas of that Ilk."

18th January 1642.
Supplication by William Lowdoun, servant to the Marquis of
Hamilton, as follows:—On 12th August, 1630, John Maxwell of Gos
feld was put to the horn at his instance for not paying a debt of 1100
merks and 200 merks of expenses, and, as he spurned these, the suppli
was obliged to raise letters of caption against him, in virtue of
which on 8th March, 1631, he caused John Pinkertoun, provost of
1642. CHARLES I. 523

Miscellaneous Papers.

Rutherglen, in whose company the rebel was for the time, to be charged to apprehend him and ward him within the tolbooth of Rutherglen. But in contravention of the duty of their office the said provost, and John Scot and John Pinkertoun, bailies, set the said rebel at liberty, and are thereby become debtors to the supplicant for his debt, as well as liable to censure for their neglect of duty. He craves summons against the said provost and bailies. [On the back] “Apud Edinburgh, 18 January, 1642. Fiat ut petitur. Dundas of that Ilk.”


132. Supplication by John Kennedy of Haleiths and James Douglas of Mortoun, as follows: They obtained a decree before the steward of Annerdaill against John Johnestoun of Preistdyke for the sum of £77, but to frustrate the execution thereof Johnestoun forged a copy of a suspension as procured by warrant of the Lords of Session, and directed Andrew Johnestoun, his servant, to charge the suppliants to compear before these Lords on 15th January, 1641. The said John Kennedy came to Edinburgh in obedience thereto and the pretended suspension being twice called before their Lordships, no compearance was made nor suspension produced. Finding himself thus “judified,” he went to the Clerk of the Bills to see if any such suspension had been passed, and after long search found that there was none. This “cozenage of dangerous preparative” merits exemplary punishment. He therefore craves summons against the said John Johnestoun. [On the back] “Apud Edinburgh, 19 January, 1642. Fiat ut petitur. J. Carmichael.”

133. “Apud Edinburgh, 19 January, 1642.—Levin; Mar; Cassilla; Edinburgh, 15th January 1642.

“The Committee having red and considerit the severall reports sent in by the shyres anent the levye requyred for suppressing the rebellion in Ireland, they find that reports are not given in be all the shyres that wer written to, and for thir reports that are given in they find thame not satisfactorie and that thir is no assurance given thairby for furnishing of men, and nothing may be expected almost be anie thing that is yit done.”
The Comittee having entered into the consideration of the ways of levy they find that the levy most either be be distribution of the number to be levyed upon the shyres, or els be choseing of colonells and officers and giving the same power to levy and took drume throw the kingdome. For the division on the countrey its allaggit it will free the countrey of levy money and charges till the companies be compleat and be a sure and speedie way; but it is conceaved to appear too near the forme of a presse, quhilk is of a dangerous consequence; besyde it is il lykit of be the shyres as may be [sic] appeare by some of the reports quherin they requyre both levy money and arrears. And it will breed many questions and delays anent the equal proportions, for that it is allaggit that the divisions formerlie made thir 2 yeares were not equal, and the shyres will take hard the lyke division now; neither were it just to impose an unequal division; be which inconveniences the other forme of levy with toukeing of drum will be free and will be fund ane expedit way, the colonells being rightlie choosin, able and popular men."

"It is lykeways . . . [torn] be the shyres to know who sall be General and collonel . . . regiments, as most conducing for the service."

"The Comittee . . . ] the consideration of the propositions above written to the . . . and withall doth remonstrat to the Counsell . . . thamselfes to thame forme of levy with toukeing . . . and appoynting of colonells."

"It is lyke . . . that order be given for the present reddines . . . qhieroof the Lord Sinclair the Laird of Lawers . . . ous sone are colonells."

134. Supplication by James Bannerman, bailie of Dunkeld, as follows.—On the 14th instant John McDuff, elder in Balnavert, Alexander, John and Thomas McDuff, his sons, and others to the number of twenty-four persons, armed with swords, targes and other weapons, came by way of hamesucken under cloud and silence of night, about midnight, to the said bailie's dwelling house in Dunkeld, when he and his family were at their rest, with the intention of forcibly entering the same and killing him. "Not finding entrie as they expected they forciblie assaulted my hous at all quarters, brake up my windowes, glass and brodes of the same, kuist in stones thereat, threatening to bind me and my hail familie and to trampe upon our belles; brake doun our forestairs, furiosalie brashed at our yetta, and made such ane feare-full assault as all my familie, speciallie my wyfe, wes affrighted therewith and putt in hazard of thair lyffes. And upon the great noise the people of the toun, speciallie the Erle of Atholls servants, wer wakened and came for our releffe, otherways they had committed some strange and barbarous outrage upon me and my familie; quhilk is ane proud insolence and attempt of dangerous consequence, unsufferable in a king-
1642. CHARLES I. 525

dome subject to law and justice." He craves a summons against these persons. [On the back] "Apud Edinburgh, 21 January, 1642. Fiat
ut petetur."

135. Supplication by Mr John Wiliamesone as narrated (ante p. 194). Only the wording of the petition has been in some places toned down and shortened. The supplicant writes "They wroght sic divilisch inmitie betuix my wyff and me"; and in reference to the sequestra-
tions, "for sevin yeiris and sua furth frome sevin yeiris to sevin yeiris
till the worldis end." So in reference to his going abroad "sumtymes in Inglend, sumtymes in Holland and uther pairts of the world, qubair
finding myself pinched withe poverty and nakednesse I was forcit to
come hame agane and creip unto thame for mercie and support who ar
the causes of my miserie." And when he went to Sanford he writes—
"They maist violentlie, maisterfullie and maliciouslie closes thair dores
and gaittis and will not suffer me to have acces to my owne wyff and
childrene to mak my meane unto thame, fearing possiblie that shee shoul
d have some remors upoun the sight and sense of my miserie, sa that efter
I had made vere hard shifits to borrow and beg a little money to trans-
port me thair to speik withe my wyff thay have kep't thair entres so
close upoun me that I have lyen as a miserabel beggar about thair
doers quhill not onlye my baill money hes beene spent bot also hes
beenef forcit to sell my cloke for payment of my expenses without the
houss when thay in the mpane tyne wer leving plentifullie upoun my
meanes without ony regard of my afflictioun. And seing my parents
and frendis have deserit me for my simplicitie in suffering myselfe to be
as deludit, and I am destitute of all meanes to enter in civile process
aganes thame," he craves that the defenders may be punished for their
"violence, crueltie and oppressioun" and that he may be restored
"to my christiane libertie and to the fruitioun of my said wyff,
childrene and estate," or at least that he may have a competent pro-
portion of his own means to live upon, and that the defenders should
be obliged to produce his wife. [On the back] "Apud Edinburgh, 22
January; 1642. Fiat summonitio aganis the parteis within complained
upon. M. A. GIBSONE, Durie."

136. Supplication by John Kennedie in September last Thomas Fergusson of the Thrawe, and George
John, Robert, Margaret, Janet, Katharine, and Jean Fergusson, his
children, armed with rungs, staves and other weapons, came to the
supplicant and Isobel Smith, his wife, as they were shearing their corn
"patt violent hands in our persons and gave us manie bauche, blae and
bloodie straikes in diverse parts of our bodis to the great effusioun of
our blood, so as my wife parted with barne and as yitt is not able to
worke; and thereafter, under cloud and silence of night, caried away
our haiIt cornes to thair owne barne yaird and dispouned thereupon at
their pleasure. And thereafter in the month of October the 
saidThomas, George, John, Robert and James Fergusoun lay at await for
me in a glen as I was going to Maybole and sett upon me or ever I was
awar to have tane my life, and took my horse from me and the goods
being thereon" He craves summons against these persons. [On the

137. Copy of the Act of Council exonerating John Hay, late Lord
Clerk Register, printed ante, p. 184.

138. Supplication by Violet Douglas, widow of Andrew Riddell of
that Ilk, and John Tod in Clinte, and Somervell in Hartside, her
tenants, as follows:—On 22nd November last, being the Lord's day,
William Lees, elder in , directed forth William Lees, younger,
James and George Lees, his sons, and Adam Gibsone, his servant, who
lay in wait for the said John Tod in time of sermon, and setting upon
him fiercely on the highway with drawn swords and staves wounded
him on the head and elsewhere to the effusion of his blood. And when
by the providence of God he escaped they killed his dog. Further, on
22d August, being the Lord's day also, the said William Lees, younger,
and James Borthwick and William Frenche, servitors to the said William
Lees, elder, came to that part of the said Violet's lands of Hartside,
called the Langecleuche, "where we had our best sheepebeild for winter,
and maliciously rugged up the hail hedder of the said bounds and
caried the same away on carts and waines, so as for want of the same my
sheepe wer in great danger of perishing this winter." Summons is
craved against the persons complained upon. [On the back] "Apud

139. Supplication by John Black and Thomas Black, his son, as
follows:—They obtained a decret before their Lordships on the 25th
Supplication
by John Black
and Thomas
Black, his son,
for liberation
from ward.

26th January
1642. 

27th January
1642. Mr. Andrew
Watson, vicar
of Peebles,
against James
Williamson
and John
Mure in
Peebles.

140. Supplication by Mr Andrew Watson, vicar of Peebles, against
James Williamsone and John Mure in Peebles, as narrated [ante, p. 193].
He craves summons against them. [On the back] "Apud Edinburgh,
27th January, 1642. Fiat ut petitur. Hamilton."

141. Summons at the instance of Sir George Johnstoun of Caskiben
narrating that some of his creditors, "not contenting themselues to be
full handed and possesst of his estat and thereby to gayne and reape
much more benefit nor is thair dew, they have also made him prissouner
in the tolboith of the Cannogait and so think to debarre him from
hearing and calling thair unjust dealing to accompl, persawding thame-
142. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Hay of Crimondmogat and William Hay, his son, as follows:—The bearing of hagbuts and pistols, convocation of the lieges and apprehending and warding of his Majesty's free subjects are prohibited by law, notwithstanding whereof, there being certain actions in dependence before the Lords of Session between the said John Hay and John Fraser, brother to the Laird of Philorth, respecting the lands of Rothrachie in which the interlocutors have always been in Hay's favour until towards the end of the session of 1639 when the Lords, not having time to end the matter, ordained the rents of the lands in dispute to be sequestered in the hands of Thomas Gordon of Brodland, in contempt of this ordinance the said Laird of Philorth and his said brother with others, to the number of persons, armed with guns, muskets, pistols and other weapons, came to the said lands and compelled the tenants to pay him the rents, and has continued since to do so. Further on September thereafter the said John Fraser, accompanied by a great many persons, armed as above, came to James Smith's portion of the said lands of Rothrachie and cut and led away his corns, who for this renounced his tack in the hands of the said John and William Hay, and they then took possession thereof. Again, on September, 1640, the said John Fraser came with a great many persons armed as above to the said James Smith's house, which was then in possession of the said William Hay, and demolished and cast down the barns, byres and stables, as also "a chamber above the said James and his wyffes heid," took possession thereof, caused cut and lead his crops, and till and labour the lands, of which he still keeps possession.

More-
over, when on 20th June, 1640, the said William Hay sent William Blyth, his servant, with a notary "to mak civill interruption to a fauld bigged be the said John Fraser upon my lands of Rothriache and quherunto he had called in his goods, the said Johne Fraser, accompanied with came to my servant and the notar, held gwnnes and pistolls to their breasts threatening to kill thame if they made anie interruption and discharged thame to use certane summonds quhilk they had againis the tenants. Lykas upon the day of September, 1640, I, the said William Hay, being going in peaceable maner about my awne hous, the said Laird of Phillorth directed the Laird of Streachin to me, who dealt with me to condescend that the cornes of the contraverted lands could be sequestrat, quherunto I yelded. But in this meantime the said Laird, accompanied with, all boddin in hostile maner, over raid my lands of Cremondmogat, mill and mill lands therof, resolved if he had found my selfe to have tane my life, and brought carts, sled and all other preparations for carrying away the cornes of my owne proper and uncontraverted lands. And last, becaus I, the said James Smith, dwelt upon the saids lands of Rothriache and payed the said William Hay maill and diewtie, the said Johne Fraser upon the day of apprehended me and kepted me prissouer in Fraserburgh 9 weeks upon a pretendit horning quhilk wes suspended and the suspension intimat to him." They crave summons against the persons complained upon. (Signed) St Thomas Hope. [On the back] "Apud Edinburgh, 26 January, 1642. Fiat ut petitur."

143. Supplication by Sir George Johnestoun of Caaskieben, as follows:

—Certain of his unkind and rigorous creditors, not content to be full-handed and possessed of his estate, thereby gaining and reaping much more benefit than is their due, have made him prisoner in the tolbooth of the Cannogate, and think thus to prevent him from calling them to account, because no man will undertake for him so long as he is out of possession of his estate. His misery on this account is very great and his grief is augmented by the restraint of his liberty and hard entertainment in an unwholesome prison. He is now very weak and cannot by all appearance live long without the benefit of wholesome air. He therefore craves their Lordships to commiserate the hard condition of a distressed gentleman and enlarge his prison to the burgh of Edinburgh and two miles about upon a penalty. [On the back] "Apud Edinburgh, Januarij, 1642. Ordains the partie to be warned. LOUDOUN, Can"rius."

144. Supplication by John, Earl of Kingorne, George, Earl of Seaforth, Sir Robert Innes of that Ilk, Alexander Forbes of Auchtoull and Sir Thomas Hope of Craighall, his Majesty's Advocate, as follows:—On 31st August last John Forbes of Largie became cautioner in their Lordships' books for Alexander, Lord Forbes, that the said Lord Forbes would not
molest the suppliants nor their tenants, etc., under a penalty of 2000
merks, and yet upon 17th December last, when the said Alexander
Forbes of Auchintoull, as tacksman, chamberlain and factor for the other
suppliants in the rents of the living of Forbes, was dealing with their domestic
tenants therein in the house of George Garioch in Little Endinie, "Alex-
ander Forbes, domestick servant to the said Lord Forbes, who has also
dwelt these 12 yeeres at his yeet of Pulfluge, and is such a person for
whome the said Lord is answerable be the said act, came to the said
hous under cloud and silence of night and er ever our said factor was
aware entered the hous, crying that he would burne the same for ressetting
the said Lord Forbes open enemie (for so he was pleased to designe the
gentleman), brake ane staffe upon him, swearing that they wer all false
knaves that mainteanned him, and had not failled to have committed
farther insolence upon him if he had not beene stayed and holden be
some people in the hous; whereat being enraged he vowed to watche for
our said factor before he went out of the countrie and that he durst not
go and uplift our tenants rents of Mekle Endinie, but that he would gar
thame all sitt free there." They claim that hereby the said Lord and
his cautioner have broken their act of caution and forfeited the penalty
thereof, and crave letters against them accordingly. (Signed) St Thomas
petitur."

145. Supplication by Patrick Maule of Panmure, one of his Majesty's 28th January
Bedchamber, and Sir Thomas Hope of Craighall, his Majesty's Advocate,
as follows:—In contravention of the laws forbidding the carrying of
hagbuts and pistols and killing of doves therewith, Mr John Scot, in-
dweller in Leuchland, Carnegie, son of James Carnegie, citizen of
Brechin, and . . . have on . . . resorted with guns and
hagbuts to the said Patrick's lands of the lordships of Brechin, Navar,
Panmure, Dunne, Carnynlie and Ballinschene, and "againis the lawショット
and killed the doves being on the dowcates of the saids lands, and he
made great slaughter and destruction of the same." They crave summons
petitions against these persons. (Signed) St Thomas Hope. [On the back]
"Apud Edinburgh, 28th January, 1642. Fiat ut petitur."

146. Supplication by Thomas, Lord Kirkcudbright, as follows:—He in 28th January
1642. Supplication
tacksman of the teinds of the kirks of Anveth and Urre, and titular of
the parsonage tithes of Kirkchrist, and he has been charged to pay £40
16s. 8d. termly for the kirk of Anveth, £100 termly for the kirk of Urre,
and £27 10s. 4d termly for the parsonage of Kirkchrist, for the taxa-
tions granted in the years 1621, 1625, 1630 and 1633. The tacksman,
sub-tacksmen and possessors thereof should relieve him, and should meet
with him and his commissioners for the preparation of taxed rolls for
this purpose, but they will not unless compelled. He craves letters
citations against them to meet at the respective kirks on several days, the
taxation.
and that if any disobey it may be lawfull for him to insert their proportion in the rolls to be drawn up. [On the back] "Apud Edinburgh, 28th January, 1642. Fiat ut petitur."

147. Copy of the act of Council past on 1st February, 1642, respecting the relief of the refugees from Ireland, printed ante, p. 189. (Signed) Loudoun, Cantrius; Lauderdale; Burghly; Hamilton; A. M. Argyll; Cassillis; Murray; Angus; Findlater; Balcarres; Dundas of that Ilk.

148. Supplication by Mr George Dundas of Maner, sheriff of Lithgow, as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the whole arrears of the six terms payment of the ordinary taxation of the sheriffdom, and though the feuars and heritors therein ought to relieve him by paying 30s. termly for each pound of land held by them, they will not do so unless compelled. He craves letters to this effect, and for putting the defaulters to the horn unless they pay within twenty days after the charge. [On the back] "Apud Edinburgh, 1 Februar, 1642. Fiat ut petitur."

149. Supplication by Agnes Stewart, widow of James Finlay, burgesses of Glasgow and executrix confirmed to him, as follows:—"Bessie Finlay and John Low, her husband, being familiar in my house and abusing the trust which they had of me, surreptitiously took away out of ane discharge of my husbands tocher good quhilk he receased with me of the soume of by the use of a false key quherwith they openned the said roume and hes destroyed the same to my great hurt and prejudice." She craves summons against them. [On the back] "Apud Edinburgh, 1 Februar, 1642, Fiat ut petitur."

150. Supplication by Sir George Johnstoun of Caskieben as follows:—In a bargain made betwixt him and Mr Alexander Jaffray and Mr Robert Ferquhar, merchants, burgesses of Aberdene, and Thomas Johnstone of Craig, the supplicant's brother, he placed them in possession of his baronies of Caskiben and Cremond, and three years since they were fully paid by their intromissions with his rents. He expected that they would then quit their possession and suffer him to re-enter thereto, but instead of this, and taking advantage of the troubles of the time and the supplicant's inability to use legal measures, they have retained possession and meddled with his rents to the extent of £20,000. He is thereby reduced to very great extremity and misery, and rendered unable to maintain himself and his family. He craves that they may be summoned before their Lordships to be ordained to remove from his lands, or at least to provide him with a competent maintenance. [On the back] "Apud Edinburgh, primo Februarij, 1642. Fiat ut petitur."
151. Supplication by Isobel, Agnes and Beatrix Craig, lawful daughters of the deceased Patrick Craig, merchant burgess of Edinburgh, as follows:—Hugh Gordon of Grange is at the horn for not paying to them a debt of £1000 with interest and expenses for many years, and they raised letters of caption against him and committed the execution thereof to Alexander Gibson, messenger. The messenger on 17th January last found the rebel walking up and down the streets of the town of Wigtown, and thereupon charged Patrick Coltrane, bailie of Wigtown, to apprehend him, who having received the copy of the charge went to the rebel, read the copy to him and talked with him a long time, but “did no diligence for his apprehension” and suffered him to go. They crave summons against the said bailie. [On the back] “Apud Edinburgh, 1 Februrij, 1642. Fiat ut petitur, with the ordinari provision.”

152. Supplication at the instance of William Seaton of Meldrum as follows:—He is informed that he has been put to the horn at the instance of Patrick Urquhart of Lethintie for not finding lawseuity to do so, and he knew nothing of the matter until he came to this town, whereby he is greatly wronged by the said Patrick, his “undwtfull sone in law.” He is content to find caution as customary, and craves that the said Patrick may be cited to see the horns suspended. [On the back] “Apud Edinburgh, 2 February, 1642. Fiat summonitio ut petitur to the day of and to suspend and relax ut infra to the day of the same moneth; becaus the compleanner hes found caution to the effect within writtin. (Signed) Mar.”

153. “In the criminnall actione persewit upone the second day of Februaire, jwvj fourtie tua yeiris, in presence of M' Alexander Colville of Blair and M' James Robertoun, his Majesteis justice deputis, at the instance of Mr John Oliphant, substitute to his Majesteis Advocate, agenis Alexander Gylour, servand in the Base, for the schamfull and violent forceing and defloring of Jonet Boussie, ane young virgane, nocht past ten yeiris of aige, agenis hir will and consent, and for renting and ryveing of hir secret paitis in forceing carnall copulations with hir to the effusion of hir blood, committit upone the sevintene day of Junij, 1640; and for the quhilk cryme the said Alexander Gylour being put to the tryell of ane assase, the haill assase in ane voice be the mouth of James Kirkwoid, chancellour thairoff, fand, pronuncit and declarit the said Alexander Gylour to be fyllit and convict of the violent forceing of the said Jonet Boussie, ane young lase, and bluiding of hir in hir secret paitis, be forceing of hir for satisfactione of his filthie lust, bot cannot find that he hes had that carnall copulations with hir as ane man hath with ane woman in respect of hir young yeiris. Extractit out of the buikis of Adjornall be me John Bannatyne, clerk depute, etc., to his Majesteis.
Justice Clerk, etc. (Signed) Jo: Bannatyne." Also copy of the finding of Miscellanies
the Council, printed ante, p. 192; and signed by LOUDOUN, Cantrius,

3rd February
1642.
The same.

3rd February
1642.
The army in
Ireland.

3rd February
1642.
Supplication
by John
Malcolm in
Logyalmond
for summons
against
William
Moncreiff of
Majorland
and others for
assault.

154. Another copy of the act of Council decerning the punishment
of John Gylour.

155. Draft of the act of Council respecting the Irish expedition and
its equipment, printed ante, p. 192. (Signed) LOUDOUN, Cantrius, I.P.D.

156. Supplication by John Malcolm in Logyalmond, as follows:—On
January last, as he was returning from St. Johnestoun about
sunset, William Moncreif of Majorland, John Broun, Ramsey and
Cuthberts, tenants to George Bruce of Cultmalundis, fiercely
assailed him, and with swords, whingers and other weapons gave him
many cruel strokes on the head and other parts of his body, to the
effusion of his blood and peril of his life. He craves summons against
Fiat ut"

157. Supplication by Knowes, widow of Andrew Mowat of
Saynie, as follows:—It has lately come to her knowledge that by direc-
tion of the moderator and brethren of the presbytery of Caithnes she
was excommunicated by Mr William Smyth, minister at Dunnet, for not
comparing before the said presbytery to give confession of her faith and
for her alleged profession of popery, and that the said Mr William
Smyth thereafter, in name of the presbytery, purchased letters by which
she has been put to the horn. As soon as she knew that this had been
done, she immediately thereafter "compeiret upon Sunday, being the
sevint day of Julij, 1639 yeires, within the paroch kirk of Dunet, quhair
I publictie in the face of the congregatioun declared my sincerite and
conversione from all kynd of poperie, and swair solemnie and pomersed
[etc] to remaine constantlie in the professione of Chrystis gospell
presentlie profest within this realme, and thairafter I subsrivit the
covenant that is subscribit be the nobilitie, gentrie and commones of this
kingdome, and that conforme to ane act and ordinance of the moderator
and breithrene of the presbretie of Caithnes made at Thurso upon the 3
day of Julij, 1639 yeires; conforme to the quhilk obedience mad be me
in maner forsaid I was obsolevd fra the centance of excommunicatie
be the said Mr William Smyth, minister, and was received againe be
him as a member of Chrystis kirk," as a certificate by him declares.
She should therefore be relaxed from the horn, and craves that this be
petitur in respect of the testificat produced. LOUDOUN, Cantrius, I.P.D."

158. "Att Edinburgh, the 4 of February, 1642. The Committee
appoyntit for the dispatch of the Regimentis to Ireland, viz., the
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Generallis Excellence, the Erle of Eglintoune, the Generall of Artillerie, Generall Majour Monro, and the Laird of Greenock, condisdendit upon the articles following, viz.:—

1. "That the Erle of Eglintoune, with the helpe of the townes of Air and Irewing and the cost syde, sall undertak to have schippis and barkis in redynes betuixt the toun of Air and Fairlie road against Thursday the seventeehe of this moneth, wind and weither serving, and the Laird of Greenock, with the assistance of the tounes of Glasgow, Dumbartane, and Ranfrew, sall have shipping reddie for the uther thousand men at the said day, and the fraught of each man to be aggreit upon for threttie shilling Scotts the man, togidder with ane consideratioun of lydayis efter the rait of fyve pund per diem for everie bark so long as they sall ly efter the said tyme of their randivous having fair wind and seasonable weather for the voyage.

2. "Item, it is thought fitt that Captaine George Porterfeld of Glasgow sall have in redynes agane the said tyme 30,000 fl. weight of good and sufficient bisket of quheitt weying ane halff pund the peice.

3. "Item, it is thought fitt that fyve hundreth bollis of meill be sent to Glasgow with all expeditioune, and that seckis be provydet and maid for that effect, narrow and handsome, and to hold the quantitie of ane half boll.

4. "Item, that the Erle of Eglintoun and the Laird of Greenock cause put aboord in everie bark tuo barrallis of the best herringis at the cheiippest pryce they can aggrrie.

5. "Item, that the Erle of Eglintoun and the Laird of Greenock have in redynes each of them, with the assistance of the foirsaidis townis, fyve hundreth gallonis of all of the best sort, being efter the calculioun of halff ane galloun of all for each souldiour.

6. "Item, that Captane George Porterfeld aggrie with caryaris for carying of the amonitioun, which will require the number of thrie-scoir fyftene horses at the raitt of 200 weight upon each horse, and . . . to be directed to the Generall Majour his hous at the . . . bridge of Leith.

7. "Item, that 3 or 4 cairtis be provydet in Leith for carying of the 12 small pieces of cannon.

8. "Item, that the commissar delver to Captane Porterfeld 200 ft. sterling towards the furnishing of the provisioun abonewritten and the remainder of his just account to be payit at demand, he bringing ane sufficient ressait from the Generall Majour of quhat is contenit in his compt.

9. "Item, that one of the best barkis be provydet for caryage of the amonitioun and that the samen for the better saiftie be covered with greine hydis.

10. "Item, that ane commission be granted be the Lordis of Counsall to my Lord Eglintoun, Laird of Greenock, and Captane Porterfeld, for performeing of the premisses and doing everie thing else that may
conduce to the good of this expedition, and if need beis to arrest all sorts of shipping for that effect and to take the saillis from the ross.

11. "Item, that letters be directed from the Counsell to the towns of Aire and Irewing and the Lairds Fairlie and to the Laird of Cunning-hamehead for assisting my Lord Eglinton; and to the towns of Glasgow, Dumfartane, Ranfrew, and Greenock, for assisting the said Laird of Greenock and Captane Porterfeld, in quhatsoever may contribute to the furtherance of this expedition."

"7 Februr, 1462. Produced, red, and allowed. (Signed) LOUDOUN, Can3rius, I.P.D." [Endorsed] "Articles for Greenock and Eglinton for transporting of the tuo regimentis to Ireland."

159. Copy of the Articles for the levy of five hundred men by the Laird of Lawers, approved by the Council on 7th February, 1642, and printed ante, p. 197. [At the foot] "Apud Edinburgh, 7 February, 1642. Produced, red and allowed. LOUDOUN, Can3rius, I.P.D."

160. Copy of the act of Council for providing ships and provisions for the Irish expedition, printed ante, p. 196. Also the following:— "Apud Edinburgh, 7 February, 1642. The Lords of Secret Counsell, for the better accelerating of the present supplie going to Ireland, gives and grants commission be thir presents to Schaw of Greenock, George Porterfeld, burges of Glasgow, and Johne Sempill, burges of Dumfartane, to agree with all shippes and close barks on the river of Clyde. As alsua the Lords gives the like commission to Alexander, Earle of Eglinton, within the bounds following—from the Clochestone to Air; with power to the saids commissioners for this effect, if need beis, to arrest the saids shippes and barks and to doe everie other thing for assuring the same toward the readie and tymous transport of the said supplie. And thairwithall comandis all his Majestie leiges, judges, officers and magistrats to burgh and land to concurre and assist the said commissioners as they sall be requyred for that effect. LOUDOUN, Can3rius, I.P.D."

161. Copy of the act of Council for the provision of biscuits for the Irish expedition, printed ante, p. 196. (Signed) LOUDOUN, Can3rius, I.P.D.

162. Copy of the act of Council respecting the annual appearance of the Islanders before the Council, printed ante, p. Service is to be made at the houses of James Logie and John Nicol, writer, their agents in Edinburgh.

163. "Edinburgh, 10 Februr, 1642. The Lords of Secret Counsell, in respect the summonds raised againis the Lairdis of Buchanan and West Nisbet and Adam Abercrumbie of Auldrayne are continowed till Tuesday nxt, prorogate thair protections till Wednesday nxt at night. LOUDOUN, Can3rius, I.P.D."
Edinburgh, 15 Februar, 1642. The Lords of Privie Councell, in respect the process depending before them at the instance of Mr William Cunninghame aganis the Laird of Buchanann, and at the instance of John Leith of Harthill aganis Adam Abercrombie are continewed till Thursday nixt, prorogates their protection till Saterday nixt at night. LOUDOUN, Can"rius, I.P.D."

164. Drafts of the two acts of Council relating to fugitive soldiers, printed ante, p. 200; also of the like act of Council passed on 24th February, printed ante, p. 206. (Signed) A. M. ARGYLL, I.P.D.; and of the act for the observance of Lent passed on 3rd March, printed ante, p. 213.

165. Supplication by Alexander Campbell, son of Patrick Campbell at the Mill of Achray, as follows:—He has been charged to compair before Mr John Rollock, sheriff depute of Stirlin, on 17th instant to answer at the instance of Mr James Drummond, son of the deceased Patrick David Drummond of Innermay, for the alleged stealing of the said Mr James’s purse with £100 therein. Now the said sheriff depute is related to the prosecutor in the “seckund or thrids of kin with him, and the power of thir twa is so great in these parts as no advacot nor procurator will compiere for me, rather can the shireef deput without speciall commissiou sitt upon a mater of this kynde tuieheing me in my lyfe and goods. Always my innocencie is so cleere as I sail never refuse anie faire tryell.” He is therefore willing to find caution in the books of Adjournall to appear before his Majesty’s Justice and his deputes on lawful citation, and craves the advocation of his case. [On the back] “Apud Edinburgh, 10 February, 1642. fiat summonitio ut petitor to the 22 day of February, and to discharge ut infra to the last day of the same moneth, caution being found to the effect within writtin, conforme to the acts of Parliament. LOUDOUN, Can"rius, I.P.D.” J. Bannatyne certifies that Harie Campbell at the Mill of Achray has become cautionier.

166. Supplication by James Smith at Blackfuird, Janet Stirlin, his spouse, and James Imrie, wright in Blakhauchie, as follows:—On 15th October, 1638, John Anderson in Kenenzeche came by way of hame and sucken to the said James Smith’s dwelling house and with a draun whinger pursued him for his life; also with his hands and feet “barbarouslie strake my wife, being great with child, quhairthrow she lay a long time in danger of her life.” As the supplicant could not obtain a hearing of his complaint owing to the not sitting of the Council, the said John made bold to continue his oppressions, and on 17th January last he and William Anderson, his brother, came in manner foresaid to James Smith’s dwelling house “with twa lang stings and twa Hieland durkes, resolved to have killed me, and not finding me thair they lay at await for me in the way as I was going to the Mill of Ogilvie and, er
ever I was awar, tiercelie sett upon me so as I was forced for my safetie to flee to the dwelling hous of David [sic] Imrie, wright in Blakhaunce, and becaus the poore man barred the doore to hold out thir persons they forecible brake up the doore and wounded the said wright in diverse parts of his bodie, speciallie upon his armes, to the undoing of him in his trade. And upon the day of January last, being the Lord's day, they came to the kirk of Blackfuird, thinking to find me thair, boddin with swords, long stings and others weapons, quhairof being disappointed they still daylie ly at await for me." They crave summons against these persons. [On the back] "Apud Edinburgh, 11th February, 1642. Fiat ut petitur."

167. Supplication by Nicolas Gas in Buttirdailes, James Weill, James and Robert Teinding and John Bell there, Nicoll Bell in Dornock, Edward and John Irwing, Andrew Porter, John Porter, his son there, Thomas Gas, John Turner and widow there, tenants to Archibald Dowglas of Dornock, and the said Archibald Dowglas for his interest, as follows:—The said Archibald is lawfully infeft in the lands of Dornock with the mosses, muirs and fishings thereof, and he and his predecessors have been in peaceable possession thereof past memory of man, until lately that on last Fergus Grahame of Blastwod, Arthur Grahame, his brother, John Gremie, his natural son, George Johnestoun and George Burrell, his servera, Andrew and John Rewnes, Cuthbert Miller, John Weill, Dick Irwing, and John Halyday in Tordaff, came to the said lands, cruelly pursued the said tenants for their lives, and hurt and wounded the said Nicoll Gas and John Weill with staves and trees upon the head, face and other parts of their bodies to the effusion of their blood, so that they could not travel for half a year thereafter, "and then they cutted fuye hundredth loads of petit, qubilks we had wonne for our winter provision, to our great prejudice, cunts our netts and threatens us with all violence if we presume to fish on the Water of Esk. They crave summons against these persons. [On the back] "Apud Edinburgh, 11th February, 1642. Fiat ut petitur."

168. Supplication by John Nepar of Kilmahew, sheriff of Dumbarten, as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the whole arrears of the fourth, fifth and sixth terms of the ordinary taxation of the sheriffdom of Dumbarten, but the feasurs and heritors will not relieve him thereof by payment of 30s. termly for each pound land of old extent held by them unless they are compelled. He craves that they may be charged to do so within twenty days. [On the back] "Apud Edinburgh, 12 February, 1642. Fiat ut petitur."

169. Supplication by Bryce Sempill of Catheart, sheriff of Renfrew as follows:—He has been charged to pay to the collector-general of the taxation granted to his Majesty in June, 1633, the arrears of the whole
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six terms thereof due by the sheriffdom of Renfrew, and of this the heritors and feuars should relieve him by payment of 30s. termly for each pound land possessed by them. Yet they refuse to do so unless compelled. He craves letters against them for payment to him and his deputes and officers within twenty days. [On the back] “Apud Edin-

burgh, 14 Februr, 1642. Fiat ut petitur.”

170. Supplication by William Lees, elder, in Hoppringill, Lees, his son, and Lees, his servant, as follows:—John Tod in Clints, John Tod, his son, and John Tod, his brother, have conceived a deadly hatred against them and resolved to wreck and undo them. For this effect the said John came upon , 1640, “to my awne bounds, and with ane great rung gave the said James Lees, my servant, manie banches, blee and bloodie strakes. And upon the day of thereafter, the said persons came to my bounds and hounded in my awne goods and the neighbours goods among my cornes and consumed and destroyed ten bolls aits. And upon the day of August thereafter, the saith persons came to the ground of my said lands, hurt and wounded my sone with a great rung upon the head, to the effusion of my [sic] blood, tooke a stuffe frome me and killed my dog. And upon the day of thereafter, they came to my saids lands where my sone was attending my goods and hounded in greate dogges amongs thame and wriwed ten of my sheepe; and daylie they oppressed and dwang me and my tenants by eating our cornes, hounding our sheepe and other the like oppressions.” They crave summons against them. [On the back]

“Apud Edinburgh, 14 February, 1642. Fiat ut petitur.”

171. Supplication by Andrew Johnestoun of Lokerbie, as follows:—John Carruthers of Howmanyes and James Carruthers, his son, granted a bond to George Johnestoun, called of Milnehous, for 200 merks, with interest and expenses, and this bond was assigned to the supplicant who caused intimation thereof to be made to them. They then sent for him to come to their house of Over Dormand and to bring the bond with him, promising to satisfy the same, but when on February, 1639, he did so and showed them the bond and assignation, they and Margaret Lokhart, spouse to the said John, destroyed the documents. He craves summons against these persons. [On the back] “Apud Edinburgh, 15 February, 1642. Fiat ut petitur.”

172. Supplication by Colonel John Lyell, and Alexander Pigget, notary in Tannadice, as follows:—Alexander Dempeter, tenant to Alexander Ogilvie of Sheilhill, dispensed to the supplicant his crops and goods and gear for certain sums of money, and on he caused the said notary intimate this fact to the said Alexander Ogilvie. But Ogilvie not only upbraided and abused the notary with “contumelious speeches,” but also took the assignation from him and raved the same in pieces. They crave
173. Supplication by Helen Moses in Kirktoun of Erroll, as follows:
—About a year ago, upon information given by , their minister, that she and her mother had murdered a child, they were apprehended and imprisoned in , where her mother died of heartbreak, and then the supplicant and her young child were transported to the tolbooth of Perth, where she still is in great misery, being allowed only 3s. Scots daily, and where her infant died of famine. There is no appearance of any trial, though in the consciousness of her own innocence she has often urged it, but she can obtain no reply. If her imprisonment continue longer she too will die. She therefore craves that the said minister, the sheriff of Perth and his deputies, and the provost and bailies of Perth may be cited and ordained either to put her to a speedy trial or to liberate her. [On the back] “Apud Edinburgh, 15 February, 1642. Fiat ut petitur.”

174. Supplication by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Francis Forbes of Thornhill, bailie of Forres, as follows:
—The bearing and wearing of hagbuts and pistols is straitly prohibited, yet Walter Kynnaird of Cowbin, having procured a decree before the sheriff of Murray against the supplicant, Francis Forbes, who obtained the same to be suspended by the Lords of Session and by virtue thereof on 31st January last stopped his process of poinding, at which the said Walter grudging, resolved to have his life. Accordingly he convocated the persons following:—Walter Kynnaird of Rait, James Kynnaird, his son, William Kynnaird, provost of Forres, Alexander Dunbar, apparent of Brako, William Dunbar, his brother, Alexander Winchester, son of John Winchester there, John Forbes and Barrell Innes, servitors to the said Walter, and a great many others, armed with guns, pistols and other invasive weapons, who, assembling on the following day in the said provost’s house, awaited their opportunity, and upon seeing the said Francis, rushed forth with “bended gwynnes and pistols and drawin swords wherewith they fiercelie persewed me of my life, gave me manie straikes therewith as I wes going for my hors to Edinburgh, and had not failed to have killed me wer not the providence of God and my awin better defence” [there is a marginal note, but it is somewhat illegible. The following paper, however, embraces what is set forth here]. The supplicants crave that these persons be summoned. (Signed) ST Thomas Hope. [On the back] “Apud Edinburgh, 15 February, 1642. Fiat ut petitur.”
Thomas Dunbar, sone to umquhill Johne Dunbar of Mercasus, servitouris
to the said shireff, they all mischevously plotted and devisey the away
taking of the said baillie . . . by hounding out of the said Allexander
Dunbar of Braco as the fittest instrument to execute their malicious
designe, who haith by the space of yeiris lyen at his Majestis
horne for criminall causes; and the said Allexander, having undertaken
to put the intendit plott in executione upone . . . of February,
being one publict marcat day, and the haill fornamed persones, contriv-
ers of the said plott, lurking secretlie within the hous [of the] said
provost untill they should perceave the said Francis, and how soone they
saw him the said Allexander, being houndit out, as said is, suddenlie and
. . . fiercelie persued him with sword and pistoll, the saide
persones looking on from out the windowes of the said provest his hous,
and . . . the said Francis in a defensive way to make resistance,
the haill fornamed persones suddenly issued out of the said hous with
bendit [gwynes and] pistolls and swords drawyne, and barbarouslie
persewit the said Frances to the great hasard and perrill of his lyff;
and if by the meere profvidence of God] and assistance of honest night-
boures and countrymen convenit at the marcat, they haid not faillit to
have killed him. Thereafter, seing [themselves] disappoynted of ther
pernicous designe, they all re-entred the hous of the said provest and
after new resolutioun came furth with their . . . and drawyne
sوردies, accompanied with the said shireff, wha sould have bene cairfull
of the publict peace as beiring office under his Majestie as shireff of the
shire, and searched for the said Francis thorow diverse houses of the
said brughe to have killed him, and, being fullie assured that the said
Francis wes gone off the towne for saifetie of his lyff, they called for
ther horses to have followed, and being madlie exasperated, perceaving
Mr William Dunbar, brother german to Mr Allexander Dunbar of
Windihillis, and having no pretext or ground of quarrell against him
but onlie in respect he had fallen accidentallie in the companie of the
said Frances and haid made some defence aganse their furie in his
behalf, they suddenlie converted all their furie againes the said Mr
William, and if he haid not speedilie taken the hous of Mr William
Dunbar, burges of the said brughe, they haid not faillit to have killed
him. And not content therwith, their insolence still increasing,
assaulted the said hous untill the said Mr Allexander Dunbar, his
brother, with certane of the inhabiants and people of the mercat were
forced to oppose their furie and to defend the said hous. Wherfoir
the baillyes, counsellouris and burgesses of the said brughe, laying to heart
the indignitie and manifest wrong done to one of ther baillyes, and
being sensible of the great prejudice done to the ton and inhabit-
antis by troubling and overthrowing of ther mercat, requyred by ther
procurator fischall the said provest to apprehend the disturbers of ther
mercat and make them answerable to law, which he not only refused to
do but receaved and maintained them within his hous and convoyed
them peaceablie off the toun, as instruments taken therupon beris: as Miscellaneoues Papers.

also perceawing the said Francis to repair to the toun of Edinburgh to raise letters before the Secreti Counsell, intending to cause chairege them for ther wrong and oppression, the said Walter Kynnard and the said shireff not only hounds out the said Alexander Dunbar of Braco and uthers lawles rebells to ly in wait for the said Frances and his friendis, but openlie threatnes and menaces them to tak ther lyves, so that they ar forced to remove from ther houses and dwellings within the said brughe and to take them to live privatlie amongst ther friendis for suffistic off their lyves.

176. Supplication by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Walter Kynnard of Cowbin, as follows:—The bearing of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited by law, yet, on 1st February instant, Francis Forbes of Thornhill, Patrick Campbell of Both, Mr William Dunbar, son of the Chantor of Murray, Mr William Dunbar, burgess of Forres, Thomas Warrane, bailie there, John Larg, also bailie there, Robert Dunbar of Easterbin, John Dolles, his servant, John Dunbar, sheriff clerk of Forres, Adam Dunbar, his son, William Alves in Forres, James Imbie there, John Finlay and John Campbell in Burgie, Mr Alexander Dunbar of Windihill, Alexander Cumming, litster in Alderne, James Dunbar of Bogs, Robert Dunbar, apparent of Bogs, Alexander Dunbar, servitor to the Laird of Alter, Hucheoun Fraser in Drumlochen, James Fraser, his brother, James Dunbar of Dumphail, Niniane Dunbar of Grangehill, James Dunbar, his servant, Alexander Montgomerie, burges of Forres, Alexander Dunbar, skinner there, and Oliver Blacke, servitor to the said Francis Forbes, with convocation of the lieges, men and women, to the number of persons, armed with swords, Dense axes, hagbuts, pistols and other weapons invasive, came to the said Walter Kinnaird’s uncle’s house in Forres, where he was doing his lawful business, “and preast to have brokin up the doores thairof to have tane my life, crying aff the calsey forement the loodging, ‘Come out, skittering hoched bodeis, whoormoongers, incestuous persons and vile harlotts, and try yourselves if you darre for your lives’; and had not failed to have entered and killed me and my compaine wer not they wer stayed by the countrie people conveenned to the mercat.” He craves summons against these persons. (Signed) S’ Thomas Hope. [On the back] “Aeud Edinburg, 17 January, 1642. Fiat ut petitur.”

177. Supplication by Alexander Robertsoone in Clecoochie and Alexander Innes of Bellornie, his master, for his interest, as follows:—On September last, Alaster McInchevare and certain other broken men of the Clan Gregour, at the instigation of Alexander Cumming of Lynmore, “came nei to myne the said Alexander Robertsons dwelling hous, drew me furth, tirred me naiked, cruellie and shamefullie demayned
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my bodie with scourges and with trees so as I was not able to stirre," and others for They crave summons against these persons. [On the back] "Apud assault.

Edinburgh, 17 February, 1642. Fiat ut petitur."

178. Supplication by Thomas Broun in Eyemouth, as follows:—On 18th February
      February instant, "I being doing my lawful affaires in John
      Currisis hou in Eyemouth, looking for harme of no man, William Broun,
      elder of Brounsbanke, and William Broun, his sone, came furiously upon
      us [sic] er ever we wes war, and with a drawin rapper strake out
      diverse straikes at us and pursued us of our lyffes and wounded us
      therewith in sindrie parts, speciallie strake me the said Thomas a
      dangerous strake throw the hand to the great effusion of my blood, and
      wer not my awne better defence and helpe of some gentlemen he had
      killed me outright." He craves summons against these persons. [On
      the back] "Apud Edinburgh, 18 February, 1642. Fiat ut petitur."

179. Supplication by Thomas Shives, indweller in the Cannogait, 18th February
      Elizabeth Burns, his spouse, and John Oliver, younger, messenger, as
      follows:—The said Thomas and his spouse had caused charge Mr James
      Whyt, brother to the good man of the Tolbuith, to pay a sum of £30
      with interest and expenses contained in his bond, but, he having villified
      the charge and suffered the days to pass, they caused the said John
      Oliver to intitmate the same to him and thereafter to denounced. Mr
      James thereupon requested the messenger to go in with him to Jean
      Young's house, widow in Edinburgh, and there craved a sight of the
      letters, which, when he received them into his hands, he rave all in
      pieces and declared he would avow the ryving thereof before the Lords
      of Session or any other judge. For this proud contempt, so near to
      their Lordships' judicatory, they crave that he might be summoned to
      answer before the Lords. [On the back] " Apud Edinburgh, 18 February,
      1642. Fiat ut petitur."

180. Supplication by Arthur Forbes of Haltoun, as follows:—In 19th February
      1640, a number of the Clun Gregor and other broken men
      having herried some of his tenants, he and some of the country people
      pursed them and engaged with them in conflict, who "shott desperatellie
      at us to our great hazard," and captured John Drummond, alias McWalter,
      John Gordoun, and Gillespie, and carried them to the tolbooth of
      Elgin, expecting justice to be administered; nevertheless, "the officers
      of Elgin, being byrbed be thir villans, suffered thame to escape and goe,
      since quhilk time they and ther complices doe threaten me and my
      people with fire and sword." They crave summons against the provost
      and bailies of Elgin and their officers. [On the back] " Apud Edin-
      burgh, 19 February, 1642. Fiat ut petitur."

181. Supplication by William Irwing of Bonshaw, John Armestrang in Sarkshellis, and
      Irwing, his spouse, apparent heir to the
deceased Christopher Irwing of Sarksheills, as follows:—The said William being heritably infeft in the forty shilling land of Sarksheills held in feu of the King conform to his infeftment, dated 9th March, 1610, has been in peacable possession thereof till now that James Maxwell of Springkell, John and George Grahames, his servants, William Beatie in Sark, Christopher Beatie, his brother, John Beatie, and William and David Smiths in Kirkeconnell, “doe threaten and minasse us with all hostilitie if we sell anie longer possesse these lands.” They therefore crave that, upon their oaths being taken that they dread bodily harm, the saids persons complained against may be compelled to find caution for their indemnity. [On the back] “Aput Edinburgh, 21 February, 1642. Fiat ut petitur under the panes following; the said James Maxwell under the pane of ijth merks and everie one of the other persons under the pane of iiiijth merks.”

182. Supplication by Mr David Williamson, minister at Kilspindie, for himself and in name of his kirk-session, as follows:—They agreed with William and Wallaces, wrights, for the building of a loft in the church, and advanced half payment to them, but after the commencement of the work William Bruce of Fingask took one of the wrights to his house and threatened that “if he sould lift axe or eache in the kirk that after the devil cutt his neck if he sould not cutt their neck,” so the work is stopped and their money lost “and none darre enter to that worke for fear of the said William his bangesterie.” The said William was convened before the Presbytery of Perth for abusing and profaning the sabbath, “and understanding that William McBeth, my servant, wes to be a witnes aganis him, he upon the day of , 1640, ranne fercelie upon the poore man er he wes awar and gave him a cruell stroke with his foot on the wombe quherwith he dang him to the ground so as he lay dead a longe time, the said William crying—“Goe home and bid your master claw aff that agane.” He craves summons against the said William Bruce of Fingask. [On the back] “Aput Edinburgh, 22 February, 1642. Fiat ut petitur.”

183. Supplication by Jean Cambell, goodwife of Burgie, as follows:—Alexander Dunbar of Westfield, sheriff of Moray, Patrick Dunbar of Kilboyack, his brother, Alexander and Robert Dunbars, his brothers, Thomas Tulloch of Tannachie, Alexander Dunbar, apparent of Brako, William Dunbar, Mr Alexander Dunbar of Windihills, Mr William Dunbar, his brother, Robert Dunbar, sheriff depute of Forres, John Dunbar, burgess of Forres, Adam Dunbar, his son, Alexander Dunbar of Inchebrakie, James and Patrick Dunbars, his brothers german, and George Dunbar of Asleisk “having conceived a deadly haitrent and [mal]lice aganis me with a purpose and resolution to wracke and undoe me and my tennentis of my conjunct-fee lands,” they threaten to lay waste her lands; therefore she craves that upon her oath that she
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Dreaded bodily harm they may be ordained to find caution for her indemnity. [On the back] “Apud Edinburgh, 23 February, 1642. Fiat ut petitur, under the panes following, viz., the said shireff of Murrer under the pane of j³ lib.; the saids Patrik Dubar of Kilboyack, Thomas Tulloch of Tannacheis, Alexander Dubar appearand of Brako, M r Alexander Dubar of Windihills, Alexander Dubar of Inchbrakie, and George Dubar of Asleak, everie ane of thame under the pane of j³ merks, and everie ane of the remanent persons under the pane of v³ lib.”

184. Draft of the act of Council for the coining of copper into two penny pieces, printed ante, p. 205. (Signed) A. M. Argyll, Mar, Morton, Glencairne, Southesk, Findlater, Callander, Balcarres, M. A. Gibson, Durie; Hamiltoun, Patrik Hepburne of Wauchtune, A. Dowglas, J. Greame of Morphee.

185. Supplication by William Forbes in last he was travelling accidentally with Robert Gordoun, brother natural to the late Laird of Rothemay, in the fields within the bounds of the Laird of Fendrackt, “and having removed from him be the space of a quarter of a myle or thereby I heard a shott and turned back reproving the said Robert for the same, wherewith by my knowledge he did kill one of Fendrackt’s tenants; and being going on with him we wer both apprehended. And becaus it was notourie knowne that I was innocent of the slaughter I was dismissed but behoved to sette caution to appeare before the shireff of Aberdene to underly the law for the same when I could be charged. My innocencie is so cleare in this mater as I need not to feare ane lawfull tryll; but in regard there is deadlie feed and ill will unreconciled betuix my fathers hous and the Laird of Drum, shireff of Aberdene, your Lordships will think it more fitting that my tryll may be before his Majesties Justice.” He craves that order may be given accordingly. [On the back] “Apud Edinburgh, 24 February, 1642. Fiat summonitio ut petitur to the sixt day of Junij nixt and to discharge ut infra to the tent day of the same, caution being found to the effect within writtin. (Signed) A. M. Argyll, I.P.D.” At the foot is a note signed J. Bannatyne, that caution has been found.

186. Supplication by Jean Hart, lawful daughter of Mr John Hart, 24th February 1642.

Supplication by Jean Hart, daughter of Mr. John Hart, doctor of physic, for letters of treason against Harry Cunningham, portioner of Restalrig.
February, 1642. Fiat ut petetur. LOUDOUN, Cantrius."

187. Supplication by Sir Thomas Hope of Craighall, knight, Lord
Advocate, for his Majesty's interest, and by William Rodger in Walls,
in the parish of Moffat, as follows:—Although the bearing and wearing
of hagbutts and pistolets is strictly forbidden by the laws of this kingdom,
yet on January last Francis Scot of Carterton, Mr John Lear-
month, minister at Moffat, James Wauch, notary, John Armstrang,
Ferdinand Home, and William Johnestoun, domestic servants to the Lord
Johnestoun, "boddin with swords, pistolls and others weapons invasive,
came be way of hamsuckin to myne the said Rodges dwelling hous and
with minassings threatened me to rander my possesson, and, when as with
reason I refused, they vowed to put me in a better hous nor ever my
father bigged, and with all commanded to lay hands on me, so as I was
forced to flee for saffetie, quherupon they unmercifullie pulled my young
barnes out of their beds and kuis thame in the snow so as they almost
perished for cold and as yitt ar not recovered, thereafter loused my nolt,
put thame firth to the feilds, putt out my fire, thrust out my hall
famille and pleasanting, and closed up my doores, without anie lawfull
warrant." They crave summons against these persons. (Signed) Sir
Fiat ut petetur."

188. Supplication by Andrew Gray and John Martine in Queens-
ferry, as follows:—On the 18th instant Arnott of Fairnie came
accompanied with three or four persons to Queensferry to buy a horse
from the said Andrew, and because the said Laird of Fairnie was not
pleased with the terms, "he vere disgracefullie upbraided me, calling me
knav and lowne, and, becaus my sone in law modestlie excepted aganis
these speecches, he drew his sword and therewith almost munitat him in
the hand and thereafter gave him a deepe stog stroke on the thigh; and
when I preast to separat thame the said Laird of Fairnies sone gave me
a deep wound on the shoulder with a braid sword and strake me to the
ground." They crave summons against the said Laird of Fairnie and
Fiat ut petetur."

189. Summons addressed to Edmond Reidpeth, messenger, at the
instance of John Peter, advocate, commissary of Peebles, against Gilbert
Lawder of Quheritlad and William Lawder, his brother, to compear
before the Lords on 29th November next at Edinburgh to see and hear
letters of treason issued against them for the rendering of their houses
and entering themselves in ward within the castle of Blackness. They
were put to the horn on 20th December, 1639, for non-payment of a
debt of 1000 merks and interest and expenses, but they convent the
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same, keep their houses, uplift their rents "and frequents all compaines and societues of men als peaceable and avowedlie as if they wer our obedient subjects." Dated at Edinburgh, 26th February, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.

On the back is an execution thereof by the said messenger on 19th November, 1642, against the said Gilbert and William Lawder, both personally apprehended, Gilbert within his dwelling-house "at the east toune end of Lawder," and William within his dwelling-house at Glaisdwoode; witnesses, George Tait, bynd to James Wright of Glaisdwoode, Robert Harlaw, cashier to the Earl of Lawderdaill, William Moffet, thatcher in Lawder, and William Broomerig, indweller in Rippeth. There is also a note that the said messenger denounced the said Gilbert and William Lauder at the market cross of Lauder, and Dunce and Greinla; witnesses at Greinla, James Lemmond; at Dunce, John Craw, Archibald Litill and David Greiff; and at the cross of Lauder, Charles Krag and John Mowffett.

190. The Lordis of Secret Counsell gives and grants libertie and license to Mr. Johne Paip, elder, wryter, and Mr. Johne Paip, yonger, advocat, and either of thame tua and such as shall accompany thame at table to cete flesche during this forbiddin tym of Lent free the first of Marche till the first of May nixt, and upon Wednesdy, Fryday and Saturday for the space of ane yeere nixt efter the dait heirof, without any paine or dainger to be incurred be them thereinthrow in their persone and goods, notwithstanding quhatsumever actes or proclamationes made in the contrair, quhairanent and all paines thairin contenit the Lords dispense be thir presents. Givin at Edinburgh, the first of Marche, 1642. (Signed) LOUDOUN, CAM'RIUS; ARGYLL; EGLINTOUN; SOUTHERK; S* THOMAS HOPK; ROBERT INNES OF THAT ILK; J. CARMICHAEL.

191. Supplication by Margaret Grant, lawful daughter of the deceased 3rd March 1642.

Archibald Grant of Eddinville, as follows:—Alexander Gordon of Carneborrow and Helen Coutts, his spouse, sent for her to come and attend them as a gentlewoman. Accordingly "upon the of October last, I having come to thair hous looking for courteous dealing from thame, notwithstanding without anie offence done be me to thame, they putt violent hands in my person and gave me manie bauche and blae straikes in divers parts of my bodie and had almost killed me wer not the helpe of some of thair owne friends. And not content therewith they stripped me naked of my cloaths and putt me furth to the hazard of my life; and upon the morne thereafter the said Alexander came in upon me and so cruelly hurt and wounded me with his hands and feet as I was not able to come out at doores for 16 weeks thereafter." She craves summons against them. [On the back] "Apud Edinburgh, 3 Martij, 1641. Fiat ut petitur."
192. Supplication by James Maxwell of Springkell, John and George Grahames, his servants, William Beatie in Sark, Christopher Beatie, his brother, John Beatie and William and David Smiths in Kirkconnell, as follows:—They are charged at the instance of William Irwing of Bonshaw, John Armeestrang in Sarkseills, and Irwing, his spouse, and apparent heir of the deceased Christopher Irwing of Sarkseills, to find caution for their indemnity under the following penalties, viz., the said James Maxwell in 2000 merks and the others in 500 merks each, within a certain short space after the charge; and they object that the pursuers cannot make faith that they dread bodily harm of the complainers, "since we never wronged thame, and this must preced a charge of law-borrowes, and farther the panes under quhilks we ar charged ar exorbitant, contrare to the acts of Parliament by the which persons of myne the said James qualitie, who am but a fewer, is onelie obliged to find caution under the pane of iiiij merks, and persons of our qualitie, the remanent compleanners, ar tyed onelie to find quioun under the pane of fourtie punds. Alwayes for esheowing the danger of horning we ar content to find quiouen conforme to the charge." They therefore crave suspension of the horning. [On the back] "Apud Edinburgh, quinti Martij, 1642. Fiat summonitis ut petitur to the day of and to suspend and discharge ut infra to the day of the same moneth, becaus the compleanners hes found caution to the effect withinwrittin."

193. "To the Richt Honorabill the Lordes of his Majesties Secret Counsell the Humble Remonstrance of the Presbitrie of Dunoone, shewing,

"The lamentable and most deplorable estate of a great number of our brethren quha for the cause of Christ and profession of his gospell, by reason of that inhumane and cruel persecution of the antichristian and bloodthristie rebels of Irland, have beene forced for the saittie of there lives to flie and repair to some of the boundes within the said presbitrie, especiallie to the Ile of Buite; to the quhilk, albeit it be but a small bounde, there hes repaired and are still remaining to the number of fayne hundred soules, as the particular rolls at the direction of the said presbitrie taken up be the ministers and ruling elders of the said Ile, to be presented to your Lordships heirwith, at more lenth proports. Amongst quhom there are three preachers of Gods Word, with there families, and others persons of good qualitie, quho, although they had good means in Irland, yit now are in equal condition with the poorest, having brocht nothing with them, either cloathes or moneys, that could helpe or sustain them but a verie few dayes, but hes lived for the most part thir fourtein or fyftein weeks upon the charitie of there freinds and other weill affected christians within the tua paroches of the said Ile of Boote; quhilk burden they are not able to underly any longer, except they wold put themselves to the necessitie to be equall objects of pitie with
the forsaid distressit people if they get not releif and supplie elsaquare. Thairfor, seing by your Lordships pious and prudent carfulnes and providence there was ane act of Counsell appoynting ane general collection through the whole congregations of this kingdome to be imploied for releiffe of the necessitie and supporting the povertie of such of our brethren as are in that miserable condition, and that the distribution of the said collection is to be done by your Lordships speciall appoyntment and dispensation by these quha are authorized by your Lordship to intromet with the samon, our earnest desyre and humble supplication is that your Lordships wold take the lamentable estate of the forsaids persons to your godlie and charitable considerations and that your Lordships wold be pleased to bestow such a portion of the said contribution for there present supplie as out of the bowells of commiseration your pious disposition is accustomed to bestow in such a caice and necessitie upon so greit a number and considerable personeis. For trewlie throw the knowledge and tryell we have of there miserie and distres we darr be bold to averr that there hes beene yit none of that contribution bestowed upon greater objects of pitie then these famishing and hungring soules. Bot for your Lordships more perlyte information, we have directed one of our number, Mr John Campbell, one of the ministers of that Ile, quha is daylie ane eye witness of there distressed condition, to quhomo we have committed to give to your Lordships a full and trew relation of the estate of the personeis forsaid, and to quhomo we trust that your Lordships will cause give such gracious ansuer as may be satisfactorie to our expectation, comfortable and full of refreshing to that poore people, and procure to your Lordships there heartie blessing and acceptation frome above. And your Lordships ansuere we humblie expect. (Signed) M. Patrik Steuart, moderator; M. J. Cameron, clerk."

[On the back] “13 Aprilis, 1642. The Lords of Privie Counsell for a present supplie of the distrest people withinwritten ordans and commands Johne Kennedie and Robert Gordoune, collectors in Air, to give furth ane thousand merks out of the reddiest of the contributions made there for releiffe off the distrest people that are fled out of Ireland, to be distributt be the sight of the presbiterie of Dunnon amongst the saids poore people within the tua parishes withinwritten, and recomends to the collectors in Air to take notice of the number of people fled out of Ireland and lying within the saids tua parishes, and to report. (Signed) LOUDOUN, Canryrus, I.P.D.

14th June 1642.

Andrew Rendal and George Sinclair of Rapnes, printed ante, p. 272. (Signed) ARCH. PRIMROSE, Cler. S. Cons.

196. Summons at the instance of [Isobel Forbes] Lady William-stoun, and Thomas Araskine of Pittodrie, her husband, against William Coutts of Achterfoull, in the complaint narrated (ante, p. 358); dated 6th July, 1642, and signed ARCH. PRIMROSE, Cler. S. Cons.

197. “Charles, be the grace of God, King of Great Britaine, France and Irelan, defender of the faith: The bearer heirof, Captaine William Cobb, our trustie and wellbeloved subject, who hath the diverse tymes petitioned unto us declaring his wrong and abuses, both in body and guidis, quhich he sufferet in his last fishing voyage unto the Lewis in Scotland, quho being there about his fishing imployments, the good of the common wealth, the furthering of that royall societione of fishing, increas of marioners for oure uses against any invasione, as lykwaysis setting of many purye people aworth, on the sevintine day of October last bypast ryding at anchor in the Ieland of the Lewis, therre come abuirid of the said Captain Cobb one Olipher Mowat and diverse others of his companie comed and seased on his schip and guidis therein and made pryce thereof and detained the said Captaine Cobb and his companie there as prisoners for the space of four monethes and upaward, contrair to ane act made in Parliament the 29 of June in the yere of our soverane lord, King James, in quibich act it is there declared that all our seas ovir the cost of Great Britaine are freie to all our subjects to fishe in without cowetridisjon or by any. The said Captain Cobb, at his being at the Lewis, desyred the chalmerlane and other officiers belonging to that place to apprehend the said pirattis according to the lawes of the land, quibich the said officiers refusied to doe. Lykwaysis cominge to the Ie landis of Orknay, quher the said Captaine meiting with his schip and goodis did there desyre the judge to apprehende the foirsaid pirattis and ather to send them for Ingeland or Scottland according to the lawes of the land, quibich the Admirall deputtie and uthers of his counsell refusiet to doe, but lett the said piratts remaine in their harbor for the space of 5 or sex weiks, and at last suffered them to pas quetyly, contrair to law or justice, to the great loose and hinderance of the said Captaine Cobb. Quhairfoir it is oure will and pleisour that the said Captaine Cobb sall not suffer the wrongous so unjet bot sail with all dilligence seik for the foirsaid piratts in any pairt or harborie within the kingdome of Great Britaine and cease on the said schip and guidis agane and to bring the said piratts for Ingeland and thair to be tryed by the lawis of the land; and give incals the said piratts be not to be fund, then to cease ovir any schip or vassell belong unto the Ielandis of the Lewis or Orknay or ather going or comeing to any of the foirsaid places or any other schip or bark traiding on going to the foirsaid places.
Moreover, it is our will and pleasour that all suche shipes as are
employed on suche oere the lyke service shall weir our coloure appointed
for oere royall navie untill the said Captaine Cobb hath made himself
satisfactioun to the walzow of fourtene hundreth pundis sterling. Quhar-
fore we will and requyris all oure leiving subjects to the ayding and
asisting unto the said Captaine Cobb incais of necessitie, as ye will
answer it upon your perillis. Gevin under oure handis and seallis the
24th of July, 1642, and in the aughteine yeir of oure reigne."

"This is ane trew copy of his Majestis commissioune drawn out
by me Johne Symondis, clerk and nottar publicit; witnes, James Jones,
gentillman, William Ropper, Henry Sait, Toby Almane, Robert Warrane,
J. Richard, Johne Elles."


198. "My Lords of Counsell, unto your Lordships humble messange 30th July 1642.

and schawis, we the Commissioners of Burrowis, presentlie convenit, for
our selfis and in name and behalff of the hail remanent burrowis within
this kingdome, that quhairas it pleisit the Lords of the lait Parliament,
to appoynt ane commissioune for manufactouris for introducing of vertew
within this kingdome and setting of idle people to work, and we of the
saidis burrowis being most desyrous to sie that commissioune tak effect,
we have appointit ane convention of the most expert amongst our
number to be had at this burgh the first of September nixt, and thair-
for we humble besek your Lordships that ye wald be pleased to assigne
unto us the said day for reporting our diligence heiranet, and in the
meane tyme that nothing be done concerning the same, and your Lord-
ships ansuer humble we besek."

199. Summons directed to Walter Smith, messenger, at the instance 2nd August
of Gilbert Barclay, George Sherar, John Battray, Patrick Clark, John
Chalmer, and Alexander Schand, tenants to James Gibson of Mulderies,
advocate, against Sir Robert Innes of that Ilk and Captain William
M'Intosh, as follows:—They have been charged by their Lordships to
make payment to one or other of the last named persons of the follow-
ing sums within forty-eight hours, as fines for intercommuning with the
Clan Gregor, viz.:—the said Gilbert £50; George Sherar 40 merks,
Alexander Schand 20 merks, and each of the others 10 merks. They
ought to have been charged upon twenty days so as to give time for
suspension of the letters, but of this they are defrauded by such a
"malapert abuse of the law." Besides they are most innocent of the
charge, and "did never intercommourn with the said clan nor ever spoke
or drank with thame but when by their oppressions and power they
wer forced thereto agains thair hearts, as may be seen in thair depositi-
tiones, and they were never called to the setting doun of thir fyens." Now
they are ready to find caution, and the defenders are hereby cited
to appear before the Lords on 10th November next to see the letters
suspended. The summons is dated at Edinburgh, 2nd August, 1642, and signed Arch. Primrose, Cler. S. Cons. On the margin is noted as follows:—10 November, 1642, suspenders be James Gibson; chargers be George Stuart: Continoues with consent till this day 15 dayes. Primo Decembris, 1642; suspenders be Mr Thomas Gilzean; chargers be George Stewart: Continoues with consent till the first of Januar nixt.

200. “Our verie honourable good Lords. Before your Lordships last letter of the 21 of July came to our hands wee had given in all our demands to those that treate with us, and immediatly upon the receipt thereof did make knoone to theme your Lordships directions to us anent the close of this treate and our returne, and have pressed with the best reasons wee coulth that the articles anent the deliverie up of the towns and the discharge of the armie might be condiscended unto us as they wer first drawne up by us and sent to your Lordships with Sir Archibald Johnston, and shall (God willing) returne and acquaint your Lordships with their answere against the day appointed.

“As concerning the way for sending the moneyes to Irlond for the armie, wee did expect some cleere instructions from your Lordships theranent, and because we are now to receive fyftene thousand punds English for the use of that armie and do not as yit knooue anie persone to whom wee shall send it ther, wee have not without difficultie persuaded the merchants to undertake to deliver it at Carrickfergus to the Lord Generall or his order or (because wee knew not whither he had appointed anie or not) to William Thomeson or his order (who hes promised either to be ther in person or to send Johne Campbell for that purpose), to whom also (upon the sight of ane warrant from the Commissioners of the Comoun Burdenes subscribed be their clerkes) wee have delivered the remainder of the twentie thousand pund to be caried home. This being all, we rest, your Lordships humble servants. (Signed) LOTHIAN, LINDSEY, BALMURRINO, THOMAS MYRTON OF CAMBO, J. SMITH, PATRICK BELL.” “Loudoun, 5th Augusti, 1642.”

[Addressed] “To the Right Honorable the Lord Chancellour and remanent Lords of his Majesties Privie Counsell.”

201. “Apud Edinburgh, decimo Augusti, 1642. The whilk day sovertie and lawborrowis is fundin be Cristopher Bannatyne in Overhall, Robert Tailyefer, Thomas Pret there, William Lowrie in Mylne of Corhou, Johne Pumphray in Barthill, Johne Pumphray his sone their, Mungo Pumphray their, Thomas Watsone their, Cristopher Bannatyne in Byres, Johne Schirielaw their, James Brakanrig in Overgreinheid, Cristopher in Greinheid, James Pumphray their, Johne Dick in Burn, James Hineshelwod their, Robert Tailyefer, James Bannaty, servitour to Johne Bannatyin of Corhou, James Shirielaw in Overhill, and Johne Bannatyin in Sandhill, that James Weir of Kirkfeild, Johne
Mure, his servitour, Johne Shirrielaw in Kirkfeld, James Rea their, John Stewart their, and Johne Mure in Intakheid, their wyffes, bairnes, men, tennents and servandis salbe halmes and skaithles, etc., ilk ane of the saidis personeis under the pane of four hundred merks monie. This I testifie to be of veritie be thir presentis subseryvitt with my hand. (Signed) Jo: Skene.

202. CHARLES R.—It is our pleasure that you pay or cause be payed, immediatly after the sight heirof, to our servand, Sir James Lesly, one hundredth pounds sterling forth of the first and readiest of our rents and casualties whatesover, notwithstanding of our late command to the contrary, and for so doing these shalbe unto yow a sufficient warrant. Given at our Court at York, the fyftein day of August, 1642 yeiris. [There is added in the King's own hand as follows:—"Let this bee done. C. R."] [Addresed] "To our right trusty and right wellbeloved cousins and counsellours, the Lords Commissionars for our Thesaurie of Scotland."

203. "Apud Dundie, decimo quinto die mensis Augusti anno Domini 1642, millesimo sextentesimo quadragesimo secundo et anno regni nostrui S. D. N. Caroli Dei gratia Magnae Brittaniae, Franciae et Hiberniae Rex fideique defensoris decimo octavo.—Whilk day in presence of me, notable publict under subseryveand, and witnesses underwrettine compeired personallie James Wedderburne, Robert Davidsone, Thomas Mudy and Johne Blyth, bailies of the burgh of Dundie, accompanied with William Stewinsone, collectour of the craftis of the said brugh, and the haill deaconis of the craftis thairof, all present at the Wogaitt Poirt of the saman in most peciabl maner, as James Scrymgeour, bailie to ane nobill Vicount Johnne, Vicount of Duddop, accompanied with certane gentillmen upon horsbak and sindrie uthers on fute, efur thair cunning from the publict mercat, ryding and visiting of the mercat and faire called the Marie day of Dundie upon the mwir benorth the law, called Dundies Law, the fairsaid day, they desyred in name of the said nobill Vicount that the fairsaid point might be maid oppin and patent to them (the wickett qhahairowes presentlie standing oppinne) to the effect they might entir in thairat and have the keyis thairof with the keyis of the rest of the portis of the said brugh and the keyis of the tolbuith of the same, as the said Vicount himself and his predissors wer in use in tymes of befor, to the quhilk it was asuered be the saidis bailies that the said brugh wes an frei royall brugh holdine of his Majestie, to quhom onlie they wold denyver the keyis thairof (and to nane uthers) whill it wer fund and declared be proces by law depending betuix the said Vicount and them that the said Vicount had the undoubtich richt thairto, but prejudice alway to his Lordship or any in his name quhom he had appointit or wold appeit for uplifting and taking of the ordinair customes of the said mercat and poine, during the tymes of the holding
thairof. And thairfoir the saidis baillies for themselfis and in name and behalff of the haill communitie of the said brugh and their successors protestit and be thir presentis protestis and declaires that the said Vicount nor none in his name aught to have libertie in tyme of publict mercat making to ryde throw the said brugh and mercat thairof now presentlie holdine thairin, except it wer fund and declared be law that he had the onelie undoubted richt thairto, but prejudice alway to him to the uptaking of his custome of the said fair and mercat conforme to use and wont and no utherways, whairupon and upone all and sindrie the premissses William Wricht, younger, present thesaurer of the said brugh of Dundie, in name and behalff of the saidis baillies, counsell, communitie, collectour and deacones of craftis thairof and their successors askit and requeryd instrumentis in the handis of me, notar publict undersubscryveand. This was done the day fairsaid att the said Wollgatt Port of the said brugh of Dundie betuix ellevine and twelff hours befoir noone or thairby befoir Robert Cheplane, notar, Robert Philp, hammerman, and Thomas Greine, customer, burgesses of Dundie, and David Liesis, Henrie Clerk, William Thomson, and Robert Schipbird, officers of the said brugh, witnesses requeryd to the premissses. Et ego vero David Yeaman, notarius publicus, clerici Sancti Andree dioecesis, auctoritate regali ac per Dominos Consillii secundum tenorem acti Parliamentii admissus, quia premisssis omnibus et singulis dum sic ut premitiitur, agerentur, dicerentur et feren uncum prenominiis testibus, presens personaliter interfui eaque omnia et singula superascripta sic fieri, vidi, scivi et audivi ac in notam cepi, ideoque hoc presens publicum instrumentum manu aliena fideliter scriptum exinde confeci et in banc publicum instrumenti formam redegi, signoque his meis nomine et cognomine solitii et consuetis signavi et subscripsi in fideem et testimonium omnium et singularum premissorum rogatus et requisitus. (Signed) D. Z. Notarius Publicus." [Docquet] "Instrument of Interruptione, Towne of Dondie contra The Vicount of Duddop, 15 Augusti, 1642."

204. "In Dei nomine Amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo sexcentesimo quadragesimo secundo, mensis vero Augusti die decimo quinto regnique S.D.N. Caroli Dei gratia Magnae Britanniae Franciae et Hiberniae regis fideique defensoris anno decimo octavo.—The qhilk day in presence of me, noter publict, and witnesses underwritten conpiered James Scrymgour, burges of Dundie, bailzie to ane nobill vicount, Johne, Vicount of Duddope, Lord Scrymgour, etc., quha past to the personall presence of James Wedderburne, Robert Davidesone, Thomas Muidie and Jothe Blythe, baillyes of the said burgh, and thair the said James schew and decalrit to the saitis baillyes that upon Saturday last bypast, the threttien day of this instant, he in our soverane lordis name and authoritie and in name and behalff of the said
nobill Vicount) causit lauchfullie proclame the first fair, callit the first Mairie fair of Dundie, to continow the space of aucth dayes nixt thair-efter, conforme to the richtis and securitis maid to the said nobill Vicount and his authors thairupon, and thairfor the said James Scrymgeour, bailzie foirsaid, in name of the said nobill Vicount, desvrit the saidis four baillyes to delyver to him the keyes of the foir tolbuith of the said burgh to be keipit be him for ministratting of justice to all paitries compleman during the said mercatt, and as the said nobill Vicount and his predessouris and thair bailzies hes been in continuall use and custome past memorie of man. Qhaurunto the saidis baillyes ansuerit that they had not the keyes thairof to delyver, and imediate thairafter the said James Scrymgeour, baillie foirsaid, went to the muir quhair the cattell mercat stode and thair attending ane certaine space for keipin of the said mercat in good ordour he thairerfer came to the Walgait Point of the said burghbe off purpoise and intention according to old use and custome to haifidden throw the toun and thair to haif afftendit the governement of the said mercatt, notwithstanding quhairof the saidis James Wedderburne, Robert Davidsone, Thomas Muidie, and Johne Blythe steikit and closit the said point and (being assistit with syndrie inhabitantis of the said burghbe) refusit to suffer the said James Scrymgeour, baillie foirsaid, to enter in thairat; in respect quhairof the said James Scrymgeour, in name foirsaid, protestit for remead of law, and thairupon took instrumentis in the handis of me, notter publicit underwreitit. Thir thingis wer done within the said burgh and at the Walgait Point thairof, day, yier and place foirsaid betuixt nyn and ellevin houres befoir none in presenc of Johne Scrymgeour of Kirktone, Patrick and Andro Kynnairdis, maltmen, burgesses of Dundie, and William Robertsone, cordiner in the Hill, witnesses requyrit to the premisses. Es omnia vera esse que superscribuntur ego, Thomas Wichtane, notarius publicus, attestor, teste hoc meo signeto et syngrapho. T.W.: N.P."

205. "Defenses for the provest and baillyes off Dundie and for William Steinsone against the complaint given in against them be the Vicount and Maister off Dudope.

"First, the complaint anent the rydeing of the faire and the defenders defarreing the compleiners from rydeing the same and refusieing to give the keyes off the ports and the towbhith is nac wayes relevant, because the compleiners hes not lybellit any right to the ryding off the fairs; receaving the keyes and uplifting the customes and possessiounes and usurpatione off doeing deads prejudicial to the liberties off ane free burgh is ane express confessione off oppressioun, contrair to the acts of Parliament in favours of free burrowees, and namelic against the 87 act off King James 4, his sext Parliament, and against the 33 act of King James 3, his 5 Parliament, and to the 61 act off King James 2,
his thirteint Parliament, quiblike actis ar expresslie mad against usurpatioun off constables; and thairfor the complaint foundit upon unwarrantable possession without ane right is irrelevant.

"Secondlie, the complaint is not relevant becaus thair is no dead off violence nor ryot lybellit bot onyly a debarring off the compleiners from thair unlawfull usurpatioun against the liberties off the burgh, quiblike the defenders was obleist to doe for maintaining off ther liberties; and the civil interruptioun and refuseing off keyes and the hindering off the compleiners to ryd the fairs is a civil business depending upon the discusseeing off the compleiners rights and the defenders rights befor the ordinar judges, the Lords off Sessione, and soould be remittit to thame speciallie in respect the toune is infest cum annudinis and hes beine in possessione off thair own faires without rydeing be the constable and without deleyvering the keyes to hym be the space of four years bygane, and thairfor they aught to continue in possessione of thair liberties untill their rights be discussit and it be found that the constable hes right to the ryding off the fairs. And for instructing this defens the instrument off civil interruptioun is product bearing the defenders refuse to deleyver ther keyes and their protestatioun that the Vicount nor nane in his name aught to have liberties to ryd ther fair unless it were found that he hes right therto be the judge ordinar.

"Tertio, quhe it is lybellit that Andrew Smith was committit to ward it is ansuerit that gieving and not granting that he had beene committit to ward the defenders had done no wrong becaus it is offerit to be proven that he injurit the magistrats off the toune with reprochfull speeches.

"It is ansuerit to the second head off the complaint anent the alledged wrong done to the Vicount and his quarrers in his propertie in the Hill off Dundie, that the defenders did no wrong in impedig off the quarrers to work, becaus the place quhe they were working is a commune louning and heigh way and ane passage to and frae the toune within ane paire off butts outwith the samine, and the Kings leiges repaireing to and frae the toune ar in hazard and diverse hes fallen in the holls wroght in the midst off the Kings way, and thairfor the defenders did no wrong in impedig the working off the said quarrell, being to the evident prejudice off ther liberties and hazard off the Kings leiges and against the 54 act of Queen Marye hir 6 Parliament ordaining that all common gates scould be kepit free, and that nane mak impediment and if ane does to be accusit and punishit as oppressors.

"Item, that pairt of the said complaint anent the hurting off the quarrers is denied and the quarrers will not give ther sith off calumnie that they were hurt.

"It is ansuerit to the third head off the complaint anent William Steinsone the decounse conveiner his alledged unlaweing off certane off the compleiners tennents for subscriyeing ane petitioun craveing Mr George Halyburtoune to be thair preicher—first the complaint is not
relevant, not condisceding quhat tennents they were, and, if it were
lybellit, the defenders would have ane defence competent to thame, viz.
that the saids persone alledged to have beine unlawit will disclaim this
complaint and will declare that they were compellit be the compleiners
tosbey the said petiitoune, being wylit in to the compleiners
towbuith of the Hill and threatened to be detenit unless they
subseryvit; and alsoone as they recoverit their libertie they disclamit
their subscripitione and be mediatioune of the decoune conveiner was
reconciled to the rest off the craft. Lykas the said M' George Haly-
burtonie being requyrit be the Vicount to have bee receavit be the
General Assemble at Saint Androwes upon the petiitoune offt the saids
parties alledged unlawit they disclamit thair subscripitiones to the
petiitoune be ane declaratioune in wretit; under ther hands, qubilk
declaratioune is lyeing in the hands of M' Andrew Ker, clerk depute to the
Assemble, and hes disclamit this complaint and declarit that they
were never unlawit be the said William Stenisone be ane declaratioune
producit to instrucit this defense.

"Secondlie, the complaint is not relevant becaus no dead of violence
or ryot is lyellit and the naked unlaweing off partyes without warrand
cannot import ane ryot bot is onely ane null act."

206. Summons at the instance of John Forbes of Balnagask against
David Barclay of Mathers who was put to the horn on 29th November
and 1st December, 1634, for non-payment of a sum of 1000 merks with
interest and 300 merks of expenses and upon whom captioun also was
raised, but all ineffectually, to compaire before the Lords at Edinburgh
, and se letters of treason granted against him; dated at Edinburgh 24th August, 1642, and signed Arch. Primrose,
Cler. S. Cons.

207. Original of royal letter, dated at Nottingham, 26th August, 1642, as to the commissioners from Scotland, printed ante, p. 318.
Addressed on the back to the Chancellor and remanent Lords of the
Privy Council of Scotland.

208. Note of execution by William Smyth, messenger, on 29th August, 1642, of letters of summons at the instance of Gilbert Barkley,
Note of George Shereff, John Rattray, Patrick Clark, John Chalmer, and Alex-
ander Schand, tenants to James Gibson of Mulderry, against Sir Robert
Innes of that Ilk and William Mc'Intosh to compair before the Lords at
Edinburgh on 10th November next. Both were personally apprehendit;
Witnesses, Robert Innes, apparent of that Ilk, John Innes of Edindeich,
William Laynge, burgess of Elgin, John Chalmers, notary and burgess
of Elgin, and Alexander Mc'Condache, servitor to the said William
Mc'Intoshe.
15th September 1642.
Letter from the Earl of Lindsay anent the Scotch troops in Ireland.

209. "Our verie honorable good Lords, wee have this day received from the Parliament this enclosed order anent the Earl of Antrim, whilk they desired us to send to your Lordships that by yow it may be directed to the Generall of our armie in Ireland.

"What is alreadie done anent the brotherie assistance and the matter of the treatie, these of our number that are now parted from this (and wee hop will be at your Lordships befor this can come to yow) are more able to give your Lordships ane account thairof then wee are, and for what is yitt to be done therin or in anie of the other particulars which wee are commanded by your Lordships now to propose to the Parliament, wee shall be most carefull thairof. And altho our awne private bussinesse doeth require our home being at this tyme, yet hopeing to be liberet of this burdine (to heavie for us who are unable for such ane employment) wee shall during our abode use our utmost endeavours to give your Lordships ane full account of our care and diligence in such things as by your Lordships be intrusted to, Your humble servantes, (signed) LINDSEAY, J. SMITH. London, 13th September, 1642." [Addressed on the back] "To the right honorable the Lord Chancellour and remant Lords of his Majestyes Privie Counsell of Scotland in Edinburgh."

23rd September 1642.
Letters of charge directed to Gilbert Muire, messenger, at the instance of Mr James Bonar, minister at Maybole, and Mr Gilbert Powrie, minister at Stanykirk; in their complaint narrated ante, p. 321, against Fergus McDougall, brother to the Laird of Freuchie; Agnes Agnew, spouse to the said Laird; Jean Agnew, spouse to Alexander McDougall of Logane; Anna Fergusone, spouse to Alexander McCulloch of Ardwell; Jean Cathcart, spouse to William Adair in Killiaisser; Isobel Hay, spouse to Andrew McDougall of Killiaisser, Andrew and John McDougall, his sons; Margaret, Marion and Elizabeth McDougall, his daughters, Isabel Purveane andMargart Neilson, servants to Mr Alexander Turnbull, minister at Kirkmadin; Margaret Hay, spouse to Quintene McDougall of Barlokhart; Marion McDougall his daughter; Margaret McMillan, spouse to John Smart, reader at Glenluc; Sara Dunbar in Elrig, John Hill in Balgowne, and Alexander Rae, weaver, and their husbands and masters, and the fathers of such as are still unforsafamilist, to enter these persons within the tolbooth of Edinburgh, there to remain until order be taken with them in the above matter, upon the pain of horning; dated at Edinburgh, 23rd September, 1642, and signed, ARCH. Primerose, Cler. S. Cons.

29th September 1642.
Summons at the instance of the Countess of Home against Sir James Hamilton,

211. Summons directed to George Neill, messenger, at the instance of Dame Marie, Countess of Home, against Sir James Hamilton, younger of Reidhall, who "came latele to the lands of Palmertoun within the baronie of Dunglas and desired one of her coyleyars there to carie a letter frome him to some of his acquaintance, which the simple coyleyar undertaking, how soone he came whither he was directed, he was made fast for
the service of France; and thereafter the said James went to the said Countesse her salt pannes of Dunglas, pretending that he was to refresh himselfe there by store and called for the salters to give thame drink money, and gave to twa of thame either a sixpence and departed; and after that sent some soldiours to apprehend thame as having tane poy; whereupon the whole coyleyars and salters have left thair workes”; to compear before the Lords on 10th January next at Edinburgh; as also against to compear as witnesses; dated at Edinburgh, penult September, 1642, and signed Arch. PRIERROSE, Cler. S. Cons.” On the back there is the note of execution by the said messenger on 5th January, 1643, against Sir James Hamilton, younger of Reidhall, personally apprehended in Edinburgh; witnesses, George Gordoun and Alexander Campbell, messengers.

212. “The court of the shireffdome of Elgin and Forres haldin within 30th September the tolbiute of Elgin be Alexander Gibse, burges of Elgin, shiref deput of the said schirefdome, the last day of September, 1642.

That day James Petrie, messinger, burges of Elgin, being personalie James Petrie, messinger, burges of Elgin, finit for assault.

warnit be Stephane Leailey, officiar, to compair befor the schirf and his deputis this day to anser at the instance of John Chalmer, notary publict, procurator fiscal of the said schirefdome, for the bluid drawing and straik gewine in the head to M' William Dunbar, some lawfull to wnmquhill M' Gawine Dunbar, lait minister at Alves, on Michelday instant, compairit the said James Petrie and confessit the said straik and bluid gewine to the said M' William Dunbar and thairfor the judge abonewritne fynes and unlawis the said James Petrie in payment of the sowme of fyfttie pundis money to be payit to the said procurator fiscal and ordanis he to remaine in waird quhill the samyn be payit. (Signed) Jo. Patersonoune, cs.

213. “Apud Elgin octavo die mensis Octobris anno Domini 8th October millesimo sexcentesimo quadragesimo secundo et regni excelen-
tissimi principis nostri Caroli Dei gratia Magne Britannissi-
Franciae et Hiberniae regis fideique defensoris anno decimo octavo.

The quhilk day in presence of me, notar publick, and witnesses under- Notarial constitue for James Petrie, burges of the said burghe, who for the tyme was incarcerat within the tolbiuth thairof for the blood drawing of M' William Dunbar, some lawfull to unquhill M' Gavin Dunbar, minister at Alves, as ane convict and unlawed for the same in the sowme of fyfttie pundis money, the said Francis, procurator forssaid, came to the personal presence of Alexander Gibse, burges of the said burghe, by whom the said James was unlawed (in manner and for the cause for-
said) as shireff depute of Elgin and Forrest for the tyme and there reallie offered to the said Alexander Gisborne as shireff depute forsaid the forsaid sowme of fyftie pundis money as the said James his unlaw for the cause forsaid and also offered that the said James should set sufficient cauteone of lawburrowes to any persone that should desyre the same; in respect of the qhillks offeriss the said Francis, procurator forsaid, desyre the said Alexander Gisborne as shireff depute forsaid to putt the said James Petrie to libertie and releace him of his incarcera-tione, whereunto the said Alexander Gisborne ansered that he would not releace him nor put him to libertie notwithstanding of the offeris and that because the shireff principall inhibit him to put the said James to libertie unles he would find sufficient cauteone actit in his bookis for keeping of the generall peace and also to find cauteone under the paine of ten thousand merkids monie that the said James shall com-peir before the Justice upon citatione for that effect if the said Mr William should happen to die within yeare and day after his blood drawing. Thereunto the said Francis replyed that no inferior judge within the kingdome could ask or take cautione for keeping of the generall peace and also that there was no necessitie for setting cauteone for the said James compeirance before the Justice seing the wound was not mortall, as he was content to refer the same to the surgeons declaratione who cured the said Mr William or any uther judicious man in that calling and therefore protestit for the said James his indemnitie in keeping of him in priseone after the saids offeris and that he would seik remeare thereof from the Lords of his Majesties Secret Counsell. And thereupon the said Francis procurator forsaid requyre of me, notar publick undersubscryvand, ane or maie instruments. Thir things were done under William Tarres, skinner burges of Elgin, his stair beitix ten and allevin houris in the forenoone day, yeares, moneth, and place forsaid, before thir witnesses, the said William Tarres, Walter Gilzeane, sadler, burges of Elgin, Alexander Petrie, peuterar, burges thair, and Johne Murcane, tailleyour there.

Ita est Magister Jacobus Annand, notarius publicus in premisis specialiter requisitus manu propria asseruit. (Signed) J. Annand nostre assit."

214. Summons at the instance of Bessie Marjoribanks, widow of Mr Thomas Gray in Peterhead, and others, against Gordon of Dilpro and his wife. Summons at the instance of Bessie Marjoribanks, widow of Thomas Gray in Peterhead, and others against Gordon of Dilpro and his wife. Summons at

215. Summons directed to Edmond Reidpath, messenger, at the instance of Thomas Hunter of Hagburne against Gilbert Lauder of
Qhiteald, who was put to the horn for non-fulfilment of a contract to him by paying 200 merks of expenses, relieving him of a cautionery, infesting him in his lands of Qhiteald and others in security, and delivering certain writs, and who remains contemptuously at the horn, to see letters of treason issued against him for his imprisonment in the castle of Blackness and the rendering of his houses; dated at Edinburgh, 28th October, 1642, and signed Arch. Primrose, Cler. S. Cons. On the back there is a note of the execution hereof by the said messenger on 19th November against Gilbert Lawder of Whitehall, personally apprehended within his dwelling house at the east town end of Lawder; witnesses, George Tait, hind to James Wricht of Glaidswood, and William Browning, indweller in Rippeth. There is also a jotting that the messenger on the same day charged William Lawder, personally apprehended before the above witnesses, and on the 21st at the market cross of Dunse; witnesses, Archibald Litill, and David Gyreff; at Greinlaw; witnesses, James Lermont and James Craue, indwellers there; and at the cross of Lawder; witnesses, Charlie Smyth and John Crage.

216. “Apud Innersnes vigesimo nono die mensis Octobris anno 29th October 1642.

Domini millesimo sexcentesimo quadragesimo secundo.

“The quhilk day in presens of us, notars publict undersubcrivand, and witnesses wnderwrettene comperit personallie the richt honorable Angus M’Donald, apperand of Glengarrie, oy to Donald M’Angus of Glengarrie, and declarit in our presens and in the presens of the richt honorable Willeame M’Intosche of Torcastell and of certane of the said honorable M’Donald and Willeame M’Intosche their honorable friendes and followars than present, that foresamekill as the said Angus M’Donald was one long tyme incassarat within the Castell of Edinburgh and thairafter was one long space confyned within the town of Edinburgh for not finding catione for redress of the slachtar comititt in certane of the said Angus his freindes and kinmen at Innersnes the day of jvth of foartie zeires, of certane of the said Willeame M’Intosche his kyn and freindes, was by the Lords of his Majestis most honorable and Prive Consall, out of their vyse and good consideratione, releac from his prissone and confynement in the moneth of last bipast, upon catione to compeir befoir the Lords wpone the day of nincto-com, to the effect the said Angus betuixt the said day of his compeirance might repair home to his awene contray and cause gif all honorable and reasonable satisfactions and redres for the said slachtar to the uttermaist of his powar to the said Willeame M’Intosche and his freindes; thairfor the said Angus M’Donald, for giffing all obedience and to certifie his reverend regard and humble respect to the desyre of the said honorable Lords of his Majestis Privie Consall, did meit at the burgh of Innersnes the said day, accompanied with Thomas Fraser of Strecine, Sir Johnne M’Kenzie of Tarbat, knicht barronat, and Willeame Fraser of Culboke,
and certane uther his honorable freindes, his arbitratures, who were present, and thair maid offer to the said Laird M'Dintosche in present of his honorable freindes, viz., Willeame M'Dintosche of Kellsche, M' Thomas M'Kenze of Kellenseall, his arbitratures, who war lyckvayes present, of the accomodations following and conditions after mentionat, for gewing full satisfactione to the said Laird M'Dintosche and his freindes for the said slachter, viz.:—the said Laird M'Dintosche, haiffing choisine certane of his freindes to whome the said mater could have beine submitit for his part, viz., the said Robert Farquharson, Willeame M'Dintosche and M' Thomas M'Kenze, and the said Angus M'Donald haiffing choisine certane of his freindes, viz., the said Thomas Fraser of Strehine, Sir Johnne M'Kenze and Willeame Fraser of Culbokie, and the said Laird M'Dintosche haiffing had the chois of the oversman incaise of the variance of the freindes referitt to himself, and having nominat and choisine the Laird of Pluscardie to be owersman, quahirunto the said Angus M'Donald in testomnie of his peciable dispositioun and full resoluzione to see all reasonable satisfactiones gewen, concordit and aggret, the said Angus M'Donald was content to submit for himself and for his awen entres, and also the said Angus declairit that Johnne M'Donald of Inngarre, Johnne M'Donald, younger, portioner of Sligarow, and Alexander M'Donald in Cullesche, aldegit committars of the said slachter, war content to submit for themselvves and thair complices, to the said judges arbitratures and owersman abone nominat and to obtenber thair decreit, lyck as the sam was offerit in thair names [be] the said Sir Johnne M'Kenze and Willeame Fraser of Culbokie, tvo of the freindes choisine for thame and for the part of the said Angus; and also the said Angus M'Donald, for the forder testomnie of his villingeness and forder dispositioun to the said agreeamnit, becaus it was aldegit that the saids persons, aldegit committars of the saids slachter, war unleggall, maid offer of certane legall gentilmen, barrons, who could become cationers for the said aldegit commiting of the said slachter, for fulfilling of thair part of the said decreit to have beine pronuncit be the said freindes and owersman in the said mater. Lyck as the said Angus M'Donald, resolvit to have no unreasonable conditiones for fulfilling thair part of the said decreit as said is, offerit for tacking away of the said questione abonewritin, albeit it be notoriously known that he was innocent of the said slachter, was content and did offer to ingage himself as cationer for what assyment and satisfactiones said be imposed be the saids freindes and owersman to the said Laird M'Dintosche and his friendes, whilk offer was allutterly refused by the said Laird M'Dintosche and his freindes. Upone the quhilk offer and refusall the said Angus M'Donald requirit actes and instrumentes in our handes and protestit that he haid don his uttermaist dilligence and indevoir that all satisfactione and contentment micht have been gevin to the said Laird M'Dintosche and his freindes for the said slachter aldegit done be the committers heirof, according to the directione an command of the saids Lords of his
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Majestis most honorable Prive Consall gewen to him at his last releisment, and that it was not in his defalt and negligence, but the said command of the saida Lords was not obeyit. As also the said Angus M'Donald requerit and desyrirt Sir John M'Kenze of Tarbat, knicht barronat, and Willeame Fraser of Culbokie, who war present, to gif and delyver to him thair testifieat under thair handes testefeing and declaring the veritie of the premisses and offers maid be the said Angus M'Donald and his freindis to the said Laird M'Intosche and his freindis. Thir thinges war done within the bruche of Innersenes in the biging and dualling house of Robert Bailzeis, merchanget of this brucht, betuixt ten and alleven houres befoir none, day, monethe and yeir of God and of our soverane lorde regne abowewretten, in presence of Allexander M'Kenze of Cowell, M' Thomas M'Kenze of Innerlaal, William M'Intosche of Kellache, Lauchlane M'Intosche, brother to the said Laird, and dyverse uthers witnesses especiallie requerit desyrit to the premissee.

"Ita est Jacobus Abraham, notarius publicus, fidele testimonium adhiberi veritati in premissis rogatus et requisitus, teste manu propria.
"Ita est Robertus Waus, connotarius publicus, in fidem omnium et singulorum premissorum rogatus et requisitus; subscribo."

217. "Apud Innersenes vigesimo nono die mensis Octobris anno 1642. 20th October
Domini millesimo sexcentesimo quadragesimo secundo regnique
S. D. N. regis anno decimo octavo.

"The quhilk day in presens of us notaris publicit undersubscryvand and Notarial instrument certifying that Angusz M'Donald of Glengarry and certane his honorable freindis then present, and declaireit that how be wertew of ane decreit and delyverance of the Lords of his satisfaction to Majestis most honorable Privie Cunsall the said Angus M'Donald was a long tyme incarcerat within the Castell of Edinburgh and thairefter for ane long space confyned within the toune of Edinburgh, for not exhibiting of Johne M'Donald in Innergarrie, Johne M'Donald, younger, Allexander M'Donald in Cullachie, his unkillis, and certane others rebellis, his men, tennentes and serwandis, conteineit in the said William M'Intosche his criminal letters, befor the Justice for the cruel and barbarous slaughter of unquhillis Lauchlane M'Intosche and William Millar, kinamen and serwands to the said William M'Intosche, at the towne of Innersenes upoun the fyfteine day of August (being the Lords Saboth day) in anno jmvj fourtie ane yeiris; and how thairefter the said Angus M'Donald was be the saida Lords of his Majesties most honorable Privie Cunsall, out of thair wyse and good consideracion, released from his imprisonment in the moneth of last bypass upon cautiouen to returne and compeire befor the saida Lords upoun the day of nixtocum to the effect the said Angus M'Donald

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in the meane tyme of his releasement might repaire home to his owne bounds and give all honorable and reasonable redres and satisfactioun for the forsaid slaughter to the uttermost of his powar to the said William M'Intoschie and his freindes. And the said William M'Intoschie, reverentlie acknowledging and humbllie respecting the said honorable Lords good and wyse consideratioun in releasinge the said Angus M'Donald to the effect forsaid, he, at the earnest intreatie and request off Johne M'Ronald, advocatt in Edinburgh (in name and behalf of the said Angus M'Donald), repaireit to the bruche of Inneures upoun the twentie seint day of this instant in ane most quest and civill maner without any convocatione, and the said Angus M'Donald, haweing come thair the forsaid day accompanied with the forsaid rebelles, with great convocation of his Majesties leeges, in ane barbarous and haastilie maner to the wiewe of the haill people and inhabitantes off the said bruch, contrarie to the lawes of this kingdome (notwithstanding of the forsaid convocation and uncivill proceedinges) to signifie his regard to the peace of the cuntray and willingnes to accept ane honorable and reasonable satisfactioun and redres for the forsaid slaughter, according to the saids Lords meaneing in releasing the said Angus M'Donald in maner forsaid, after certane communing did condiscend to ane freindlie submission and did nominat freinds (and in caice of warriance amonges them ane owersman) and thairafter desyr the said Angus M'Donald, being personallie present, to talk burden for the saids rebelles and to bind for them in the said submission (according to his former condiscendence be communing) and as he who is allredie found be the saids Lords of his Majesties most honorabill Priwie Counsall answerrable for thes rebelles (at leist for so many of them as ar his men, tennentes and serwands), quhilk desyre the said Angus M'Donald, being personallie present, as said is, absolutlie refuisit, and wuld not submit but for himself and his owne entres allenerlie, and the saids rebelles to submit for themselfes, and thairby the said William M'Intoschie, understanding perftlylie that the said Angus M'Donald and his freinds haid no reall intention to obtumne the saids Lords desyr nor to give him nor to his freinds ane honorable satisfactioun and redres for the said slaughter, thairfoir he protestit that no honorable nor reasonable satisfaction was offerit to him in so far as the said Angus M'Donald refuisit to tack burden for his men, tennentes and serwands in ane freindlie submission; and also the said William M'Intoschie protestit that the said Angus M'Donald sould alwayes and in all tyme coming be answerrable and lyable for the saids rebells (his unkils) and his men, tennentes and serwands, and for all skaithe and damage he or his freinds sould sustaine throw thair deids in tyme cuming, according to the tenour of the saids honorable Lords decreit abowmentionat; querunto the said William M'Intoschie adheard simpliciter. Upon the quhilks haill premisses the said William M'Intoschie skit and tuick instruments ane or mae in our hands and requyrit Allexander M'Kenzie of Coull, Maister Thomas
McKenzie of Inverlaill, Mr Coline McKenzie, minister at Couttan, William M’Intoshie of Kellasie, and Hector M’Intoshie of Condage to give and delvery to him their testicat under their handis, testifieing and declaring the vertie of thir premisses and his willingnes to accept ane honorabile and reasonabill satisfaction for the forsaid slacthert. This was don within the bruche of Innernes within Robert Bailzies dualing houz thair betuext tene and allewin hours befor nune, day, yeir and place forsaid, in presens of Sir John Mackenzie of Tarbatt, knicht barronet, the saids Alexender M’Kenzie of Coull, Mr Thomas and Mr Coline M’Kenzieis, William and Hector M’Intoshes, witnesses heirtlo speciallie askit and requyrit.

"Ita est Robertus Waus, notarius publicus, in fidem omnium et singularum premisessorum rogatus et requitus, subscribo.

"Ita est Jacobus Abraham, connotarius publicus, in fidem omnium et singularum premisessorum rogatus et requitus subscribo, teste manu propria."

[On the back] “Produced be M’Intosh.”

218. Summons directed to William Sutherland and Robert Ander- sone, messengers, at the instance of James Petrie, messenger, narrating that on 22nd September last Mr William Dumbar, son of the deceased Mr Gawin Dumbar, late minister at Alves, “batteumed the compleanner on the head upon the calsey of Elgin, and the said compleanner, having in his necessar defence givin the said Mr William ane light stroke on the head, he wes for this caus made prisoner in the tolbuith of Elgine and finned be our shirreff of Elgine in the soume of fittie pund and be the provest and bailies of Elgine in threttie pundes.” When on 8th October last payment of the said fine was offerit to the sheriff depute and caution to any who required the same, he refused, as the sheriff principal would have the complainer remain in ward until he found caution for keeping the peace with the whole lieges under the penalty of 10,000 merks. Now this is beyond the power of a sheriff to exact, and the caution is beyond the means of the complainer who is but a poor man. But the said sheriff is chief to the said Mr William, and intends by this means to undo the complainer in his calling from which he has been debarred this long time. Command is hereby given to the said sheriff of Elgine, the provost and bailies of Elgine and the said Mr William Dunbar, to compear by some one instructed for them and produce the complainer before their Lordships on at Edinburgh. The summons is dated at Edinburgh, 1st November, 1642, and is signed, Arch, Primmerose, Cler. S. Cona. On the margin is noted, “Primo Decembris, 1642; persewer be James Stuart; defender be Mr Thomas Gilzean who producu a letter from him. Ordans the persewer to be put to libertie, he first findeing caution to keepe the peace and paying or consigning the fine.” Affixed to the summons is a paper containing notes of the executions, (1) on 11th November, 1642, by William
Sutherland, messenger, against the provost and bailies of Elgin, viz., Mr John Hay, provost, and Alexander Lesley, James Douglas, and George Cuming, bailies, and against Alexander Gibson, burgess of Elgin, sheriff depute thereof, all personally apprehended, in presence of Nicolau Dunbar, burgess of Elgin, William Robertson, younger, burgess there, Mr Walter Swentone, servitor to the Laird of Duffus, and Mr Robert Toid, minister at Rothes. (2) On 12th November, 1642, by Robert Anderson, messenger, against Alexander Dunbar of We estoil, sheriff of Elgin, and the said Mr William Dunbar, both personally apprehended; witnesses, William Hebron and Robert Gilbert, servitors to the said sheriff; Robert Dunbar of Burgie, Francis Stewart, son to Mr David Stewart of Neutone, and George Elpens, armourer in Elgin.

219. Supplication by James Douglas, justice officer, against David Brunton, merchant in Edinburgh, as follows:—On 3rd September last the suppliant being in Leith, “doing my liesum and lauchefull affairis towards Edinburgh, and cunning hame be the way in peacibill maner, not expecting any harme or wronge to be done to me be no persone or personaques quhataneumvir, the said David Brunton of set purpoys and forthocht malecis innocentie conceasit againas me onsest me upone the Kingis hie streit at the Windmilne betuix Leith and Edinburgh, and their under cloude and sylence of nicht he most schamesfullie, maliciouslie, vickidlie and ungodlie put violent hand in me behind my back and threwe me be the lapis of my cloick to the ground aff the calsay, and maid me to fall upone ane stone, and hes therby brockin tua ribis in my syde, and gat on abone me and brusit me with his kneyis and armis in dverity pairtis of my bodie, and except that it pleisset the great God Almighty that maid thre honest men to be in the way, quha tuick the said David frome me tua severally tymeis, I being at the ground under him, he haid not mist to have most schamesfulle murtherit me and bereft me of my lyfe; and hes bein continualllie sessynie bedfast and under cuire with doctouris and pothecaeres, to my great hurt and prejudice, and is not altsidd er in healthie of bodie as yit; quhilk wrang and oppresseion I vild not have sustenit for fyve hounfrethe, merks monie.” He therefore craves summons against the said David Brunton for his comparsance before their Lordships on the 17th of November; also against Robert Hay, writer, George Quhytheid, John Livingstone and Robert Somervell, as witnesses. [On the back] “Apud Edinburgh, 4 Novembris, 1642. Fiat summuntio ut petitur to the sevintein day of November, 1642, (Signed) S. Thomas Hop.” Also two executions by John Hamilton, messenger, on 16th November, 1642, (1) against David Bruntone, personally apprehended; witnesses, Allan Bruntone, father of the said David, and James Dowglas, younger; and (2) against George Quhytheid, Robert Hay, writer, John Livingstone, admiral officer, and Robert Somervell, personally apprehended; witnesses, Robert Hamilton and John Campbell, servitors to Thomas Forrest, writer, and James Kynneir. (Signed) J. Hamilton, messenger.”
220. Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, Katharine Kinloch, widow of Anthone Whyt, W.S., James Quhyt, his second lawful son, and Hew Lauder, messenger, narrating that, though the deforcing of messenger is a crime against the law, and Mr Alexander Hamilton of Kinglas and John Hamilton, sas thereof, his son, being at the horn for non-payment of the said widow in liferent and to her said son in fee of the sum of 1000 merks with interest and expenses, and the execution of letters of citation against them being committed to the said Hew Lauder, who, on 5th November instant, went to the house of William Foster, late bailie of the Cannogait, where the said John Hamilton was for the time, and apprehended him, charging George, Lord Forrester, Mr Andrew Ker, clerk of Linlithgow, and John Livingstone, merchant burgess of Edinburgh, who were in the chamber with the rebel, to assist him in the execution of his duty; yet these three persons, assisted by some of Lord Forrester's followers, laid hands on the messenger, "gave him manie bauch and blae straiks and held him till the rebell drew a sword and wounded him on the sherrick bone to the effusion of his blood, and then pott the rebell doun stairs with drawin swords in thair hands, and kepe the messenger till he was gone, so as the said messenger was forced to break his wand of peace and protest for remeid of law aganis this deforment." Command is given for charging the persons complained upon to compear before the Lords on 15th November and also against as witnesses. The summons is dated 7th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted—"15 November, 1642, Parties personallie: The Lords recommend the Earls of Callander, Glencairne, Balmerinocht and Justice Clerk, or anie twa of thame, to setle the parties."

221. Summons against Sir Gilbert Menzeis of Pitfoodells and John Forbes of Leslie to compear before the Council on 15th December next in the cause narrated ante, p. 357; dated 9th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.: with note of comppearance and decree on the margin; also the finding of caution by Pitfoodells.

222. Notes of executions by Alexander Porteous, messenger, at the instance of his Majesty's Advocate, Katherine Kinloch and others in the action and summons, by them narrated ante, No. 220, (1) On 9th November, 1642, against George, Lord Corstorphine, personally apprehended; witnesses, Robert Alexander in Corstorphin, and Robert Ross, servitor to the said Lord: (2) On 10th November, 1642, against Mr Andrew Ker at his dwelling house in Lithgow and John Hamilton at his dwelling house in Borrowstouness, and also at the market cross of Lithgow; witnesses, Robert Maine, servitor to Robert Ker, father of the said Mr Andrew, Homer Miller and James Ros, servitors to the said John Hamilton, and John Roxburgh and James Corstoun, indwellers in
Lithgow: (3) on 11th November, 1642, against John Livingstoun, personally apprehended; witnesses, George Neill and John Hart, younger, messengers in Edinburgh: and (4) on 12th November, 1642, against William Blair, John Thomsson, messenger, James Ramsay, one of the town officers of Edinburgh, Alexander Baster, Arthur Barie, and James Dawssoun, town officers of the Cannogait, as witnesses in the case, all personally apprehended; witnesses, the said George Neill and John Hart.

223. "Apud Elgin undecimo die Novembri anno Domini millesimo sexcentesimo quadragesimo secundo."

"The qhilk day, in presens off me nottar publict and witnesses underwritin, M' Johne Hay, provost off the burgh off Elgin, compeirit personallie within the toubth off the samen, quherin James Petrie, messenger, ves imprisonit for the ryot and blood drawing of M' William Dunbar, sone to umquhill M' Gawin Dunbar, leitt minister at Alues, and declarit that he as provost off Elgin, as also the bailyseis off the samen, ves chargt be vertew off our soverane loidris letters to exhibite the said James Petrie beffoir the Loirds off Privie Consell quherby he may be put to libertie out off the said toubth off Elgin upon sick conditiones as the saids Loirds suld think hitting: and for obedience theroff, declarit for himself as provost and in name and behalf off the saids bailzeis that they ver content that he suld go to libertie quhen he pleisit for any thing they haid to say to him concerning the said ryot or bloodvitt, lett the sheriff do his awin pairt concerning the said chairege, they protestit to be frie off exhibitions off the said James befoir the saids Loirds; in respect that they quyttit their entres and ves content that the said James suld go to libertie out off the said toubuth off Elgin quhen he pleisit, quherupon the said James Petrie requirrit and tuik act and instrument in my hands that he ves demittit out off vaird within the said toubuth at the said provest and bailzeis hands. This ves done within the said toubuth off Elgin, day, yeir and moneth forsaid about the houre off ten beffoir none or therby, beffoir thir witnesses, Nicolas Dunbar, burges off Elgin, Allexander Dunbar, his sone, notter publict, Johne Alpein, armorer, burges off Elgin, Allexander Brabner in Birnay and Johne Fresar, eilmaster in Elgin. Its est Williamus Sutherland notarius publicus in premisss specilalter requisitus; subscribo. (Signed) W. Sutherland, nor ass.
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showing your Lordships that the said James Petrie was incarcerat in the said tolbuith upon the twantie nynt day of September last for ane wound and straik giffin be him to Mr William Dunbar in the head behind his back, for the quhilk fact he was fynde be my deput the said day in the soume of fytie pundis; for payment quherof he was arreisit in the said tolbuith quher he as yit remaines for not payment therof. Lykees ther was ane generall complaint giffin in against him as ane commoun oppressour and blood shedder, quhereby it was desyrit that he should be detained in waerd quhill he setti cautioyn for the generall peax, for not doeing quherof he is as yit detained in waerd. I was alwayes willing to haue sett the said James Petrie at libertie upon payment of his fyne and of his finding cautioyn to the generall peax, but he has done nather of thame as yit, quhich is the only reasoon that he is keipit in waerd. Lykas I am willing as yit to condescend to his liberation upon the payment of his fyne and to referre the taking ordour for the generall peax to your Lordships, bot I am confident that your Lordships will not think it reasonabil that I soould condescend to his liberation without payment of his fyne, not so much for anything I care for the payment of the soume as for the preparative to uthers in tymie cuumyn and the prejudice quhich my office may susteine in tymie cuumyn be the lyk. I have wreitt thirlynys to give your Lordships satisfactioun and to informe your Lordships of the reasones quharfor he hes been keipit in waerd, quherof being assuirit your Lordships will tak notice as rexonabill, I rest, and sall alwayes approwe myself, your Lordships reall servant to my power. (Signed) WASTFIELD. Boighoill, 16 November, 1642."

[Addressed] "For the richt honorabill my most respectit guid Lordis, my Lord Chancellor and remanent Lordis of the Privie Counsell, these."

225. "To all and sindrie quhomb it afferis to quhais knowledge this presenttis sall come, and in speciall to the honorabill Lordis of his Majesties Secret Counsell, be it knawen that Mr William Dunbar hes been wnder cuir with me since the twantie nynt day of September last, bypast of ane greate stroake and wound in his head, geivin to him be James Petrie, messinger, and is as yit wnder cuir of the samyn wound, William Dunbar is unable to appear before the Council on accoont of the wound he had received from James Petrie, messinger."

Soesate, p. 563.

(Signed) Thomas Pennell; Francis Steuart, witnes; Robert Dunbar, wretitar, and witnes."
226. Notes of executions of summons at the instance of Isabel Forbes, Lady Williamstoune, (1) on 16th November, 1642, by Lancelot Leslie, messenger, against William Coutts of Auchterfoull, now called Clunye, at his dwelling place of Cluny, where himself, his lady, children and servants were; but, perceiving the messenger and his witnesses "drawing neir the yeat thairof, they cauait cloise and lock the said yeat that I cud not apprehend him personalli, and after that I had givine sex severall knockis upone the yeat of his said dwelling place I affixt and left ane full and authenick coppie" of the summons, charging him to compair before the Lords on 13th December next; witnesses, John Gray and William Androw, servitors to Thomas Erakyne of Balhaigardie; (2) on 23rd November, 1642, by John Innes, messenger, against the said William Couttiss at the market cross of Aberdene to the same effect; witnesses, Gilbert Brek, and William Murroor, officers, and George Kempt, writer in Aberdene.

17th November 1642.
Supplication by Mr James Seaton as follows:—Alexander Dick, writer in Edinburgh, owes him 3300 merks, and the supplicant has horning and caption against him, nevertheless "he daylie resorts to Sir William Dicks hous to bed and buri'd," and the supplicant, having desired the bailies and messengers to apprehend him there, they refused, and so he delayed execution until on 6th September he apprehended him "one the casey, quho wes willing to goe to the [?] bailie] and give me satisfactione, and, as we wer going, M' Andro Dick with his accomplices unawares com, and laying his hand upon my whinger took Alexander Dick from us, saying he wald be answerable for [him] and comandit him to goe to Sir William Dicks hous, quho did se, and the messengers and officers, seing him in at the gate, came to me and delyverit me my letters back agane and refusit to goe in, and upon the morrow M' Andro Dick came to me upon the casey at the corie and most ridiculously said, 'Quherfor doe ye trouble this puri man Alexander Dik, and, give ye will be pleasit to discharge him, [? I] will buy a tuapenny pig and beg ten dollours from frinds and will give yow the pig with the dollours in full satisfactione'; and, at tua aftermoone, I being going about my busines, the said M' Andro h . . . out ane base fellow, Mungo Dick, quho come unto me going with John Dunlap, advocat, and Johnne Bane . . . . 'Wald ye speik with Alexander Dik, I will bring him to this place imediately and ye dar not touch . . . is ane honester man then yourself and yow ar but a rascall in troubling of him' . . . moe injurious words, sua that Johnne Bane and I went to the bailyes to compleane, and he went his [way]; but one the morow, I being in Thomas Forest, writeris chamber, came unto me; and not only the foirsaid but worse words he spake unto me; sua I went unto Sir William Dik his hous, quher the said Sir William, Mr [Andro], the rebell Alexander Dick and Mungo Dick wes and shew Sir William how M' Andro and Mungo Dick had . . . ." He therefore craves summons against the said
Mr Andrew and Mungo Dick. [On the back] “Aupud Edinburgh, 17
Novembris, 1642. Fiat sumonatio ut petitur.” (Signed) LAUERDAILLI.
Also Note of execution on 5th December, 1642, by Alexander Porteous,
messenger, against Mr Andrew and Mungo Dick, personally appre-
hended, to compear on 8th December instant; witnesses, John Thom-
sone, Hew Lundie, and J . . . Graham. (Signed) A. Porteous,
messenger.

228. Notarial Instrument dated within the tolbooth of the burgh of 17th Novem-
Elgin, 17th November, 1642, narrating that Alexander Gibson, sheriff-
depute of Elgin and Forres, for himself and in name of the sheriff-
principal and procurator-fiscal of that sheriffdom, required James Petrie,
burgess of Elgin, to pay to him the fine of £50 laid upon him upon his
own confession for “the bluid drawing” of Mr William Dunbar, lawful
son of the deceased Mr Gawine Dunbar, on 29th September last, and to
find caution for keeping the general peace, and declared that he was
content, as he was always willing since the incarceration of the said
James, that he should be liberated on doing so; but, upon the refusal of
the said James to do so, who said that the fine was already paid but
produced nothing to verify the same, took this instrument under the
hand of John Paterson, notary, before these witnesses, Alexander
Russell, elder, merchant, Thomas Warrand, John Alpine, armourer,
burgess of Elgin, and William Cuik, messenger.

229. “Memorandum for raising of ane complaint befoir the Secreit.
Counsell or ane criminnal peruse befoir the Justice at the
instance of Thomas Ord in Bauchlaw against William Ord, some-
to unquhill Alexander Ord, sometime of Findochtie, Mr James
Hay of Muldasvet and William Forsyth, his servitor, Mr Andro
Hay of Westersyde and
his servitor.
“Makand mentione that quher the persones forsaidis come to the burgh
of Banff upone the tuentie fourt oft November, being ane shereff court
day, pretending for choysing of curatores to the said William Ord befor
the Shereff as they did, quha havinge stayed all night within the said
burgh, they deliberatlie the morne thairefitr out of ane forthought
fellonie come to the dwelling hous of Johne Kellie, baxter, quher they
were informed the said Thomas Ord was for the tyma, off purpose, if
they hade found him, to have takin his lyff; and not finding him thair,
eftir thay hade stobbit beddis and rypeed all the said Johne Kellies
houses for that end, thay immediatlie thairefitr went furth of the
said burgh one thair horses to the said Thomas Ord his dwelling hous
in Bauchlaw, he being in the meanetyme casting in ane stak of boir in
his awne cornyeard, and, seing the foresaidis persones approch his
hous, fearing and suspicent some harme or injurie to be done to him,
left his awne corne yeard and betuik him to his awin hous for safetie,
eftir closeing and ranforceing his awin doorews within upone him, the
saidis M' James and M' Andro Hayes and William Ord, accompanied with the persons foresaidis, cam maist barbarouslie and inhumanely be way of hamestucking and unbeset the said Thomas his hous, being all boddin in fear of warre, with swordes, bagbutis and pistollis, crying to the said Thomas to mak oppin doores utherways they would ding up the samen upone him, vowing and protesting with many horrible and execrable aithes to have the said Thomas his lyff if he should not render to them ane band granted be the Earle of Findlater to him upone the soume of thrie thousand merkis money less or more, and withall instantlie discharged their haill gunnis and pistollis diverse tymes in at the said Thomas his windows, fyred his houes within, fyred the hayre of the said Thomas his awin head and schot ane bullet over his head through his hayre; were not be the meanses and help of his awin servantes being within the house for the tyme the said houes and all within the hous for the tyme the said houes and all within the samen hade beine burnt to ashes; as also the din and noisyes of the schottis so affrighted the said Thomas his wyff, being great with chyld for the tyme, that she is lyk to pairt with the samen and is in hazard of her awin lyff. As lykeways the saidis schottis did affright and terrifie the said Thomas his oxin, being plewing for the tyme."

On the back there is a draft of the commission for the parish of Glenluce granted on 13th December, 1642, to Thomas Hay of Park and others, noted ante, p. 357; and also the following note:—"Apud Edinburg., 12th January, 1643. The like act past to John Fullerton of Carleton, William Gordoun of Robertoun, Robert Gordon of Knokbarles, Robert M'Clellan in Balmano, Johne Lenox of Plumtown, John Robertson in Ros, Johne Gordon in Barlockan, and James Paline in Kerseclatoun, or anie 3, within the parish of Borg."

230. Summons at the instance of Sir Thomas Hope, his Majesty's Advocate, John Baillie in Ballinglach and others, against the magistrates of Wigtown, in the action narrated ante, p. 367; dated at Edinburgh, 26th November, 1642, and signed ARCH. PRIMEROSE, Cler. S. Cons.: with a note of the compleance and decree upon 27th December thereafter.

231. Notes of executions by William Watt, messenger, of a summons, (1) On 26th November against Thomas Gordoun "at ane hous of the toun and landis of Dilspro, quhair he, his wyff, bairnes, had actuaal residence for the tyme, becaus I could not apprehend him personalie; and lykeways commandit and chargit Margrat Allerdes, his spous, for her self, personalie appendit," to compair before the Lords; also on the same day at the market cross of Aberdene; witnesses, Mr Alexander Keith in Auld Aberdene, George Huchone there, John Smyth in Piterheid and John Blak in Straloch: and (2) On 27th and 28th November against John Chalmer in Feralie, Richard Drum there, Alexander Wat-
one in Denstoun, George and Alexander Symer there, James Brockie in Dilspro and William Smyth there, all personally apprehended, and against James Thomas in Kairnefeild, Patrick Watson in Denstoun and Patrick Lintoun in Buckie, at their dwelling places, to compear as witnesses in the above cause; witnesses, George King in Auld Aberdene, William Auld there, William Johnestoun there, Harry Kilgour there, and George Smyth in Dilspro.


1st December 1642.
William, Earl of Lothian.


"Instructions given be the Lords of his Majesties Privy Council of Scotland to the Earl of Louthian in the commission given to his lordship to treat with suche as sall be appoynted be the Frenche king for confirming the antient alliance betuix the kingdomes of Scotland and France, and restoring the subjects of this kinglydome to the priviledges formerlie enjoyed be Scotmen in France.

"Item, a letter to be written to the Kings [Majestie] giving ane accompt of what is committit to the Earle of Louthian, and quhill will be shawin to his Majestie be the said Earle.

"Item, a letter of credit to the French king; and a letter to be written to the Cardinall desyrieng his Eminence that, as he hes ever shawn his affections to this kinglydome, so he will now in this particular committet to the Earl of Louthian give expressiouns thairof, since the said Earle is to rely fuller upon his counsell for the furtherance of suche particulars as may tend to [the] weele of this kinglydome.

"A letter to the Marques de la Feite en Baux, to take notice of several conferences held the tyme of his being in Ingland with the Earl of Louthian anent the confirming the antient alliance betuix the kingdomes of Scotland and France, and that the said Earl of Louthian, being now impoyled for that effect, to desyir his lordshipe concurrence with him.

"Instructions, etc.

"Your lordship is to make your addresse to the kinglydome of France with all diligence and thair to delvery our letters to the King and shew him your comission, and expressse to him the affection of this kinglydome and thair desyir to renew the antient freindship and alliance betuix the kingdomes of Scotland and France.

"And thairafter your Lordship shall salute the Queene and Dolpin.

"Thairafter you are to salute the Cardinall and deliver our letters to him and expressse how sensible this kinglydome is of his former favors to our countreymen, and how hiesie thay esteeme thairof, and how desyrous thay are to conserve the same.

"1. You are to endeavor be al faire wayes to have the antient
priviledges of the subjects of this kingdome in France ratified and renewed, and that no edict given out in France against strangers in tyme coming sail thare militat aganis Scotsmen, since they are naturalized Frenchmen.

"2. Yow sall also endevor that the troupe of gensdarmes be restored to their former priviledges according to the primitive institution thairof.

"3. The same demand to be made first for the companye guard de corps.

"4. That the regiment of guard under the Earle of Irving be enterteined according to the tenor of the capitulation and may be presentlie entered in possession of the regiments of guards and labour for what other particulars can be obtane and for advancement of that regiment.

"That the merchants, etc.

"You sall lykewise wrge that the Marquis of Hamilton may be restored to the possession of the Duchie of Chattelerault with the honor and dignitie thairof according to the patent and rights made to his predecessors thairupon.

"When recrues sail be desyred from this kingdome to these three regiments of guards, yow sail declare from us that they sail [have] libertie of levyng thairof in this kingdome, and the best assistance of this kingdome for that effect, and farther sail grant suche other leveyes as they sail desyre.

"Yow sail signifie that, according to our former alliances, all Frenshe men sail have the same libertie and priviledges in this kingdome as Scots men have, unless the condition of this kingdome be suche as cannot permit the same.

"Yow sail use all diligence for a speedie dispatche of this bussines, and for your returne home, and in the meantyme you ar to give frequent advertisments to the Kings Majestie, the Scots Secretarie and to the Councell of Scotland of your proceedings.

"Most—

"Since your Majestie hes beene gratiously pleased to expressse your willingnes to have all your subjects of this kingdome restored to these priviledges formerlie enjoyed by thame in France and have authorized us to appoynt some to treatt with suche as sail be appoynted be the French King thairanent, wee have conceaved ourselves bound in dutie to embrace the present occasion in going about this bussines, so muche tending to the credit of this kingdome and good of the subjects thairof, and have made choise of this bearer, the Earl of Louthian, one of our number, to treatt heerin, as will more fullie appeare be his commission and Instructions to be shawin to your Majestie; and doe humbley recommend him to your Majesties favorable acceptance, being confident your Majestie will " . . . [Unfinished].

[2nd Decem- ber 1642.]

Instructions to the Earl of Lothian.

235. Supplication by Alexander, Lord Saltoun, as follows:—There are two prisoners detained, one in the tolbooth of Edinburgh and the other in the tolbooth of the Canongate, for some wrongful arrestments, viz., John Wilson in the tolbooth of the Canongate by Robert Arbuckell, upon a pretended arrestment, although he owes him nothing, and by James Younger for nine score pounds, for which he has eight pound weight of silk garters worth twelve score pounds, and lastly by William Grahame for a small debt; and the other prisoner, Richard Lawder, is kept by John Riddell in the tolbooth of Edinburgh for a hundred merks for procuring his remission; and "both thir persons ar poore miserablie bodeis unable to pay anie soumes, but ar like to sterwe in waird and would willinglie goe with me to the Frenche warres where they may be serviceable, whereas in this prissoun they can doe no good to themselves nor to anie others." He craves summons ordaining the provost and bailies of Edinburgh and bailies of the Canongate to liberate these prisoners and deliver them to him for the service forsaid. [On the back] "Aput Edinburgh, quinto Decembris, 1642. Fiat summanumitio ut petitur. (Signed) J. Carmichael. Also execution by Thomas Allane, messenger, on 5th December, 1642, against Robert Arbuckless, William Grame, John Redell and James Younger, all personally apprehended in Edinburgh, for their compearance before the Lords of Council; witnesses, William Henresone, messenger, and William Lindsay, post in Edinburgh. (Signed) Thomas Allane, mess'.

236. Summons at the instance of Mr Andrew Ramsay, minister at Edinburgh, and others, creditors of the Laird of Westnaisbet against Lady Westnaisbet, to complear before the Lords at Edinburgh on December instant; as in complaint narrated ante, p. 366. The summons is dated at Edinburgh, 6th December, 1642, and signed Archibald Primrose, Cler. S. Cons. On the back there is a draft of the decree in the case.

237. Summons at the instance of Dame Katharine Swintoun, Lady Westnaisbet, narrating that her husband's creditors, in the name of William Monteth of Caribber, who is one of them, intend to charge her upon letters of treason to surrender her house of Rummilltounlaw, and this, she represents, will be very hard upon her, as not only did her husband receive 20,000 merks of tocher with her, but not many years since, on her brother's death, he received other 80,000 merks, with which he purchased the house and lands of Rummilltounlaw in which she is infeft. She is thus the most considerable creditor of her husband and ought to be preferred. Moreover, she has no other house to remain in but this of Rummilltounlaw so dearly acquired by her own means. miscarage; quhaireof she is innocent, she shall be turned out of doores and stripped naikyd of a roume to dwell in or of meanes to live by,"
especially seeing the creditors are in possession of her husband's whole estate and may also have possession of his house of West Nisbet. Charge is hereby given to the said William Monteth to compair before the Lords at Edinburgh on 17th January next and see the said letters suspended; and meanwhile the Lords suspend the same in so far as concerns the house of Rummiltonounlaw till 20th January. The summons is dated at Edinburgh, 6th December, 1642, and signed Arch. Primrose, Cler. S. Cons. On the margin is noted, "20 December, 1652, Suspender be Swinton; charger personallie, with the remenant creditors. The Lords recommends to the Earle of Southesk and Lord Register to setle the parties."

"27 December, 1642; presentibus ut supra; The Lords finds the letters orderlie proceedit, notwithstanding of the suspension and reasons thairin conteand, quhilks the Lords finds not to be relevant to suspend the charge."

On the back are noted two executions by James Graham, messenger, on 14th December, 1642, (1) against the said William Monteith, personally apprehended; witnesses, John Strattoun, younger, writer in Edinburgh, and William Law, notary; and (2) against James [torn] herald, at his dwelling house in Edinburgh; witnesses, William Law, notary, and James Woid, servitor to Lady Westnisbet.

238. Copy of the foregoing summons directed to George Stewart, Kintyre pursuivant.

239. Summons at the instance of John, Viscount of Duddop, Lord Scrimseour, James, Master of Duddop, and others, against the provost and bailies of Dundie, and others in the action narrated ante, p. 376; dated at Edinburgh, 9th December, 1642, and signed Arch. Primrose, Cler. S. Cons. With note on the margin of a compearence of the 12th January, 1643, of the pursuers by the Master of Duddop, and the defenders by , who alleged that the not opening of the ports and keeping of the keys was not violence, but only a civil interruption of a disputed possession; and that the imprisonment of the customar was for his reviling of the magistrates. The pursuer replied that, as he was in possession of the right of judging all complaints in that town during the time of the fair, the defenders committed a riot. The defenders justified their stopping the quarry, and produced a disclaimer from the tenants of any complaint for their having been fined. The Lords find the complaints relevant and remit the same to probation. On the back there is noted, "Discussa 20: Refer 8. The persewers referitt that part of the complaint anent the impresoning of the customer to the oath of Robert Davidson, bailie and defender: And gives commission to Mar, Southesk, Weenes, Lord Yester, or anie tua of thame to examine the witnesses."
240. "We undisubscriebyeris be thir presentis gives our full power and commission to Thomas Hay of Park, and our procurators, conjunctlie and severallie, to compeir befoir the Lords of Privie Cunsell and Sessioun at Edinburgh and there call, follow and persew the provest, bailies and counsell and utheris of the towne of Wigtoun for certane great wrongis and oppressioun done be the said towne to us, and be thir presentis to prosecute and follow and persew the said towne conforme to the letters of complaint raisit at the instance of Johne Baillie in Ballinglach, Johne Stewart thair, and Thomas Hay of Park, into the qhilk letters and hail complaint thairin conteinned we joyne and be thir presentis joynis; with full power to the said Thomas Hay to do everie thing incumbent that is known to the office of a procurator to appertene, qhilk we micht do ourselvs give [we] wer present; haldand and for to hald firme and stable, etc. In witnes quhairof subscrivit with our hands at the Park, Loggan and Garthland, the tent, elevinith and xiiij day of December j*mvj*e fourtie twa yeiris. (Signed) A. Logane; W. French, younger; Killaster; Qwentin . . . [torn] . . . James Tod; H. Kennedy of Symoness; J. Garthland; Johne Stewart."

241. "To the Right Honorable the Lordes of his Majesties Privie Counsall, We, Alexander Mackenzie of Coull, Maister Thomas Mackenzie of Innerlawell, Mr Colin McKenzie, minister at Contin, William Mackintosh of Kellsacie, Hector Makintosh of Connatge, undersub-scryvand, doe testifie and declair that William Mackintosh of Torcastell did, upon the twantie nyntie day of October, j*mvj*e fourtie and tua yeires, in presens of Robert Waus and James Abraham, notarie publicit, and sindrie famous witnesses, as also in presens of Angus Makdonald of Glengarrie and certane of his freindis, declare that notwithstanding the cruell and barbarous murther committed be the kinsmen, tenentes and servants of the said Angus Mackdonald of Glengarrie at the ports of Innerness upon the fyfteinith day of August (being a Saboth), anno j*mvj*e fourtie ane yeiris, on certan of the said William Makintoshis his kinsmen and servants, did deserve a moir rigorous and severe ordour, yet the said William Makintosh (to testifie his peaceable disposition) was content and fully resolved that a freindly dealing should be takin betuixt the said Angus Mackdonald (then present) and him, for a full redres of that cruell and barbarous murther, and for all honorable and reasonable satisfacione should be givin to the said William Makintosh and his freindes for the same; and to that effect was willing to submitt the same to certane nominate freindes on both syds (and ane owersman in caice of wariance), quhairto the said Angus Mackdonald at the beginning did (as appeire) most willingly condiscend and offered himself to be burden taker for the said rebells in a friendly submissione, he being thairto tyed by your Lordships sentence pronouncit against him the third of December, j*mvj*e fourtie ane yeiris, quhairby he
was found lyable for exhibitione of thes his said men, tennents and servants (now rebells) to justice. But therafter the said Angus M* Donald (notwithstanding his former condensation be coming) did (as seemed to us) kyth his unwilling dispositione to a freindly agrement, and that he did com ther but only for a showe of obedience to your Lordships ordinance at his releasemnt from prison, by refusing absolutly to tak burden in a freindly submissione for his said men, tennents and servants, rebels, but only that the rebells should tak burden on for another and the said Angus for himself and his owne intres alleneerly, qulik the said William Makintoesche and his freindes did fynd altogether contrarie to the meining of your Lordships ordinance, both discriderel for him to embrase, and a casting loose of your Lordships decreet, quherbe the said Angus is alreaddie lyable for theses rebells; and therfor took instruments quher all reasonable conditiones wer refused be the said Angus, as the samyn at moir lenth it will testifie. As lykwayses, quhair the saith rebells with a great convocatione in manifest contempt of authoritie, and evill example to his Highnes leedges, in most barbarous and hostill maner com neir the ports of Innernes with blowlne pypes, bowes, gunnes, and other offensive wapones, quhair they lay in ambush during the hault tymne of the said meiking betuixt the said William M*Intoschie of Torcastell and Angus M*Donald. And this we declare to be of weritie be this presents subseryvit with our handes at Kessock, the allevint day and at Coule the forsaid day of December j＝vj＝ foursie tuo yeres. (Signed) Alex* Makenzie of Cowll testifie; Tho: Makenzie testifie thes premisses; M* R. M*Kenzie, minister at Contan, testifie thes premisses; William Mackintoesch off Kellaichie testifie thes premisses; Hector Mackintoesche of Connadgode testifie thes premisses."

12th December 1642.

Supplication by Matthew Villsone, traveller at Stokstruther, William Davidson, John Curle, Andrew Maine, John Schairp, and John Forborne, weaver there, as follows:—Andrew Kerr, bailie of Roxburgh, has without authority taken and apprehended them from their own dwelling houses to the burgh of Edinburgh and imprisoned them in the tolbooth of the Canongate "of purpois and intensione, as we ar informit, to send us to the Frenche veieres with Capitane Towres, we never haweing taikin on or resawet money for that effect, and being his Majestie frie liegedis travelling and labowring for our leveing and mentinance of our poore vyffis and chilldring, quha ar now be our absence lyk to starve; and seing thair is no sick oppressione alowit as to enforce and compell any of his Majesties lidgeis to go to varres owt of the kingdom contrar to ther will, not haweing taikin on nor resawet ther monyeis"; they therefore crave summons against the said Andrew Kerr and Captain Robert Towres, for his interest, for their compearance and the production of the suppllicants before their Lordships that they may be put to liberty. [On the back] "At Edinburgh, 12 December, 1642. 'Ordans the parties
within complained upon to be warin to compeir the day of
to answer, under the paine of rebellion, etc. (Signed) LOUDOUN, Canrius,
I.P.D."

243. Note of execution on 12th December, 1642, by John Purves, 12th December
1642. messenger, of a summons at the instance of Mr Andrew Ramsay, Mr
Robert MacGill, and William Monteithe, for themselves and the rest of
the creditors of the Laird of West Nisbet, against Dame Katherine
Swyntoun, Lady of West Nisbet, personally apprehended in Rummilltoun
Law; and, as she would not receive a copy of the summons to compare,
before the Council on 20th December, it was left affixed to the lock
of the gate thereof; witnesses, William Anckim in Kelso, John Lowrie,
and Robert Swyntoun, servitor to the said lady.

244. Supplication by David Home, sometime servitor to the deceased
Sir David Home of North Berwick, as follows:—Their Lordships know
perfectly how he has been kept prisoner in the tolbooth of Edinburgh by
Sir William Dick of Braid since the month of March last upon several
causes till lately that he was released, and how there was some motion made
for a modification for his charges. His losses have hereby been very
great, and he is almost brought to poverty, so that without this modifica-
tion he cannot live. He craves that Sir William may be cited hereupon
to compeir on 13th December instant. [On the back] "Aput Edin-
burgh, 13 December, 1642. Fiat summumtio ut petitur. A. GIBSONE,
Durie." Also Note of execution on 13th December, 1642, by William
Mowat, messenger, against Sir William Dick; witnesses, Mr Andrew
Dick, and John Thomason, messenger. On the margin is noted—"13
December, 1642, perssewer personallie, defender be Mr Andrew Dick, his
sone. Remits to the discretion of the defender, and recommends to the
Lord Register to deal with the defender to give the perssewer satis-
faction."

245. Summons at the instance of Sir Thomas Hope of Craighall, his
Majesty's Advocate, and Thomas Ord in Ba . . . [torn] . . . and
Chalmers, his brother-in-law, as follows:—In contravention of the law
forbidding the bearing of bagbutts and pistols and convocation of the
lieges in arms, on 24th August last, when diverse gentlemen were con-
vened for the burial of Margaret Me . . . , mother of the said Thomas,
and were being kindly entertained in the house of , where she had
died, and which was in the possession of the complainers, Mr Andrew
Hay in Rannes, William Ord of Finachtie, William Hay of . . . ,
Alexander Adamsone of Little Crannach, James Mane, William Aber-
neath, James We . . . , to the number of fifteen persons, armed with
two-handed swords, guns, pistols and other weapons, came to the said
house, violently thrust the complainers out of it, and still retain pos-
session thereof. Further on 24th November thereafter the said William

14TH DECEMBER 1642.
LETTER FROM THE EARL OF LINDSEY ANNOYED THE PAYMENT OF THE TROOPS IN IRELAND.

246. "RIGHT HONORABLE, THE TREATIE CONCERNING THE IRISH EXPEDITION HAS NOT YETT BEEN SIGNED BY HIS MAJESTIE. NEVERTHELESS, FOR THE LORD GENERALS BETTER SATISFACTION, I HAVE SENT HIM ANE PERFITE COPIE OF THE ARTICLES THAT ROOF, WHICH THE PARLIAMENT (WHO ARE THE PAYMASTERS), ACCORDING TO THE ORDERS OF BOTH HOUSES, HAVE ALLOWED AND ARE BOUND TO OBSERVE IN EWERIE PARTICULAR. THE PRESENT CONDITION OF AFFAIRS BEIR AND THE GREAT CHARGE THE PARLIAMENT IS AT IN MANTEYNING THE ABNE ARMIE (WHERIN THEY THINK THEMSELVES MOST INTERESSED AND CONCERNED) TOGETHER WITH THE DEFECT OF PERFITE MASTOUR ROLLS, HERBY I MAY KNOW WHAT IS DREW TO OUR ARMIE, AND ACCORDINGLY DEMAND THE SAME, ARE AND HAVE BEEN GREAT IMPEDIMENTS TO THE FULL AND TIMELIE PAYMENT OF THAT ARMIE; AND ALTHOUGH I HAVE OFTEN AND SERIOUSLY PRESSED THE SAME, YIT ALL THAT I HAVE OR COULD OBTAINED FOR THE PRESENT IS A PROMISE OF SEVEN OR EIGHT THOUSAND PUND WITHIN A DAY OR TWO, WHILK I INTEND (SO SOONE AS I RESAVE IT) TO SEND PRESENTLIE TO THE ARMIE IN REGARD OF THEIR GREAT NECESSITIES, AND PAY JAMES STEWART WITH THE NIXT MONEYES THAT I RECEIVE, WHILK I HOPE WILL BE VERIE SHORTLY. I HAVE RESAVED BY ORDERS OF BOTH HOUSES OF PARLIAMENT THIS DECLARATION TO BE SENT TO YOUR LORDSHIPS WHILK I DID SHAW TO HIS MAJESTIE AT REDDIN, BUT BE REASONE OF THE INTERRUPTIONS OF THE MERCHANT PACQUETT I COULD NOT SEND IT SOONER TO YOUR LORDSHIPS. THE PARLIAMENT HAS THIS DAY ORDERED THAT ALL LETTERS COMING FROM YOUR LORDSHIPS HITHER OR TO COURT OR BACK TO YOUR LORDSHIPS, AS ALSO THE WEEKLIE MERCHANT PACQUETT, SHALL PASS WITHOUT STOP OR SEARCH, WHILK I INTEND TO SEND TO HIS MAJESTIE WITH ALL DILIGENCE THAT THE LYKE MAY BE PAST BY HIM, AND THEREAFTER I SHALL CAUSE IT BE INTIMATE TO BOTH
armies in the north. As in everie other thing I shall be carefull to approve myself, your Lordships most humble servant. (Signed) LINDSEY. London, 14th Decembris, 1642. The Parliament, in regard of their scarce tie of monies, are content to furnish our armie either with cloth or cloths alreadie made, eache complete sute being estimat to five and thirtie shillinge, wherein I humble crave your Lordships direction.”

[Addressed on back] “To the Right Honorabill the Lord Chancellour and remenant Lords of his Majesties Privie Councell of Scotland, in Edinburgh.”

247. Summons at the instance of the magistrates of Edinburgh, 15th December 1642.

Summons at the instance of the magistrates of Edinburgh and other towns in East and West Lothian against certain coal-owners within the said bounds who sell their coal at an exorbitant price.

247. Summons at the instance of the magistrates of Edinburgh, 15th December 1642.

Summons at the instance of the magistrates of Edinburgh and other towns in East and West Lothian against certain coal-owners within the said bounds who sell their coal at an exorbitant price.

Hadintoun, Mussilburgh, Dalkeith, and other towns, and the “inhabitants of East and Mid Lothiane, narrating that, notwithstanding certain acts of Parliament made for preventing the scarcity of coal, which is a thing without which the complainers cannot live, wanting all other fuel, some tacksmen of coalheughs within the said bounds have of late, out of an avaricious disposition as for their own advantage, defrauded them of their coal. For they “cause waist and ryve up the ground to gett great and hudge quantitieis of coale which they sell to strangers in such sort that not onlie ar our lieges postponed to these strangers and forced to pay exorbitant prices, but also the saids coale heuches in short time will be consumed and spent to the remedlesse detriment of the countrie,” if the exportation thereof be not restrained. Charge is therefore to be given to the following masters of the coal heughs and tacksmen thereof, viz., to compear before the Council on to see this exportation discharged. The summons is dated at Edinburgh, 15th December, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is noted, “20 December, 1642; parties personallie: The Lords recommends to Landerdail, Southesk and Dundas and Wauchtoun, or anie twa of thame, to heere the partieis and to report. 22 December, 1642; The Lords recommends to Sir Robert Drummond of Medop and Elphinston of Selmis, to pas and take a survey of the coale of Elphinston and in what condition the same is.”

248. Part of the decree by the Lords of Council directing John Forbes of Leslie to find caution to the Laird of Pitoddells for his indemnity— noted ante, p. 357.

249. "In presence of Southesk and Clerk Register. A gift under the previe seal to Mr William Wallace to be shiress deput of Edinburghe with power to him to use and exercize the office of shiress deput with all power, privilidge and benefit belonging to the office of shiress deput in general, without anie particular clause except discharging all other shiress deputes. Another of the same tenor to James Peirsoun for the shiressdome of Forfar. [The whole of the above scored through as if deleted.] Also sederunt of 3rd and 5th January, 1643, as printed ante, pp. 369, 370.

250. Note of execution on 16th December, 1642, by G . . . Nisbit, messenger, of the summons in the complaint by his Majesty's Advocate, and Thomas Hay of Park and others, against the magistrates of Wigtoun, viz., John Murdoch and Patrick Coultrane, . . . Hannay, bailie there, John Cunynghame, provost there, John Murdoch . . . [torn] . . Alexander McKie, late bailie there, . . Patrick Calbreth, messenger there, Finlay Crakane, Archibald Blane, Gilbert Fraser . . . William Clugstoun, Patrick Blane, John Fraser, John McKeane, Roger McCrosch . . . Reid, John Keath, John Sproul, Patrick Stenhouse, and John McQuharg, burgesses of . . . . . . . Adam McKie, notary there, John Dunbar, notary, elder there, and Alexander Fraser, notary there, to compare before the Council at Edinburghe, on 27th December next, these being charged either personally or at their dwelling houses; and also at the market cross of the said burgh; witnesses . . . . . Thomas McKie of Drumtoun, John McQuharg. . . .

251. "To the Right Honorable the Lords of his Majesties Privie Cownsell, We, Hew Fraser, Master of Law, Sir John McKenzie off Tarbatt, knight baronnisht, Thomas Fraser of Streachine, and William Fraser of Cowlbokie, wundersubcrywand, be thir presents doe testifie and declair that Angus M' Donald, appeirand off Gleangarrie, oye to Donald M'Anguis of Gleangarrie, did wpone the tuentye nynt day off October jmsvj & fortie tua yeirs, and also in presens of the Laird of M'Intosichie and certon of his freinds and in presens of certon wthers of the honorable freinds of the said Angus M'Donald, declar that foirsameikill as the said Angus M'Donald, who was ane long tyme inceassart withe the Castell of Edinburgh and therafter for ane long space confynd within the towne of Edinburgh for not finding cawtione for the slagnfter committed be certime of the said Angus his freinds and kinsmen at Inverness, the fyfteine day of August, jmsvj & fortie ane yeirs, of certime of the said William M'Intosichie his kin and freinds, was be your Lordships and out of your Lordships wyse and guid

See ante, p. 575.
consideratique releished from his prisoun and confynment in the
monethe of last bypast wpoune cawtione to compeir befoir your
Lordships wpone the first day off JANUarie nixt to come to the effect the
said Anguis betuixt the day of his compeirance might repair home to
his owne cuntrey and caurse all honorable and reasonable satisfactione
and redres for the said slaihtor to be gewin to the wittermost of his
power to the said William MCintoisich and his freinda; thairfor the
said Angus McDonald, for giwin all obedience and to certifie his reverend
regaird and heimmel respect to your Lordships desyre, did meit at the
towne of INwernes the said day, accompanied withe us and certaine
withers of his honorable freinds, his arbitratours, who war present, and
their mead offer to the said Laird MCIntoisiche in presens of his honor-
able freinds, viz., William MCIntoisiche of Kcellachie, and Mr Thomas
MCenzie of Inwerlaall, his arbitratours, who war also present at the
accomodatique following and conditiones after mentionat, for giewing
full satisfactione to the said Laird MCIntoisiche and his freinds for the
said slaihtor, viz., the said Laird MCIntoisiche, hawing choosine certaine
of his freinds to whom the said matter sulde haue been submitted for
his paier, viz., Robert Ferquarsoun off Inwercauld, William MCIntoisiche,
and Mr Thomas MCenzie, and the said Anguis McDonald hase choosine
us as freinds abone specified, and the said Laird MCIntoisiche hawing
the choose of the owersman incainc of varience of the freinds refferit
to himself, and he having choosine the Laird of PLUSARDEN to be owers-
man, whairunto the said Angus McDonald, in testimonie of his peaceable
position and full resolucione to see all reasonable satisfactione
giwin, concordit and agreed, the said Anguis McDonald was content to
submit himself and his own entres, and also the said Anguis declarit
that Johne Mcdonald of Innergarre, Johne Mcdonald, yownger, portioner
of Slisgarowe, and Alexander Mcdonald of Cullechlie alleadgit committ-
ours of the said slaihtor war content to submitt for them selfs and
their complexes to the said judges, arbitratours and owersman abone
named, and to obtember thair decreit. Lykas the same was offred in
thair names be the said arbitratours choisine for thame and for the
pairt of the said Anguis, and also the said Anguis McDonald, for the
forder testimonie of his willingness and forward dispositione to the
said agreement, becausse it was alleadged that the saids persounes,
alleadgit committeris of the said slaihtor war unlegall, mead offer of
certaine and leagall geantill men, barrounes, who sulde become cautioneris
for the said alleadgit committouris of the said slaihtor, for fullyfilling of
thair pairt of the said decreit to have bein pronouncd be the said freinds
and owersman in the said matter; Lykas also the said Anguis Mcdonald,
resolving to leawe no reasonable conditiones oncoffert for taiking
away of the said questione abonewryttime (albeit it be notargy
knowning that he was Innocent of the said slaihtor), was content and
did offer to ingage himself as cautioner for quhat asaythment and
satisfactione sulde be imposed be the said freinds and owersman, to the
said Laird M’Intosich and his freinds; qhilk haill offers was allutterly refuseid be the said Laird M’Intosich and his freinds, as authentick instruments taikine thairwponie be the said Angus M’Donald wpone the said refuisalls at mair leantie the will testifie. And this we doe declar to be of werite and to have beene reallie done, and offers be the said Angus M’Donald and ws and the remanent of his freinds to the said Laird M’Intosich and his freinds and was refuseid be the said Laird M’Intosich and his freinds, be thir presents subserywed with our hands at Lowatt, the seawintieine of December, jn[7] fortie and tua yeiria. (Signed) M. H. Fraser testifieis the premisses; S. J. M’Kenzie testifieis the premisis; T. F. Streychine testifieis the premisiss; W. Fraser off Curboky testifieis thir premisses.”

[On the back] “Producti be Glengarrie.”

252. Summons in action against Johnestoun, younger of Barclay, and Alexander Keith of Kirktownhill, narrated ante, p. 368, dated 17th December, 1642, and signed Arch. Primrose, Cler. S. Cons.; with note of finding on the margin.

253. Summons at the instance of John Young in Ros Milne and Alexander Rauff at the kirk of Mernes, narrating that they were charged at the instance of Robert Widdrow, notary in the Hill, for payment of 100 merks with interest and expenses, but suspended the charge on 22nd July last until the 2nd November thereafter, and intimated the same to the said Robert; who, notwithstanding, accompanied by John Warnock, messenger, Matthew Younger, John Reid in Wodhill and Walter Reid in , came to the said Alexander Rauff’s house and took away a mare worth 100 merks and other goods; and further, on , the said Robert and the said messenger, William Law, Arthur Davidsone, John Smith and came to the said Alexander’s house, and took away a mare and certain other goods; wherefore charge is given to command the persons complained upon to compear before the Council on ; and also to charge to compear as witnesses. The summons is dated 19th December, 1642, and signed Arch. Primrose, Cler. S. Cons.

254. Supplication by John Wilson, prisoner in the tolbooth of the Cannogait, as follows:—He was arrested and imprisoned at the instance of William Grahame, James Younger, and Robert Arbuckell, “for small or verie meanes causes, and having undertane to goe to France with the Lord Saltoun,” being unable to maintain himself in ward, he cited his incarcerators before the Council for obtaining his liberty. On appearing, they affirmed that the supplicant was able to maintain himself, but their Lordships will see the contrary by a certificate under the hand of the bailies of the Cannogait and the Laird of Caskieben, who was a fellow prisoner, and by whose charity alone his life has been preserved. He craves that they may be cited either to grant him an allowance or
consent to his liberation, and the said bailies to produce him on December. [On the back] "Apud Edinburgh, 19 Decembris, 1642. Fiat ut petitor. J. CARMICHAEL." Also note of execution on 19th December, 1642, by Thomas Allane, messenger, against the said William Grahame, James Younger, and Robert Arbuckles, personally apprehended; witnesses, John Heart, elder, messenger in Edinburgh, and Alexander M'Brek, notary. On the margin is noted, "24 December, 1642; per sewer personallie; defenders personallie. The persewer made faith that he had no meanes at all, and was content to subscrive ane full assignation to the defenders of all he had. In respect quhairof the Lords ordains him to be putt to libertie if the defenders do not enter to eane him. The defenders acted thame selfse to pay 4s. daylie and to begin this day, quhairin if they faillyd more nor a week toigidder, they were content he could be putt to libertie."

255. Summons at the instance of Alexander Alschender and William Anderson against Margaret Sinclair and William Bruce, her husband, in the action narrated ante, p. 368; dated at Edinburgh, 19th December, 1642, and signed ARCH. PRIMROSE, Cler. S. Cons. On the margin is noted the Lords' finding in the case; and on the back an execution by Patrick Anderson, messenger, on 27th December, 1642, against the said Margaret Sinclair and William Bruce, both personally apprehended; and also George Craufurd, cordiner, burgess of Edinburgh; Andrew Malloch, baker in Potterrow; James Storie, tailor there; Henry Ballantyne, one of the bailies of the Cannogait; James Symson and Patrick Smouton, bakers there, all personally apprehended, as witnesses in the case, to compear before the Council on 29th December at Edinburgh; witnesses, William Lindsay, post in Edinburgh; William Boog, servitor to William Bruce; Donald M'Kinnon, baker in Potterrow, and Robert Malcom, burgess of the Cannogait.

256. "Our very good Lords, Wee send yow heere inclosed a petition of several inhabitantes of the cittie of Dublin presented unto us, concerning whom wee certifie to your Lordships that they are his Majesties good subjects of the reformed Protestant religion, and of them the two first named petitioners are known unto us to bee both able and painsome full ministers of the goeppell. Wee, therefore, out of tender regard of their great losses, have thought fitt to recomend them and their petition to your Lordships, desiring your Lordships to take such order as that the petitioners may have their goods, bookes and other household stuffe fully delivered unto their agent whom they shall impoy to receive them, and se we remayne, from his Majesties Castle of Dublin, xx° Decembris, 1642, your Lordships very assured loving sindreds,(Signed) Wm. PARSONS, Jo: BORLASE, ORMONDE, EDW. BRABAZON, AD. LOFTUS, J. TEMPLE, ROB. MEREDITH.

[Addressed] "To the right honourable our very good Lords, the Lord
Chancellor and the rest of the Lords of His Majesties most honourable Privy Council in the kingdom of Scotland."

257. Note of execution on 21st December, 1642, by John Oliver, elder, messenger, of a summons at the instance of Matthew Wilsone and John Thorburne, against Captain Robert Towres, personally in the Cannogaitt, to compair before the Council; witnesses, Robert Ker of Greinheid and Robert Symentoun, indweller in Edinburgh.

258. Original extract of the discharge by Donald McCleud of Assyt, recorded in the books of Council on 22nd December, 1642; with notes at the foot of the order for registration and protestation made. See p. 364.

259. Notes of two executions on 22nd December, 1642, by William Stevin, messenger, of summons (No. 253 supra) against (1) Robert Widrow, notary in Hill, and John Warnock, messenger in Curmonok, at their respective dwelling houses; witnesses, James Rauff at the kirk of Mernes, and Robert Mungumrie, servant to Alexander Rauff; and (2) Alexander Davidsoun in Bredlat, Matthew Young in Windieend, John Reid there, William Law in Waterfit, Arthur Davidsoun in Burnehous, and Walter Reid in Curmunokstonne, personally, and at their several dwelling places to compair as witnesses in this cause; witnesses as above.

260. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Alexander Strauchane of Glenkindie, as follows:
—In violation of the law prohibiting the wearing of hagbutts and pistols, on October, 1641, Patrick Gordon of Inverbuchet, James Gordone his brother, David Tyrie of Balnagllack [Mr Andrew Ker, minister of Glenbuchet1] and others, to the number of persons, armed with hagbutts, pistols and other weapons, came under cloud and silence of night to the place of Glenkindie during the absence of the complainer, and, the gates being closed, “they used manie provoking speeches againis the gentlemen in the houze, who being irritat thereby would have come furth, but the compleanners wife did hyde the key. Whereupon the said Patrik Gordoun discharged ane hagbut but at the galrie window where she was speeking with them so as the bullets lighted within half ane elue to her.” Further, in June last the said persons came armed as above before the complainer’s house, “shot thereat with gunnes, raid throw his cornes and spoyled the same. These persons are hereby charged to appear before the Council on 23rd February next. The summons is dated at Edinburgh, 23rd December, 1642, and signed Arch. Prinmrose, Cler. S. Cons. On the margin there is noted, “23 Februar, 1643; parties personalie. Ordans Fin-

1 This name deleted.
later to examin the tua witness, and in respect the minister was sum-
moned as a partie and then scrapt out of the letters to be made use of as a witnes, the Lords ordans the perserver to pay him 40 merks for his expenses, and finds he cannot be a witnes, being summondit as a partie."

261. Note of execution by Thomas Coutis, messenger, of the above 23rd December 1642. Note of execution of the above summons.

262. Extract decree in the action at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and John Baillie in Balling-
lach and John Stewart there, tenants to Thomas Hay of Park, and others, against the provost and bailies of Wigtoun and others as narrated ante, p. 367; dated at Edinburgh, 27th December, 1642, and signed “Per actum Secreti Consilii, Arch. Primeroose, Cler. S. Cons.” On the margin there is noted, “19th January, 1643. Hay of Park, personallee, who produced the letters of horning and compeirred in name of the perserveres; defenders personalie except the , who answered that they apprehended the tua compleanners be vertew of letters of caption, etc., as narrated ante, p. 367. There is noted also at the foot the depositions of the witnesses, as follows:—

“Johne Murdoch, younger, sworn, depon he had a pistoll be his side at the taking of the rebell, and that he was tane on Moonday about six hours in the morning, and drew no sword.

“Patrik Blaine, sworn, depon he had no pistolls; and conformis anent the time of taking the rebell and did no violence.

“Archibald Blaine, sworn, depon he had no gnowe nor pistolls, and that the time was tane was about 4 hours on Moonday.

“Patrik Galbraith, messinger, sworn, depon he was not there at all.”

“Roger McLuskie, sworn, depon he was not there at all.

“Patrik Hannay, baillie, sworn, depon he was not there.

“Patrik Coultane, sworn, depon he was there and had a pistoll and drew no sword, and that they tooke the rebell in the morning.

“Adam McKie, messinger, sworn, depon he had no pistolls and conformis precedenti anent the time.

“Patrik Stenhouss, sworn, depon he had no weapons but a sword, and conformis anent the time.

“Alexander Fraser, sworn, depon he had a sword and pistoll and no farther, and conformis in the time.
"Johne Clugstoun, sworne, depons he had a sword and no other, and conformis in the time.
"William Clugstoun, sworne, depons he had a pistoll and tooke the rebell about 4 ourials.
"Johne McEan, sworne, depons he had no pistoll, and conformis in the time.
"Gilbert Fraser, sworne, depons conformis.
"Alexander Reid, sworne, depons he had a sword and pistoll, and conformis in ceteris.
"Finlay McCrakan, sworne, depons he had nothing but a pistoll, and conformis.
"Johne Fraser, sworne, conformis.
"James Keith, sworne, depons conformis.
(Signed) J. BURGHL, DUNDAS of that IiK."

263. Summons directed to James Grahame, messenger, at the instance of John Murdoch and others for the town of Wigtown, against John Bailie in Ballinglasch and others, as narrated ante, p. 367; dated at Edinburgh, 28th December, 1642, and signed Arch. Primrose, Cler. S. Cons. There is noted at the foot that this was produced at Edinburgh, on 19th January, 1643, by John Murdoch, younger, party, and registered in the books of Council conform to act of Parliament by Mr. Alexander Kynneir, depute Clerk Register; and there is noted on the back that relaxation was given at the Cross on 29th December, 1642, the wand being given to William Robertaone, notary, in name of the persons cited; witnesses, Thomas Stewart, sheriff clerk of Wigtoun, and John Dunbar of Mochome: also that charge was given on penult December to Rychert Park personally in Edinburgh; witnesses, William Kennedy of Killaspick and James Graham, messenger.

264. Supplication by Thomas Johnestoun, servitor to John Robertson, cutler in Edinburgh, and the said John for his interest, as follows: On 21st December instant, Robert Stirling, ensign to the Lord Saltoun, apprehended and imprisoned the supplicant in the tolbooth of the Canongate for the French wars, "howbeit I never receaced his pey and am his Majesteis good subject and servant to me the said Johne, who have beene much prejudged for want of his service and can not gett another to serve in his place. This is ane oppression of dangerous consequence and deserves your Lordshipes best animadversion." They crave summons against Robert Stirling and the bailies of the Canongate for their interest for exhibition of the supplicant before their Lordships on 29th December instant, that he may be liberated. [On the back] ""Apud Edinburgh, 29 Decembri, 1642. Fiat summonitio ut petitur.
(Signed) J. CARMICHAEL."
Also, execution by George Stewart, Kintyre pursuivant, on 29th December, 1642, against Robert Stirling, ensign, and Harry Kea, one of the bailies of the Canongate, both personally
isecellaneous

265. Note of execution on 29th December, 1642, by George Gordoun, messenger, in the action by his Majesty’s Advocate and John Baillie in Ballinglach, and others, against the bailies and some burgesses of Wigtoun, of letters of horning, whereby with three blasts of his horn he denounced John Murdoche, elder, late provost of Wigtoun, John Murdoche, younger, Patrick Hannay, Patrick Coltrane, Alexander McKeie, William Dunbar, Patrick Galbraith, Finlay Crakan, Archibald and Patrick Blaine, John and Gilbert Fraser, John and William Clugstoune, John McKeane, Roger McCroschrie, Alexander Reid, John Keith, John Sprott, Patrick Stenhouse, John McQuarge, Adam McKeie, elder, John Dunbar and Alexander Fraser, as parties, and John and William McGuffock, and John McGawne, as witnesses, for their contempt and disobedience, his Majesty’s rebels, and all their goods to be eschated and inbrought to his Majesty’s use. This was done at the market cross of Edinburgh; witnesses, George Neill, William Mowat, and John Hart, younger, messengers in Edinburgh.

266. Notes of executions by James Grahame, messenger, on 29th December, 1642, at the market cross of Edinburgh, where he duly relaxed John Murdoche, Patrick Coltrane and Patrick Ahannay, bailies, John Murdoche, elder, late provost, Alexander McKeie, William Dunbar, Patrick Galbraith, Finlay Crackane, Archibald and Patrick Blaine, John and William Clugstoune, Gilbert and John Fraser, John McKeane, Roger McCroskerie, Alexander Reid, James Keith, John Sprot, Patrick Stenhouse and John McQuarg, burgesses of Wigtoun, Adam McKeie, John Dunbar and Alexander Fraser, notaries there, from the process of horning, delivering the wand of peace in their names to William Robertssoune, writer in Edinburgh; witnesses, John Dunbar of Mochrum, and Thomas Stewart, sheriff clerk of Wigtoun. (2) On 30th December, 1642, by William Robertssone, messenger, against Thomas Hay of Park, personally apprehended in Edinburgh, to compear before the Council; witnesses, William Kennedy of Gillespie, and James Grahame, messenger.

267. Note of execution on penult December, 1642, by John Hendersone, messenger, against David Barclay, younger of Johnstoun, and Alexander Keith of Kirktounhill, the former at his dwelling place of Bomakelly and the latter personally apprehended, to compear before the Council at Edinburgh on 3rd January next; witnesses, David Bellie, Patrick Crombie, and David Barclay, servitors to the said David Barclay, John Stratoun, servitor to Sir Robert Grahame, younger of Morffy, and Mr Robert Grahame, schoolmaster of the school of Montrosa.
268. Copy of Decree (unbooked) dated at Edinburgh, penult December, 1642, anent the two suspensions at the instance of John Bonar of Lumquhat and John Moncreif, portioner of Auchtermuchty, against William Logan, skipper in Leith, in the one case where the said William, as heir served and retoured to the deceased Robert Logan, burgess of Kingorne, his father's brother, and to the deceased Adam Logane, burgess thereof, his father's brother's son, caused charge the said John Bonar to pay £1000 with interest and penalty contained in a bond granted to his said uncle and cousin by Bonar, and upon which the said William Logan had wrongfully recovered decreet against him; and in the other case where the said William caused charge the said John Moncreif for payment of 500 merks with interest, and fifty merks of expenses contained in a bond granted by him to his said uncle and cousin, and for which he has also obtained a decreet. Now the complainers have already paid the principal sum to the said William and reported his discharge, and prior thereto there was arrestment made in the complainers' hands at the instance of the heirs of the deceased Helen Maxwell, widow of the said Adam Logane, who claimed right thereto, and the complainers ought to be liberated from this before payment can be craved. Moreover, as concerning the interest due, they regularly paid the same to the said Robert and Adam Logan, and after their deaths to the said Helen Maxwell until her death in April last, and reported the discharges, which they are now charged wrongfully to pay again. The complainers compearing by Mr Robert Hay, their procurator, and the charger by Mr David Heriot, his procurator, and Grisell Watsone, mother and executor confirmed to the said Helen Maxwell by the commissary of St. Andrews on 24th December last, being admitted for her interest, the Lords, after hearing parties, find the letters raised by the said William Logan orderly and refuse suspension; and they ordain William Logan and Grisell Watsone to find caution to each other for relief of their debts resulting from the death of the said Adam Logane, by whose death the sums in question accrue to them.

269. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Baillie in Ballinglach, and John Stewart there, tenants to Thomas Hay of Park, the said Thomas for his interest, and James M'Dougall of Garthland, Alexander M'Dougall of Logane, Uichtred M'Dougall of Freuche, Hew Kennedy of Synnonis, Quintene M'Dougall of Barlokhart, Andrew M'Dougall of Killilaser and Andrew Tod in , against as witnesses in their action against the bailies and certain of the burgesses of Wigtoun, which has been suspended until 19th January next. They are to compear before the Council on that day. The summons is dated at Edinburgh, 30th December, 1642, and signed Arch. Primrose, Cler. S. Cons.
270. Notes of executions—(1) on last December, 1642, by George Gordoun, messenger, against David Dunbar of Baldine, personally apprehended, to compear as a witness before the Council on 19th January next; witnesses, Robert Erskene, burgess of the Cannogait, and John Ridsone, writer in Edinburgh. (2) On 10th January, 1643, by Hew Nisbet, messenger, against William M'Culloch of Inshanebris, and Alexander Gordoun, indweller in Wigtoun, personally apprehended, to compear before the Council at Edinburgh on 19th January next as witnesses in a cause; witnesses, Patrick Calbreth, messenger in Wigtoun, John Sympsoun, sone to John Sympsoun there, John M'Robert and Robert M'Kie, burgesses there.

271. Note of execution by Hew Nisbet, messenger, against William M'Culloch of Inshanebris, as in the immediately preceding note, but stating that the cause is that against the town of Wigtoun at the instance of his Majesty's Advocate and others.

272. Supplication by Bessie [?John]stoun in the parish of Cummer- treis, as follows:—She was recently wounded in the hand with a sword and went to Richard Charters, chirurgeon, to be cured, but instead of curing he spoiled her hand, and she is “become mutilat thairof,” and unable to work for her living, being a poor woman. Yet he recovered decree for his fee against her without hearing, and upon this had raised letters of horning and caption, and put her in prison in Dumfreis, where she has remained this long time in great misery, depending upon the charity of good people. She craves that the said Richard be ordained to make her an allowance so that she may not “sterve and famish,” or, if he refuse, that the magistrates of Dumfreis be ordained to release her. [On the back] “Apud [torn]. Fiat summonitio to heare the desire granted.”

273. Supplication by John, Earl of Mar, Lord Erskine and Gareoche, etc., as follows:—On 21st July last their Lordships appointed certain of their number, viz., the Earls of Lauderdale and Setheok, Lord Burley, the Lord Register, the Laird of Dundas and the provost of Edinburgh, or any three of them, one of the noblemen being one, to meet and consider the charges bestowed by the supplicant and the Earl of Linlythgow upon the works contained in their “patents of tannage and powder respective,” in terms of the act of Parliament thereupon, and to report. Nothing has yet been done in the matter, and he craves that their Lordships would seriously recommend to the persons named the carrying out of the remit. [On the back] “Bill for the Erle of Mar, etc. December, 1642.”

274. “A, 5.6.7.8; B, 3.4; C, 1.2; D, 15.16; E, 11.12.13.14; F, 1642. F. 9.10; G, 23.34; H, 21.22; I, 17.18.19.20; K, 29.30; L, 27.28; A Cipher.”
275. Summons at the instance of William Wilson and Janet Tait, his spouse, against Isobel Seaton, Lady Sneip, and others, as narrated ante p. 370; dated at Edinburgh, 2nd January, 1643, and signed, ARCH. PRIM.
ROSE, Cler. S. Cons. On the margin is (1) note of hearing on 3rd January 1643, when William Wilson compeared for himself and his wife, but none of the defenders compeared save Sneip, who was only challenged for hounding out, and denied the same on oath. He was therefore assized. "Admits the hail to probation againis the defenders absent and ordains Din and Dundas to examine the witnesses contained in the execution the morn at nyne hours; and (2) note of proceedings on the 5th January, as in the decreet."

276. Executions by James Edmistoun, messenger, on 2nd January, 1643, of summons at the instance of William Wilson, elder, in Monkriig, and Jonet Tait, his spouse, against (1) Isobel Seyton, Christopher Hamitoune, John Andersoun, Patrick Liddell, John Diksone and Marion Diksone, all personally apprehended, and against Charles Smyth at his dwelling house in Northrie and Patrick Crawford in Morhame, to compear before the Council; witnesses, John Lowrie, Robert Lyndsay, Alexander Diksoun in Morham and Gullane in the Barnes; (2) against John Maetre and Richard Pen in Stobetane, John Miller and John Tait in Hadingtoun and John Maegill in Segerstoune, personally apprehended, and also at the market cross of Hadiotoun, as witnesses in the above matter; witnesses, Robert Scougell, (baker), George Cokburne, merchant, Robert Smyth, John Lowrie and Robert Lyndsay.

277. Note of execution on 3rd January, 1643, by James Allane, messenger, of a summons at the instance of William Wilsone, elder, in Manekriig, and Janet Tait, his spouse, against Andrew Haltie of Sneip and Hector Trumbell, his servant, both personally apprehended, for their compearance before the Council; witnesses, David Urquhart, merchant, and William Robertson and John Oliver, younger, messengers in Edinburg.

278. Supplication by William Makintosche of Torcastell, as follows: 3rd January 1643.
—Some of the Clandonsoun, followers and tenants to Angus Makdonald of Glengarrie, are at the horn for the slaughter of certain of the supplicant's kinsmen and servants, and their Lordships found that said Angus ought to produce them. For his refusal to do so he was warded first in the castle of Edinburgh, then in the burgh, and finally he was permitted to go home and settle with the supplicant upon caution to appear this day. Being very desirous of peace and unwilling that their Lordships should be further troubled in the matter if a reasonable and honourable satisfaction were offered, the supplicant in October last agreed to a friendly conference with the said Angus, who, however, absolutely refused to take burden for his said tenante, resolving thereby to frustrate
the supplicant of the benefit of their Lordships' decree, whereupon the conference deserted. And now these rebels have banded themselves together, resolved by force to stand out against the law and to commit further slaughters and oppressions upon the supplicant and his people and others of his Majesty's subjects, whereby the peace of the country will be broken, unless their Lordships commit the said Angus Makdonald to ward here until these rebels be produced to answer for the said slaughter, or till he give caution in great sums for their exhibition at certain day in terms of their Lordships' former decree.

279. Supplication by Angus M'Donald, oy to the Laird of Glennarrie, as follows:—About a year ago their Lordships committed him to prison in the Castle of Edinburgh for not exhibiting certain rebels before the Justice to answer for the slaughter of , but finding that his imprisonment was the only hindrance to his either apprehending these rebels or satisfying the complainers, they released him upon finding caution to compear before them this day. On going to his country he did his utmost, with the assistance of his friends, to give satisfaction to the Laird of M'Intosh, and was willing to submit the whole case and assytement to be paid to arbitration, with an oversein chosen by M'Intosh, and the supplicant being responsible for the fulfilment of their decision, as a certificate under the hand of some gentlemen and two notaries would show. Their Lordships would thus perceive his willingness to give all satisfaction to the parties, and he therefore craves liberty to go home for his lawful affairs, and he shall ever be ready at their Lordships' sight to do whatever shall be found fitting for removal of the differences between M'Intosh and him. [On the back] "Edinburgh, 3 Januar. Glennarrie compeirand personallie in obedience to the act of caution, and protested for releiffe of his cautioner. The Lords continowis this busines [to] this day 14 dayes, Glennarrie acting himselfe to kepe ward within the toune and to appeare that day under the pane of x m merks.

"17 Januar 1643. M'Intosh be his brother; Glennarrie personalie. Continowis with consent till Thursday. Glengarrie acted himselfe to appeare then under the pane of x m lib.

"24 Januar 1643. M'Intoshe be his brother; Glengarrie personalie, who acted himselfe under the pane of ten thousand merks to keepe ward within this burgh ay and whill he sould produce a band subscribit be himselfe and his cautioner, binding himselfe to obey the sentence of the freinds conteane in the submission betuix him and M'Intoshe anent the slaughter of . And if the freinds doe not accept and decerne and he find new caution to obey, that then he sall appeare before the Councell upon the first of July and [underlie their forder] pleasure under the pane of x m merks."
280. Summons at the instance of William Wilson, elder, in Monk-rig, and Janet Tait, his spouse, against Isobel Seaton, spouse to Andrew Haitle of Snep, Hector Turnbull and Patrick Craufurd, their servants, and Patrick Liddell in Morhame, charging them to enter themselves prisoners within the tolbooth of Edinburgh for hurtung and wounding of the complainers, and that within six days on pain of horning; dated at Edinburgh, 5th January, 1643, and signed Arch. Primrose, Cler. S. Cons.

281. Supplication by John Duncan in Touchmaller and others against John and Gilbert and John Waters, as narrated ante, p. 371. With a note of finding upon the back signed by Loudoun, Cantrius, I.P.D.

282. Summons at the instance of Janet Dawson, servitrix to Henry Archibald in Water of Leith, and the said Henry for his interest, against William Black, George and David Allerdess and David Hodge, who all on horseback, accompanied by John and William Steill and David Edmond, on foot, at the instigation of Sir Alexander Touris, younger of Innerleith, came on 3rd January instant about eight o’clock at night to the house of the said Henry, when he and his wife were in Edinburgh on their lawful affairs, and none in the house but the said servant and some small children, and breaking up the back and fore doors of their house, violently apprehended the said servant, and, leaving the house and the poor children to the hazard of thieves, carried the poor woman to the castle of Weirdie, put her in the pit there, and detain her there still in great misery, being a free liege. Charge is therefore given for citing these persons and witnesses to compair before the Council on ; dated at Edinburgh, 6th January, 1643, and signed by Arch. Primrose, Cler. S. Cons. On the margin is a note of the hearing of the case on 12th January, 1643. “Persewer be her father; Innerleith personale for the remnant defenders, who alledgit that, she being his coalbearer, might have lawfullie seased on her. The persewers offered to prove that 40 days afore the terme she had quay the service and was not servant. Finds the lybell relevant. Admits to the probation of the tua witness.”

Attached to the summons is note of executions by John Hamilton, messenger, on 7th January, 1643, (1) against Sir Alexander Touris, younger of Innerleith, David Allerdye and William Steill, personally apprehended, and William Blak, George Allerdye and John Steill, at their dwelling houses in Weirdie, and on the 9th January against these three and David Edmond at the market cross of Edinburgh, to appear before the Council on 10th instant; witnesses, Gawine Imrie, tailor; William Greinscheills, shoemaker; John Dawsone, indweller in the Cannogait, and Alexander Campbell and George Neill, messengers; and (2) on 7th January, 1643, against Robert Winrahame, weaver, and Moyse Binny, weaver, both in Water of Leith, as witnesses in the case; witnesses, John Dawsone, skinner in Cannogait, and David Wrycht, messenger.
283. "We, George Spens, James Ritchardson, James Barrie, David Hoig, and James Hoig, bonnatmakaris, burgesses of Dundie, being informed that William Stevinsone, collector, is charged be the Vicount and Master of Duddoup for alledgeing that we wer unlawed be the said William Stevinsone for subscrevinge ane supplication in favoris of Mr George Halyburtoune, doe by these presentis testifye and declar to the Lordis of his Majesteis most honorable Privie Counsell, that, gif any suche complent be maid in our names, or any letters pasit chageinge the said William Stevinsone to compie before the saidis Lords, that we altogdider are ignorant thairof, wer nevir accessorie thairunto, and thairfoir dischariges the said William Stevinsone off all actione conceavit in our names for any caus quhatsumevir. For this we declare in presence of God and as we sall answer to him, he did nevir exact any unlaw from us or ather of us for the caus foresaid, but we being sensibill of the great wrong we had beine in separating our selfis from our societies in subscrevyng of ane petitione in favoris of the said Mr George Halyburtoune, to the qhilk we wer threatnede be the said Master of Duddoup, and detained and lockit in the Tolbuith of the Hill qhill we did subscreve the same, whilk thaireftir we did solemnlie revoik and disclame, did intreast the said William Stevinsone to deall with our deaconis to accept us in thair favor and to tak the wyne from us, whilk they wer pleased to doe in a verrie sober maner; and this we declar to be of verrtie, be this our subscription and oath foresaid. At Dundie, the sext day of Januarie the yeir of God ane thousand sex hundreth and fourtie thrie yeireis, befor thir witnesses—Patrick Guthrie, elder, Robert Striviling and David Sword, merchandis, and James Nicoll, writer heirof, burgesses of Dundie, (Signed) George Spens. Ja. Nicoll, witnes.

We, James Richardsone, James Barrie and David Hoig above named, with our handes at the pen led be the notaris wnder subscrevand at our commandis, becaus we cannot wreit our selfes. De mandato dictorum Jacobi Richardsone, Jacobi Barrie, Davidis Hoig, scribere nescientium (ut assuererunt), ego, David Yeaman, notarius publicus, subscribo.

Similiter de mandato dictorum Jacobi Richarteone, Jacobi Barrie et Davidis Hoig, scribere nescientium ut assuererunt, ego, Georgius Wichtane, connotarius publicus, subscribo. (Signed) P. Guthrie, elder, witnes; Ro Strivling, witnes; James Hog."

284. Note of executions by Patrick Burnet, messenger, of summonses at the instance of William Wilson, elder in Monkrijg, and Janet Tait, his spouse, (1) on 7th January, 1643, against Isobel Seaton, spouse to Andrew Haltie of Sneip, and Hector Turnbull, their servitor, both personally apprehended, to enter into ward within the tolbooth of Edinburg; witnesses, Patrick Young, bailie of Hadintoun, and Patrick Crawford in Morhame; (2) on 8th January, 1643, against Patrick Crawford and Patrick Liddell in Morhame, both personally apprehended,
285. Supplication by William Wilson in Eister Monkrig and Janet Tart, his spouse, as follows:—In their action against Isobel Seytoun, spouse to Andrew Haitie of Sniep, Hector Turnbull and Patrick Crawford, by William Wilson in furde, their servants, and Patrick Liddell in Morahame, were on the evi-
dence of famous witnesses convicted and ordained to enter within ward
in the tolbooth of Edinburgh till order should be taken with them for
their riot, and the petitioners have caused charge to do so. But
the defenders intend to purchase suspension of these letters, for the sole
purpose of frustrating them of justice and detaining them from possession
of the lands of Eister Monkrig, of which the petitioners have a tack
during the lifetime of Dame Margaret Prestoun, Lady Beirfurde, elder ;
as also to destroy and spoil their crops. They therefore crave that the
Lords would stop the granting of such suspension until the supplicants
be repossesed in the said lands, their losses repaired, and order taken in
the said principal cause.

286. "Unto the right honourables the Lordis of his Majesties Secret
Counsell, wee, the minister and elders of the kirk of Wigtone under
subscrywand, dois testifie upon our consciences that Johnne Sprote, sone
to Andrew Sprote in Wigtone, is presentlie diseased with and flux and
is not able to repair to the burgh of Edinburgh, it beand fourscor
myllis distant or therby frome this toune of Wigtoun, quhill we
may testifie to be of veritie be thir presents subscryved with our hands at
Wigtone, the sauch day of Januar, the yeir of God jvwj" fortye thrie
yeires. (Signed) M. J. Hamylton, minister; Johnne McChrystein of
Munkkel, ane of the elders; William Dunbar, elder; Michael McKie, sicknes.
an of the elders . Thomas McKie, ane of the elders.

"I, Johnne Sprote, makis and constitutes Johnne Dunbar, noter, elder
in Wigtoun, my procurstour to compeir for me befor the Lords of
Secret Counsell and present unto thame this testimoniall abonewrittin,
qherent than this present sal be his warrand, be thir presents subscryvt
with my hand at Wigtoun, day, yeir and place foiirsaid, befor thir
witnesses, William Dunbar, noter, and Fergus Dunbar of Lytill Killan-
trey. (Signed) Johnne SPROT; William Dunbar, noter, witness; Fergus
Dunbar, wyttnes."

287. "Our very nobill and most honorabill good lordis, Wee have 9th January
made bold to return unto your Lordships ane report of our proced-
ings with Agnes Grant, apprehendit for the murther be sorcerie and
witchecraft of David Hay of Park, Johnne and William Hayis, his sones
and have suspendit the pronuncing of the doome whill wee gait your
Lordshipis will and mynd thereenant according to the meaning of your
gentlemans by sorcery, of which crime
that presbitrie and divers gentlemen war present with us, who perceiv- ing that wee procedit with the pannell upon tryell of sic poynits of dittey as concerned the murther of these thrie gentlemen allanerlye, and being resolvit be us that our commission caried us no farther, nevirtheles wee war so pressed be them that wee resolved to heir sum that war present; wha being callit befoir us, deiplye sworne with upholdin handis in the audience of the pannell and assyse, they gave in sindrie delationes whairof the pannell confest the most paine but with feirfull execra- tiones aganes the delatouris. Thes ditteyes ar not mentionat in the rolment of court, bot wee thocht it expedient to represent them to your lordshipes in a ly paper. This wretchit creature hes bene ever and as yit is of ane exceeding ivill reporte, and there have bene monye vehement presumpiounes exhibited to us that schee hes bene accessorice to dyverse divilishe practises. So referring to your honours wyse consideratione and in all humiltie recomending your selifes and all your honorabill affaris to the protectione and direcciones of the Almichtie, wee rest, Your lordshipes most humbill servandis. (Signed) WALTER KYNNAIRD; M' JHONE HAY; J. SUTHERLAND. Elgin, 9 Januar, 1643."

[Addressed on the back] "To our verye nobill and most honorabill good lordes, the Lordes of his Majesties most honorabill Privie Counsell."

288. Supplication by David Home, as follows:—Sir Patrick Home of Polwart, being indebted to him £100 for furnishings some eight years since, desired him to come to his house and receive satisfaction. This he did and expected “kynd and thanfull usage from the said Sir Patrik within his owne hous, but ganis the dueteis of hospitalitie and my expectation, Andrew Purves, servant to the said Sir Patrik, first abused me with contumelious speeches, thereafter the said Sir Patrik and foure of his servants pitt violent hands in my person, gave me manie straikes, threw me to the ground, brake my sword, belt and rapper, and had almost murdrest me, wer not my awne better defence.” He craves that Sir Patrick and his said servants may be cited to compaire before the Council on 9th Februaay to answer " to this inhumane insolence " and punished for the same. [On the back] “Apud Edinburgh, nono January, 1643. Fiat summoneitto at petitur. M. A. GIBSONE Durie." Also note of execution on 4th February, 1643, by Hew Lauder, messenger, against Sir Patrick Home personally in Edinburgh; witnesses, William Purves, servitor to Sir Patrick, and William Lindsey, post there. On the margin there is noted, “14 Februar, 1643, perserver personale; defender absent. Decernis, and continowis the outgiving of the letters till Thursday.”

289. Two notes of executions by William Hunter, messenger, of letters of suspension and relaxation purchased by John Murdoch, Patrick Hannay and Patrick Coltrane, bailies of Wigtoun, John Murdoch, elder, late provost, Alexander M’Kie, late bailie, William Dunbar, notary
Patrick Calbraith, messenger, Finlay Crackan, Archibald and Patrick Blane, John and William Clugston, Gilbey: and John Fraser, John McKeane, Roger McCoskrie, Alexander Reid, James Keith, John Sproate, Patrick Stanger and John McQuharg, burgesses of Wigtoun, Adam McKie, John Dunbar and Alexander Fraser, notaries, (1) on 9th January, 1643, against James Tod in Kirkland of Kirkcowane, Hew Kennedy of S innony, John Bailye and John Stewart in Ballinglach, all personally apprehended, to compear before the Council at Edinburgh on 19th instant; witnesses, John McDowell of Creochie, Hew Nisbet, messenger in Glenluce, Alexander Bailye, son to the said John Bailye, and James Stewart, son of the deceased John Stewart, merchant in Monygoft; and (2) on 10th January, 1643, against James McDowell of Garthland, Uchtred McDowell, younger of Freuch, Quintin McDowell of Barlockart, Alexander McDowall of Logan, and Andrew McDowell of Killasser, to compear as above. He had to leave copies of the summons at Garthland, Balgroggan and Barlockart. Further, he made proclamation against these persons on 11th January at the market cross of Wigtoun, witnesses, Fergus McDowell, brother of the said Uchtred McDowell of Freuch, John McQuhan in Culgroat, John Spratt in Glenluce, James Stewart, son of the deceased John Stewart in Monygoft, Patrick McKie, notary in Wigtoun, and James McClengzeane, in Overbar.

10th January 1643.

Petition to the clerk of Council for an extract of the petition presented to the Council by the Earl of Home.

290. “We undersubscrivys, joynjt petitioners in the petition presented be the right noble the Earle of Home to the right honorable the Lords of his Majesties Privie Counsell, upon the tent day of January instant, 1643, for ourselfes and in name and behalf of all quho do adhere thereunto, do by these presentis desyr yow, Archibald Primrose, clerk to the saids Lords of Secrett Counsell, to give to us ans just and lawfull extract thereof under your hand and subscripition, and of the Lords of Secrett Counsell their act and delverance grantit be them theirupon. (Signed) Ja. Home; Montgomerie; Kellie; Finton; Banffe; Livingstone; Salton; Dumfries; Flemyng; W. Gray; W. Ker; Carney; Bargany; Georg Ogilvy; Sir Alex: Touris; J. Sandelands; J. Dowglas; Innerharitie; S. W. Sinclair; S’ J. Dalzell; James Stewart of Rossyth; John Sainclaire; Hamilton; J. Lockharte, Mynto; Jo. Aechtmowtie; S’ H. Nisbett; Alexander Ogilvy; T. Dalmahoy; J. Stuart; D. Ogilvy of Glasaul; J. Thomson; James Ogilvy; James Hamilton; Thomas Hamilton; J. B. Tulliallane; Ninian Dunbar of Grangehill; Johne Levintoun; James Blacader; Robert Dunbar apparent of Granghill; J. Byres.”

[Endorsed] “Subscriybers of the Cross Petition 1642.”

291. Scroll of the Minutes of Council from 10th to 19th January as in Acta and Sederunts, printed ante, pp. 373-378.
292. Note of execution on 12th January, 1643, by William Hunter, messenger, at the market cross of Wigtown, of letters of relaxation from the horn in favour of John Murdoch, Patrick Coltran, and Patrick Hanney, bailies, John Murdoch, late provost, Alexander McKie, William Dunbar, Patrick Calbreath, Finley Crackan, Archibald and Patrick Blane, John and William Clugstoune, Gilbert and John Fraser, John McKean, Roger McCroskrie, Alexander Reid, James Keith, John Sproate, Patrick Stangers and John McQuharg, burgesses of Wigtown, Adam McKie, John Dunbar and Alexander Fraser, notaries there, the said John Dunbar receiving the wand of peace in name of all; witnesses, Patrick McKie, merchant in Wigtown, and James McClengzen in Overbar. Marked at the foot as having been produced and registered at Edinburgh, on 19th January, 1643.


294. Summons at the instance of Isobel Seatoun, spouse to Andrew Haitlie of Sney, Patrick Liddell, Patrick Crawfurd, and Hector Turnbull, against William Wilsone, and Janet Tait, his spouse, as narrated ante, p. 382; dated at Edinburgh, 12th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. With note of finding on the margin dated 24th January, 1643; and attached on the back, note of execution, dated 17th January, 1643, by John Tait, messenger, against William Wilsone in Easter Munkrig at his dwelling house, and Janet Tait, personally apprehended, to compear before the Council that day; witnesses, Thomas Turner, tailor in Boltone, and Adam Hamilton, servant to the messenger.

295. “Edinburgh, 12 Januar, 1643. To be callit:—
Jonet Dauson contra the Laird of Innerleith.
The Ladie Sneyes suspension.
The Ladie Home contra Captain Hamilton.
Johne Wilsone contra his creditors.
Bill for Allexander Borthuick of Sauchwel.
Wauchtonis letter.
Bill for the Postmaster at Portpatrick.
Edinburgh, 17 Januar, 1643. To be callit:—
The Vicount of Dudops processe to be advysit.
The Ladie Sneips suspension.
Katherine Abercrombie contra William Arrat.
Copie for the Earle of Caithnes.
Johne Wilsone contra his creditors.
Fergus Grahame contra Archibald Douglas.
Wauchtons letter.
Comissions against witches.
Sir James Melvil.

[Note of a vote]—Caution, 10; Cautioun confyne, 12; Non liquet, 3; no caution, 1.

"The Counsel can give no answer to the petition within written untill first the Commission of the Assembly be acquainted therwith."

"The Counsel recommends to the Commissioner of the General [Assemblie] to think upon the best course that may preveene all occasion of division or of mistakes among the subjects, and quhilk may procure the advancement of religion and unitie amongst . . . ."

Edinburgh, 19 Januar, 1643.
The Ladie Sneips suspension.
The toune of Wigtoun and Hay of Park.
Comissions against witches.
Katherine Abercrombie contra William Arrat.
Glengarie and M'Intoshe.
The Laird of Wauchtons letter to the State of Hamborough.
Fergus Grahame and Archibald Douglas.
The Earle of Caithnes contra Seafort.
Alexander Borthquic contra his creditors.
Bessie Hunter contra heraulds.
Sir James Melvill and Clerk of Counsel.

"Edinburgh, 24 January, 1643. Sederunt:—Chancellor; Hamilton;
Argyle; Eglinton; Cassillis; Glencarne; Lauderdale; Southesk; Angus;
Yester; Balmerino; Elphinston; Clerk Register; Advocat; Justice
Clerk; Innes; Dundas.

"The quhilk day it was thought fitting that in respect of Cessnoks the Laird of Enterkin to
seiknes, who is shireff of Air, and of his inabilitie to discharge that place,
that Enterkin sould supplie that charge till the next nomination or till
his Majestes pleasure theranent sould be made knowin. Lykeas Enterkin,
being personally present, accepted the charge and gave his oath de fideli."

"Edinburgh, 26 Januar, 1642 [sic].
The Earle of Murray agains the Laird of Balmowto.
Fergus Grahame contra Archibald Douglas.
Fergus Grahame contra Mark Loch.
M' Thomas Ridpeth contra Robert Lauder.
The Laird of Sneip contra his witnesses.
Margaret Gordon contra John M'Nacht."
[Sederunt]:—Argyle; Hamilton; Leven; Cassils; Murray; Lauderdale; Cassilis; Southesk; Angus; Yester; Balmerino; Innes; Clerk Register; Advocat.

"Edinburgh, 31 Januar, 1643. To be callit:—
William Craighed contra John Stratton and others.
The Borrowes and the Earle of Seaforit.
The report of the processee of a witch in Murray to be advysit.
Mr Thomas Ridpeth contra the Laird of Lauderdale.
The Lyon herauld contra Messengers.
Harthill contra town of Aberdene.
Margaret Gordon contra John McNachts."

[Sederunt]:—Chancellor; Leven; Hamilton; Argyle; Eglinton Cassils; Launderdail; Southesk; Angus; Elphinston; Balmerino; Advocat; Tresaurer Deput; Justice Clerk.

"22 Januar, 1642, to be callit:—
Fergus Grahame of Blaatzwood contra Archibald Douglas.
Alexander Seaton contra Sir John Seaton.
Ninian Neven contra James Sinclair.
Mr Banks and his servants anent tobacco pypes.
The provest and bailies of Aberdene thair bill.
[This paragraph is deleted.]

"24 November, 1642.
The Marques of Argyle his bill.
Fergus Grahame contra Archibald Douglas.
David Home contra provest and bailies of Edinburgh.
John Hay of Park his bill.
[This paragraph is deleted.]

"The quhilk day the Council, in respect of the Chancellors absence in the publicit employment to England, made choise of the Marques of Argyle to be president of the Council dureing his absence and till his returne."

13th January 1643.
Summons at the instance of George Bell, Thomas, James, John and Isobel Burrell, and Adie Wylie, tenants to Fergus Grahame of Blaatzwood, and the said Fergus, against Archibald Douglas of Dornock, as narrated ante, p. 384; dated at Edinburgh, 13th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is a note of hearing on "24th January, 1643; perserver be his sone; defender absent. Decernis and continowes the outgivinge of the letters till Fryday next"; also note of hearing on 26th January, and on the back a scroll of the finding.

13th January 1643.
Summons at the instance of Fergus Grahame of Blaatzwood against Mark Loch, burgess of Dumfreis, as narrated ante, p. 384; dated at Edinburgh, 13th January, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin there is a note of hearing on 26th January and of the finding in the case.
298. "Wnto the richt honorabiles the Lordis of his Majesties Secret Counsell, we, the minister and elderis of the sessione of the church of Wigtoune, wnder subseryvand, doeth heirby testifie upon our consciencese that William Dunbar, notar, is an aged man and subject to the gravell saue that he is not abill to repair to the burghe of Edinburgh, it being foure scoir myles or thereby distant from this burghe of Wigtoune, neither was he at the taking and apprehending of John Baillie and John Stewart in Glenluce, quhilk premisseis we testifie to be of veritie be this presentis subservavit with our handis at the burghe of Wigtoune, the threttene day of Januar, the yieir of God 1643 yeiris. (Signed) M' J. Hamyltoun, minister; Johne M'Chrystie in Munkhel, ane of the elderis; Michael M'Kie, ane of the elderis; William M'Culloch, ane of the alderes."

299. Note of execution by John Hart, younger, messenger, of a summons at the instance of George Bell, Thomas, James, John and Isabel Burrell, and Adie Wylie, and Fergus Grahme of Blaistowd, their master, against Archibald Douglas of Dornock, personally apprehended to compair before the Council at Edinburgh, on 17th January; witnesses, Mr William Maxwell, advocate, John Hart, elder messenger, and John Pearson, post in Edinburgh.

300. "Edinburgh, 14 January, 1643, in presence of Angus and Din —William Chrystie in Babouchlie, of the age of 30 yeeres, deponis he knowis the parties and that the Vicont of Dudop and his predecessors constables of Dundie, hes to his knowledges, as long as he can remember anie thing, beene in peaceable possession of the ryding of the first [fair] of Dundie throw the toun, receavinge the keyis of the tolbeith and upliffting the customes of the faire, and dureing the tymes thereof, being for the space of eight dayes, wes sole judge in all caussis civil and criminall within that toun. Depon he hes beene ane ey witness of this possession himselfe dureing his lyfyme and hes hard all his forbearers record the lyke past memorie of man. Depon in August last, the Constable of Dundie sone havinge come to have keept and used his wonted priviledges, the provest and baillies of Dundie closed the ports of the toun, and when the persewers craved entrie and the priviledge he formerly enjoyed they refused to lett him enter, or give him the keyes. And the deponer was present and saw the same."

"George Gardin in Bagye, of the age of 30 yeres, anent the Constable of Dundies possession, deponis conformis primo testi, bot he saw not the debarring, for he wes at the faire."

"George Kinnard in Drimmie, of the age of 22 yeeres, maried, depon he knowis the Master of Dudops Constable of Dundies possession of the ryding of the faire, receaving the keyes, upliffting the customes, and judgeing all caussis civil and criminall for the space of eight dayes, to have beene without interruption so long as he remembers, and that at
Lambmes bygane a yeere, when the Master of Dudop was coming to the town to ryde the faire, he saw tua baillies standing at the port of the town, and when they saw the Master of Dudope come within tua paire to the port they closed the sydes of the port, and when they come within tua horse lenthe to the port they closed the wicket also and debarred the persewers, as is deponed be the first witnes, and that these who had commission to ryde for the Constable this last yeere was lykewayes interrupted.

"William Scrymgeour, sone to James Scrymgeour of Fairnie, depons he knowis the Constable of Dundies possession of rydeing the faire conforme to the lybell, and hes boine for many yeeres witnes to the possession, but knowis nothing of the interruption bot be report.

"John Nicoll in the Hill of Dundie depons anent the possession and interruption conforme to the first witnes. Anent the quarrel, the deponer depons he knowis that the Constable of Dundie hes beene in use to caus build houses with the stones of the querrell lybellit, and that about a yeere since, when the persewers tua servants were working therein, the baillies of Dundie, with the officers and others town people, come out of the toune to the querrel and with shovells kuist doune the haill stanes that was wrought, and they commandit the poore workmen to come out and leave the work; and upon their refulsall Robert Davidsone, baillie, commandit the people to roll doune stones on the poore men, so as for saiftie of theire lyves the wer forcit to leave their worke.

"Patrick Milne in the hill of Dundie, hammerman; depons conformis proximo tesi in omnibus.

"John Craig, bonnetmaker in the Hill, depons conformis in omnibus.

"James Duncan, bonnetmaker in Dundie, depons conformis proximo in omnibus.

"Thir last four witnesses dreads bodilie harme of the toune of Dundie, and craves caution and expenses.

"Robert Davidsone, sworn, deponis in presence of the partie that Andro Smith, customer to the Vicount of Dudope, was committed be the provest and baillies of Dundes the tyme lybellit, but it was onelie for upbraiding and revylling one of the baillies. (Signed) ANGUS; S. A. Erskine off Dun." There is also a note of the finding on 17th January, p. 376.

301. Supplication by Bessie Hunter, widow of Thomas Dryesdaill, Yla Herald, as follows:—On 24th August, 1639, their Lordships ordained her to deliver her husband's coat of arms to Sir James Balfour, Lyon Herald, for the use of James Currie, her husband's successor, at the then approaching parliament. This she did, and received a receipt for the same from Sir James, with an obligation, in terms of their Lordships' decreet, that he would produce the same before their Lordships at the close of the parliament. Parliament has long since ended and he has not produced the coat, but the said James Currie
keeps and uses the same without giving to her any satisfaction, "according to the orders and custom amongst the heralds in the like cases." She craves summons against Sir James and James Currie either to produce the coat or satisfy her. [On the back] "Apud Edinburgh, 16 January, 1643. Fiat summonitio ut petitur. ROBERT INNES of that Ilk." Also note of execution on 17th January, 1643, by Mr John Henryson, macer, against the said Sir James Balfour and James Currie to come before the Council on the 19th January; witnesses, Patrick Sandilands, servitor to Sir John Auchmoutie, John Pringle of Soltra, and others.

302. "At Edinburgh, the sextene day of Januar, 1643. Quhill day in presens of me, notar publict, and witnesses underwritten, William Abernathie, brother germane to Capitane John Abernathie, and procurat specialie constitute for him, past [to] the personall presens of Robert Arbuclis, William Grahame and James Youngar, burgesses of the said burg of Edinburgh, and requirit and desyrit thame in name and behalff of Johne Wilsone (wardit at their instance within the ward tolbuith of the Cannogait) to mak payment to the said Johne of fourte shillingis Scotic money ilk day be the space of fourtene dayes bygone, and daylie in tyme coming so lang as they detene him in ward at their instance. Quhillis thrie persones exposit and declarit, ilk ane for their awin parties, that the war content the said Johne Wilsone sould be liberat furth of ward and that they had bestowit ovirmekle expenses and chairges upone him alreadie. Upone the quhilkis all and sundrie the premisses the said William Abirnathie, procurator firsaid, askit and tuik instrumentes in the hands of me, notar publict, and protestit for costis, skaithe, damnaigde and remed of law. Thir thingis war done upone the Hie Streit of Edinburgh, betuix twa and thrie houris efternoon, in presens of Thomas Allane, messenger in Edinburg, George Rollok, tailyeour burges of the Cannogait, and James Harper, servitour to the said Capitane, witnesses callit and requirit.

Ita est Alexi McBreke, notarius in premissis requisitus, teste manu propria."

[Noted at foot] "Ordans John Wilson to be put to libertie in so farre as he is wardit at the instance of the three persons abovewritten, in respect of the act of Councel and instrument abovewritten. (Signed) LOUDOUN, Cancrius." Also noted on back a scroll of the finding on 24th January, 1643, as narrated ante, p. 384.


304. In presence of the Lord Register.

"Robert Winrham in Water of Leith, maried, depon he knowes not how long the persewer wes with the Laird of Innerleith, and knowesnot
none of the persons compleanned upon nor yitt anent the breaking of the doore; and declares that the time libelled he heard a din and came to see what the mater meant and spiered for the pursuer, and heard some answer.—If yee would have her come and fetch her; and depon he knew her to be coale bærer eight days before the violence libelled.

"Moyses Pin in Water of Leith, maried, sworne, depon he knew Jonnet Dawsoun entered home upon the first of January to Henrie Archibald, and that he knew her never before, and knowes no thing of the violence libelled nor anie farther in this compleaint.

"A. Gibsone, Durie."

305. Commission by the provost and bailies of Dundie and William Stewinsone, collector of the crafts of the said burgh, to Alexander Myline, bailie, and Robert Davidsone, to compair on their behalf before the Council in the action against them by John, Viscount of Duddop, Lord Seryngeour, James, Master of Duddop, and John Lamb, Andrew Smyth and John Bowar, quarrers in Cleppingtoune; dated at Dundie, 7th January, 1643, written by James Nicoll, writer in Dundie, and subscribed by Mr Alexander Wedderburne, common clerk thereof.

306. Supplication by John, Viscount of Duddop, and James, Master of Duddop, as follows:—In the suspension of lawburrows between them and the town of Dundie, their Lordships have made some restrictions in the latter's act of caution, and they crave that the like restrictions may be made in their act to the town; as also that their Lordships "would declare that if anie ten or twelfe or moe of the said inhabitants sall concurre together for injuring us or our tenents, the same may be accompted the touns deid," as they have the power to prevent the same.

307. Scroll of part of the decree of the Council in the action by the Viscount of Duddop and others against the town of Dundie, narrated ante, p. 376.

308. Supplication by Patrick Crawford, Patrick Liddell and Hector Turnebull, servitors to Lady Sniep, as follows:—Upon the complaint of William Wilson in Monkrie and his wife they have been prisoners in the tolbooth of Edinburgh since Friday last, and being but mean persons they cannot longer maintain themselves in ward. They crave warrant to the provost and bailies of Edinburgh to liberate them. [On the back] "Edinburgh, 19th January, [1643]. Ordains the supplicante to be putt to libertie, findeing caution to appear on Tuesday. LOUDOUN, Can[i]rion, I.P.D." Also note of finding, as narrated ante, p. 380.

309. Notes of executions on 19th January, 1643, by Alexander Gibsone, messenger, of a summons at the instance of Fergus Grahme of Blawertwod (1) against Mark Loch, personally apprehended, to com-
310. "Sir Bailye, James Douglas, justice officer, hes bene me desyreing me to seik out in the buikis of justiciarie the name of ane James Speir, gif he be actit as baneist out of this kinctme for ony cryme quhat sumevir, and to geve the trew testimony thairpoun; according to the quhilk deyre I and my servandis hes serchit and cassin over our buikis thir foure yeiris bygane and can nocht find the said James Speir his name ather accused, convict or baneist for ony cryme; quhilk I testifie to be of veritie be thir presentis this xxij of January, 1643. (Signed) Johnne Bannatyne, deputie to our soverane lordis Justice Clerk."

311. "At Edinburgh the day of Januar, 1643. The Lords of Secret Counsell, having at lenth read, heard and considerit the missive letter direct unto thame be Edward, Vicount of Chichester, Captane Arthur Chichester, his eldest sone, Sir Arthure Tyningham, knight, one of the Privie Counsell of Ireland, and Arthure Hill of Kilwelden, in the countie of Downe, Esquire, together with the letter of attourney given be thame to Mr James Edmonston of Bradylan, in the countie of Antrim, to bargane and buy for thair use aganis the rebels in Ireland the armes following, viz., 1000 musketts with bandoleirs, 2000 swords, 540 picks, 500 horsemens peeceis with snaphances, or for want of such, 500 carbynes, and three feildpeeceis of three or foure pund bullett, upon suretie to be givin be the said attourney in thair names to such as sall furnish the saide armes within this kinctme, the saide Lords, in regard of the present necessitie of his Majesties good subjects in Ireland, finds it expedient that they be suppled of the armes foresaid furth of the commoun magazen with all conveniente diligence. And for this effect ordans and commands the Generall of the Artillerie to deliver to the saide attourney furth of the said magazen the armes following, viz., ane thousand musketts with bandoleirs, 500 swords, 500 picks, [horsemens peeceis (deleted)] or , and three feildpeeceis of three or foure pund bullett to be transported be him to Ireland for the use of his Majesteis good subjects foresaid there, whereanent thir presents sall be to the said Generall of the Artillerie ane warrant. Becaus the said attourney, in name of the persons foresaid, hes givin suretie to the saids Lords for payment of the prices of the armes foresaid in maner and at the time conteanneed in his band."
312. Bond of caution by James, Lord Ogilvie, for George, Lord of Bamff, in that the latter will not molest James, Earl of Findlater, Lord Deskford, nor his men, tenants, servants or goods; with clause of relief; dated at Cannogait, 1st February, 1643; witnesses, Mr John Fleschehour, advocate, Patrick Steuart, notary, and James Winchester, notary, writer of the bond. Signed by the principals and witnesses.

313. "I, Gabriell Cunninghame, laett proveist of Glaskou, doe heirby testeffe and declare thatt James Speir, incarcerat in the touboithe of Edinburgh att the instance of Capitane Ma'Nathe for the Franche weirs as ane wagebund and one swe who had beine sindrie tymeis Actid and wardit in the said town of Glaskoue, that dureinge my wholl residence in the said toune, bothe dureinge my beinge placid magistrat and outt office, I naitheir hard or knew aney sik blott or blame to the said James Speir, bitt in the contraire; in witnes quherof I have subscryvet thir presents with my hand att Edinburgh, the sextine of Februar, 1643. (Signed) Ga : Conynghame."

314. Note of execution on 6th February, 1643, by Thomas Coutis, messenger, of a summons at the instance of Sir Thomas Hop, his Majesty's Advocate, and Alexander Strachin of Glenkindie when he went "to the dualling place of Patrik Gordoune of Enverbuchet, quhomof I was surli informit that he vas within, and to the dualling place of David Tyrie of Beinlagak, and to the personalli presence of M' Androw Ker, minister at Glenbuchet" [this last name scored through], and charged each of them to compear before the Council on 23rd instant; and he left a copy of the summons with "the defensoris ladi and wyffis in thair swin handis befor thir vitnes, M' William Forbes of Brux, and Alexander Munzii and Robert Davidsoun in Glenlin." 

315. Note of execution on 6th February, 1643, by Thomas Coutis, messenger, against John Cordener in Glentoun and James Kerk in Bowrig to compear before the Council on 23rd instant as witnesses in the action by Alexander Strachin of Glenkindy against Patrick Gordone of Enverbuchet, David Tyrry of Beinlagk and James Innes in Belnaboth; witnesses, John Sibet and William Stewart, servants to the said Alexander Strachin.

316. Note of execution on 7th February, 1643, by John Gairdyne, messenger, against Patrick Gordoune of Inverbuchit, James, David Tyrie of Balnagak, and Mr Andrew Cari, minister at Glenbuchit, to compear before the Council at Edinburgh on; done at the market cross of the head burgh of the shire in which these persons reside; witnesses, Adam Michall, servitor to Alexander Straqhane of Glenkindie, and George Gairdyne, [son] of the messenger.
317. Scroll of business before the Council on 14th, 16th, 21st and 23rd February, 1643. It adds as follows:—

14th February, 1643. “The Counsel recomend to the commiss-ioners for the Thesaurarie to take some course that moneys be provydt for carieing the charges of the Justice deputys to the courts at Jedburgh and Dumsfreis.”

16th February, 1643. “Edward Fergusson, sworne, depons he hard David Bennet say if Williamsone were in another place he sould cause him repent that he come heer in this caise.

Mr James Clerke depons nihil sibi.

Robert Quynt, sworne, depons he hard David Bennet say if he had William Williamsone in another place he sould putt a whinger in him.

James Quynt, sworne, depons he hard David Bennet say if he had Williamsone out by he would put a whinger throw his cheika.”

“Whether or no it be fitting that the Councell take some present course for prevening all forder subscriyeing of the petition for the annuitie.” Fitting 12. Delay 5. There is also a draught or scroll of the act thereupon, and at the end the state of the vote—Agrees, 14; No, 2.

Edinburgh, 21st February, 1643.

“Finlater and Bamff anent the exhibition of witnesses.
The toune of Dundie and the Master of Dudop.
Olipher Mowat anent his ship.
The presbiterie of Kirkcudbright contra Maxwells (deleted).
Nicolas Key contra John McAdam and John Kennedie.
Heretors of the lordship of Balvenie their bil.
David Home and Polwart.
James Speir and Captane McNacht.
Joannes Porteous.
The Lords recommends to the Lord General, Hamilton, Argyll, Glen-cairne, Lauderdaill, Southeek, Callander, Balmerino, Innes and Dun, or anie 4 of thame, the General being one, to convene and consider the best way for releaving the present necessitie of the armie in Ireland and to report.”

23rd February, 1643. There is a list of cases as on 21st, omitting three and adding

“Glenkindie contra Patrick Gordon,
Walter Cosbie and Robert Collesse,” and
“Marion Forsyth contra M’ Robert Murrey.”

318. Summons at the instance of James, Earl of Finlater, Thomas Black, his falconer, Alexander Anderson, his servant, and Sir Thomas Hope of Craighall, his Majesty’s Advocate, against George, Lord Bamff, and others, as narrated ante, p. 414, also against as witnesses; dated at Edinburgh, 15th February, 1643, and signed Arch. Primrose, George, Lord Bamff, and others. There is a note of hearing on 9th March on the margin.
and a scroll of the finding on the back, where there is also a note of execution of the summons on 16th February (aftermentioned). Attached to the summons are four other papers. (1 "Please your Lordships, cause call the Erle of Finlater contra the Lord Bamff, the Maister of Bamff, James Gordone, servitor to the Maister of Bamff, Angus Bayne, servitor to the Lord Bamff. Witnesses' names summoned.


(3) Note of execution by William Middiltone, messenger, on 21st February, 1643, of this summons against Robert Ogilvie, burgess of Banff, and uncle to George, Lord Banff; John Ogilvie, natural brother to the said Lord of Banff; Thomas Jossie in Todhoiifs, his chamberlain; Robert Bruce, his steward; William Broddie in Raittie, his gardener; and Walter Burne, saddler in Raittie; all personally apprehended; and also against William Schirrone in Tewfurde, officer to George, Lord Banff; Patrick Gellie at the Mill of Raittie, and William Davidsone and Patrick Dick, his servants and footmen, at their respective dwelling places; and also at the market cross of Banff; witnesses, William Myll, servant to the Earl of Findlater, Andrew Smart in Banff, Walter Walker in Raittie, [James] Crewkshank in Banff, Patrick Muir in Kirksyde, . . . [torn] . . . messenger in Banff, and Patrick Leithe in Little Raittie.

(4) Note of executions by George Gordon, messenger, of the said summons, on 8th March, 1643, against James Gordoun, servitor to the Lord and Master of Banff, personally apprehended in Edinburgh; witnesses, Paul Hay, merchant burgess of Edinburgh, Alex. Keith, writer, and John Bayne, W.S.; and on 9th March, against Angus Bayne, personally apprehended in Edinburgh; witnesses, John Thomesone, messenger, and John Peirsone, post.
319. Summons at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and John Cuninghame, son of the deceased John Cuninghame, late provost of Wigtoun, against Robert Miller and others, as narrated ante, p. 410; dated at Edinburgh, 16th February, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is as follows:—"3 Marche, 1643. Parties personaliex except the woman. The Lords finde the lybell relevant onelie in so farre as concernes the defenders violent dispossessing the persewers servants out of the houses and entening thame selfes in possession thereof and keeping the same with gunnes and shooting therefra. The first part to be proovn be witnesses, the last anent the gunns be oath of pairtie. Waughton to examine the witnesses the morne at 7 houres."

320. A messenger's copy of the immediately preceding summons, 1643, signed by Adam McKeie, messenger.

321. Note of execution on 16th February, 1643, by John Hampdoun, messenger, of a summons at the instance of John Forbis of Bannagaik, against David Barkly of Matheris, at his dwelling place and also at the market cross of Furfur, to compear before the Council on 28th February, 1643, at Edinburgh; witnesses, Alexander Lessoun, and William Syrty in Lunane, David Wilson, messenger in Furfur, and David Beny there.

322. Summons at the instance of Walter Richartsone, messenger, 17th February, 1643, against William Blackwod in Bridgend of Dunblane, Sir John Grahame of Braco, and Thomas Drummond of Drummaquhens, as follows:—On the 13th instant the said messenger, accompanied by the said William Blackwod, his witness, having executed certain letters of spulzie at the instance of the said Sir John Grahame and Thomas Drummond against William Drummond, wood-cutter in Kippenros, the said William for this cause pursued the messenger "with ane great rung and gave him manie dangerous stakkes therewith on the head and others parts of his bodye to the effusion of his blood, felled him to the ground, and did lykewise strike the said witness with the said rung in diverse parts of his bodye, and had almost drowned them in the water of Aloune, presst to pull his blasoun off his breast and the letters from him to cast them in the water." Charge is hereby given to the said William Drummond to compear before the Council at Edinburgh, on ; dated at Edinburgh, 17th February, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons.

On the back are notes of execution of the summons, (1) on 17th February, 1643, by John Hamilton, messenger, against the said William Drummond, personally; witnesses, Malcolm Grahame, servitor to Sir John Grahame of Braco, Archibald McBrek, notary in Edinburgh, James Kinneir, justice officer, and Robert Ros in Athrie; and (2) On 3rd March, 1643, by John Mitchell, messenger, against John Campbell in Midleros (?), John Mekilljon there, John McCanrik, servitor to Mr James.
Peirseone of Kipenros, and James Byset there, to compars as witnesses in this case; witnesses, James Reid, mason, Adam Davie, wright, in Dubline, John Merschell in Pendreiche, and James Mekiljon in Dum-dowis.

323. Note of execution on 17th February, 1643, by William Midditonne, messenger, against Mr William Hay of Muldavit, Mr William Hay of Cloinhull, James . . . [torn] . . . , Adam Syme there, James Simone there, George Schirrer in Finnachlie, and Adam Schirrer in Clairshauchie, all personally apprehended, also at the dwelling house of Rames where Mr Andrew Hay, William Man and William Forsythe dwell, and at the dwelling house of Finnachlie where William Orde (?) and James Vacker, his servant, dwell, and John Cheyne there, and at the dwelling house of [Muld]avit where James Lamb and William Abernethy dwell, and at the dwelling house of Cra[ig?] where Alexander Adamesone dwells, and there he left copies of summons against all these persons, charging them to compars before the Council on 9th March next, at . . . . , and answer at the instance of Thomas . . . Bathlaw, and William Challmier, his brother-in-law; also on 20th instant at the market cross of Banff; witnesses, William . . . in Rames, William Gordon there, James Forteithe in Finnachlie, John Midditonne in Fordyce, . . . Winchester in Banff, Mr Walter Forbes there, and George Vatsone, messenger in Tureff.

324. Note of execution by William Midditonne, messenger, on 20th February, 1643, against Mr John Logie, minister at Ravheen, James Cock in the Cranno, rebel, . . . in Kirksye, John Greg in Bathlaw, and William Tallyour there, all personally apprehended, to compars before the Council at Edinburgh on 9th March next as witnesses in the action by Thomas Ord in Bathlaw and . . . Chalmier, his brother-in-law, against Mr James Hay of Mildavie, Mr Andrew Hay, . . . , Mr William Hay, William Ord and their accomplices; witnesses, James Neill in Bathlaw, John Jamesson, and William Davie in the Rawis.

325. Notes of executions of summons at the instance of Sir Thomas Hope and John Cunnyghame by Adam M'Kie, messenger, (1) on 20th February, 1643, against Patrick Haney, bailie of Wigtoun, Andrew Millar in Barbuchtie, and Robert Millar, his son, all personally apprehended, to compars before the Council at Edinburgh on 28th February; witnesses, Thomas Stewart, sheriff-clerk of Wigtown, Mr Andrew Stewart, minister at Penynghame, and John Murdoche, late provost of Wigtone, David Dunbar of Baldone, Alexander Dunbar there, and John Cunnyghame in Claucharie; (2) on 22nd February, against Marion Cunnyghame, spouse to Andrew Millar in Barbuchtie, personally apprehended, to compars as above; witnesses, Alexander Gordone and Coline Fraser, merchants, burgesses of Wigtone; and (3) on 20th and 23rd February
against James Keithe, burgess of Wigtone, William McCrystene, burgess there, ... McCheyne, burgess there, Robert McKie, burgess there, John McKand, burgess there, George Stewart, burgess there, William McKie in Kirkland of Wigtone, and John Ahannay in Wigtone, all personally apprehended, to compear as above as witnesses in the said cause; witnesses, the said David and Alexander Dunbar, Patrick Calbrethe, messenger, and John McBea in Wigtone. On the back are noted the following deposition and note of finding:—

“Patrick Ahannay, sworn, depon, about 10 hours at night, he being in the houes and having a pistoll with ane old shot in it, he shot a pistoll at the wall, knowing that John Cunymghame was at that tyme in Baldon. Denys he vowed to shoot pistolls at anie who come there.”

“The Councell finds the lybell onelie relevant for the violent entring the houes with forbidden wapons, putting the woman out thereof, threatening the perserew to shoot him, and shotting of the gunnis.”

326. Notes of executions by Patrick Calbrethe, messenger, on 21st February, 1643, of a summons at the instance of Sir Thomas Hope of Craighall, his Majesty’s Advocate, and John Cunyngham, son of the deceased John Cunyngham, provost of Wigtoun, against (1) John Cunningham, steward, burgess of Wigtoun, and [Abraham Mure in Kirremanoche], both personally apprehended, to compear before the Council at Edinburgh on 28th instant, as witnesses in the complaint against Patrick Hannay, bailie of Wigtoun, Andrew Milcar in Barbecuehill, Marion Cunyngham, his spouse, and Robert Milcar, his son; witnesses, David Dunbar of Baldone, and John Young, burgess of Wigtoun, and others.

(2) against Adam McKie, messenger in Wigtoun, personally apprehended, also as a witness in this case; witnesses, the said David Dunbar, John Hannay, burgess of Wigtoun, and John McBea, indweller there. At the foot is the following list of names:—John Stuart, William McKie, James Keith, William McCrysten, Alexander McCheyne, Robert McKie, John McEan, George Stuart, John Ahannay, Adam McKie.

327. Supplication by Olipher Mowat, merchant in Stornoway, in the 22nd February 1643. Supplication by Oliver Mowat, merchant in Stornoway, for protection that he may appear before the Council in a charge which he brings against William Cob with his company boordet my said schip and intendit violently to have caried the same away to sea, I being absent for the
tyne; and, how soone the same came to my knowledge, I meanit myself to the Erle of Seafort, quha conveinit the said William Cob and me togidder before him and in quhais presence I maid known that the said schip was lauchfully disponet to me be the said William Cob, and that the pryce thairof was dewlie peyt be me to him except tuentie lastis herring or pryce thairof, quhilk was deined in my hand be the said William Cob his consent quhill he delivered to me ane bill of sale declareing that the said schip was once his lauchfull schip. Notwithstanding quherof the said William Cob, within fytteyne dayes thairafter, producet before the said Erle of Seafort the coppy of ane letter of marke (as appeared direct be his majesty daite at Yurke the 24 day of July, 1642, subscriyt be James Jonas, William Rapper, Henrie Sait Tobi Alman, Robert Warrenn and the said William Cob, grantit upone the petition maid to his Majestie be the said William Cob, affirming that I as a pirot had vyolentie taken the said schip frome him, quherupon the said letter of marke allegit grantit be his Majesty gives power to seake me as a pirot at ony port or harberie in Great Britane and bring the said schip and goodes and me as a pyrot to Ingland to be tryed be the lawes thairof, and, if I could not be fund, gives powar to the said William Cob to seize one any schip or veshell belonging to the Isles of the Lawes and Orkney ather goeing or comeing to any of the saids places, or ony other schip or barke comeing or goeing to any of the saids places; and furder, his Majestie willis that suche shippis as ar employed one suche or one the like assignet to weare his Majesties cullouris appoynted for his Majesties royll navy, sould attend untill the said captane William Cob had maid himself satisfaction to the value of fowrtene hundreth pund sterlind, willing and reqweyring all his Majesties lovinge subjects to aye and assist the said Captane Cob, incais it be necessar, as they wold be ansuerable upone thair perrell, as the coppy of the saids letters of marke [bearis]. Quhairupon the Erle of Seafort causet arreisit my ship and hail goods therintill quhill it wer known that the said ship was lauchfully bocht be me frane the said Captane Cob, quhairby I have lost my herring fisheing and uther implumention that I micht ha had with the said ship, extending my saids losses to the soume of ten thousand merks, albeite I willingie offerrit to the Erle of Seafort that, if he wold send the said William Cob with me to Edinburg, that he and I micht be tryed in presence of your Lordships and quhither the said letter of marke was treuly grantit or nocht, that I sould carie the said William for that effect one my owen charges, or utherways I desyreit his lordship to have causet keep the said William in sure firmanse quhill your Lordships ha bene acquentit with the said letter of marke quhilk the Erle of Seafort refuiset, and hes laid up my schip and goods to ane full sea, to my great prejudice. And furder, I allledge that the said pretendit letter of marke was not grantit be his Majesty; at the least, if the same be treulie grantit, the same is purchest be the said Captain Cob and his complices most surreptitiouslie
and unjustly, not only agains me but agains all his Majesties good subjects of the kingdom of Scotland quha hes traffict or commerce be sea within the said kingdom, quhilkis calumnies and aspersiones unjustly ventit and spred abroad bothe to his Majestie (as appeirs) and to his good subjects agains me be the said Captane Cob I am able to justifie in presence of your lordships and of all uthers judgis within this realme to be untreuth, and that the said schip was lauchfullie disponet to me be the said Captane William Cob, as said is, quhenever it pleissee your Lordships to take my declaratioun theranent; bot, in respect of my manyfold troublis and losses quhilk I have sustenit divers years bygane be schipwrack and lose of my goods be sea and throw cautiorrie for sindy personees with quhom I am to travel, to give every one of thame contentment to my power, as they and I can agree, I cannot gudly repare publicly to Edinburgh to the effect forsaid without your lordships grant warrand to me to repare to the said burghe and to discharge all judgis and officers fra arrestring or warding of my persone quhill suche a tyne as your Lordships thinkis expedient.” He therefore craves that their Lordships would grant him their protection to repair to Edinburgh about this matter and give warrant to the Earl of Seaforth to deliver the ship to him.

328. Supplication by George, Earl of Seaforth, as follows:—"There 23rd February 1643.

Supplication in by George, Earl of Seaforth, for approval of his proceedings in the dispute between William Cob, and Oliver Mowat.

being some questions and differences at the Loches of the Lewes betuix Captan William Cob, Englishman, and Olypher Mowat, indweller in Stornoway, anent a ship called The Ros, quhilk the said Captan Cob allledged perteanit to him and wes violentlie tane frome him be the said Oliver Mowat, and I, for preserving of peace in these parts, out of the duetie of my place as one of your Lordships number, having heard thir parties several times tuching their differences, I referred them to discusse their rights before the Lord [Heigh Adm[rall], notwithstanding quhairof the said Captane Cob aillie in a morning surprisde the ship and made . . . her, displaying his Majesties cullores; and I having called for him to come ashoare to know [be] what warrant he did this, he shew me the copie of a warrant subscribit be a notar and witnessses quhilk boore no [sic] power to seaze upon this ship as his awne and faillieing thairof upone [anis] Scottish ship belonging to the Ylanders of the Lewes or Orkney; lykeas I wes supplicat be certane skippers and maisters of shippes at Stornoway to free them from the skaithe of the said Captane, quhereupon I recovered from the said Captane Cob the ship questiounned betuix him [and] the said Oliver, and gave band to make the same furthcoming as law will, the Captan producing his principall commission before your Lordships in April nixt, and I caused arrest the . . . ship quherein the said Captane Cob wes and tooke from him his goods and ammunition and delivered them to Robert Heriot, skipper in Leith; who being now come to Leith with the same, and since what I have done herein wes out of the duetie of my place for the peace of the
countrie and good of his Majesties subjects," he craves their Lordships' approval of his proceedings and further directions.

26th February 1643.
Depositions against the attack on the House of Glenkindie.

329. "24 Februar, 1643, in presence of Finlater.
"John Cordiner, sworne, depon he wes in the home of Glenkindie the tyme lybellit, and that Patrick Gordone and David Tyrie come under silence of night to the hous, uttered threatning speeches against the Ladie, vowing to oppresse some man who wes within, if they had him out, and he thinks David Tyrie spoke the words; depon he saw a gun or pistole fyre qublik wes shot and the bullet lighted hard by the window quher the Ladie wes standing and that the shot come frome thame bot kwaus not the man; depon he knowis nothing anent the ryot lybellit in June.
"James Kwik, sworne, depon he saw the defenders rydeing to the hous, and he hard the shot, but saw it not shot, and in the morn he saw the place quher the bullets lighted neere the window, and knowis no farder. (Signed) Findlater."

28th February 1643.
Scroll of proceedings.

330. Scroll of proceedings in the Council on 28th February, 1643; also a list of cases to be called as follows:—
"Sir John A . . . [torn].
Finlater and Banff.
The Master of Dudop and toune of Dundie.
John Cunyngham contra Patrick Hannay.
Glenkindie processse to be advysit.
John Forbes contra David Barclay.
Glenkindie and Patrick Gordon hinc inde
William Marten contra William Cudbert.
James Speir contra Captain McNath.
Olipher Mowats bill.
David Home contra Polwart."

[22rd February 1643.]
Oliver Mowatt.
Seane[a], p. 611.

331. Suppllication by Olipher Mowat, merchant in Stornoway, as narrated ante, p. 399. He craves their Lordships' protection and the restoration of his ship.

26th February 1643.
Attestation by Gabriel Cunningham, late provost of Glasgow, that James Speir, prisoner in the tolbooth of Edinburgh, is innocent of any crime.

332. "I, Gabriell Cuninghame, lastt proveist of Glasgow, doe heibry testifie and declaire that James Speir, incarcerat in the towboithe of Edinburgh att the instance of Cappitane Ma'Nathe as ane wegbund and ane whoes wes sindrie tymes wardit and actid in the said toune, that duringe my whoill residence in the said toune of Glaskou, boithe being placeid magistratt and outt of office, I neiveir hard nor kneu ane nevyr sic blott or blame to the said James Speir bott in the contrseir. In witness quherof I have subscryvit thir presents with my hand att Edinburgh, the twentie fyft day of Februar, anno 1643 yeirs, befor thir witness, Alexander Cunynghame, younger of Craigence, and Mr Johne
Henrysone, maiser of Secret Counsell. (Signed) Ga. Conynghame; Alex Cunnynghame, witnes; Jo. Henrysone, witnes."

333. "To compeir for the baillie of Vigtoun Patrick Ahannay and Marioun Cunynghame and Andre Miller, hir spous, and Robert Miller, thair sone. Umquhill John Cunnynghame, sometyme provest of Vigtoune, haveing no lauchfull children of his bodie and haveing the said Marioun Cunynghame, his onelie sister germane, quhilk be the law of God and nature and be the lawis of this countrey was his undoubted appeirand air that wald have succeedit to him in his heretaige and wald appeirand executour of law that wald have succeedit to his moveables as neirest of kine, the defunct haveing no brother or sister germane but onlie ane half brother on lyff and the sone of ane uther half brother dead, both quhom sho as onlie sister germane wald have excludit from the successioune off heritaige and moveables, notwithstanding quhairof, John Cunynghame, bastard sone to the said John, taking advantaghe of the aige and seiklie dispoizioun, craftilie possessit him with hard oppiniouns of his sister and air foirsaide and of hir husband, and swa circumvent the poore seiklie man, being on death-bed, that he movit him to nominat himsell universall executour and legatour and causit him onlie to leave to the neirest of kine, the sister, 400 merkis, and movit lykwayes the defunct, being on his death-bed, to dispone to him his lands and heretaigis, quha diet within ten dayes thairafter. The tyme of his death he haid in famelie with him the said Robert Miller, sonne to his sister and air, and Jonet Miller, daughter to his said sister and air, quho wer both present at his death and remainit in the hous efter his death and in name of thair mother appeirand air. Bot John the bastard, upon the pretence at the disposioun maid to him in death bed, enterrit the house upone the lad and lass, and seast and causit sease upone the hail keyis within the hous except sume few quhilk the lad and lass still kepitt and keipes, neither wald they suffer themselfis to be putt out off the house utherwayes nor be ordour of law; and John the bastard, haveing gottine notice that the defunctis lauchfull sister wes to serve hir self air to hir brother, he cam eist to Edinburgh to advyse how to prevein or imped hir, and in his absence shoe come to the defunctis house, accompaniit onlie with hir husband and with the baillie, Patrick Hannay, in sober maner without any convocatioun and stayit not thair above ane night and did not violence at all bot onlie gave direcitoun to the bairnes, the lad and lass, to keipe the hous to hir and not to quyt the possessioune quhill shoe micht advyse quhat legall way shoe micht tak both for warranding hir apprehending possessioune and manteying thairof and quhilk shoe micht reduce the shortest way that she could be ordour of law that wrongous dispoizioun maid to hir prejudice upone hir brotheris death bed, and requeistit Patrick Ahannay, as ane magistrat of the toune, not to suffer hir bairnes to be wrongit nor in hir name nor to be trublit utherwayes nor be ordour of law."
The complaint givin in against the defenderis be John Cunynghame, the bastard.

To the first part of the complaint, beareinge that the persewyr was in possessioun both of the landis [and] moneys, it is anseret that he was nowayes enterit legallie to the possessioun, bot, be the contrair, the soun of the appeirand air wes in possessioun, being in the hous the tyme of his uncles death, quherin he hes remained not disposest till this tyme in name of his mother, and remanent with his uncle in the hous with him be the space of more nor ane moneth befor his decease, and in his uncles lyftyme occupyet the boothis lybellit and said his merchant wariris out of the saman and kepith thame within the saman; lykas his pack is zeit thair wrongoulie witholdin be the persewyr, who at his owine hand maistfullie seait upone the keyis of the booth and maist pairt of the keyis of the houses, and did at his owine hand, without ordour of law, enter the house efter the defunctis decease and stayit thair be way of dead fyve or six dayes, but the said Robert Miller wald not suffer himself to be expulsit bot retent possessioun in name of his mother, lawfull air of the defunct, albeith the said Johnes labourit to corrupt Janet the sister be offering hir guid deid to pairtie him against hir mother and brother.

Item, quhair it is complaint that the defenderis enterit the house violentlie and thrust out his servandis, it is anseret thair is no deid violence lybellit particularie, nather could thair be any violence, sieing the tyme of the appeirand air hir entrie to the hous thair wes nane in the hous bot her tuo bairnes, and finding that hir sone did as became him in reteineing the possessioun for hir and finding that hir daughter haid bein corruptit and inclynit to the persewris syde shoe could not bot be offendit at hir dauchter for goeing sick ane unnaturall course against hir mother that bare hir, and soe her dauchter acknowledging hir fault, shoe left the house for some few dayes, quhilk being better advysit shoe agriet to returne to the course of hir naturall deawtie to hir mother and brother and acceptit of the said Robert the keiping of the key of the house sen his cominge furth, being summond to this complaint quhilk was no wronge bot ane warrantable continawing of possessioun.

Item, quhair it is lybellit that they dange out thair horse, kye and stotis, quhairthrow the horse dyet and the kye cuist, it is anseret, Johnes haid not ane horse bot ane quhilk wes not put out of the stable bot dyet in the stable befor the mother came to the house of the morte de chine now complaineit on; and as for the key, thair wes bot ane and ane quoy and the kow is not the persewris bot is left in legacie to the said Jonet Miller, the aires dauchter, and she posseiseth hir, and the quoy wes left to ane uther of hir sisteris, and all nolt kynd thair wes more wes onlie sex stotis, quhairunto the persewrer claimes richt as executour, and the defenderis did nowayes expell thame out of the byres be any act or deead of violence, sick as stricking or chaiseing off thame out, bot onlie finding of thame on a certane tyme out of the byre,
Robert Miller, to mantein his motheris possesioun as air to the houses, threw the key in the byre doore and tuik it with him for his motheris hous, quhilk he might have lauchfullie done.

"Item, quhair the lybell beares that he medleit with the guidis, silver and evidentis lybellit, extending to ane blank somwe no relivant, not condiscending in particular quhat thai wer worth, bot howsoever the defenderis never medlit thairwith, nor cannot get access to the hous to know if thair be any geir within the samen be the perseveris medleing with the keyis thairof.

"Item, as for the saweing and delveing lybellit, the defenderis micht have lauchfullie done the samen to mantein the aires possessioun qhill shoe be put thairfra be ordour of law, for the appeirand air my con-tinow the defunctis possessioun qhill shoe be ordourle removet.

"Item, as for convocationiue of leidges with prohibit weapons, the samen is ane manifest clumnie, for thair wes nothing bot onelie in sobber maner the delveing and saweing.

"Item, as for the sporting and hauling aff of the persever with stout wordis, the samen is nowyes relevant, for it is lauchfull to ane pairtie, being in possessioun of ane house, to defend thaimselfis within the samen and skair any that wald be way of dead inwaed the house and bereave thame of thair possessioun, especiallie quhair sick scornieing is without hurt or harme done to the persever.

"Item, this haill matter depends upone the persever and defender thair richtis, and in justice they aucht to be remittit to the ordinar judge, no ryote having been committit, and that the rather because Marcoun Cunynghame, ane of the defenderis, is servit heir to the defunct, hir brother, and is presentlie to intend redution of the dispositione done in death bed to hir prejudice, to the discusing quhairof shoe aucht to be manteinit in hir possessioun, seing the haill towne of Wigtoune may be witnesses that the disposition was maid ten dayes or thairby befor the defunct dyeit being, in death bed to ane bastard in prejudice of the righteous air."


334. Supplication by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Patrick Gordon of Glenbuchet, party grieved, as follows:

—Notwithstanding of the laws against bearing bagbuts and pistols and apprehending and imprisoning of the free lieges, on October last William Stuart, servitor to the Laird of Glenkindie, with several others of his servants at his instigation, came "in a most hostile maner, boddin in feare of worre, with gunns, pistolls, swords and others wapons invasive to my lands of Easter Buchat and there putt violent hands in . . . and Alexander Kellies, tua of my servants, bend thame with cords as they had beene theeves, and being his Majesties free lieges kepeed thame and caried thame with thame all prisoners to Glenkindies.
hous of Kildrimmie, quhair, be warrand of the Laird of Glenkindie, they were put in prison strait in the yrons and keept thair in a close dungeon be the space of eichht dayes, quhair they had almost sterved for hunger." They crave that William Stuart and Glenkindie may be summonsed to compair before the Council this day to answer hereto. (Signed) S. Thomas Hop. [On the back] "Apud Edinburgh, 28th February, 1643. Fiat summonitio ut petitur, ANGUS." Also note of execution on 28th February, 1643, by John Hamilton, messenger, against Alexander Strachane of Glenkindie, and William Stewart, his servant, both personally apprehended within the Parliament Close in Edinburgh, charging them to compair before the Council this day; witnesses, David Tyrrie of Blacklouch and John Malcolm, Ross Herald. [On the margin] "4 March, 1643. Persewers personallie, who referred the complaint to the defenders oath; who being sworn, the Lords ordains the Erle of Finlatter to take their oath and depositions." On the back is also the signature of Arch. Primrose, Cler. S. Cons.

335. Supplication by Sir Robert Adair of Kinhilt, as narrated ante p. 406. [On the back] "Edinburgh, 3 Marche, 1643. The Lords doth recommend to the commissioners to deal with the Parliament of England that the pay dew to the supplicants may be payed to the ressaver of the dewis of the Scotia Armie, and declares that, in the course to be taken for supplie of the Scotia Armie, they will have consideration of the supplicants troupe. (Signed) A. Argyll, I.P.D."

336. Scroll of proceedings in the Council on 3d and 4th March, 1643, as printed ante, pp. 406, 407: also the following, "Edinburgh, 7th Marche, 1643.

Argyle, preses; Leven, Hamilton; Eglington; Cassils; Glencairne; Lauderdale; Southesk; Findlater; Callander; Yester; Elphinstone; Balmerino; Burlie; Clerk Register; Advocate; Justice Clerk; Treasurer Depute; Cambo; Innes; Wauchton.

The qhilk day the Lord Jonston, Barganie, Kilbirnie, and Lamington compiered before the Council, declared that conforme to the warrand of Counsell they had seene the petition exhibit be M' Alexander Belaques, and that in the petition given in be thame on the 21 of Februar they did not intend to taxe the Lord Chancellor nor anie of his servands, bot onelie desyred that the Council would recomend to the Exchequer that upon caution they might have suspensions of the charges used against thame for payment of the anuities; and they being asked in whose name they did present that petition they declared they did present the same for thameselfes and all who doe or will joyne with thame thairin.

"The Counsell, havinge considerit the petition within written, doe declare they will take suche course heirin as may conduce most for the
good of his Majesties service and the publick weele of the haill kingdome without considerations of anie mans particular, or petitions of this kynde.

"The Counsell recomends to the Marquis of Argyle, Lauderdale, and Balmerino to draw a draught of a letter to the King acquainting his Majestie with their proceedings anent the petitions tuiching the annuitie of tithes with their humble advyce, and that a publick course may be tane in such publick bussines, and to supplicat his Majestie now as of before that a Parliament may be presentlie indicted.

[Note of votes] 20,000 lib. allanerie, 7, and als ams more being offered, or less voluntarie, 11; betuix and Whytaonday, ——; 1 of May, 12."

337. Supplication by Olipher Mowat, merchant in Stornoway, as follows:—Upon his supplication presented upon Thursday, the 23rd of February instant, their Lordships took him acted in their books to compear whenever lawfully summoned to make the ship called the "Bush Roire of London," "furthermend to me as law will" under the penalty of 4000 merks, perjury and defamation; and they ordained the Earl of Seaforth to deliver to him his ship and goods detained by him at Stor- noway: "and seing it is not usual that any man should be actit under the lyke paine of perjurie and defamatioun in civil causes, and speciallie in this caus, seing the said schip is my proper schip as the rychtis maid to me thairupon, producit in your Lordships presence, beiris, and that schee is detained be the Erll of Seaforth but any law or arrestment," he therefore craves that their Lordships would mitigate the pains of perjurie and defamation, and only put him under the pecuniaie pain of 4000 merks, which is double the sum the disponer could have sought from him, had he given him warrandice and refunded his loss and expenses, "quhilk he hes unjustlie made me restior and deburse"; also that their Lordships would write a missive to the Earl of Seaforth for the restoration of the ship and goods in answer to his lordship's letter; and further, that they would ordain the Clerk of Council to deliver up to the supplicant the disposition and discharge granted by William Cobb to him of the said ship, with the bond given to Cobb by the supplicant for the price thereof, for which there is a discharge on the back. [On the back] "Apud Edinburgh, 4th Martij, 1643. Ordans the writs to be deliveryed to the supplicant. (Signed) A. Argyll, I.P.D."


John Cuninghams witnesses—John Stewart in Wigtoun, 36 yeeres, Depositions absent the will of John Cuninghams, his natural sonne, his ordinarie dwelling wes in Dumfreis, and that he was coming and going to his father in Wigtoun, and that this halfe yeere bygane he did this, and of before about a yeere did ordinarlie reside in Wig-
toun, and that he knows not how the said Johne gott possessioun after his fathers death, but that he was peaceablie in the house twentie dayes thereafter, and the depounner came oft to the houp to him, bought merchant war and lint from him, and that during this time also his sister and remanent freinds defenders come oft and did visit him and there- after goe home to thair awine hous and never querrelled his possession till he came to Edinburgh, but knowis nothing how the defenders apprehended possessioun nor what they did when they entered, and depons also that Robert Miller, who now possesses, wes not a residentar but onelie come and went to and fra as a chapman.

"Adam M'Ckie, maried, 24 yeeres, sworne, depons conformis addendo that Baillie Hanney and M'Cimpsie and another entered the hous, and Baillie Hannay had pistolls at his side.

"George Stuart, unmarried, of 24 yeeres, sworne, depons he knowes nothing but by report.

"William M'Ckie, 25 yeeres, unmarried, sworne, depons conformis primis duobus testibus.

"James Keith, 28 yeeres, maried, sworne, depons that Robert Miller wes a residentar with his uncle, the provest, and had his chapman wair with his uncle in the booth, and did this about twa yeeres before his death, and knowes nothing of Johne Cunninghams possessioun but be hearesay. Denyes that he knowes if Baillie Hannay entered with gunnes or pistolls.

"Alexander M'Jestnay, maried, 60 yeeres, sworne, depons he knowes nothing anent the possessioun, but that both parteis wer coming and going and no farther.

"Johne McEane, maried, sworne, depons conformis primis duobus testibus except onelie he knowes not how Bailjie Hannay entered to the possessioun.

"William M'Crystie, 28 yeeres, maried, depons he knowes nothing in causa. (Signed) Patrik Hepburne of Wauchtune."

"4 Martij, 1643. The Lords finds no violence provin and assoilzeis fra the ryot and remitts the discussing of the parteis rights and possessioun and intrusion, ejection and spulzie, if anie be, to the judge ordiner, and modifieis to the witnesses, being horsemen, 20 merks, and the footmen 12 merks, to be payed be the persewer."
339. "Interrogatorius for sum of the witnesses on thair aith to be examinied and callit on as they ar set doune in thir twa sydis.

To speir at John Stewart, Adam McKie, Robert McKie, and William McKie in Kirkland:—

1. If they . . . that John Cunynghame was in peacabill possession of his houis be himself and his servand, Janet Miller, the space of sucht weiks or mair.

If they know that Bailie Haney was invited to dyne and sup with him.

2. If they know iff Robert Miller or onie of the defenderis did evir quarrell him or his servand all that tyme in his peacabill possessions and that he lay thair, dwelt thair, sauld his lint and salt thair peacabillie.

3. If they know that Patrik Haney and his accomplisheis, quhaireof sundrie ar adulterous persons, did enter John Cunynghams houis with guns and pistollis, thrust out his servand Janet Miller and dois keip the same day and night with guns and pistollis.

4. If they know that John Cunynghams nolt and horse ar put out and debarrit out of thair stabilis and byris violently, quhaireof sum of them ar dead and all the rest ar lyk to perish in the snow on the commone streits of Wighton.

If they know that they have intrometit and debarrit the said John from all his insight, pleningish, wrytis, evidencis and moneyis that was within his houis:

5. If they know that upon Frydey, 10 February, that ane of thair accomplishis, callit Cok Haney, was sent for powder and led to shut out of that houis and that he went thair with it.

6. If they know that he awowit on that Frydey to tak John Cunynghams lyfe with bullets and shuit him or kill him with uther weapons if he cam thair neir that houis.

To speir James Keith and interrogat him on all the premisis with this ek—

If he knowis that on that Frydey, 10 February, eftir they had vowit to shuit John Cunynghame or onie that would cum thair in his name to that houis, that he knew thim to shut out of that houis, and James Keith, knowing John Cunynghame and sum of his freinds to be in toune, thocht weill that Patrik Haney had shot sum of thame, quha runing to that yett fand Robert Miller to rash to that yet in his face in ane grit fear, thinking it had been John Cunynghame or sum in his name, and the said James Keith, winning in at lenth in the houis, he saw Patrik Haney and Robert Miller thair with sundrie guns and pistollis and thair adulterous accomplishis, quha declarit to him that thocht and heard that John Cunynghame was cuming and approaching to the houis and if the said John or onie in his name sould approche that they sould not win away quik on thair awin feit, lyke as the said James saw monie bullets among thair hands and the guns in
their hands, and that they wer castand moe bulletes and wald have had him to tary with thame to be partaker both of guid and ill that sould hapin to thame, quhilk James refuisit to doe and so depairrit from ther companie to his awin hous.

"To speir Robert McKie—
" 1. If that he knows all the premisses in the other syd except the last artickle concerning James Keith.
" 2. And if that he heard ane shot and knew them to shuit out of that hous upon that Frydey in the glooming of the night quhen Johne Cunynghame wes in the toune.
" Interrogatour for William McCrystein—
" If he knowis all the interrogatouris in the first syd, and that he heard shuiting by and attour the shot that Pattrik hes confest on the Fuirdey at ellevin houris at night.
" Interrogatour for Alexander McCheanie—
" If that, befoir the foirsaid shotis, that he heard Pattrik Haney vow to God in presence of Thomas McKie in Kirkland that he sould fell him with bulletis if he sould presume to cum neir his awin hous and he sould gar him be tane hame in ane pair of blanketis deid and that he knowis all that is contenit in the uther syd of this paper to be treuth.
" To speir George Stewart and Johne McKaine on all the premisses on both syds of this paper."

340. "Interrogatouris to be demandit at Johne Cunynghames house.

" First, to purge the witnesses of all partiall counsell.
" Item, to demand thame quhidder or not in all the progres of the bussines conteanit in this lybell they know that Patrick Hannay did carie about with him any gunes or pistollis, and speciallie that they know that the day of his entrie and possessioun of the hous quhilk wes on Monday, being the sext or sevint day of February last, and that they saw him quhen he enterit nather to have gune nor pistoll about him.
" Item, to demand quhidder or not they saw him put violent hands in Janet Miller and put hir out be force bot allanerlie shoe went out of hir owine frie will, no violence or force being done to hir be the said Patrick Hannay.

" Last, to demand quhidder or not thai know that Robert Miller, quho is sone to Marioun Cunynghame, did not posses the hous perpetuallie since the deceis of wmrquhill Johne Cunynghame and war in possessioun of the samen befor, and befor the defunct his deceis haid ane pack in the buith and the deponeris hes sein him sell wairis out of the said buith."

341. "The interrogatouris for Johne Cunynghame aganis the pairties to be referritt to Andro Millers aith. Anent that pairt of the complaint
Miscellaneous Papers.

to his aith that he and Marion Cunynghame, his spouse, subscrib and granit ane discharge to Johne Cunynghame, persewar, sone and executour to umquhill Johne Cunynghame, provest of Wigtoun, upon the payment of four hundred merks of legacie and of all that they may or might creave be his deceis, and disposnit all that could pertain to theame be birthricht of her said umquhill brother, and that he and his said spous, being content with that qubiche they had gotin, depairtit hame to thair awin hous peacabillie, having no intentione to troubill the said Johne Cunynghame all the days of thair lyftime.

"For Patrik Haney and Robert Miller thair aith.

"To refer the abonewritten article to the aith of Patrik Hanney and Robert Miller, becaus they ar witnesses to the discharge and dispositioun abonementionat.

"To refer that pairt of the lybell to Patrik Haney his aith that he shot ane shott furthe of the hous, suspecting Johne Cunynghame or sum of his freindis to be at the doore upon Fuirysday at night 9 February.

"To refer to Patrik Haney and Robert Miller ther aith that pairt of the complent that upon Frydey, 10 February, Robert M'Culloch being sent to them to sie if they wald render to the compliner his houses and guidis agane, that they vowed that if the compliner or anie for him cam thair that they sould not go away upon thair awin but they wald shuit thame with bullettis or tak thair lyf with uther weapons."

342. "Interrogators for Johne Cunynghame his witnesses to be c. 4th March 1643. Interrogatories to be addressed to witnesses in the same case.

"Johne Stewart, burges of Wigtoun, Adame M'Kie, burges there, William M'Kie in Kirkland, James Keyth in Wigtoun, Robert M'Kie, merchand burges there, George Stewart, burges there, Johne Hannay there, Johne M'Leane, merchant there, William M'Crystine, burges there, Alexander M'Chestnay.

"To speir thair interrogattouris following at thame all and everie ane of thame in general.

"If that knew that Johne Cunynghame was in peacabillie possesyon in thos houses and tenements untroubleit or molestit be ony of the defenders in ony maner of way fra the deceis of his father, quha died on the twentie day of December, 1642, untill the 7 and saucht dayes of Februar instant; that thai know that he sauld his wair, sich as lint and salt, peacabillie out of his buithes and other wair to Alexander Herreion in Monygo, Abraham Muir in Kirremanoch, Michaell M'Kie in Kirkland, Robert Maughean in Bargalie, Thomas M'Cuharg in Ballachrie, Harie Gordoun of Creich, Alexander M'Chesny and Christiane Bryd and many uther personas.

"If thai knew Jonet Myllar to be the said Johne Cunynghame his servand and fothered and handled his nolt continually fra the deceis of his father till the 8 of Februar last that she was thrust out.
"Item, if thai knew that scho confess and told thame that scho was his serwand and tooke victuals in his absence fra sindrie in the toun in his name and namelie fra Adame M'Kie.

"Item, iff thai knew if ony uther bodie or ony of the defenders pretendit ony richt to the saids houses befoir Patrick Hannay came fra Edinburgh.

"Item, iff thai knew that Patrick Hannay himself and sindrie of the tounsmen war invited be the said John Cunynghame to dyne and supe with him in his hous, and that he had the saids housse als peaceable in his possessioun as any within the toun had thairs.

"Item, if thai knew that upon the sext or sevint dayes of Februar last Patrick Hannay, Robert Myllar, Andro Myllar, Mareon Cunynghame, Johne M'Gumpsie, Patrick Cowtrane, Cok Hannay, William Stewart, all burgesse of Wigtoun, enterit the said John Cunynghame his hous, thrust out his servand Jonet Myllar and thrust furth his nolt and horses and put out his fyre; iff the saids noit and horses be not sume of thame deid; iff thai be not lying in the common wayes and streits of the said toune and ar lyke to perish; if thai be not already dead in this storme, and debarras thame and will not suffer thame to cum in to thair byres and stables.

"Item, if thai knew if Patrick Hannay, Robert Myllar and thair accomplices foresaides keipes the saids housses and hes intrometit with the said John Cunynghame his haill plenischit, evidents, gold and money and all that was within the hous; iff he hes provydit his said hous with powder and bulletts and shoots oftymes in the hous to the terrifi-catioun of the compleaner, allowing, if he came thair, that thai sall ding out all his harnes and immediatlie shoot after that, and declairit that thai wald not suffer him to cum thair, but upon the perrill of his lyff.

"Iff they know that they the said Patrick Hannay and his accom- plischs sanditt the locks of the compleiners boothis with stonis and sand.

"Interrogatours to be particularlie speirit at thir particular persons following by and attour the preceding interrogattours—

"First, iff William M'Crystine sauld muttonie and beiff to the said John Cunynghame and went with him to his awin hous and brake it and saltit it in his awin hous and cellars thairoff for provisioun to him and his familie.

"Item, to interrogat James Keyth if he, being standing at his awin dore in Wigtoun, hard beseyd the said hous, knowing the defenders to be in John Cunynghame his hous, hard a shoot, thinking John Cunynghame had bene thair and that thai had shoot at him, ran to the yet of that dwelling place, and, quhen he cam thair, Robert Myllar dang to the yett in his face, thinking it had bene ane of John Cunynghame his folkis or himself cuming in; at last, knowing that he was thair nighboure, opines the yet, declaring to him that it was Patrick Hannay that shot ane gun to lett his pairties know that thai war wakand and that thai war chairging thair gunes and making
thame against Johne Cunynghame; lykas the said James entered in
the hous quhail Patrick Hannay was chairgand gunes and pistolls and
had ane man casting bullets, and wowed if Johne Cunynghame came
thair that thi wald shoot him or kill him with uther wepons and
make him be taken away in ane pair of blanketts dead. Robert M"Kie
heard ane shoot siclyke and William M"Crystein also.

"To examine Adam M"Kie, John Stewart, and Robert M"Kie, iff
Jonet Myllar, John Cunynghame his servand, eter thai had put hir
out of the hous, came to the said Johne Cunynghame being in Wigtoun,
and told him that soho was thrust out and his nolt also, and that
Patrick Hannay had taken up that hous, and wald not suffer hir to
cum thair nor the nolt ather, and that the nolt war in the snow lyke to
perish, and desyrirt him to take heid to his awin nolt and to take the
charge of thame off hir, for sho was not able to help thame any mair,
sieing soho was debarrit fra the hous and the nolt fra the byres.

"To interrogat Johne Hannay iff he brake fleshe and salit it in
the said Johne Cunynghame his hous for the said Johne his use, and that
he eat and drank oftymes with the said Johne upoun John Cunyngh-
hames's chairges in the said hous."

343. "We, ministeres and wtheres wundersubscryweres be this pre-
sentes testifies wpon our consciences that whairas Robert Ogilvy, burges
off Banff, being advanced wpon his journey towards Edinburgh the lenth
off Kinkell, within nyn mylines to Aberdeine, for obedience off ane
chairge off the Lordes off Privie Counsell to beir witnesse in ane actions
persewed be James, Earle of Findlater, and wtheres, against Georg, Lord
off Banff; and Georg, Maister off Banff, he hes fallin seik and is lying
bedfest and hes givin his solemne oath to ws that be reasone off his
suddaine seiknes and stormie weather he is not abell to travell neither
on horse nor foot without the heasert off his lyff to Edinburgh at this
tyme; and for the said Lords ther forder informationes in the said
actions he depositt also that he did not sie ane hauilk killed nather be
my Lord or Maister off Banff nor any off my Lord Findlateris servantes
trubled nor molestes be them nor be ony at that tyme alledged in the
summons; in witness quheroff we have subscryvit thir presents at
Bromend off Crichie, the fourt day off Marche, j"vj" fortie three yeires,
befor thir witnesbes, Johne Lyone of Muresk and Patrik Stewart, notar.
(Signed) M" Jo. Cheyne, minister at Kintor; M" William Leyth,
minister at Kinkell; George Setoun in Brwmend; Jhone Lyone, witnes;
P. Stewart, witnes."

344. Printed copy of the Acts of Council on 4th March and 11th
May, 1643, relating to the Scots Army in Ireland, printed ante, pp. 407,
and 425. Three copies.
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REGISTER OF THE COUNCIL.


The quhilk day, in presence of me notar publict and witnesses wnderwritten, compeirit personallie Johne Riddell, burges of Edinburgh, quha past with me to M' Harie Gibeoun, toun clerk of Glasgow, his wryting chalmbher thair, and thair in name and behalfe of James Speir, chropman, inqyrit Johne Andersoun, lait balzie of Glasgow, James Hammiltonoun, present balzie thair, William Yair, clerk deputt, and quha hes bein thir saxtin yeiris bygane and mair in the said wryting chalmbber, and Gawane Naeasmyth, jayler of the tolbuith of the said burgh, and hes bein and continewit jayler thair thir twelve yeiris and mair, if evir the said James Speir had been convenit befor the saidis judges for any fact, cryme or deid, and if that ther wer any act sett down against him in the said toun builks, or if that ewir he was incarcerat in their tolbuith for any fact done or alledged to be done be the said James Speir, quha answarit all in ane voice that thay nevir hard of sick a man and that they knew not sick a man, and to thair mynd, knowledge and memorie they kend nothing of sick a man, and that the said James Speir neither was incarcerat in their tolbuith neither was their any act against him in thair bookis to thair mynd and memorie. Upon the quhilkis all and sindrie the premisses the said Johne Riddell, in name and behalfe of the said James Speir, askit and cravit instrumentis, ane or mae, in the handis of me, notar publict, and witnesses wnderwrettin. This was done in the said wryting chalmbber at day, yeir and place forisaid, betuixt thrie and four houris aftermoone, being present James Forgiesoun, William Wallace, maltsmen, and Robert Jonstoun, cordoner, witnesses callit and requyrirt to the premisses.

"Ita est M' Johannes Smyth, notarius publicus in premisiss requisitus, testantibus his meis signo et subscriptione manuallibus."

346. "I heawe trysted concerning James Speir and findeth that he hes been sewear all tymes heire incarcat and ksnawe to be ane notorious thiefe; he was at ane tyme in pryson heire eigthtein weikes and actit; newar to be fund heire as ane wagabound or without tread, wtherwayes to suffer as ane malefactor; his wyfe hir name is Issobell Ramsay, ane great lustie woman, he himselfe ane thik braid sett man about threttie fywe yeiris or thairby. Thair was ane woman called Robertson, wtherwayes the Hiland cow, that suffert deathe heire within thir sax weikes last past, quha in hir last deposition deponed that the forisaid Speir and his wyfe Ramsay was only they quha held hir on the tread of thift, and that thair was few commoun thiefs but these tua had intelligence with them." (Signed) James Bell. For Capitane Ma'Mathe.

347. "Whairas I, John Ogilvy in Bamff, being chairgit befoir the Lords aff Privie Counsell to heire witness in ane actione persenned be
James, Earle off Findlater, and utheris against Georg, Lord of Banfe, and
Georg, Maister of Banff, his sone, anent the allgedit killing off ane hauilk
and being ernestlie delt with be Alexander Dowglas and utheris to
depon in favoures off the said Earle off Findlater, lykas he for that
effect, contrair and against his, hes constrained me to come alongs
with him to Edinburgh in ane privat way, thairfor being moved in con-
science and out of the sense off their indirect dealing with me and for
clearing my honestie in the said mater I do be thees testifie and declar
upon my salvatione that I did not sie ane hauilk killed nor wrongit be
my Lord nor Maister off Banff nor any off the Earle off Findlateris
servantes trubled nor molestead be them nor ther servantes at that tyme
allgedit in the summondis; in witness quheroff I have subscrvit thir
presents at Edinburgh, the sevint day off Merch, j"vj" fourtie three yeires,
befoir witnesses, Johne Lyone off Muresk and Alexander Keith, agent in
Edinburgh. (Signed) Johne Ogilvie; Jhone Lyone, witnes; A. Keith,
witnes."  

9 Martij, 1643, produced be Bamff."  

348 Receipt by John Josey, merchant burgess of Edinburgh, 7th March
1643. Receipt by John Josey, merchant burgess in  
Edinburgh, for £6000 lent by him towards the maintenance of the Scots
army in Ireland, to be repaid to him and his heirs in terms of the Act
of Council of 4th March, 1643; dated at Edinburgh, 7th March, 1643;  
witnesses, James Browne, servitor to the Earl of Haddingtong, and
Harry Wilkie, servitor to the discharger. The deed is written by
Henry Kinneir, another of his servants. (Signatures.) At the foot is
noted, "Edinburgh, 9th March, 1643. Presented in Council and act
past heirupon. (Signed) Arch. Primrose, Cler. S. Cons."

349. Similar receipt by the same to John, Lord Balmerinoch, in
name of [William] Earl of Louthian for £6000, dated and attested as
the last, and with the like note at the foot.

350. "Interrogatours to be asked at the Erle of Finlater his wit-
nesses contra the Lord Bamff and the master, his sone.  

"Item, that be deeplie and solemnelle sworne.

"First to examine the witnesses and everie one of thame upoun the
hail headis of the lybelle as the same ar conceivit and sett doone, and
particularlie gif they did not heare the Lord Bamff give command to
Angus Bayne or any uther of his servandis being with my Lord who
was going at the plewes, to go to his place of Raittie and to call for his
servands to come out to him.

"Item, gif they saw the servandis coming from the hous having hag-
bots, carrabeins and pistoliss,

"Item, gif they hard the Lord Bamff give command to his servandis to
goe to these falconeris and to tak from thame the hawckis and the fowles quhilk they had slaine, and to bring the same to him.

"Item, gif they saw these servandis, who wer sent to pull the hawckis, bothe or ane of thame, aff the boyis handis, and to beat the boy, and that they brocht the hawckis to my lord.

"Item, gif they hard my lord give command to the master, his sone, (when he saw the thrid hawcke, quhilk wes on wing, licht upoune the keame? of rig), goe and fetch the hawck, and saw the master goe toward the hawcke and shute the hawck dead, and tak the dead hawck be the wing to bring hir to his father, and give the master did not hurt his hand with shooting of the pistol being hard chargit.

"Item, gif they hard Thomas Blak, falconer, compleine to my Lord Bamff of the evil usage of the hawcks, and that my Lord Bamff anserued 'Gett yow gone, ye may be blythe that ye escape so, your master is not colonel in the shyre now,' and therefer hard him speake thir wordes 'Goe, take the dead hawcke to be yule meate to the Lord and Ladie.'

"Item, to examine Williame Shirran upoune the particularis abon-specifieit, and gif he deny the samen to ask gif he did not declare the treuth thereof to Patrick Gellie, ane other of the witnesses, and heir- upoune to confront Patrick Gellie with William Shirray.

"Item, to examine the saidis two witnesses upoune the lybell and haill particularis foirsaidis severallie, and gif any of thame, being severallie examined, deny, to ask thame upoune the great oathe gif they can refuse bot that they did profes and declar the trueth of the lybell and interrogatours foirsaidis to utheris, viz., Johnne Ogilvie to Patrick Gellie and Patrick Gellie to Johnne Ogilvie, and gif they deny thame to confront thame mutuallie."

351. "Interrogatouris for the Erll of Findlaters witnessse.

1. First, qhether they war the tymne of the alledgit schot, and if they remember qubo wer present with tham.

2. Iff any of tham sawe the schot, be quhom it wes schot, at quhat place, and bowe near the barnyards of Beattie.

3. Quhidder or not, efter the said alledgit schot, the falcon fleue away ane great space and lichted besyid the falconeris.

4. Quhat my Lord Bamff his behaviour wes all this tymne.

5. That everie ane of tham give ther certane cause of ther knowleidge of all and everie on of the premisses and of everie particular that sall happin to be spierit at tham."

352. "9 Martij, 1643. William Sheroun, officer, sworne, depons he wes not present at the haulkeing and he saw nothing, bot he hard a shot and saw reik, and therafter he saw a haulke flee, bot knowis not who shot the haulke or if she wes shot at all. Depons he [saw] no violence nor hard the speeches alledgit against the Lord Bamff, and depons Patrick
Gellie come to the deponer and dranke with him tua dayes and offered money to goe with him to the Ladie Finlater and to depone in this erand as he soule doe against Bamff.

"William Brodie, gardner, sworne, [depons] he wes in his awne hous at the doing of the deid lybellit and nather hard nor saw the deid lybellit nor hard the words lybellit.

"Walter Birnie, saidler, depons upon oath he wes not at the place nor deid lybellit, but wes in a drinkeing hous, nather did he come out thairof, and knew nothing thairof but what he hard 48 houres after the alledgit deed.

"William Davidsone, sworne, depons he wes in the stable the tymne lybellit, and that he come not out of the stable for tua houres after the deid wes alledgit done and saw nothing thairof.

"Patrick Dick, sworne, depons he wes within my Lords closee and nather saw nor hard the deid lybellit.

"John Ogilvie, sworne, depons on Tuesday last at night, as he wes in his bed, Muresk and Alexander Keith come in to him with a written paper and desyred him to subscryve the same, and said, if he refused to subscryve the same, he would [not] get mony of Bamff, qubillk he did, albeit the same wes never red unto him, nather did he read the same nor knew not what wes in it, and depons as yit he knawis not what is in it. Depons he saw the falconers at the burnesyde, and that he hard the Lord Bamff give direction to bring the haulks and leids (?) to him, yit offered to doe no wrong and bad no bodie doe anie wrong. Depons he hard a shot of a pistol and saw the reik, bit knawis not who shot it; onlie, after he hard the shot, he saw a haulke flee up and then fall down dead; and that thairafter the falconer come to the Lord Bamff and said his father would not have used him so, quherupon the Lord Bamff answered and bad thame goe home, for Finlater wes not now crowner of the shyre this yeere. Depons the Master of Bamff and Bamff servants had pistolls and gunns. (Signed) ARGYLL, I.P.D.

"9 Martij, 1643. John Lyon of Muresk depons that, having conference at home with John Ogilvie who oftymes told him that he did not see the Master of Bamff shot Finlaters hauk, nor saw he Bamffs serwands doe anie wrong to Finlaters servynte, and hearing since he come to the toun that John Ogilvie might be delt with to depone otherways he went to him and asked if he would abyde at what he said, who answered he would; quherupon the deponer made the declaration and presented and red the same to him in presence of Alexander Keith to him who onelie chopped at these words concerning Doctor Dowglas, and subscryvit the same. Demandit if the Lord Bamff gave the deponer direction to procure this declaration, depons he told Bamff that John Ogilvie had said so muche to him and he beleived he could procure the same under his hand, and that Bamff assented and gave way to him. Demandit if he threatned John Ogilvie to give this declaration, depons he said to him, if he depond otherways nor he had alreddie declared
to him wes truthe, that he deserved none of Bamffs good and wes not worthie of anie mans favor. Depons he did not show the declaration to Bamff.

"Bamff being called depons and acknowledge that a maister deseryed him from the Marquis of Argyle not to speake nor meet with anie of the witnesses, quhilk he punctuallie obeyed; but Mureak having told him that John Ogilvie had declared to him that he saw not the Maister of Bamff kill the haulk nor Bamff servands doe anie hurt to Finlater, and that he could have it sure frome John Ogilvie under his hand; bott that Bamff himselfe did nothing in it bot give way to him.

"Ordans the Lord Bamff and Mureak.

"The Lords, in respect that the Lord Bamff being charged be ane maister of Counsell not to medle nor speake with the witness and that be his knowledge John Ogilvie hes beene delt with to give deposition in this erand be Moureak and that Bamff himeselfe produced the said declaration in judgment, ordans Bamff and Mureak to be committed to prison within the tolbuith of Edinburgh thairin to remaine during the Counccels pleasure.

"9 Marche, 1643.

"John Ogilvie, sworne and demandit how he subscrivyt the declaration under his hand, depons Mureak on Tuesday last at night came to him and moved him to subscrive the declaration and the deponer never red it, but Mureak said if he would not subscrive it, it would doe him harme. Depons farder the declaration wes never red before him or in his hearing.

"Patrick Gellie, tenant, sworne, depons he saw the falconers haulkeing tua lenthes of a rig fra Bamff barneyaerd, and he saw Bamffs servants comiing fra the Lord Bamff towards the place quher the falcons were, bot knawis [not] what direction Bamff gave thame, and that Angus Bayne come and pulled the wallet over the falconers heid and that the Maister of Bamff come doune with a pistoll in his hand quhilk he saw him bend and shoot at the hawck quherwith he shot the haulke presentlie dead, and that the hauck never rose againe, nor fle. Depons the Maister of Bamff kneeld to the ground to vise the shot, and when Finlater servants compleaned to Bamff of the hard usage he hard Bamff ansuer, Take up your hawlk and carie home to be Yule meat to the Lord and Ladie, and tell my Lord Finlater he is not crowner of the shyre this yeere. Depons upon oath that he hard and saw as is abovewritten.

"Thomas Jossie, sworne, depons he wes with Bamff, who wes going at his pleuche, and that he hard not Bamff give anie direction or send anie of his servants to doe anie thing heerin. Depons or the deponer come in sight of the falconers, who were tua rig lenthe fra Bamffs hous, he hard a shot of a pistoll, but knawis not if a hawck wes shot at that tyme, and he saw no haucke bot one that he saw fleeeing after he hard the shot; depons he knawis no farder. (Signed) Argyll, I.P.D.

"Finds nothing provin in this complaint to enferre a ryot except the
carieing of pistolls against the Maister of Bamff, for which remitts thame to the Comission of the Thessaurie, and ordains Finlater to pay the witnesses expenses, 12 lib. horsemen, 8 lib. footmen; and ordains Finlater and Bamff presentlie to find caution for keeping the peace to others, found proven under the paines of x\textsuperscript{m} merks."

353. "Apud Edinburgh, nono Martij, 1643. Forsamekle as Johnes Lord Balmerinoch, hes payed and delivered in receivall money to John Jessie, deput to William Thomsons, Commissar of the Scots armie in Ireland, the soume of six thousand pund Scots, as hes clerlie appeared to the Lords of his Majesties Privie Counsell be the discharge upon the receipt thereof granted be the said Johnes Jessie and this day produced in Counsell of the date the seventh of Marche instant, therefore the Lords of his Majesties Privie Counsell, according to ane act made be them with consent of the commissioners for the peace and commoun burdens upon the fourth of Marche instant, doe declare the said soume of six thousand pund Scots to be lent be the said Johnes, Lord Balmerinoch, for the present supplie of victuall and cloths for the Scots armie in Ireland, and that the same sall be payed to him, his airs, executors and assignayes conforme to the act above written. Extractum de libris Actorum Secreti Consilij S. D. N. regis per me Archibaldum Primero, clericum ejusdem, sub mei signo et subscriptione manuilibus. (Signed) Arch. Primero, Cler. Cons."

354. Similar Extract of Act of Council in reference to the loan by William, Earl of Lothian; dated and signed as the last.

355. Supplication by Dr. Alexander Douglas, provost of Bamf, as follows:—Because during the late troubles he refused to follow Lord Bamff and his courses against the peace of the country, his lordship and his son bear him "no small evil will," and he has heard that they have threatened "to be about with me for my bodily harme and to worke what mischief they can aganis me." As they are to appear before their Lordships this day, he thought it right to mention this and to crave that they may be placed under good caution for the supplicant's safety.

356. Supplication by Patrick Gellie, as follows:—He was summoned at the instance of the Earl of Finlater to compars as a witness in his suit with Lord Bamff and his son, and, because he "compeirit and declarit the trewth, sensyn the said Earle hes conceaveit sic a deadlie hatred aganises me that gif his lordship and his sone wer come to the north I wald not be able to keip my swin house." He therefore crave that before Lord Bamff and his son are put to liberty "they may be bund up for guld cautione for my indemnitie upone considerable soumes."

Council:—Chancellor; General; Argyle; Hamilton; Glencarne; Casillis; Lauderdaill; Southesk; Callander; Dalhoushie; Yester; Buriel; Balcarres; Advocaet; Justice Clerk; Treasurer Depute; Waughton; Cambo.

Conservators of peace:—Chancellor; General; Argyle; Hamilton; Glencairne; Lauderdaill; Callander; Wauchtoun; Cambo; Freeland; Lag; Sir Patrick Hamilton; Kerse; Warestoun; John Smith; Edward Edgar; Hew Kennedie; William Glendonig; Robert Barclay; James Sword; Thomas Bruce; John Corser.

Money for the troops in Ireland.

Ane act past for prorogating the tyme appoynted for lening of money for the releiffe of the armie in Ireland.

Edinburgh, 12th Martij, 1643.

Council:—Chancellor; General; Argyle; Hamilton; Morton; Cassills; Lauderdaill; Callander; Southesk; Balmerino; Balcarres; Glencairne; Dalhoushie; Yester; Buriel; Clerk Register; Treasurer Depute; Cambo; Waughton; Justice Clerk; Advocaet.

Conservators of peace:—Chancellor; General; Argyle; Glencairne; Hamilton; Lauderdaill; Callander; Kerse; Wareston; Waughton; Cambo; Wedderburne; Sir Patrick Hamilton; Freeland; Thomas Bruce; William Glendonig; Hew Kennedie; Mr. John Corsane; James Sword; Robert Barclay; Edward Edgar.

It is this day thought fittinge be the Council, Commissioners for the Peace and Commissioners for the Common Burdens, that in respect of the present condition of the publick affaires of the kingdome, that at this tyme the saide three judicatures sould consult and resolve joyntlie what course is best to be tane thairenant. It is also agreed be the Councell, Commissioners of Peace and Burdens that it is necessarie at this tyme that ther be a Convention of the Estates, that the advyece and resolution of the kingdome may be knawin anent suche things as sall be represented to thame be the Council or Comissions forsaid, according to thir severall commissions; and that in respect of the necessitie of publick affaires that the time of the Convention be presentlie appoynted, and warneyng presentlie given to all parties haveinge interesse, and his Majestie acquainted therwith.

15th March 1643.

Summons at the instance of Sir David Cunninghame of Robertland, and Sir Thomos Hope of Craighall, his Majesty's Advocate, narrating that notwithstanding that the bearing of hagbuts and pistoles and the convocation of the lieges is strictly prohibited by law, and that the said Sir David is duly infeft in the lands of Waterland, Halkett and Hesilbank, and mill and pertinent thereof, and that they have been
peaceably possessed by him and his predecessors by setting of tacks and injury done to the lands of Halkett lately possessed by Alexander Wat, but which was renounced by him in favour of the said Sir David, and concerning which a seventh part of the lands of Halkett there is presently an action depending before the Lords of Session between the said Sir David and Gabriel Porterfeld of Hapland as yet undiscussed, the said Gabriel, fearing the event of the actioum because of the infirmity of his clame, resolved be way of bungisterie to apprehend the possession quhilk law wald not allow. And for this effect, upon the day of March instant, he convocat together Johne Cumming, Johne Giffin, Johne Dunlop, Johne King and Neill Alexander, his servante, Johne Andersons, elder and younger in Braidlie, Allane Andersone in Craighed, Johne Watt in Brockillmure, Thomas Howeis, elder and younger thair, Patrik Galbraith and William Smith thair, Johne Wyllie and Thomas Watt in Gilles, Johne Dunlope, elder and younger in Hill, Johne and William Rosses thair, Johne Howeis, elder and younger, Allane Howeis, elder and younger, Thomas Howie and Adam Cunningham in Neather Aikatt, Johne Dickie and Thomas Howie in Ryburne and Thomas Stevensone in Lochrigills, to the number of persons, all armed with muskets, poulter, ball, picks, banded stafis, swords and others weapons invasive, and with the convocation came in hostile maner to the lands last possesst be the said Alexander Wat ... yocked tua plewes, teilled and harrowed the same, resolved by this convocation and carrying of forbidden weapons, as he has violentlie apprehended, so to keep his possesstioun, in contemipt of law and justice.” Charge is given for citing these persons to compesar before the Council at Edinburgh on 1st June next, and also as witnesses, William Carmoune at the kirk of Dunlop, Allane Andersoun in Craighed, John Andersoun, elder and younger in Braidlie, John Gifone, James King and John Cumyng, servitor to Gabriel Porterfield of Hapland, James Mure in Hapland, William Eglintoun in Lochridge, John Burne in Waterland, John Wat in Brokelunure, and Alexander Stirling in Over Halkett. The summons is dated at Edinburgh, 15th March, 1643, and signed ARCH. PRIMEROSE, Cler. S. Cons. On the margin is the following note of comparance— ”1 Juniji, 1643. Parties personally. Robertlands brother named Southruik, and James Campbell, and Hapland nominat Alexander Porterfeld of that Ilke and to whom they submitted.”

359. “My Lordis, Haveing (be vertew of ane commissiouns granted 21st March 1643. Suppllication be your Lordships the fyft of July last) ane preist within our tolbuith of Banff apprehended be Sir Alexander Abercrombye, younger of Birke inboig, one of the commissioneris expresst within the said commissiuns, which preist for the present was in the hous of James Forbes of Blaktoun, ane excommunicat Papist, within the parochin of Kynnedour, and others haveing resaved his depositiones befor the presbyterianies of Turrefs and haveing resaved his depositiones befor the presbyterianies of Turrefs
360. Supplication by Marie Stuart, lawful daughter of the deceased Andrew, Lord Stuart of Ochiltrie, and widow of John Kennedie of Blairquhan, as follows:—Her late husband in their distress moved her to give band with him for £312 to Bessie Weir. After her husband's death, “being in houes with her, I corroborat the same upon this condition, that I could not be troubled till I wer able to pay the same; and according for the space of six yeeres after the granting of the bond, so long as she lived I wes never troubled till that latelie, she being dead, Robert Penman, servitor to Mr John Abernethie, writer, tooke out of her kist the said band with ane blank assignation and insert his name and putt me to the horne and raised captioun, wherewith he caused apprehend and commit me to prisoun in the tolbuith of the Cannogait, where I am like to sterve for want of interteament.” She craves summons against the said Robert that he may be ordained either to liberate or support her. [On the back] Apud Edinburg, 28 Martij, 1643. Fiat summonitio ut petitur. J. Carmichaele.

Also, note of execution of summons on 29th March, 1643, by J. Grahame, messenger, against the said Robert Penman, personally apprehended in Edinburgh, to compear before the Council at Edinburgh on this 29th of March; witnesses, Alexander Porteous, messenger in Edinburgh, and Alexander Stewart, baker, burgess there.

361. Supplication by James Scott, lawful son to Robert Scott of Wall, as follows:—David Browne, saddler, burgess of Edinburgh, having causelessly conceived a deadly hatred against him, on the 9th instant, while the supplicant was alone and engaged upon his lawful business,
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caused apprehend him and warded him in the tolbooth, and that of Wall, for
without any conviction or lawful warrant. He has now been in ward
for twenty days and having nothing wherewith to support himself is
like to starve. His incarcerator refuses either to liberate or maintain
him. Further, since his imprisonment he has been arrested in ward at
the instance of William Duff, servitor to Lord Saltoun, upon a wrongful
warrant as he is noway indebted to him. He craves therefore that
these persons may be cited and ordained to liberate him. On the back
is a scroll of their Lordships' finding in the case on 29th March, 1643,
as narrated, p. 418 ante.

362. "At Kirkwall, in the Consistoriall place thair, the fyft day of
Apryle the yeir of God, jth vth fourtie thrie yeirs, anent the commission
direct be the Lordis of his Henes Secret Counsale of Scotland, to
Patrik Smyth of Braco, James Baikie of Tankernes, and William
Craigie of Gairsay, of the dait the fourteene day of Junij last bypass, for
taking tryell in the complaint gevin in befoir the saidis Lordis be
Andro Rendale in Gill and Barbara Sinclair, his spouse, against George
Sinclair of Rapnes, after summons direct out be the saidis commis-
Sionaris, quhaisby witnesses and the saidis paitees wer lawfullie sum-
mond to this day, compeir personallie the saidis Andro and his spouse
and producit the said commission with the witnesses efter specifie for
proving their said complaint. Compeir also the said George Sinclair
and producit a doubll of the said commission and set William
Scatter, being uncle to the said Andro, and Mitchell Rendell, being his
brother. Admitted Thomas Rendall in Berrdaill, albeit his uncle, and
Thomas Rendall in Newbigging, brother bairnes with him, and Andro
Couper, sister bairnes, and admissit also the rest underdeponing; and in
respect of the saidis admisiones protestit the haill witnesses might be
deplie sworne and purg of partiall counsal, quhilk wes done in
presens of the saidis paitees; and producit also ane contract betuix him
and the saidis Andro and his spouse for proving the kyndes of the
rowme of Gill to be disponit to him befoir lie had procurit his
Majesties letter for making him rentallit tenent thairof as of uther
landis contenit thairin. M' David Watsone, minister, protestit for his
expenses, being cited befoir the saidis Lordis of Secret Counsale, and
compeirachte wes not called, and in respect also of his new citatioun
and compeirance befoir the saidis commissionaris; lykees the rest of the
witnesses, efter deponing, protestit for their expenses also; quhilkis
were referrit to be modifieit be the saidis Lordis.

"M' David Watsone, minister at Westray, of the aige of fourtie
yeiris, maryst, deponis that anent the aughtscoir pundis allegit payit be
the said Andro Rendall in name of entrie be himself aught yeir since
or thairby, delt with George Sinclair for the said Andro that the said
George sould not remove him from the lands of Gill, and the said Andro
promist to pay to him ane hundredth and twelff pundis and for the
quhilk the said George faithfullie promist not to trubill him, but to mantene him in the possessioun of the saidis lands and not to hight nor alter the dewtie thairof sa lang as he was abill to labour be procuring discharges of his Majesteis dewtie yeirlie, and that Mitchell Rendall, his brother, sould have payit the money bot knew not whither it was payit or not. Deponis also that a quoy that Andro Rendall labourit lay yeir one yeir, bot the nixt yeir, at M' Davidis request to Ropnes wyff, the said Andro labourit the quoy and as yet possesses the samin. Deponis that anent George Harcas his stricking and dinging of the said Barbara he knew nothing bot by hir owine declaratioun, and that he saw hir hurtis bot knawis not who gave thame. And anent the rest of the bill and commission an deponis *quod nihil scit*.

"Mitchell Balfoure of Garth, of the aige of thricescour ten yeiris or thairby, maryit, deponis that the said George Sinclair confess to him he got moneyis fra the said Andro Rendall for entrice, bot knowis not the quantitie; and anent George Harcas he knew nothing, bot that the said George Sinclair wes not in the yle quhen the wrong sould have bene committit. Anent the sex riggis mentionat in the said commision, deponis he knew nothing thairof, bot that George Sinclair hes thame and the said Andro labouris a quoy in the Ness perteyning to the said George, and anent any uther thing he knawis not.

"Thomas Rendall in Berridaill, of the aige of thricescour sextene yeiris, maryit, deponis that the said George Sinclair, present takisman of the teynds, had indeid the said Andro Rendall his onset teynd, extending to twa settins beir on the beir punderl for ilk penny land, bot exactit no moir, the land paying als muckle in umquhile John Beinstouns tyme, who wes last takisman, and deponis also that the sexpenny land of Gill wes a pairt of the threttie sex pennyland of Rackwill, and that the kyndnes of the tak come to the said Andro be disposition from James Rendale, sone of umquhile Thomas Rendall, sumtyme possessour thairof. Deponis anent the perambulation that the said George Sinclair come onlie with sum neighbours of the towne to the lands thairabout, thinking that four penny land of his war not so good as four penny land of Andro Rendallis sex. They went and the said Andro in companie the first day, and sighthit the land of consent, bot on the morning cumming againe the said Andro come not, and, not having warrant from the shireff, they left all thingis as they fand thame and ilk persone posses as they did befoir. Anent the sex riggis, deponis that Ropnes hes thame, bot knawis not upoun quhat condition except onlie that Andro Rendall labours a quoy in the Ness perteyning to Ropnes. Anent laying a pairt of the said Androis landis waist, deponis that Ropnes and the nighbouris thairabout come to a quoy of land than in the possessioun of Andro Rendale and in a maner devidit it by drawing furris thairthrow, quherby the said quoy lay lye ane yeir, bot the nixt yeir (after conference togidder) the said Andro returnit and possesst the same, whilk he does as yet. And anent Malcolm Sinclair,
sone to the said George, his cumming with ten persones hurting and
dinging of the servands at the mure, knowis nothing, but for the turffis
that wer castin they ar standing thair as yet unled away.

"Thomas Rendall in Newbigging, of the aige of threttie yeiris, mareit,
deponis that anent the teyndis Ropnes exactit no moir nor umquhile
John Beinstoun, last takisman, did exact. Deponis that he saw Barbara
Sinclair come to George Harcas, lowit the creill and let the wair of one
of his maisters horse fall out, and saw thame thairefter strugling togidder,
but knawis no moir; and that quhen he saw thame he wes at his pleugh.
Deponis also that the quoy lay ley, but knawis not why it lay, bot hes
bene labourit be Andro sensyne. Anent the rest, deponis quod nihil scit,
except that the turffis ar standing unled as yet.

"John Rendale in Rakwik, of the aige of threescoir yeiris or thairby,
maryed, deponis anent the perambulatioun, and anent the sex riggis con-
formis Thome Rendall in Berridaill, and anent the rest knawis nothing.

"Andro Couper in Mincalay, of the aige of threttie yeiris, unmaryed,
deponis that he saw George Harcas come out of his maisters wair and
went to Barbara Sinclairs wair and, having put on a laid thairof, scho
coming from hir owin hous pullit out the creill band and let the wair
fall, whereupon he schot hir with his airme and the forkshait so that
scho fell and rysing up againe they graupil togidder and betuix him and
the horse that wes scarre scho fell againe to the ground, bot saw no
moir, and deponis he wes a bowschote from thame and went his wayes.
Anent the sex riggis, deponis conformis precedenti. Anent the mure and
turffis, deponis that he and twa boyis with him wer casting turffis for
the said Andro Rendale where he wes in use to cast, and the said
Malcolm Sinclair and William Moir, servand to Ropnes, with James
Steinsone, his greive, come and took the twa boyis spaid fra thame and
keipis thame as yet, bot nather dang, strack nor had weapons with
thame, and the turffis ar not as yet led, bot Ropnes upoun the morne
causit cast turffis on ather syde of thame.

"John Beinstoun, of the aige of fourtie yeiris, maryit, deponis quod
nihil scit in causa.

"Alexander Draver in Haybrek, of the aige of twentie sex yeiris,
unmaryit, deponis quod nihil scit in causa.

"David Gray, officer, of the aige of threescoir ten yeiris, unmaryit,
deponis that George Harcas and the said Barbara wer in Sandis bot his
maister wes not in the yle. Deponis anent the perambulatioun conformis
Thome Rendall in Berridaill, as also anent the sex riggis and the quoy,
and knawis nothing of the rest.

"Nicoll Haybrek in Haybrek, of the aige of fyttye yeiris, maryit,
deponis anent the sex riggis conform to Thomas Rendall fairsaid, as also
anent the quoy conforme and also anent the mure and turffis. Anent
the rest, nihil scit.

"William Aith in Brekon, of the aige of fourtie fyve yeiris or thairby,
maryit, deponis quod nihil scit in causa.
"William Moir, servitour to the said George Sinclair, of the aige of twenty four yeiris or thairby, unmarryit, deponis quod nihil sit in causa, but that he was one of the thrice that come to the mure, and that twa boyis and Andro Couper wer casting the peittis where the said Andro wes not in use to cast of befoir, and he and the said Malcolm Sinclair Ropnes, his sone, took the boyis twa spaida, who gave thame thair blessing, saying they wold get leive to rest thame, but deponis thair wes no moir wrong done.

"James Stevinson, Ropnes his servitour, being summond compeirit not.

"Subecryvit be the saids commissionaris and be Andro Elleis, notar publik thair, clerk electit judiciaillie and sworne to the effect befor specifieit, day, yeir and place abonewrittin. (Signed) P. Smythe off BRaco; James Baikie; W. Cragie; A. Elleis nor" scriba."

17th April 1643.
Summons at the instance of John Ferguson, indweller in the Canongate against Alexander Ferguson, younger of Kilkerane, and others, whom he accuses of illegally seizure his person.

363. Summons at the instance of John Fergusson, indweller in the Cannegait, narrating that Alexander Fergusson, younger of Kilkerane, "having complotit with his brother, Captane John Fergusson, to take the compleanner to the French warres," on last the said Alexander kept the complainer in his company upon the pretence of "making writs till ten houres at night and then desired him to goe to . . . . convoy his brother a shipboard to his souldiours, promising to bring him back . . . . . . soone they gott him there the said Captane causit putt hands in the compleanner . . . . and kepe him among his souldiours, and the said Alexander staw away th[rough] a gwane-hole and left the compleanner there, where he remained without meate or drink fortie 8 houres till his mother redeemed him by payment of twentie dollers and a doller to the boatman. Lykeas Sir Johny Fergusson of Kilkerane did upon the eight of this instant tryst the compleanner to receive satisfaction for this wrong; but er ever he wes awar he caused a number of soldiours sett upon him and give him manie bauches and blae straities and harled him doun Leith Wynd to the ship and toke his cloak and sword from him till he was releved be one of the baillies of Leith." Charge is therefore given for summoning the persons above complained upon to compear before the Council at Edinburgh on 20th June next, and also for citing as witnesses the following persons:—James Leslie, Hew Bow and George Rid in Newhevin, and . . . Eleis and Patrick Baxter, merchants burgesses of Edinburgh. The summons is dated Edinburgh, 17th April, 1643 and is signed ARCH. PRIMEROSE, Cler. S. Cons.

20th April and 1st and 2nd May 1643.
Notes of executions of summons at the instance of Sir George Johnstone of Caskieben, knight, (1) on 20th April, 1643, by Robert Merser, messenger, against Mr. Alexander Jaffray, late provost of Aberdene, Mr. Robert Farquhar, bailie there, Thomas Johnstone of Crag, George Rikkard, Charles Dwne and Patrick Jak, younger, burgesses
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there, Mr. James Sandilands, commissary, Begis Forbes, Robert Keith, writer, John Cottis in Cullairrie, George Cullen, burgess of Aberden, and Alexander Forbes of Achintowll, all personally apprehended (except the said Alexander Forbes), to compair before the Council on 8th June next, to see the said Sir George, who is presently a prisoner in the tolbooth of the Cannogait, relaxed from his strict confinement to warding in the burgh of Edinburgh and two miles around; witnesses, Arthur Chalmer, burgess in Aberden, and John Gardyne, younger there; and (2) on 1st and 2nd May, 1643, by Thomas Bruce, messenger, against Robert Keythe in Leylude, William Orum in Iningeane, and Isobel Forbes, widow of Alexander Glenny, sometime in Ailhouswell, all personally apprehended; witnesses, George Deanis in Leylude, Walter Cheyne in Tillilone, George Richie in Todlache, Alexander Richie, his brother, Paul Murdo, son-in-law of the said Isobel Forbes, and William Umphray, servitor to the messenger.

365. "My verie honorabill good Lords, According to your Lordships command and instructiones sent to me, I wret to the hail baronnes and gentilmen within the schihrefdome of Roxburgh to meet at Jedburgh the 26 of Apryll last, quhair the greatest pairt of the forsaid number convenit, to quhom I impartit fullie your Lordships desayres and res to them your Lordships letter directit to me, with the act for thai securitie thairin inclosed, and did urge the best way was in my power their obedience to your Lordships propositiones, to whilkiis all in ane voce thair answer was that not any of them did promeis to any presbiter any suche lone, rather was it in thair power to informe anie suche suche thing becaus it was not in any of thair possibilities to advance any moneys in regaird of thair awin distressse. And, thairfor, hee willed me to intreast your Lordships not to esteime that religius motioune who have ever bein verie fordward in any thing concerned aither religiou or the libertie of the countrey quhairin thay ar natives, and saull never be refracterie fra any good ordour that may preserve and confirme the samene during thair awin lyfe and subsistance. Whilk answer, accordance to your Lordships desyree, I am obliged to returne, who shall ever stryve to approve my selff your Lordships trew and humble servand. (Signed) S. W. Dowglas. Jedburgh, 26 April, 1633."

[Addressed on the back] "To the right honorabill his verie good Lords the Lordis of his Majesties Secret Counsell of Scotland, etc., these."

366. "Our verrie honorabill good Lordis, It may pleis your lordships, 27th April 1643. Letter from John Cottis, gent, to gentlemen of this schyre to have mett heir at B. Graham of Fintry and James Pearson of Balmadies forfar this day for supplie might be made be advance of moneys, victual and the urgent necessatis of the Scoitish armie..."
in Irland conforme to the tenour [of] your lordships letter and act therewith sent bearing securitie for repayment; whainin we had a verrie slow convention, and fra whome we could have no satisfactorie anser to your Lordships demand. And the reason thairof we talk to be that ther being severall warrandis and directiones sent be your Lordships to the severall presbitries of this province which, being representit at the last provinciall assembly keeped at Montrois upon the auctheint and nyntene dayes of this instant Apryle, to the moderator, bretherine and rewling elders who wer present at that assembly, the caire thairof was recommendit be them to certan ministers and gentilmen in everie presbitrie, who was appointit to tak paines thairin and report ther diligence to thais by whome they wer intrusted and appointed; and if thos gentilmen and ministers to whome that mater is intrusted and ar to tak paines thairin to have everie manis particular anser, does not by ther report give your lordships satisfactione, we have little hopis by a generall melting of the schyros to get any. And this for report of our diligence and discharge of our devouties to your lordships we make notar and known and all evir remain your lordships most humble and affectionat servants. (Signed) D. Grahame of Fintrie, Jamis Persone of Balmades. Forfar, 27 Apryll, 1643." [Addressed on the back] "To our verrie honorabill and noble good Lordis, the Lordis of his Majesties most honorabill Privie Counsell of this kingdome of Scotland."

28th April 1643.
Letter from S. G. Dalma-
boy to the same purport
regarding the
barons and
gentilmen of the shireford of Edinburgh.

367. "To the Commissioneris for . . . [torn] . . . burdingis of this kingdome and speciallie . . . marques, Archbald, Marques of Argyll, etc., Sir . . . Ilk, thesaurer deput, and Sir Thomas Hope of . . . sover'jane lordis Advocat, Sir John Dalmahoy of . . . princip]all of the shireford of Edinburgh, wisseth all happenies. . . . as I haveing ressavit letter and orduer from your lordships to small barones and gentilmen of the shireford of Edinburgh ing course for advancement of certane moneyis upoun securitie for supplie of the necessitie of the Scotisch armie in Ireland, as the letter and act of commissioneris sent thairwith at lenth recordis, trew it is that, according to the orduer givin be the said letter, I wrait to the hail small barones and gentilmen of this shireford of Edinburgh shewing thame of the directioun givin to me by letter and intreating thame to have convent and mett at Edinburgh upoun the tuentie aught day of Aprill instant in the Parliament House thair at ten hours bofor noone, thair to have conflerrit, resolvit and conclusit upoun course to have bene takin and reportit to your lordships anent that cheritable purpois of suplile of the said armie; upoun the qihilk tuentie aught day of Aprill instant at ten hours befor noone that day I compeirit and attendit be myself with my clerk, expecting a frequent melting of the barones and gentilmen, and qubair thair compeirit onlie fyve, viz. the Lairdis of Nidrie, Inglistoun, Nether Libertoun, Halyairdis and Clerkingtoun, quha declarit that they could not determine in a mater of sick
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a consequence as wes demandit except thair had bane a mair frequent number convenit; and quhilkis persones convenit requirrit me to report to your Lordships thair ansuer that forder course may be takin and apoyntit be your Lordships for convening of the haill small barrones and gentilmen for resolving upon ansuer to your Lordships letter and desyre thairof, as your Lordships sall think expedient. So my humell dewayt remembr, I rest, your Lordships most humbil servand. (Signed) S. J. Dalmahoy. Edinburgh, 28 April, 1643." [Addressed on the back] "To the richt honorabill the Lordis of his Majesties Privie Counsell and to the commissionis for conserveing of the peice, and of the commoun burdinges of this kynonde."

368. Discharge by John Jossy, merchant burgess of Edinburgh, receiver for the Scots army in absence of William Thomison, general receiver for the said army, to John Gibson, one of the ordinary clerks of Session, for 1000 merks Scots lent for the support of the said army, which is to be repaid in terms of the Act of Council, dated 4th March last; dated at Edinburgh, 28th April, 1643, witnesses, John Ramsey, writer in Edinburgh, and Harry Wilkie, servitor to the said John Jossy [Signatures.] "Edinburgh, 8 June, 1643. Produced in Council and ane act past thairupon. ARCH. PRIMEROSE, Cler. S. Cons."

369. "Pleas your Lordships, According to your Lordships commandment I convened the most pairt of the barones and gentilmen of this shirefdom of Stirling and red your lordships letter with the act to them, and desyre to know if any of thame wold give their moneis upon the securitie conteained in the act. The anser of the most pairt was that they had no moneys themselves, but they knew of diverse who had moneys to len upon securitie of a principall and cautioners as the forme is of lenning within this kynonde but of 'none that wold len moneys upon the securitie of that act. This for obedience to your Lordships commandment. What farder your Lordships injoynes to me I shall obey, and remane, your lordships most humble and obedient servand. (Signed) Jo: ROLLOK. Stirling, this 6 of May, 1643." [Addressed on the back] "To the right honorable the Lordis of his Majesties most honorabill Privie Counsell."

370. Summons at the instance of James Weir of Kirkfield and John Mure and John Stewart, his servants there, as follows:—"There is a commoun cart way for carrying of elding from the mure of Fockertoun to the Kirkfield, wherein the saids Johnne Mure and Johnhe Stuart being upon the eight of August last leading some hors and carts loadned with pettie throw the Overhall, as they and their predecessors had been in use to doe past memorie of man without interruption, Robert Tailyefer and Christopher Bannatyne in Overhall, of the speciall direction and hounding out of Johnne Bannatyne of Corhouse, came to the compleanners VOL. VII. 2 R
and violentlie thrust them and their bors out of the way, and the said Robert Taillyefair strake the said Johne Mure with ane rung to the effusion of his blood, and the said Christopher Bannatyne with his hands wounded and bruised the said Johne Stuart, being ane young boy, and forced them to leave them, qhiblik they caried back halfe a myle to the mure of Corehous and bound them head and feit together and left them there so as they had almost beene killed be the weight of the carts laid; and profest all this to be done be the said Johne Bannatynes direction, who avowed the same, affirming that he sould punish his servants soundlie if they did not stop the compleanners. And, the further to vexe the compleanners, he hes raised five or six pair of letters of lawborrows at the instance of his tenents without their consent, and charges the compleanners in seid time, harvest and others important seasons, putting them to great trouble and expenses by suspensions and otherways." Charge is therefore given for citing these persons complained upon to compear before the Council at Edinburgh on .

The summons is dated at Edinburgh, 13th May [1643], the 19th year of the King's reign, and is signed ARCH. PRIMROSE, Cler. S. Cons.

371. Note of two executions on 23rd May, 1643, by Adam Symson, messenger, of a summons at the instance of Sir David Conyngham of Robertland and Sir Thomas Hope of Craighall, his Majesty's Advocate, (1) against Gabriel Porterfield of Hapland, personally apprehended, to compear before the Council at Edinburgh on 1st June next; witnesses, Alexander Porterfield of Duchal, John Niven, servitor to Patrick Conyngham of Kirkland, and Alexander Alshinder, servitor to Alexander Conyngham of Cambuskeith; (2) against William Eglinton in Lochridge, John Anderson, elder in Bradlie, John Anderson, younger there, Allane Anderson in Craigslist, John Burns in Waterland, and William Camron, kirk officer at the kirk of Dunlope, all personally apprehended, and John Watt in Brokilmuir, John Cummen in Hapland, and John Giffin there, both servitors to Gabriel Porterfield of Hapland, and . . . at their dwelling houses, to appear as witnesses as above in this cause; witnesses, the said John Niven and Alexander Alshinder.

372. Note of two executions on 30th May, 1643, by Adam Symson, messenger, against (1) Alexander Conyngham, William Eglintoun in Lochridge, William Castellaw, Alexander Elshinder, and John Home in Mirrihill, at their dwelling places at the market cross of Irwin; also against Hew Eglintoun, Robert Craig, David Speir, Andrew Fauls, and Adam Conyngham, personally apprehended, to appear before the Council at Edinburgh on 6th June next; witnesses, William Burns and James Gylmour, servitors to Gabriel Porterfield of Hapland, Rose, son of James Rosse, messenger in Irwin, and John Balie, wright there;
and (2) John Dicksone, John Davie and Robert Wright as witnesses in
the above action; witnesses, Rose, son of James Rosse, messenger
in Irwin, Adam Fullartone, merchant burgess there, and William Muir,
merchant there.

373. Scroll of business in the Council on 1st, 6th, 8th and 13th 1st-13th June
June, 1643, partly narrated ante, pp. 429-447. There is in addition
as follows:—

1st June, 1643. "To be callit—
Sir David Cungyngham contra Porterfeild of Hapland.
Jacob Dinkinsone contra the baillies of Dysert.
John Irwin contra the Earl of Queinsberie and his baillies.
Sir Charles Areskeine contra John Ewin.
James Sinclair of Skalloway contra Ninian Neven."

"Whither or not his Majesteis letter and declaration sall be furth-
with printed conforme to the Kings desyre. [Vote] Fitting to be
printed, 26.

Whether the letter sall be subscribit as it is conceaved or without the
contraverted clause. [Vote] As it stands, 15; Leave out, 11.

Continewis all actions till Tuesday nixt."

6th June, 1643.

"Sir David Cungynghane and Gabriel Porterfeild.
Sir Charles Areskene and John Hewin.
Laurence Mercer contra James Stuart.
John Irwing contra Queinsberrie.
Alexander Cudbertsone contra William Gordone.
Robert Inglis contra John Metcaffe.
Alexander Cogill contra Sinclar.
James Sinclair contra Ninian Neven.
Margaret Swinton contra her husband.
Robert Neilson contra Gordons.
Bill for men in Air taken be the Turks."

8th June, 1643.

"The Vicount of Dudop and toun of Dundie.
The Laird of Robertland and Hapland.
The Earle of Lithgow and Laird of Waughtoun.
Laurence Mercers precognitioun [deleted].
Alexander Gilbersone contra Sinclar.
Alexander Cogil contra Sinclar.
John Ewin contra Sir Charles Areskene.
Robert Inglis contra John Metcaff.
James Sinclair contra Ninian Neven.
George Sibbold contra Bennet.
Marion [sic] Swinton contra her husband.
The Laird Leslie and Marquis Huntlye.
The prisoners of Air."
"The quhilck day the Advocat reproduced the fyve letters deylevered to him on Tuesday last and subseryvit be Nithsdall and Aboyne."

Copy of the Act for acquainting the Commissioners of the Peace with the business done. (Signed) LOUDOUN, Can"rnius. I.P.D.
13th June, 1643.
"The Laird of Waughton contra the Earle of Lithgow.
The Vicount of Dudop and toun of Dundie.
The Laird of Robertland and Halpland.
George Sibbald contra Edward Bennet.
John Malcolm contra Kilspendie.
Laird Leslie contra the Marques of Huntlie.
Robert Neilson contra William Gordon.
John Home of Castleslaw contra Captane Elphinston.
Mr Archibald Cameron contra Buchannan.
James Sinclair contra Ninian Neven.
The Laird of Caskiben contra his creditors.
Margaret Swinton contra her husband.
Robert Ingles proccess to be adyesyd.
Commission against witches."

"The quhilck day the Vicount of Dudop nornit Balmerino and Balcomie; the commissioners for the toun of Dudie nornit Durie and Innerpeffer, to whome they submitted all differences and questions standing betwixt thame to be decydit betuix and the day . And in ca" [This paragraph deleted].

Copy of the act anent the letter of credence, etc. (Signed) LOUDOUN, Can"rnius, I.P.D.

374. Summons at the instance of Mr James Durhame of Pitkerro, Dictator of the Rolls of Exchequer, narrating that although the removing of march stones is strictly prohibited by law, yet in the month of last Mr John Malloch has at his own hand, without warrant and with convocation, "removed fyve merche stones quhilks did stand upon the compleanners lands of Keillour these manie yeeres bygane," and ordaining that the said Mr John and as witnesses be cited to appear before the Council at Edinburgh on 20th June; dated at Edinburgh, 3rd June, 1643, and signed ARCH. PRIERROSE, Cler. S. Cons.

375. Note of execution on 7th June, 1643, by John Thomesoun, messenger, of summons at the instance of George Jonstoun of Caskiben, against Mr Robert Burnit, Patrick Forbes and John Bonner, merchants, and Alexander Forbes, all personally apprehended, in Edinburgh, to compear before the Council at Edinburgh on 8th June instant; witnesses, James Keith, writer, Alexander Schaw, servitor to the said Sir George, John Hart, younger, messenger, and John Schand.
376. Extract of the act of Council upon the loan made by John Gibson, one of the ordinary clerks of Session, printed ante, p. 437.
Signed by Arch. Primrose, Cler. S. Cons.

377. Scroll of proceedings in Council on 8th and 9th June, 1643, narrated ante, p. 437–445, with these additions.
9th June, 1643.
“The Earl of Lindsay gave his oath and was admitted upon the Commission.”

“Quhither or not the consideration of this business fall within the compass of our commission as being part of the articles of the treaty.”

[Vote] Affirmative, 17; Not, 4: Monday, 15; this day, 3. (Signed) A. Johnston, Balcarras, Lindsay.

Also two drafts of letter to the lords mentioned by Mr Walden, of which the fuller is here given:—“My Lord, The commissioners for conserving the peace having this day ressessed a letter from the Parliament of England concerning your lordship and those noblemen that come with you from Oxford, have forborne to proceed further therein until first they would here your lordship thairnent, and have appointed a meeting to be on the 19 June next, and that in their name I would give warning to your lordship to keep that day. Thes ar therfor to desyre your lordship to be present the aforesaid dyet, quhohf being confident, I rest, your lordships assured friend and servant, Edinburgh, 9 June.”

378. Notes of executions of a summons at the instance of John Fergusoun, indweller in the Cannogait, (1) on 10th June, 1643, by Hew Lawder, messenger, against Alexander Fergusoun, younger of Kiltairin, personally apprehended within the burgh of Edinburgh, to compair before the Council at Edinburgh on 20th June instant; witnesses, Thomas Dowie, indweller in St. Johnstoun, and William Lyndsay, post, indweller in Edinburgh: (2) on 10th June, 1643, by John Hamilton, messenger, against Sir John Fergusone, elder of Kinkirren, at his dwelling house in the Cannogait, as also at the market crosses of Edinburgh and the Cannogait, to compair as above; witnesses, Thomas Dowie in Perth, Robert Grahame in the Cannogait, the above William Lyndsay, and Alexander McBrek, notary: and (3) on 16th June, 1643, by Jon Oliver, elder, messenger, against James Leslie and Hew Boll, indwellers in Newhevin, personally, and George Rid there at his dwelling house; as also on the 19th June against James Eleis, personally apprehended, and Patrick Baxter at his dwelling house in Edinburgh, to compair as witnesses as above; witnesses, at Newhevin, James Weir, stabular in Edinburgh, and William Dowie in Cannogait; also, Alexander McBrek, notary in Edinburgh, and Finella Urquhart, tailor there.
379. "At Edinburghe the threttne day of Junie the yeere of God meane thousand six hundrith fourtie three yeeres. The Lords of Secret Counsell, having read and considdered the Exoneration and Renunciation underwritten givin be Johne, Earle of Rothes, and his partners after-mentionoued to the Lords of the State of Hamburg of the letters of repri-sall granted be his Majesty and Estates of Parliament at the instance of the saids partners aganis them, together also with the acquaintance givin be the Lord Admirall upon satisfaction made to him tutching his interesse in this mater, dated at the Cannogait, the 12 day of Junie instant, bearing his consent to the granting of the desire of the saids partners concerning the Declaration aterspecifie craved be them to be made to the saids Lords, and having also heard the saide desire of the saids partners, and being well advised therewith, the saids Lords of Privie Counsell have ratified and approvin the said Exoneration made be the saids partners and have interpouned and interpons their authoritie thereto, and ordanis the same to be insert and registrat in the booke of Secret Counsell, of the whilk the tenor followes:—To all and syndrie whom it effeirs, especiallie to the Lords of the State of Hamburg. Whereas in the moneth of Februarie last wee, Johne, Earle of Rothes, Sir George Hamilton of Blackburne and George Arnot, merchant burges of Edinburgh, directed Archibald Mercer, baillie of Culros, our commissioner to the Lords of the said State, to receave from them satisfaction of our losses, amounting to fyftene thousand pundis sterline, susteannyaed by us upon occasion of certane wronges committed be Alexander Longuen and Michael Utensholt, skippers in Hamburg, upon unquhill Captane David Robertson; and whereas the Lords of the said State, by agreement past betuix them and our said commissioner, hes obllged them to pay to our said commissioner the soume of eight thousand pundis sterline at threttie sevin shillingis Fleemis for ilk pund, to witt, ane thousand pundis sterline alreadie payed, and fyve thousand pundis at St. Johne's day, the 24th of Junie instant, and the other tua to be payed at Michaelmes, 1643; for the whilk we and our remanent compardners ar obllged to deliver the letters of reprisall and anie other acts or writts obteannyaed be us aganis the said State of Hamburg at anie time bygane to be cancelling and destroyed; and the saids letters and writs to be delivere to Mr Joseph Averie, resident at Hamburgh for his Majestie of Great Britaine, at the payment of the second terme of fyve thousand pundis to remaiane in his hands till the last terme of tua thousand pundis be compleitlie payed; and whereas also our said commissioner in this agreement is obllged to procure the consent of George Scot, sone in law to the said Captane Robertson, and the consent of all other partners heitio, or ellis a declaration or warrandice from the Lords of Privie Counsell of this kingdom, that no person whatsoever belonging to this kingdom sall trouble the said State or anie of their inhabitants for whatsoever caus belonging to this busines, as in the said agreement of the date the 24 of Aprile last more fullie is conteanne; and, albeit
this agreement doeth not satisfy our losses in a great part, yit for removing all differences and processes and for interteaning freindship and commerce betuix the Lords and citicens of the said State and subjects of Scotland, witt ye us, the saids Earle of Rothes, Sir George Hamilton and George Arnot and with us also Sir Patrik Hepburne of Wauchtune, Sir David Crichton of Lugton, Marion Wilkie, relict of umquhill Andro Ainslie, merchant burges of Edinburgh, Barbara, Isobell and Marion Ainsleis, his daughters, the said George Arnot, takand burden on him for the airs of umquhill Mr Harie Arnot, John Short, air to umquhill Alexander Couan, my uncle, Patrick Scott, writer, in name and takand burden one me for George Scott, sone in law to the said Captane Robertson and for Robertsone, his spous, for their intereses and for the interesse of Sir John Blacader of Tulliallan, whois right is in the person of me, the said George Scott, Thomas Livingston, sone and air of umquhill Allan·Livingston, merchant, burges of Edinburgh, and James Stirlin, brother to Alexander Stirlin of Powes, tutor to Marie Stirlin, daughter to the said umquhill Alexander, and takand burden on him for her, the remenant comparners, to have ratifed and approvin, lykewise be thir presents we ratifie and approve the agreement foreshaid made with the said Archibald Mercer, our commissioner, and exoners and discharge the said State of Hamburgh their citizens and all others having interesse in that State of the saids letters of reprisall and of all process, action and execution competent to us againis the said State or inhabitants thereof upon the saids letters, and of all action and processe intented or to be intented for the coast, skaith or dammage susteanned be us upon occasion of the wrongs done to the said Captan Robertson or anie of us, his partners, and for the which the said processe was moved agains the saids Alexander Longuen and Michael Vtenholt; and consents and gives warrant be thir presents to the said Archibald Mercer, our commissioner, to deliver the saids principal letters of reprisall to the said Mr Joseph Averie at the said secund termes payment of fyve thousand pund sterline to be delivered thereafter to the said State; the hail soume foresaid agreed upon being first satisfied and payed to us or our commissioner conforme to the said agreement. In witnes quhairof we have subscribed thir presents at the dayes of Junij, 1643. Subscribers, Patrik Hepburn of Wauchtun; S. G. Hamilton; Lugton; Patrik Scot; Johne Schort; James Stirlin; Thomas Livingston; George Arnot; Marion Wilkine; Barbara Ainslie; Isobell Ainslie; Marion Ainslie. And in regard of the said exonration and agreement therein mentionend, the saids Lords declares the said State of Hamburgh and their citicens to be free of the saids letters of reprisall and all that may follow therewpon, and never to be troubled be vertue thereof be anie person in this kingdom in time comming; the said State fulfilling their part of the agreement, and making payment of the soume agreed upon to the saids partners or their commissioner conforme to
the said agreement. Extractum de libris Actorum Secreti Consilij

15th–20th June 1643.
Scroll of proceedings.

380. "Edinburgh, 15 Janij, 1643:—
M' David Courtie, minister, contra Patrick Trotter.
M' George Norwel contra Sir James Sinclair.
Jothe Home contra Captane Elphinston.
M' Archibald Cameron contra Buchannan.
Robert Inglis contra Coline CampbeI.
Caskiben contra his creditors." [All scored through.] Also sederunts of 15th and 20th June and note of business on the latter date as already printed ante, p. 447–452.

381. "Edinburgh, 16 Janij, 1643. [After noting the sederunt and the act of Council respecting Thomas Lillie ut ante, p. 449, there follows] And also to examine John Maxwell of Broomholme, and that they meet for that effect the morne at 8 hours.

Thomas Lillie, servitor to the Earle of Antrim, depones he came out of Yorke with the Earle of Antrim, and he knew of his coming from Yorke 10 dayes before he come away, but he knew not quhair he was going. Bot 2 or three dayes before Antrim went away he hard Michel Deramagier, one of my Lord's servante, tell him that my lord wes going to his awne countrey in Ireland, and wes employed for makinge a peace betuix the Irish and English, and the deponer hard it comonlie reported in Yorke that Antrim had commision for that effect and that Antrim had a ship with ammunition, but knowis not quhair he got it, or whither he wes to take it, nor what wes of it, bot he hard the ship lay at Scairsburgh. Depons he hard the Earle of Antrim told his ladie he would land in Dublin, and he hard that Lord Taffe and Dillan were joynd in commision with the Earle to make this peace.

[Vote] Whither or not Thomas Lillie sall goe to attend my Lord Antrim or another servent. Thomas Lillie, 14; Another, 11; Monro, 1; Liberty, 1.

The Council ordans Thomas Lillie be put to libertie, and recommends to the Lord Generall to give order that Thomas Lillie may saifflie goe [to] the Earle of Antrim, and, in presence of suche as Monro sall appoynt, delyver his cloakbak and suche other cloths as ar therein; and then, he being removed, that the Lord Antrim may have libertie to make choice of suche of his servants as are thair to waite upon him as sall not have intelligence with Thomas Lillie; and that servant be kept close with him."

382. Right trusty and right welbeloved cousins and counsellors, and trusty and right welbeloved counsellors, wee greete you well. Wee have receaved yours of the eighth of this moneth, whereby you advertise
that you have intercepted some letters from the Earle of Nithsdale and Vicount of Aboyne, whereat we are much astonished and for which we shall leave them to make their answer. But, whereas we understand that our dearest Consort the Queene is traduced for some letters or directions which are reported to have been written or given by her, we have now receavefull full satisfaction from our said Consort that she hath not written nor done any thing at all in any such businesse as is untruly reported of her in that our kingdome. Wherefore our will and command is that you presently cause a due and strict examination to be taken concerning the rayers and divulgers of such a false scandall upon her, and exemplary and severe punishment to be inflicted upon them as you tender our honour. Given at our Court at Oxford, the last day of June, in the nineteenth yeare of our reign. (Signed) Charles R.

Chancellour and Councell of Scotland.

[Addressed] To our right trusty and right welbeloved cousins and councillors, and to our right trusty and welbeloved counsellors the Lords and others of our Privy Councell of Scotland.

383. “Right honorable, some twoe daies agoe here arrived Captaine Rainbow, capitaine of his majesties shippe, The Lyon, bringinge a Letter from William Lenthall, Speaker of the House of Commons, to the House of Commons that hee had brought into Yarmouth road a shipp of Scotland wherein hee found 200 soldiours, 30 whereof were Scotts, the rest suspected to bee Ireishe under the conduce of Sir Arthur Douglas and of a Captaine Lieutenant to Sir James Raymount. The master upon his examination acknowledgeth that hee tooke these soldiours in at Leeth in Scotland at 12 o’clocke at night, and that hee is bound by charter partie to land them at Diepe in Normandy or at what other place they should thinke fife. When a shipp of ours chased them first, they fledd to seaward, beeing then neere the shore about Flamborough head, but the next morning that shipp of ours found them returned neere to the same place againe. Our shipp boate cominge aboard them found none but Scotch saylors above hatches, the soldiours beinge stowed in the hould, and upon search found but three daies victualle aboard, too shorte a proportion for soo longe a voyage for soo many men. For these reasons and the other mentioned in the inclosed under the Captaines hand, the House of Commons is of opinion that the voyage of these soldiours was intended to bee much shorter then they pretended and that really they were designed to give assistance to the Queens Popish armie against the Parlyament, which might justlie have provoked the Houses to have proceeded against them severally accordinge to their demerritts. But such is the greate respecte the Parlyament of England doeth beare to the subjects of the kingdome of Scotland that, finding they had noe passe from the Councell of that kingdom, they have thought fitte rather to retorne them to the place from whence they came, and I am ordered by the House of Commons with tender of their best respects to your Lordships, to acquainte you
with the business and seriously to desire you in their names to take such examination of the persons as your Lordships shall thinke fitte, and to proceed with them in such manner as to your wisdomes shall appeare most agreeable to justice. (Signed) Your most humble servant, Wm Lenthall, Speaker of the Comons House in Parliament." "Westminster, 23rd Junij, 1643. There are 3 or 4 of these soldiers knowne to Captaine Rainesborow to have beene in actuall rebellion in Ireland, for which cause this State will proceede against them here upon the evidence."

[Addressed on back] "To the right honorable the Lords of Secrett Counsell in the kingdom of Scotland, these."
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