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Records of Inverness
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Records of Inverness

Edited by
William Mackay, LL.D.,
and
George Smith Laing

Volume II.
Burgh Court Books: 1602-37
Minutes of Town Council: 1637-88

Aberdeen
Printed for the New Spalding Club
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The New Spalding Club.
The Spalding Club founded 23rd December, 1839.
Reconstituted as The New Spalding Club 11th November, 1886.

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HIS MAJESTY THE KING.

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Preface

It will be recalled that the First Volume of Extracts from the Inverness Burgh Court Books contained extracts from two volumes of Minutes covering the periods 1556-1567, and 1567-1586 respectively. Between 1586 and 1602 no records of the proceedings of the Town Council are, so far as known, extant. The present volume deals with the period from October, 1602, to October, 1688, and the extracts are from five manuscript volumes in the possession of the Town Council covering the periods from October, 1602, to July, 1621; from October, 1621, to April, 1637; from April, 1637, to October, 1655; from March, 1662, to November, 1680; and from November, 1680, to October, 1688. It will be seen, therefore, that the records for the period covered by this volume are practically continuous, with the exception of the period between October, 1655, and March, 1662. This gap is difficult to explain, but it may be accounted for by the fact that during a part of the time the town was occupied by a garrison of Cromwell's troops and was probably more or less under military control. The extracts cover a period in the history of the Burgh which has hitherto been unbroken ground so far as the Records are concerned; and the preparation of the volume necessitated the perusal of the original records and the selection and transcription of extracts.
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As was mentioned in the Preface to the First Volume there are in addition to the manuscript volumes referred to certain volumes of the Records of the Burgh Court, but as they deal with property transactions, services, resignations, &c., and are of no general interest, no extracts have been taken from them.

The Charter granted to the Burgh by King James VI. dated 1st January, 1591-2, known as "the Golden Charter," conferred extensive rights and privileges on its inhabitants. This must have proved a great impetus to the trade and commerce of the community, and finds its reflex in the Records dealt with in the present volume. These Records bear evidence that the trade of the town in the 17th Century was considerable, and that its trading rights and privileges were extensive.

The Records for this period contain many references to events of importance and interest in the history of the country during the period covered by the Union of the Crowns, the Civil War, the Commonwealth, and the Restoration, although these references are somewhat scrappy and disappointing in their official matter-of-factness. Their interest, however, chiefly lies in the light they throw upon the contemporary life, laws, and customs of the inhabitants of the Burgh. The references to trials in the Burgh Court for witch-craft are sad commentaries upon the dark superstitions of the age, and the sentences of death for this supposed crime reflect the barbarism from which the people had not yet entirely emerged.

Trials for murder in the Burgh Court were not altogether rare, and the imposition of the death penalty for that crime and for the crime of theft indicates the extensive powers of life and death which were then reposed in the Magistrates.

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Other matters which occupied the attention of the Magistrates in the Burgh Court show that in those days appeals to the sword or dirk were common, and required the strong hand of the law in the person of the Magistrates to put them down.

The building of a stone bridge over the Ness towards the end of the period covered by this volume and the raising of funds for its construction are matters which greatly exercised the minds of the Town Council at that time, and the Records contain frequent references to the undertaking. It may be of interest to mention that that bridge did service until it was swept away in the flood of 1849.

It had been hoped that the Second Volume would have embraced extracts down to the period of "the '45" or thereby, but the Records were found to contain so much of interest that it was impossible, or at least difficult, to excise sufficiently to admit of the volume covering so long a period. Perhaps, however, the later period from 1688 onwards may be dealt with in a future volume as well as the Charters of the Burgh.

An Index of Personal and Place Names occurring in this and the First Volume has been prepared and will be found at the end of this volume. It will doubtless prove useful and convenient to readers. It has not been found possible, however, to prepare a Glossary as was suggested in the Preface to the First Volume, but when the final volume is prepared it may find a place in it.

Much delay has unfortunately occurred in the preparation and issue of this volume, but no one can regret this more than the Editors, who desire to tender their apologies to the members of the New Spalding Club therefor. A certain amount of delay
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in the preparation of the volume was inevitable from the outset, as there is no transcript of the manuscript volumes from which the extracts have been taken. Since no one could be found to undertake the work of making the extracts from the original text, this had to be undertaken by the writer during his few leisure hours. Another, and the chief cause of the delay, was the occurrence of the war while the volume was in the press, and the unsettling and difficult times which followed.

It is much to be regretted that Dr. Mackay, the joint Editor, to whom the war brought the grief of the loss of his elder son and chief business partner, has, through advancing years and failing health, been unable to take an active part in the final stages of the work or to undertake the writing of an Introduction to the Second Volume as he had hoped to do.

The thanks of the Editors are again due to the Town Council of Inverness for the use of the Records, and also to the Carnegie University Trust for a grant towards part of the expenses of transcription.

G. S. L.

Inverness, July, 1924.
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<td>29. Town's Commissioner to obtain from clerk of the Tolbooth of Edinburgh an extract regarding imprisonment of Borlum.</td>
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<td>4. Grammar School to be built beside the house used for the Hospital</td>
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<td>Repair of the bridge: eighty trees to be brought from Norway</td>
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<td>Intimation to be made by tuck of drum requiring the burgesses to &quot;scott, lott, watch, wark and ward&quot; within the Burgh.</td>
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<td>13. Further order regarding the keeping of the watch</td>
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<td>26. Mr. George Mackenzie, Advocate, appointed Town's Advocate</td>
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<td>3. Timber for a ferry-boat on the Ness during the building of the bridge</td>
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<td>Maintenance allowance for the eight men</td>
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<td>Envoys from Lord Macdonald received and heard regarding proposed offensive and defensive league between the Town and Lord Macdonald: Overtures declined</td>
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<td>Annual election of Magistrates and Council postponed</td>
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1666
Mar. 19. Minute regarding loss of Register of Sasines from 1650 to 1662, and provisions with regard to making up a new Register for the period and extracts therefrom.

July 30. Demolition of the Citadel: Town Council resolve to make civil interruption in respect of their rights.

Sept. 24. Some of the bridge timber to be used to put over the Mill burn.

Nov. 5. Excise of the Lews.

1667
Feb. 4. Trial of John Innes, jailor, for being accessory to the escape of a prisoner out of the Tolbooth: Declared incapable of holding public office: His coat and badge removed by the hangman at the cross and he carried to the thieves' pit.

April 15. Let of the grass in the Chapel Yard.

May 27. Order against the employment of "outlandish" craftsmen.

Dec. 3. Regarding the incarceration of Mr. Wm. Leslie of Aikenwall, "the King's rebel".

1668
Oct. 25. List of persons ordained to find caution in respect they have cows and horses but have no corn, grass, &c., to maintain them.

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1670

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28. Order against vagabonds and "idle and useless persons"

April 7. Commissioners again appointed to go to Forres to confer regarding apportioning of the Militia

18. Regarding a contribution for the repair of the "bulwark" of Dundee

25. The Provost and Bailie Robertson submit their report regarding their diligence at the meeting held at Forres

New Commissioners appointed to meet with the other Commissioners at Forres

May 9. Report by the Commissioners regarding the Militia

23. Further Commissioners appointed to go to Forres regarding the Militia

Auditors appointed to settle accounts with Wm. MacBean in connection with “the little dock” at the Shore

June 4. Order of Council ordaining that no prisoners for debt or by virtue of letters of caption shall be set at liberty until they pay the Magistrates eight Rex dollars, &c.

27. Negotiations for appointment of keeper of the tolbooth

Aug. 1. Hucksters prohibited from sitting at the cross except for selling Scotch onions and bread, and regulations as to buying butter and cheese

Oct. 3. William Anderson, Officer, dismissed from office and ordained to cast off his red coat

Complaint by Robert Barbour, Dean of Guild, against "certain of the name of Fraser" (Lovat's men) for assaulting him while exercising his office at Beauly Fair, and proceedings thereanent

Persons accused of theft ordained to be secured in the vault, the inner prison to be reserved for prisoners for debt

24. Commissioners appointed to speak with Belladrum at the funeral of Culloden's daughter regarding difference between the Dean of Guild and the Frasers

William Anderson, Officer, is restored to office

Donald Urquhart, Officer, for a "gross fault" ordained to sit in the stocks and dismissed from office
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<td>Feb. 6.</td>
<td>Pikes and muskets ordered to be provided.</td>
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<td>April 24.</td>
<td>Castlehill and Bailie Robertson required to use peremptory diligence in providing the arms mentioned in preceding entry.</td>
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<td>May 1.</td>
<td>The four Bailies appointed to apportion the Companies for the watch.</td>
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<td>June 21.</td>
<td>No Commissioners to be sent to the Convention of Burghs. John Monro appointed to be &quot;doctor&quot; to assist the Master of the Grammar School.</td>
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<td>Sept. 25.</td>
<td>Act for the encouragement of the Magistrates; Council becomes enacted for their relief; Indemnity for the escape of Alexander Chisholm of Comar.</td>
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<td>Oct. 30.</td>
<td>Decree of the Dean of Guild Court against millers at Kingsmills and Diriebught for using unjust measures confirmed by Council.</td>
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<td>Nov. 4.</td>
<td>The Dean of Guild sent to Edinburgh to consult the Town's Advocate regarding encroachment on Town commony and procedure against the miller at Kingsmills.</td>
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<td>Dec. 18.</td>
<td>Order against hucksters for selling &quot;cremarie goods,&quot; &amp;c. Fish Market appointed to be held in the School Wynd.</td>
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<td>1672</td>
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1672

April 19. Order by the Privy Council as to finding of eight seamen for his Majesty’s Service; stent to be levied for the expenses

26. David Fouler and John Cuthbert with twelve “able footmen” to convoy the eight seamen to be sent to Leith and deliver them at Forres

June 10. Bailie Fraser appointed Commissioner to Convention of Royal Burghs: discharge for eight seamen sent to Leith

14. Report by Bailie Rose regarding his diligence at Forres in connection with discharge for seamen, &c.

July 22. Application by Bailie Fraser, Commissioner to Parliament, for leave to come home from Edinburgh during adjournment of Parliament refused

Aug. 5. Proclamation regarding the keeping of the Watch

Sept. 2. Mr. Alexr. Farquhar of Touley set at liberty out of the Tolbooth on signing an Assignation of his estates to his creditors

Dec. 19. Hew Fraser of Culbokie liberated from the Tolbooth on his settling with his creditors

1673

Aug. 29. Discussion regarding the presentation of a schoolmaster for the Grammar School

Sept. 22. Further consideration of appointment of schoolmaster

Oct. 6. Mr. Alexr. Rose, lawful son of David Rose of Earlfinlay, appointed schoolmaster

1674

Jan. 26. Protestation regarding the imprisonment of Alex. Forbes on account of Culloden’s stent, and instructions to Bailie Duff in Edinburgh on the subject

Feb. 6. Keepers of the keys of the prison appointed in respect no trust can be reposed in the officers of the Burgh

April 20. Encroachment on the Haugh Brae by Sir John Bayers of Cotts (or Coatts): civil interruption to be made

27. Letter to be written to Sir Robert Sinclair and Mr. Dunbar as to dispute with Laird of Coats

May 4. Bailies Duff and Fraser appointed to go to the Marquis of Huntly’s Trustees regarding the encroachment by the Laird of Coats

18. One of the “riven” bells to be taken down out of the steeple and transported to London to be exchanged for a new one
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<td>July 2. Revision of Militia Rolls</td>
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<td>9. Enactment against dunghills, &amp;c.</td>
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<td>30. Money borrowed from the hospital treasurer for cost of timber, &amp;c., for repair of the bridge and the Town House</td>
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<td>Sept. 10. Order for seizure of swine</td>
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<td>Oct. 15. Regulations for the Town Watch</td>
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<td>Dec. 17. Carrying of dung, &amp;c., across the bridge prohibited</td>
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<td>Manner of transporting draff across the bridge</td>
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That day the Provest, Bailzies, and Counsell statutis and ordanis, and be the tenour hierof hes statut and ordainit that in all tymes hereafter cuming that the haill Inhabitants of this bruche, with thair haill famelie and houshal, hant and keip the kirk on the sabbathe day, befoir noin and efter noin, and thair to hier the preching of the word of God everie ilk Sunday, under the panes of vj schillingis viij d money unforgiffin to be tain up be the Magistrats and bestowit on the building of the Kirke for everi houshalder and utheris personis, poindzeabill. And als it is ordanit that everie person that bringis ather malt or meill to this bruche to be sauld thai present the mercat cros thairwith, and met and sell the samyn with the commun firlat or pek, under the panes of confiscatioun thairof in caic thai do in the contrar; forder that na broustaris, frie nor on frie, tack upoun hand to sell ony of thair aill or broustis, litill or meikill thairof, ay and quhill thai com to the bailzies to desyir them to cum and taist the samyn with sic as thai will tak of honest men with them to compryse and taist the samyn and set ane price thairupoun according to the guidnes thairoff; and als that the flescheris tak nocht upoun hand to to sell other metis, mutton, or quhatsumever flesche, ay and quhill the samyn be comprysit be the compryseris ordanit to that effect; and attour
1602 that na bucheris duelland within this bruche or without, present to sell
12 Nov. ony flesches that sal happen to be slain be them to the mercat croce on
presentit thairwith the hyid or skin thairof, with the heid and the fiet,
derunder the panes of confiscatioun thairof; and the person doin in contrar
hierof salbe puneist according to the lawis of this realme; And ordanis
the samyn to be proclamit at the merket croce of the said bruche, and
intimatioun maid . . . according to the lawis of this realme: Quhairvpoun requerit Act.

22 Nov. That day Finlay Makaine vic Aine, servand to Johne Lowson,
smythe, indwellar, Innernes, and he being wardit within the tolbuithie
of Innernes for certain crymes and offences doin be him to his maister,
and last upoun the xviiij day of November 1602 brak waird without leif
of ony of the Magistratis, and thairfoir being accusit, quha confessit, and
in respect thairof is judgit in amerciament, and dom gewin thairupoun;
And thairfoir the saidis Judges decernis to be banist of this bruche for
the space of ane zeir, and gif he beis fundin maisterles or offence to
to ony persoun withint this bruche, he salbe tain accusit thairfoir and for all
byganis, and sall be usit according to the Act of Parliament, and for his
demeritis thair dom gewin thairvpoun: Quhairvpoun the said Johne
requerit act.

3 Dec. That day Williame McJames, teizour in Innernes, being persewit
and acclamat at the instance of William McRichie thair, of the soom of
four merkes lent money, and for twa elnis gray claithe pric xvi schillingis;
quhilk defendar comperit in judgement and confessit the claim; and in
respect of his awin confessioun the judges hes decernit him to mak
pament thairof, with 4d as for expenss of pley, within xv dayis, under
the pain of poinding, varding, the aue but prejudice of the other: Quhair-
vpoun the persewar requerit Act of Court.

11 Dec. That day compeirit Johne Makallan, burges off Invernes, in presens
of me notar publict and witnesss under wreittin, quha of his awin frie
motiv will, oncoactit or compellit, grantis and confesss him be thir pre-
sentis to haiisse ressavit fra the handis off George Mak Conill Reoche,
burges of the said bruche, the soume of ane hundrethe pounds money
guid and usuall of this realme, and that conforme to ane act maid in the
Burgh Court Books: Vol. III.

Burrow buikis of the dait at Invernes the day of November the 1602 Dec. 11 day of November the 1602 Dec. 11 zeir of God Jai sex hundrethe and ane zeiris, as at mair lenthe is content in the said act; Off the quhilk soume aboun written I hald me viell contentit and satisfy and payit, and quietclameis, exonereis, and discharge the said George McConil Reeche and William Cay his cationar, thair airis, executors, and assigis by me, my airis, executors, and assigis, of the said soum and the contents of the foirsaid burrow act, to be fullilit, satisfy, and payet to me in all thingis and pass clauss thatoff be thes my act of discharge, subscrivit with my hand day and dait place foirsaid: Quhairupoun the said George and William Cay his cationar requerit Act befoir thir witness, Findla McVirriche, Alexander Skinner, John Makvirriche, burgess of Innernes, and Alexander Duff notar publict and commoun clere of the said bruche. J. Duff clerke.

The heid burrow court of the bruche of Innernes etfter Youl, haldin within the tolbuith of the samyn be John Ker, William Cuithbert, appeirand of the Auld Castelhill, and Lawrens Robertsoun, baillies, the tent day of Januer the zeir of God Jai sex hundrethe and thrie yeiris, the suitis callit, the court lauchfullie fensit and affermit as use is.

Nomina absentium e dicti curie: Richard Gordoun, Mr John Ross, Mr Thomas Houstoun, John Cuithbert youngar, William Douglas, Alister Duff, Andrew Duff vicar of Innernes, Thomas Fraser of Knockie, Thomas Lorimer, Donald McNoyer, Thomas Fraser of Moniack, Alexander Cuithbert, James Waus, John Fraseir, George Cuming, Robert Waus, Findla MakVirriche, Findlay McPhaill, Alexander Mackconchie, John Waus of Lochslin, James Cuithbert youngar, John Maii, Thomas Merchant, William Paterson elder, Andrew Fraseir MackConill, James Fraseir McConill, John McAllan, John Dw McAllister, Andrew McWilliam Voir, Findla McGibson, Robert Makcoull: The saidis personis being oftymes callit and not compeiringe as thai that auctor presenis and suit to this Court ar adjudgit for amerciament for thair absens, and dom gewin thairupoun.

That day, in the actioun and caus persewit be William Robertsoun youngar contrar Thomas Makalley, indweller in Innernes, acclamand at him twentie merkes money as for the price of twa galloun aqua vitie
1603 quhilk he gaiife him in the monthe of Januer anno 1602, and als acclamand at him thre firlats beir quhilk he lent him in the monthe of Maii anno 1601; quhilk defendar being of tymes warinit and callit at the tolbuith the window and nocht compeiring to mak anser, the Judges in respect thairof referrit the [claim] to the persewar aithe de veritate, quha wes suorne, and deponit that the defendar is restand him the foirsaid twentie merkes money with the said 3 firlats beir, and in respect thairof the Judges hes decernit the said Thomas to mak pament to the persewar, with 6ss. viijd money as for expenss, within xv dayis, under the paines of poinding, varding, the ane but prejudice of the uther: Quhairvpoune the persewar requerit Act of Court.

That day in the actioun and caus persewit be the said William Robertsoun zounger, burges of Innernes, contrar Donald Urqurt, indweller thair, acclamand at him viii merkes money as for the price of ane boll victual quhilk he cost fra him in the monthe of August or thairby anno 1601, with twelff merkes money as for the price of sex firlats malt quhilk he and his wyiff ressavit fra the persewar in the monthe of October or thairby anno 1601 zeiris; quhilk defendar compeirit and confessit to be restand awand the foirsaidis claim, and accordinge to his awin confessioun the Judges hes decernit him to mak pament thairof to the persewar, with 6 ss. viijd d. expenss, within xv dayis, under the paines of poinding or varding, the ane but prejudice of the uther: Quairvpoun requerit Act of Court.

That day in the actioun and caus persewit be William Robertsoun zoungar foirsaid contrar Donald Urqurt acclamand at him xii merks money as for the price of twa stain lint quhilk the said Donald com catioun for twa men in the Serefdome of Cromertie, quhilk lint was delyverit be me to him in the monethe of Februar 1602 zeiris; quhilk defendar comperit and confessit to be restand the foirsaid soum to the persewar as he that com cationar and full debtor; and in respect of his awin confessioun the Judges foirsaidis hes decernit him to mak pament thairof to the persewar, with vj s. viijd d. expenss of pley, within xv dayis, under the pain of poindinge, varding: Quhairvpoun requerit Act of Court.
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Actum apud burgum de Innernes quarto die mensis Februarij anno domini 1603 in presentia Lawrentij Robert-sone unius ballivorum dicti burgi.

That day comperit personalie in presens of the said Judge and me notar and witness underwriettin Findlay McPhaill, burges of Innernes, and of his awin frie motiv will, oncoactit or compellit, is becum actit in the burrow court buikis of Innernes for him self, his airis, executors, and assigis, intromettors with his goods and geir, for payment mackinge to Thomas Fraseir of Moneacke, his airis, executors and assigis, of the soume of sex hundrethe merkes money guid and usuall of this realme ressavit be him in borrowinge fra the hands of the said Thomas at the mackinge hieroef, quhairof he haldis him viel satisfiet content and payit, and be thir presentis discharges the said Thomas Fraseir, his airis, executors, and assignais, thairoff for ever, quhilk soume of sex hundrethe merkes money foirsaid the said Findlay Makphaill as principal, and with him Mr Johne Ross and George McPhaill, burges of Innernes, sourtie, cationaris, and full debtors severalie, ilk ane for thair awin pertis, binds and oblisses them, thair airis, executors, and assignais, to thanfullie redelyver content and pay the foirsaid soume of sex hundrethe merkes money foirsaid to the said Thomas Fraseir and his foirsaidis betwix the day and dait hieroef and the Feist and terme of Vitsunday next to cum in anno Jai sex hundrethe and thrie zeiris but delay, fraud, or gyill, and in caice of non payment of the foirsaid soume at the foirsaid day and dait, in that caice the said Findlay Makphaill, as principal, and the saidis cationeris binds and oblissis them, thair airis, executors, and assignais to thanfullie content and pay to the saidis Thomas Fraseir and his foirsaidis the number of sex scoir bolls guid and sufficient victuall within the bruche of Innernes, with the commoun met and missor thairoff, in caice of failzie, and the samin to be payit within ten dayis next eftet the said terme of Vitsunday under the pain of poindinge, vardingie, or horninge, the ane but prejudice of the uthier, and consentis that the horninge pas upoun ane simpile charge of sex dayis allanerlie, and the said Findlay is becum actit in the saidis buikis for himself and his foirsaidis for the foirsaidis cationaris releiffs, and to keip them skaithles and thair foirsaidis at the handis of the said Thomas Fraseir and his foirsaidis of the said soume aboun vreittin and victuall foirsaid under the panes foirsaid: Subscrivit be our handis:
1603 Quhairvpoun the said Thomas Fraseir requerit act. Before thir witnesss

4 Feb. James Cuithbert zoungar, Johne Cuming elder, burgesss of Innernes, Thomas Urqrt, servitor to the said Mr. Johne Ross, and Alexander Duff notar and commoun clerk of Innernes. J. Duff comoun clerk.

— Feb. That day the actioun and caus persewit be Alexander Paterson, burges of Innernes, contrar Megie Neilson, acclamand at hir twa bolls cherifit victuall, with four capons, pric xx ss., and the defender being of tymes callit and nocht compeiringe the claim wes referrit to the persewaris aithe, queha deponit that the said Megie is restand him the foirsaid claim except xx lib. buttir to be tain of, and awit the prices thairof in the begining of the samin; In respect thairof the Judges hes decernit hir to mak pament hierof within xv dayis with xl d. as for expenss of pley: Quhairvpoun requerit Act of Court.

That day Johne MacKewin is decernit to content and pay to Alexander Paterson thrie firilats meil, with sex capons, pric of the peic v ss., with ane seck pric xxvi ss. viij d., and that to haif put in the meil into lent to him to that effect, quhilk meil and capons wes restand awand be him to the said persewar as for the ferme and custum of sevin ruidis field land occupieth be the defendar, queha compeirit and confessit to be restand the premiss: In respect of his confessioun the Judges decernis and ordains the defendar to mak pament hierof to the persewar within xv dayis under the pains of poindinge, varding, the ane but prejudice of the uther: Quhairvpoun the persewar requerit and tuick Act of Court.

That day Thomas Dalgleis, burges of Innernes, is decernit to content and pay to Ferquhar Mackallister, dwelland in Dunzean croy, ane gray plaider, a tartan, of firv elnis doobil, price iiiij. lib. money, quhilk said haif bein delyuerid to him at Youl last 1602 yeiris, quhilk he coft fra the defendar, quha compeirit and confessit he ressavit compositioun and geir for the samyn tartan fra the persewar: In respect of his confessioun the Judges decernis and ordains the defendar to mak pament of the said gra tartan plaider or ells the prices within xv dayis under the panes of poindinge, varding, the ane but prejudice of the uther: Quhairupoun the persewar requerit and tuick Act of Court.

18 Mar. That day in the caus movit be Finlay Mackgibsone contrar Johne Mackewin, Flescher in Innernes, meininge that the said Johne wes
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nochth haldand him guid nychtborheid accordinge to his pactioun in teillinge, schavinge [sowing], and harrowing of certain ruids lyand bewest the watter of Ness set to them be Alexander Paterson as the persewar alledged, and the said Johne compiringe grantit in times cuminge he suld hald him guid nychtborheid in the premisse: The Judges heiringe of thair pactioun hes decernit and ordainit the said Johne to hald equall and guid nytborheid accordinge to the . . . pactiounes maid betwix them: Quhairvpone the said Finla tuick and requerit Act.

That day Finla Mackgibsone gaif his aithe that he feirit Johne Mackewin bodelie harme; quhairpoun the said Johne hes fundin George Mackconil Reoche, burges of Innernes, quha of his awin frie motiv will is becum actit cautionar and law burrovis that Finla Mackgibsone salbe harmles and skaithles of the said Johne McEwlin in his bodie, guids, and geir, and of all that he mocht stop or lat to do his hinder under the panes of j cc lib. money Scottis toties quoties quhovoft he ever offends: Quhairvpone the said Finla tuick and requerit Act of Court.

That day the said Finla Mackgibsone hes fundin Johne dw Mackallister, maltman in Innernes, sourtie quha of his awin frie motiv will is becum cautionar and law burrovis for the said Finla that the said Johne Mackewin salbe harmles and skaithles of him and all that he may stope and lat, in his bodie, lands, guids, corn, and geir in all tymes hereafter cuminge, under the panes of ane hundrethe pundis money Scottis toties quoties quhovoft ever he offends: Quhairvpone requerit and askit Act of Court.

That day in the actioun and cause persewit be Johne Mackewin, Flescher, indweller in Innerenes, contrar Finla McGibsone, indweller thair, as he quha haffinge persewit the said Johne Mackewin of his lyiff the said day with ane drawin durcke, maist maliciouslie and contemtuouslie to haif slain and bereft him of his lyiff, in presens of Alexander Paterson, Bailzie, quha than, persaivinge the cruel persuit and intentione of the said Finla, desyrit him in his hienes nam and auctoritie, to enter his persone in vaird within the tolbuith of Innernes, or at the leist than to haif bein anserabill upone the said cruel and wicked interprys, quha contemtuouslie disobeyit and wald on na wayes be answerabill, and immediateli thairefter the Provost haffinge desyrit and chargit him upone the said contempt of disobedience; quhairvpone the said William Cuithbert, Provost, and Alexander Paterson, Bailzie,
1603

18 Mar. menit thair caus to the rest of the Bailzies, and certain of the counsell beinge present than, and the saidis Bailzies and counsell haifinge haird of the proud contempt of the said Finla, they ordanit and decernit reformation to be tain and punishinge of him in maneir as efter follovis, that is to say, thai ordain the said Finla to be atteichest be the officiars and theirefter to be puneist with all rigor be the saids officemen and bailzies, and failzieinge gif he can nocht be apprehendit that he be chargit at the mercat cros and at his dwellinge place, with intimation as effeiris, to compeir and entir his persome in ward within the tolbuithe of Innernes within thrie hors efter thair proclamation (and intimation) forisaid, under the panes of banisment and exilinge of him of this brucht for ever, and that his hous be tirrit aboun his heid quhair he dwellis in caice he disobey, in maneir forisaid, and the officiars incontinent hieirefter passit and usit in hall the premiss, and chargit the said Finla to compeir and enter his persone in ward in maneir forisaid be oppin proclamation after thrie hoiys, and maist intimation to his wyiff, and seinge the said Finla nocht compeiringe, but alluterlie disobeyit to entir as saidis, the Judges than in ane voic and consent, with assent of the counsell past and tirrit the said hous, and thairefter thair entrie into Court dom was gevin on his disobedience be Malcolm Duncanson, Dempster: Quhairypone requerit Act of Court. J. Duff, clerke of Court.

1 April That day William Cuithbert, Provost, being publicitie in judgement, and hieringe the rumor and bruit and also the complaint of certain inhabitants of this brucht and vtheris duelland without, on William Boyd, maltman, declairing that he wes restand avand to them certain number of bolls of malt, and the said William Boyd beinge put in judgement, the said Provost accusit him gif he was restand ony, quha confessit to be restand sum malt to certain personis, and als anserit that certain vtheris was restand him in lyickin uer and desyrit, and the Provost, for to discharge his deuctie, commandit the officiars, William Gray, and Thomas Clerk, to charge the said William Boyid within the tolbuithe, and thair to remain qhill he find souerrtie to do that law vill to all personis haifinge entres to persew him or that he is restand ony malt to, and that becaus he is fugitive and hes been fugitive thir ten oulkis bygan, and than beinge chargit in maneir forisaid the said William Cuithbert, Provost, requerit and tuik Act of Court.
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That day George Fuird, flescher, induellar in Innermes, is accusit and perseuit be the Procurator Fiscallis of Innermes for byinge of quheit plaidis fra unfrie men in the Chanonrie of Ross, and usinge and usurpinge of ane frie burges libertie, and in sellinge of talloun to vnfrirn men, and byinge the said plaiding in sellinge the sam to Thomas Ducat in Innermes; as also the said George Fuird being accusit for mackinge of ane manifest lie on the Provost, William Cuithbert, sayinge to Thomas Fraseir of Strechin and to his ladie that the Provost haid vardit him in the tolbuithie of Innermes in contemopt of them and of meir malice and hatrent quhilk he buir towards him because he haid sellit certain talloun to my Lord Lovatt's servands and thirs; theirfor the Procurators Fiscallis in respect of the premisse desyrit remeid of law, and he to be censurit and to underlye the sentence of ane inqueist; quhilk defendar being present, and demandit on the premisse, confessit he sellit twentie elnis plaidinge to Ducat, and als confessit that he haid spockin and meinit himself to the guidman of Strechin and the guidwyiff, and said it was for that talloun that he sellit to thair servandis that he wes put in the tolbuithe and vardit thair be the Provost; and the Procuratoris Fiscallis heiringe of his former confessioun requirit of the Judges present that he suld be sensurit, and his punisment to be maide and considderit and decernit be ane condigne inqueist, quhilkis the Judges grantit; the inqueist, beinge present, were sworne and admittit, quhairoff thair names followis: Quhairvpon the Procuratoris Fiscallis Johne Cuminge tuick Act of Court.


That day the inqueist foirsaid hes decernit and ordanit, all in ane voice pronouncit be the mouthe of Mr Johne Ross, chancellor, in respect he beinge fund accordin to his awin grant and confessioun in judgement in byinge of xx elnis doubill of quheit plaidis, and vsinge of ane frie manis libertie, and in sellinge of talloun to vnfrirn men, and byinge thairof, and also in mackinge of ane wrange narratiue on the Provost, conform to the
Records of Inverness

1603

8 April

complent aboun wrettin, is convict be them thairinto, and ordainis him to be branckit joigkit on Saterday nixt at the cors in presens of the pepil, and to be joigit at the kirk dur on Sounday nixt thairefter, and to put on the seckclaithe, and thairefter to banis and exayil him self out of this bruche on Mounday nixt thairefter, and never to duell in the said bruche thairefter in ony tym cuminge, vnder the panes of confiscation of all his guids and geir, mouable and vnmouabil, and burninge of him vith ane iron on the cheicke, and seurginge of him throw the haill four streitts of the brucht, quhilk the judges hes affermit, and ordanis the samyn to be put to executioun be ather of them and their afficiaris, and beinge judgit hierintill dome pronouncit accordinge thairto be Malcolme Duncansone, Dempster of Court: Quhairvpoun the Procurator Fiscalis requerit Act of Court.

2 May

The heid Court of the burghe of Innernes haldin eftir Peace within the tolbuithe of the samyn, be William Cuithbert, Provost, Johne Ker, Alexander Paterson, William Cuithbert appeirand of Auld Castelhill, and Laurens Robertson, Bailies, the second day of Mai anno Jaj sex hundrethe and thrie, the suittis callit, the court lauchfullie fenssit and affermit as use is:

The suit rol callit at the tolbuithe vindo.


That day the haill personas contenit in the suit roll of the bruche of Innernes beinge oftymes callit at the tolbuithe vindov and stair as thai quha aucht suit to this heid Court ar all absent except the personis aboun wrettin, and thairfoir thai ar all judgit be their names in speciall in amerciament for thair absence, and dome gevin thairvpone be Malcom Duncansone, Dempster : Quhairvpoun the Procurator Fiscal requerit Act of Court.
That day compeirit Patricke Dunbar, appeirand air to vmquhill Johne Dunbar, indwellar in Innernes, and exhibit and producit in judgement his pettioun desyringe him to be servit as generall air to his vmquhill father befoir the Provest and Bailzies, quhairof the tennour followis, vpoun the quhilk requerit Act of Court.

Vnto zour honorabil Visdomes, Provest and Bailzies of the bruche of Innernes, I Patricke Dunbar Declaris vnto your Visdomes and sayis I am nierest and lauchfull air to my vmquhill father, Johne Dunbar, saidler, and that I haif certain debtis to craif that is restand avvand to my vmquhill father, and nov to me as air for my entre, quhilk debtis thai quha is addebit vill nocht pay quhill I be cognoscit as air, and that be ane condinge and famous inqueist of the nychtbours of this zour bruche quha best knavis the veritie, and this I desyir to be done for the luif of God, and zeil of conscience, and that I may haif access to my richtis humblie I desyir; the saids Judges beinge aduysit hierwith eftir guid consideratioun hes thocht meit and guid quhairthrow that the innocent be nocht preiudgit to nominat certain nychtbours quha ver summoned at command of the Provest be Johne Reid, officiar, vpoun the vij day of Maij instant to that effect foirsaid, quha ver callit and compeiringe, and seinge na persone nor pertie to oppone in contrar the pettioun foirsaid, the said Patricke requerit Act of Court.


That day the inqueist foirsaid beinge suorne and admittit and na opposition maid be na persone nor pertie in contrar, the inqueist foirsaid requerit and tuick act.

That day the inqueist foirsaid he seruit the said Patricke Dunbar as generall air to his vmquhill father, Johne Dunbar, saidler, conforme to his Petitioun, quhilk the inqueist foirsaid agreit all in ane voice, quhilk was pronuncit in Judgement be the mouthe of the said Alexander Cuithbert, chancellar : Quhairvpon the said Patrick Dunbar requerit and tuick Act of Court.
1603 3 June  

That day Johne Andersone is decernit to content and pay to Alexander Forbes miller at the myln of Castelhill nyn lupis or clowis iron accordinge to his avin confessioun, or ellis the prices thairof nyn pundis money Scottis, quhilk iron the said Johne ressauit fra him in the monthe of August anno 1602 yeiris, and the saidis nyn lib money to be payit be him to the persewar within fyfteen dayis vnder the panes of poindinge or vardinge the ane but prejudice of the vther: Quhairvpoun the said Alexander Forbes requerit Act of Court.

7 June  

That day Williame McConil Vic Richie beinge accusit for the vrangus gainge ower the ferrie to Rorie Mackenzie of Ardafailzie the last Court day, beinge the third day of Jun instant, and in respect that he wes challancit and persewit as ane foirstaller be the Procurators Fiscallis declarit and explanit vnto the said Rorie Mackenzie that Johne Cuminge zoungar suld haif him quhairterit, and forder maid ane forgit narratiue and lie on Richard Gordoun and Alexander Cuminge that he culd nocht leif in this tou in for them: and the Judges foirsaidis seinge the said Rorie McKenzie lettre reid in jugement, quhilk he delyuerit than and affermet the foirsaid narratiues and greit sclander and wreit thair' into his lettre. that he suld cum in thairvayes and als gif that Johne Cuminge vald corse the ferrie for zeir and day he suld be equall with him be the law or by the law, and als desyrit tham lyick ane king that haid dominioun over them to cause them report the samyn, and als to lat him vse libertie and leif in the touin, vtherwais he vald say that it war for Mackenzie's cause that he wer sa extraordinarie vst; the Judges and Counsall of the brucht beinge present than in the tolbuithe ordanis and ordanit and statutis that the said Williame Mackconil McRichie for purchessinge of Lordschippis and mackinge of greit immitie and vnkyndnes betwix them and the said Rorie in mackinge of lies and evill and maist wrangus reportis on thair saids nyichtbors, hes decernit him all in ane voice to remoif and flit him selff, and his guids, geir quhatsumeuir of this brucht, and to be banist and exilit, and never to haif ony handlinge or reman'ge amangis them in ony tyme hiererfit cuminge, and thairfor gif he beis fund dwelland in this brucht hiererfit his hail guids and geir to be escheit, and his bodic punist, quha is Judgit in this caice, and dome gevin thairupoun be Malcome Duncansoun, Dempster of Court: Quhairvpoun the quhilkis the Procurator Fiscallis requerit Act of Court.
Actum apud burgum de Innernes undecimo die mensis 1603 Junii anno domini milliesimo sextentesimo tertio In presentia Laurentii Robertsoni unius ballivorum dicti burgi.

That day compeirit in presens of me notar publict and the said Judge and witnesse\^\textsuperscript{s} vnderwritit Androu Mack William Voir, burges of Innernes, and grantis and confese him to haife borrovit fra the hands of Donald Mackquein, minister at Pettie, the soume of ane hundrethe merkes money guid and vsuall of this realme, quhairof the said Androv McWilliam Voir haldis him viel content, satisfet, and payit thairof, And thairof hes quiet克莱月ceit and dischargit, and be thir presentis quiet-clames, exoneris, and simpliciter discharges the said Donald Mackquein thairof his airis, executors, and assignais thairof, for ever, quhill soume of ane hundrethe merkes money aboune wreittin the said Androw MackWilliam Voir, as principal, and withe him William Cay, burges of Innernes, and Johne Du Mackallister MackWilliam Voir, of their awin frie motiv vills, oncoactit or compellit, ar becum actit in the burru court buickis of Innernes souerties, cautionaris, and ful debtors, coniunctlie and seueralie, them seffis, thair airis, executoris, assignais, and successoris, intrometoris with thair guids, geir, present and to cum, for the said Androv MackWilliam Voir, to content pay and thankfullie delyver to Alexander Cuithbert, burges of Innernes, in name and behalf of the said Donald Mackquein and Annas Douglass, his futur spous, thair airis, executoris, and assignais, the foirsaid soume of ane hundrethe merkes money betwix the day and dait hierof and the penult day of October nixt to cum in this instant zier of God anno aboun wreittin, Togidder with the soume of fourtie punds money liquidat as for costes, skaithes, and expen\textsuperscript{s}, to be paft be them and their foirsaidis coniunctlie and seueralie to the said Alexander Cuithbert in nam of the foirsaidis Donald and Annas and thair foirsaidis in caice he or ony of them be movit or constrainit to raise executoriallis hiervpoune in default of non fulfilinge the premiss\^\textsuperscript{s} at the day aboun prefixit, vnder the panes of poindinge, varding, or horninge, the ane but preudice of the vther, and consentit that the horninge pass vpoune ane simple charge of sex dayis allanerlie ; quhairvpoune the said Alexander Cuithbert and Donald Macquein requirit act ; and the saidis Androw is becum astrictit, bound, and actit in the saidis buickis to releiff and skaithles keip the said William Cay and Johne Du Mackallister, his cautionaris, of the said principall soume and
1603 expense of pley at the day aboun wretting, at the handis of the said Alexander Cuithbert and Donald Mackquein, Annas Douglass, and their foirsaidis, vnder the panes foirsaidis: Quhair vpoune the saidis cautionaris requerit act. J. Duff notar commun clerk witnessinge hierto with my hand.

20 June That day compeirit Agnes Mackenzie, spous to ane honorabill man Lauchland Mackintoische of Dunnachtin, outwithe the presens of hir said spous, and of hir awin frie motiv vill, oncoactit or compellit, as sche declarit on hir greit aithe and conscience, the halie evangil tuichit, for fulfillinge of ane certain heid of ane contract past betwix the said Lauchlane Mackintoische of Dunnachtin on the ane pairt and Johne Chesholm of Kineress on the vther pairt, of the dait at Inners the xx day of Juni instant, and thairfoir the said Agnes Mackenzie hes renunciit, resignit, and simpliciter overgevin, and be the tennor of this judicial act renunciis, resignis, discharges, and simpliciter overgevis, hir conunciation and lifrent of the half daucoche toun and lands of Mid Drumchardini, withe pairtis and pendiculis belonginge thairto, lyand within the Barony of Drumchardany and Serefdome of Innersnes, and als all and haill the half daucoche toun and lands of Balneglacke and Tanalten gevin in speciall varrandie of the said half daucoche toun and lands of Drumchardini lyand within the Baronie of Cullodin and Serefdome of Innersnes foirsaid, and that in speciale favoris of the said Johne Chesholme and Jonet Ross his spous, thair airis, and assignais quhatsumeuier, to remain and abyid with them heretablie conforme to thair infeftment grantit to them theirvpoune but ony oppositioun to be proponit be hir in the contrar, renunceinge, lyick as be the tennor hierof the said Agnes Mackenzie renunciis, all preveligis grantit or introducit in favoris off vemen quhairbie sche may querrell or cum in the contrar thes present renunciatioun hierafter, vnto the quhilk renunciatioun the Judge hes interponit his decreit and auctoritie, in uberioris juris forma: vpone the quhilk the saidis Johne Chesholme askit and tuik Act of Court.

26 July That day compeirit personalie in judgement Johne Golland, burges of Innernes, and beinge custumer and uptacker of the toll pennie for the tym of the said burgh, and of his awin frie motiv vill, oncoactit or compellit, bot for the intir luif, favour and kyndnes quhilk he beiris and
hes born towards William Cuithbert, Provost of Innernes, now for the
tym, and also for guid died gratitud ressait be him fra the said William
Cuithbert, and forder for vther reasonabil causse movinge him hierto, hes
frielie, puirlie, and simplic resignit, renuncit, dischargit, and overgewin,
and be the tennor of this present act frielie, puirlie, and simplic the said
Johne Gollane resignis, renuncis, and simpliciter discharges and ower giffis
fra him, his airis maill and assignais, all and hail the toll custum and
vpliftinge of all and quhatsumeuir deuetic or pennie or pennie virth
perteininge to the samyn, with all ryicht, tytill of richt, propertie,
kyndnes, or possessioun be quhatsumevir maneir of way perteininge to
him, that he may claime in and to the samyn in ony vay hiereret
suminge, and that be staff and batoun as vse is, in the hands of Johne
Ker, ane of the bailzies of the said burgche, quha acceptit the samyn,
and that in speciall favor of the said William Cuithbert, Provost, his
airis maill and assignais, beinge actuall burgess of the said burgche,
conforme to the statutis and ordinance of the said burgche maid thair-
aneit; and the said Johne Ker be verteu of the said resignatioun maid
be staf and bataun in his hands in favoris of the said William Cuithbert he
hes presentlie giffin the said William Cuithbert possessioun thairof be
delyveringe to him in judgement the commoun firlet and peck vfit
and vont for custum taickin, payand thairfoir zeirlie the said William
Cuithbert, his airis maill and assignais, the soume of ten merkis money
Scottis, at twa termes in the zeir, viz. Vitsonday and Mertimes, be
equall half deydit portionis, vfit and vont, to the Provost, Bailzies,
Counsall, communitie, or thair thesaurer; and the saidis bailzie hes
admittit the said William Cuithbert as tennent in and to the foirsaid
toll and custum, and that he pay his doubl entrie to the thesaurer, for the
quhilk William Cuithbert, appeirand of Auld Castelhill, is becum actit
cautiionar, souertie, and full debtour for the said William Cuithbert,
Provost, for payment mackinge of the samyn, quhilk extendis to the
soume of twentie merkes money; reservand alvayes the said Johne
Gollane his lyifrent, duriinge all the dayis and terms of his lyiftym allan-
arlie, of the said hail toll and custum of Innernes: Quhairvpoune ather
of the saidis parties requerit Act of Court.

That day John Fraser, baxter, beinge perseuit be ane brocht be
Johne Robertsone, son to vmquhill Johne Robertsone, burges of Innernes,
for the vrangus strickinge and cuffinge of him without ony affenc, at the 
17 Sept. mercat croce of Innernes, this day, and effir the doinge thairof Androw 
Caskin findinge fault with him for the samin he zeid to Alexander 
Thomsounis readis his buithe, and gat tuick out thairof ane buckler 
suord, and zeid throw the haill toune thairwith, about the croce in speciall, 
seickinge the said Johne or his brother James Robertsons, lyick ane 
void man, purpoissinge to haue slaim them, and thairefter, beinge tain be 
certain nychtbours, he wes put in vaird within the tolbuithie, quhair thair 
he cuffit the said James Robertsone and thairfoir committit tresone 
within our soueran lordsis hous, and in respect thairof his maisterfull 
cruel offences don be the said Johne Fraser he wes than presentlie put to 
the tryell of ane inquest to decern and cognois on the premisses and 
quhat guid order suld be n'onit (?) and put to him that dom suld be 
gevin than presentlie thairon: Quhairv poune the persewar requerit Act of 
Court.

Nomina Assise: Johne Cuithbert of the Auld Castelhill, Alexander 
Cuithbert, Jaspert Cuminge, William Robertsone zoungar, Johne Cuith- 
bert zoungar, Alexander Mackchonchie, Findlay McVirriche, Johne 
Cuming zoungar, Thomas Clark, officiar; quhilk persone hes bein find be 
the foirsaid inquest in the vrange trublinge of the nychtbors of the brucht 
againis all equitezie and lawis of this realme, and als in committin of 
treson within the Kingis house, for the caus afoirmentionat, and thairfoir 
the inquest ordains him to be banist out of this brucht, with his wyif 
Margaret Ross, and never to haue habitationn thairin in ony tym hierafter 
cuminge, vnder the pain of puttinge of him to the deithe; pronuciet in 
Judgement be the mouthe of Johne Cuithbert of Castelhill, Channeller of 
the assys: Quhairv poune the premisses dom wes gewin be Johne Reid, 
Dempster of Court, quhairvnto the Judges haid interponit their auctoritie: 
Quhairv poune the persewaris requerit and tuick Act of Court. J. Duff 
Clerk. Quhilkis faultis he confessit in judgement, and thai ordanit him 
to remain in vard quhill he find sourtie to remov of this brucht.

20 Sept. 

Actum in Pretorio burgi de Innernes vigesimo die mensis 
Septembris Anno domini 1603.

That day the Provest, Bailzies, and Counsall beinge convenit within 
the tolbuithie of Innernes, for order taikinge in all tym cuminge, for the 
viel of-the brucht, that na persone salbe molestit in tym of Faires,
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ordains ane Proclamationoun to be maid euerie zier on the Marie ewin1 and Ruid ewin2 in manner as followis: To all and sundrie our Souerain Lordis liegis to quhais knowladge thir presentis sal come; forsamekilling as the Sereff, Provost, Bailzies of Innernes vnderstandis the ancient and auld liberties granitit to burruis of Faires and mercattis, and that his Majestie and thrie estaititis of guid memorie hes statuit and ordainit be thair louabil actis of Parliament that in durante the tym and haldinge of the saidis Faires and Mercattis that thair suld be na kynd of convocation, gadering, discord, or molestatioun or injurie offerit be ony persone or personis, ane agains ane vther, in durante the said tym of mercatt, sua that the kingis frie liegis sa nocht be refusit to do thair lauchful effaires and bissines durante the said tym of mercatt, quhilk this present mercatt, quhilk is instantlie to be haldin within this brucht of Innernes to begin and hald this t[erm] at twelf hors, beinge the 13 day off instant, and to continev peciable, without ony molestatioun to t[erm] nixt hierefir to xii hors, beinge the xv day of the said monethe of September, vnder the panes of brecking of his Majesties peice, and confiscatioun of the breckeris hail guids and geir, and pvnisment of thair bodies, conforme to the ordinance of the said Act of Parliament maid thairanent, and this our Proclamationoun to be extendit and intimat thairvpoone, and our souerain Lordis frie liegis to haunt, frequent, and repair to our said burgche in duringe the tym foirsaid, all except murdiroris, revers, oppressors, theiffis, vagabounds, listaris of blak maill, and his Majesties rebells: to all and sundrie our souerain Lordis liegis we mack this present Proclamationoun to be knavin, that nain pretend to do ony harme in contrar hierof, vnder the panes foirsaidis: subscrivit be the clerk. J. Duff, notar, clerk.

That day Ewin M'Conil Duy in Durris, Duncan McFerquhar thair, 8 Nov. John McAllister Miller thair, that thai with thair complices on Sunday the sext day of the foirsaid monethe past to Williame McRobie Fuctor3 house, and thair under sylenc of nycht committit appressioun on the said Williame, and best and dang him, and dreiv ane greit quantitie of his wyiff and his avin bluid with suordis and batonis, aganis our souerain

1 Mary Even—the evening of St. Mary's Festival.
2 Evening of Rood-day.
3 William, son of Robert the stranger bondman.
1603 Lordis Acts of Parliament; and the foirsaidis personis compeirit, beinge
8 Nov. tain and put in vaird in the tolbuith, and the said Ewin beinge
demandit hierof of the premisss, confessit the foirsaidis oppressiouns and
wrangis; Johne McMiller nais; and Duncan McFerquhar nais; quhilk
personis for their wrangis wes remittit to ane inquest quhairof thair
names followis: Quhairvpoune the Procurator Fiscall requeirit and tuick Act of
Court.

Nomina assise: Jaspert Cuminge, chancellor, Peter Wause, Finla
McPhail, Alexander Merchand, Williame Patersons elder, Jaspert
Dempster, Johne Cuithbert zoungar, Johne Abram, George McConil
Reoche, Robert Neilson, Finla du McPhail, Thomas Dunbar, Richard
Gordoun: the foirsaidis personis beinge ressauit, suorne, and admittit to
declair the veritie sa far as thai knaw, conforme to the heids of the
brucht, quha haid eftir guid aduisment haid fund the foirsaidis personis
giltie and culpabil in committinge of oppressioun under sylenc of nycht,
and committinge and dravinge of the foirsaidis personis bluid compleinars;
quhilk wes pronuncit in Judgement be the mouthe of Jaspert Cuminge,
Chancellor, and conforme thairto thai wer judgit be the Judges in
amercliament of the soum of xx lib. money for thair demerittis, and to
remain in vaird quhill thai fund souertie that the haill inhabitants within
this brucht salbe hairmles and skaithles of them in all tymes cuminge,
ilk person vnder the pain of xl lib. money toties quoties quhovft thai
commit ony falt: and dome gevin thairvpoune be Johne Reid, Dempster
of Court.

25 Nov. That day ane broche struickin be Alex Cuithbert, smyth, on
Thomas Mackalley, that maist cruellie and theisfeouslie the said Thomas
sta fra him his studie out of his varkhous, quhairwith he ves winnand
his leivinge, the 21 day of November anno present, and desyrit the
Judges thairfoir to put the said Thomas to tryell thairof be ane inquest;
quha compeirigie, confessit the samin wes fund with him in his barne
amangis his corn; and the Judges referrit him to ford tryll of vther
causss to the inquest summond to this day to that effect . . . . .

That day Thomas McAlley being fund be the said inquest to have
maisterfulle stoilin the studie fra Alexander Cuithbert, smyth, out of
his varkhous, conforme to the dittay and to his awin confessioun;
Quhilk inquest hes remittit him alse in the Judges will, and the samin
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pronuncit in judgement be Alexander Cuithbert, burges of Innernes, 1603
chancellor of the assyis: In respect thairof the Judges hes ordainit him
to be banist out of this brucht, and never to haif residenc thairinto agane,
and that he remoif him self betwix the day and dait hierof and the
day of anno 1604 zeiris, and in caice he be fund to mack
residence in this burgche thairrefter he salbe tain and put to the deithe,
and that he find cautiouen or he depart of this tolbuithe actit in the
burr buickis thairvpoune, and ordains him to pay to the said Alexander
Cuithbert, smyth, ane firlat victuall for his present skaithe quhilk he
sustenit throw want of his studie, and the rest of his geir to be confiscat
and tain to our vse, and continevis dome till he be fund to do in contrar
hierof: Quhairvpoune requerit Act of Court.

That day James Dempster, burges of Innernes, of his awin frie motif
will, is becum actit in the burru buickis of Innernes that Thomas
McAllelyCALLIT remoif of this brucht the day and dait foresaid, conforme
to the former ordinance, vnder the pain of jce lib, and in caice he be
fund to mack his residence in this brucht hierrefter he salbe put to the
deithe, and the said James is becum actit to pay the said firlat victuall
presentlie to the said Alexander Cuithbert, smyth: Quhairvpoune re-
querit Act of Court.

The Justice and burru Court of Innernes haldin within the
tolbuithe of the samin be Mr Johne Ross of Midleyis,
Provest of Innernes, James Waus, Alexander Paterson, Alexander Cuming, Bailzies and Justiciaris in that pairt,
the seconday of December anno domini Jai sex hunderethe
and thrie yeiris, the suitts callit, the court lauchfulie fencit
and affermit as use is.

First, Thou, Donald Moir Mackferquhar Miller art perseuit and
indytit, as thou that are presentit thair in judgement for to thoill the law,
for the cunning to Robert Steart, baxter, he beinge in the bed of
infirmity, lyand within his vark hous, in the monethe of September in
the zeir off God 1603, and thou said to the said Robert that he wes euil
at eaise and weay seick, and thairefter with thai enchantment and
deuilliche vischcraft thou charmit the said Robert Steart, him selff
and his barne, and cuttit four nickis of his coit, and thou said to him and
promissit to erd the samyn vnder ane havithorn trie, quhilk as thov
now sayis wes nocht don, bot that thou zeid to that effect to the
myln burn, and thair thou cuist the saidis four nickis of his coit in the
said burn, and vsit thai deuliche ceremonie thairwith, quhilk thou can
nocht deny, beinge reid in Judgement, confessit the samyn point for aane.

Secundlie, thou, Donald Moir Mcferquhar Miller, art indytit as ane
vische for the cuminge to the said Robert Steuartis hous in the said
monethe of September anno 1603, efter that thou cuist the four nickis
of his coit in the miln burn, and thair thou charmit with thai vicked
and deuillische charmes the said Robert his son with vatter and nyn
stainis, and in signe thairof thou gart cast the samyn on the doige [dog]
that wes in the hous, quhilk best diet within xxiiij houris thaireftir;
quhilk thou can nocht deny. Nait.

Thirdlie, thou, Donald Moir and vicked Deuill, thou art indytit that
upon this instant day and hour thair wes gottin within the coller of thai
coit, seuit thairin, certain coniurit herbes and ij or iij peices auld blanket
claithe, quhilk William Gray and Johne Forbes, officiaris, cuttit the samyn
out of the coller of thai coit in presens of certain famous vitnesses,
quhilk thou haide the samyn thir diuerss zieris kepitt to haue vsit thai
charmes and deuliche intentionoun contrar Goddis pepell, quhilk this beigne
gottin presentlie with the thou can nocht deny; anseris and sayis he
coft the coit fra ane Hiland boy, and that he fund the samyn thairin, for
it wes vnknavin to him that giff thair wes ony the lyick thairin to this
present hour.

Fouartlie, thou art indytit as ane commun vische and sorcerer, daylie
vsinge thai deuliches practeisses in charminge be died and commun bruit
quhilk thou daylie vsit, and thou can nocht deny. Nait.

Fyifthlie, thou Donald Moir Mcferquhar Miller, thou art indytit for
the cuminge to Johne Cuminge, zoungar, burges of Innernes, his house
vpoune the sext day of November, beinge on ane Sunday, and thair thou
ves vsand thai deuliches charmes and enchantment on the said Johne
Cuminge his dochter, seche beinge on thy kne that tym that the
said John Cuminge, zoungar, directit Donald Forbes, son to Johne
Forbes in Innernes, to the said Johne Cuminge house to seick ane
spchalm buick, quhilk buick the said Johne Cuminge haid him self
onvitting of him in his buitehe, and as the said Donald Forbes com in,
thou Donald beinge vsinge thai abominabile and vicket charmes and
enchantment, the said Donald Forbes retournit out sicke, beinge viel and
perfyt in his heathe at his inganginge, and, in signe and toickin that thou
vas doand the samyn, the said Donald Forbes declarit to his mother quhat thou ves doand efter his out cuminge, and for the mair witnesseinge hierof sche reprovit the for the samyn at the mercat cros of Innernes, and said to the gif ony evil vald aill hir barne bot guid thou suld suffer thairfoir; quhilk thou can nocht deny. Nais; sayid he ves doind nathing thairin that hous bot stuid a litill in the fluir, and desyrit the guid vyif to send the ij seekis malt to the myln to grind. 

Sextlie, thou art indyttit, Donald Moir Mcferquhar, that sen thou vas put in firmanse in the tolbuith the for to vnderly the law for thy demerits thou said quhey vald thai nocht direct for the the tym that the bairne was seicke, and, thairfoir, gif thou haid nocht beinge culpabil and gilte of the foirsaid crym, quhairfoir vald thou haif said the samyn vordis. Nais, but declaris gif he haid been present quhen the boy said that of him that he vald nocht verifie that in his presens that he ves vsand charmand than in Johne Cuminge hous; quhilk dittayis the said Donald Moir beinge accusit thairon confessit the first dittay, and nayit the rest, quhilk was referit be the Judges to the tryel of ane inquest summond to that effect to this day, quhairrof the names followis 


That day the inquest foirsaid beinge suorne and admittit to declar the veritie on the foirsaidis pointcis of dittayis, and haifing fund be iust tryell efir dev examiniation of certain personis suorn vpopne the said dilatioune, the said Donald Moir to be culpabil and practiser and doar of all and haill the heidis malefactsis and deidis contenit in the first, second, third, and fourt dittayis, and hes nominat and chosin Johne Mackallan chancellor of the assyis, quha haid demandit euerie persone particulier be him sself in the foirsaidis pointcis of dittayis, quha hes all in ane voice convictit the said Donald Moir in the foirsaidis four dittayis, and hes fund be just tryel also that the said Donald Moir was bot desyringe Johne Cuminge wyiff to gar tack the ij seekis malt to the myln to be
1603 ground, and was nocht vsinge na kynd charme on na bairne in that house of Johne Cuminges at that tym, nor na vther tym of befoir, and thairfoir haid absoluit and absoluis the said Johne Cuminge, his spouse Margaret Paterson, thairfra, and all his houstald, that thai wer never in art nor part in seickinge or prateisinge of the lyicke; as also findis Donald Moir frie of the last Dittay, beinge the sext, and that becaus he said nocht that he vald mack the barne hail gif he haid bein send for, and gif he haid said sua he vald half bein convict, and absoluis him thairfra: Quhilk personis of inqueist haid all agreit vpoune the sentence hierof to be pronuncit be the mouthe of Johne Mackall, chancellor, in maner as is aboun expremit, in presens of the Judges in judgement: Quhilk chancellor reenteringe in Judgement haid pronuncit be his mouthe and convictit the said Donald Moir in the first, second, third, fourt poicetis of dittayis of vischcraft: Qhairpvoune requerit Act of Court.

That day the Judges hes accordinge to the deliverance of the inqueist hes ordainit the said Donald Moir, vische, for his demerittis and vsinge of charmes and vischcart foirsaid, to be tain to the Hauouche Heid, and thair to be brunt for his evill factis accordinge to the former demerittis; and dome gewin thairpvoune be Johne Reid, Dempster: Qhairrupone tuick Act of Court.

That day the foirsaid chancellor hes absoluit Johne Cuminge, zoungar, fra the poicet of dittay gevin in contrar the said Donald Moir, being the fyift heid and poicet of dittay, and his wyiff and household assoilzeit thairfra, and as also the said Donald, efter and afoir his was convict, said and declarit that he never vsit charminge libbin in the said Johne Cuminge house; as also the Judges hes assoilzeit the said Johne and his foirssaidis thairfra, and hes granted ane rolment of Court to him thairon: Qhairpvoune the said Johne Cuminge requerit and tuick Act of Court.

1604. That day compeirit Johne Dw McCoul McPhersone and persewit James Dempster, in Invernes, of the soum of 45 merkes money he lent him in gold, and compeirit James and declarit to the Judges that thai war false gold, beinge all half pistoletts, false fenzelt cunzie, quhilk the Judges desyrit him to present, quha than presentit tua of them, quhilk the Judges fand to be vnworthie, and false cassin and cunzeit gold, and Johne Dw McCoul offeris him to pruiff that it wes sufficient gold he gaif
him, and that the said James gat guidis and geir for the samyn, and that he never gait the samyn geir aback agane to the avnaris that wes dampnecfet as he alledgit; Quhilk James offerit him to pruif that the geir he gat for the said gold wes redelyuerit be him agane to the avnaris, and that he behuiffeit to tack that gold fra them quhilk he gaif them, and thairfoir he aucht not to be anserabill for the said gold, nor yet the soum contenit in his suit; and Johne Dw past fra the probatioun of the form allegeance, referrit the hail cause to the said defendaris aithe de veritate quhidder the gold wes sufficient or nocht, or gif he gaif the geir aback again quhilk he gat for the gold, or gif it com to his profitt or nocht be ony vayis; quhilk James Demyster, being suorne, deponit that the samyn gold quhilk he producit wes the gold that he gat fra the said Johne McCoul McPhersone, and that all the rest wes as thai tua pieces var, and that he gat never profitt of the samyn, and that he gaif aback all geir to the avnaris again; thairfoir the Judges absolvis the defendar of the claime: Quhairvponre requerit Act of Court.

That day compeirit Johne Cuminge, zoungar, Procurator lauchfullie constitut be Robert Neilson, burges of Innernes, in the actioune and cause of removinge as followis, and producit ane burru precept of the Provest and Bailzies off Innernes, deulie execut and indorsat be Williame Gray, officiar, the 29 day of Maij anno 1604 to this day, quhairbie haiffinge summand Katherin nein Donald, relict of vmquhill James Andersone malt[man] in Innernes, to hier and sie hir be decernit be decreit of court to flit and remoif out and fra ane ruid burru biggit land lyand bevest the vatter of Ness, perteininge to him heretablie, merchant betwix the landis of Androv McConil to the southe, the landis of Robert McCoul, maltman, at the northe, the front to the get that passes by the vatter of Ness at the eist, the taill to the commun vennal and myln leid at the vest, and alse quhairby haiffinge summand to this said day Johne McVurist, tennent, to flit and remoif him selff out and fra ane vther ruid burru biggit land lyand bevest the said vatter of Ness, merchant betwix the landis of vmquhill Johne Cuithbert airis landis at the north, Jas pert Veddel airis landis at the southe, the front to the get that passes by the vatter of Ness at the eist, the taill theirof to the commun vennel or myln leid at the vest, To flit and remoif them selffis thair seruandis and vtheris out and fra the foirsaidis twa ruidis burru biggit land merchant lyand as
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1604 saidis, at the feist and terme of Vitsounday 1604 zeiris, and to leif the
5 June samyn void red to him as his proper heretaigne, and for instructinge thairof
product his precepte of varninge, quhairby haiffinge caussit varninge be
William Gray, officiar, the 18 day of Februar the saidis personis
personalie apprehendit, and at the kirk dur xix day of Februar, and
fore instructinge thairof product ane Chartour and Instrument of
Seasinge on the ruid burra land occupied [be] Katherin nein Donald
annalziet to him be Finla du McPhaill, of the dait at Innernes the
secund day of August Jai vces four scoir aucht zeiris, payand to that ladie
nev L ii ss money zeirlie, under the signe and subscriptione of
Jaspet Cuminge, notar publict, and conform thairto desyrit proces ; and
compeirit Katherin nein Donald and product ane lettre of tack grantit
be Finla du McPhaill to vmquhill James Andersone and hir on the said
ruid land durieng the space of xiiij zeiris, beinge of the dait Jai vces four
scoir sex zeir of God ; And, in respect the dait and tack zeiris thairin
contentit is experit, the Judges decernis the said Katherin nein Donald,
and hir servandis, familie, guidis and geir, to fit and remoif out fra the
said ruid land merchant lyand as saidis, and mack void red the samyn
to the persewar conforme to the Act of Parliament and his richt product
thairon, and ordainis preceptis to be direct for maickinge of the samyn
void and red to the said persewar : Qhairvpoune the persewar requerit
and tuick Act of Court.

21 June That day James Fraser Mackallister, burges of Innernes, beinge
persewit be John Cuming, Burges of the said Burghe, procurator fiscal,
for the allegit maisterfull and violent taikinge out of the handis of
William Gray, one of the burru officiaris of Innernes, ane burru precipit
of the Provost and Bailzies of the said Burghe, and for allegit cancellinge
of the samyn, quhilk officiar being vsinge and commandinge the said
James Fraser to fullfill the contentis thairof within fyistean dayis to John
McAllane, burges of the said burghe, and allegit that the said James
Fraser cuttit the said precept vpoun the aucht day of the said monthe
of Junij anno aboun expresmit ; And the said James Fraser beinge varnit
to thes present day, and summand at the said Procurator Fiscalis
instance to mack answer, and compeirtinge be him selff in judgement,
and beinge accusit, nayit the premisses ; The Judges in respect thairof
his negative referrit and remittit the tryel thair to be tain thairin be the
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counsell of the burgh, quha being convenit thair anent the said day, within the counsell house, eftir tryel, fund be them . . . hes all in one voice convicted the said James Fraser in the ryvinge of the said principall burru precept, and decernit and ordainit him be the said Judges and Counsell for committing maisterfullie the said fact, to cum to the Paroche Kirke of Innerness the nixt Sabothe day, and thair, in oppin audience of the hail congressioun being than convenit, sall craife and ask pardoune and forgifnes, first at God, and the Provost Bailzies of the burt and hail congressioun for his offence, [and] deulie to pay to the saidis Judges and Magistrattis of the burgh the soume of twentie pundis money Scottis, and the samyn to be convertit to the buildinge of the Paroche Kirke, to be deluyerit be him on Saturday befoir he mack his repentance, and ordainit him to be vardit within the said tolbuithe, and to remain thairin ay and quhill he find cautioune to mack his repentance, and to satisfie the former penaltie ; And hes decernit the said James Fraser, in caicce he sall and be fund culpabill in any kynd of dis-obedience, or be misreullie in ony tym hierafter cuming, he salbe deprivit of his libertie and fredom of this burgh, and never he nor nain of his to be frie burges of this burgh in ony tym theirefter cuminge; Quhilk James Fraser, accordince to the Provost, Bailzies, and Counsellis deleyuerance, hes satisfiet the haill contentis of thair former ordinance in mackinge his repentance and satisfieinge of the soume of xx poundis money as penaltie, and hes fund cautioune on his guid reul and obedience to the Magistrattis of the burgh in all tymes hierafter cuminge; Quhilkis we Provost, Bailzies, and Counsell testifies to be of treuthe: Extractit out of our burru court buickis of Innerness be Alexander Duff, notar publict, commoun clerke of Innernes, and subscriwit be him at our commandis as eftir followis, At Innernes the secund day of Julij anno domini 1604.

Ita est Alexander Duff notarius publicus communis scriba burgi de Innernes testan. manu propria. J. Duff asservit.

That day Johne Mackewin, in Innernes, being accusit on ane broche gewin in be the Procurator Fiscalliis in his contrar for vsinge foirlastinge thir diverse certain tymes bygan and in ganginge to Vrquhart, Glenmoriston, and vther pairtis, and thair byinge voll [wool], skinis, plaidinge and lambes in tym bygan, and now also, quha comperit, and beinge demandit thairof, nayit ; quhilk wes referrit to his aithe ; suorn, deponit,
1604 confessit the premisses, and that he sauld the samyn guidis to all personis
but ony exceptioun; convict thairin, and ordainit to be vardit till he
satissie conforme to the Act of Parliament; and Williame McConil vic
Richie accusit on the lyick, quha confessit efter he being suorn that he
committit na foirstallinge except iiiijxx lambes he coft fra Mr. Johne
Ross, Provost, and sellit them to strangeris for this zier; convict thairfoir,
and ordainit be the Judges in lyick manner to satisifie conforme to the
Act of Parliament: Quhairvpoune the Fiscal Johne Cuminge requerit
Act of Court.

That day Thomas McCoul, cordener, being accusit for the byinge of
sex bollis meill quhilk com in be sy, quhilk suld bein first lovit to the
toune, coft the samyn fra the awnar thairof, quhilk the Procurator Fiscall
said that it wes contrar the forme of the Act of Parliament, zet the said
Thomas deponit the greit aithe it wes in ignorantlie that he did the sam,
nor contempeouslie, nor against law and resson; thairfoir the Judges hes
decernit him in the soume of xl ss to be payit to them within xv dayis:
Quhairvpone the Fiscal requerit Act of Court.

13 July

27 July That day Johne Mackgreer, thou art indytit for the cuminge to
Alexander Cuminge barn, and thair, in the monthe of Maij 1604, thow sta
thairout of vij peck beir vnder silence of nyicht, quhilk you can nocht
deny.

Thow art indytit for the ganginge to the cottaris in the Holm on
the secund of this monethe, and thair thow said to them thow haid tua
bollis beir in Culcabock, and gart them send twa boyes with the to bringe
the samyn to them, and quhen thow com to the Haouche of Invernes
thow twick fra them maisterfullie ane fail quheit plaid, and the bage
quhick thow gat away thairwith; quhilk thow can nocht deny.

Thow art indytit as ane maisterles vagabound, and ane idil tre-
passer apressand the Kingis lieges; quhilk thow can nocht deny.

That day the Judges hes remittit the tryel of this Mackgreer to the
tryel of ane inqueist summand to this day as follovis

Nomina Assise: Jaspert Dempster, James Fraser Mackallister,
James Cuithbert, zoungar, Valter Stewart, burgesses of Innernes, Donald
Bain McPherson, Gilbert Duff, Robert Williamsone, Robert Neilson,
burgesses of Innernes, Williame McConil Vicay in the Leyis, Williame
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Thomsone burges of Innernes, Hector Mackconil Vic serquher, Johne Genor, burges of Innernes, James Mc illerecohe.

That day the saidis inquest hes fundin that the twa boyes gai the claithe and the bage willinglie to him, and bad them byid at the Haouche till he haid cumin again, and convictis him as ane maisterles vagabound; pronouncit be Jaspert Dempster, chancellor, and dom gevin on him be the Dempster gif ewer he beis fund in this burt or terrotorie xxiiiij houris efter vther but ane maister he sall be put to the deithe, and is ordanit for his demeritis to be scurgit throw the four streittis: Quhairevpoune the chancellor requerit Act of Court.

Actit within the tolbuiithe of Innernes the twentie thrie day of September the zeir of God Jai vi\textsuperscript{es} and four zeiris, in presens of Mr. Johne Ross, Provost, James Cuthbert, elder, James Vaus, sittand in Judgement.

That day compeirit Mr. Johne Ross, Provost of Innernes, James Cuthbert, elder, James Waus, Alexander Paterson, and Alexander Cuming, Bailzies of the said Burghe, withe aduyise of Alexander Cuthbert, William Cuthbert, elder, William Cuthbert, zoungar, apeirand of Castelhill, George Cuming, Findla Mackphaill, William Robertsone, elder, and Alexander Merchand, Counsal of the said Burghe, and consideringe the greit skantnes of roche nolt ledder, and barkit ledder, within the realme at this present, and in special within the Serefdom of Innernes, quhairbie the Kings lieges, nather in this burghe nor land; is abill to be servit in schone; Theirfoir, with aduyise of the hailf frie burgesses of this Burghe, and Barkeris of nolt ledder, hes statuit and ordainit, and be the tenor hierof statutes and ordainis that nane of them tack vpone hand to transport or carie ather be sic or land any barkit ledder out of this Burghe, nor zet sel the samyn to ony persone, ay and quhill thai offer the said barkit ledder to the craftismen and buithhaldis of this Burghe, and present the samyn everie Saterday to the mercat, to the effect that thai mack vark thairof for serveinge the Kingis lieges, and that thai cum and obtein licence of the Provost, Bailzies, and Counsal or thei sel or carie ony way the said ledder and conforme to our souerain Ladies letres quein mother, inhibitinge all maner man that nane pass to mercatis with the barkit ledder to the tym the Counsal considderit that the cuntrie pepill wer

1604. 27 July

23 Sept.
1604

staickit with shone, and that the buithhalderis of the cordener craft war
servit and staickit in ledder, and that vnder the panes of confiscatioune,
and ordainis all barkit ledder that is presentlie barkit or sal happen to be
barkit to be arresitit and to ly still vnder arreisment in tymes cuminge,
ay and quhill the counsall tack order thair withe, and that thai sie the buith
haldaris staickit of barkit ledder for maickinge vark thairof for servinge
the Kingis lieges ; and hes ratifiet and apprevit, and be the tenor hierof
ratifies and apprevis all and sundrie actis maid be our predecessoris con-
cerninge the stayinge of barkit ledder for the yeill of the cuntrie pepill
and inhabitantis of this burghe: Quhairvpoune the saidis Provest,
Bailzies, requerit Act.

23 Oct. That day the haill unfrie brousteris compeirit in judgement and
ar admittit to brew aill onlie to Michaelmes nixt for payinge of thair
stallinger siluer as followis, under provisioune that thai and ilk one of
them cum to the kirk on Sounday to the preichinge and heiringe of
Goddis vord vnder the panes of deprivioune and tinsel of thair stallinger
siluer, that thai pay and that thai keipe the statutes and price set on the
aill, to wit x d for the poinct aill, under the pain foresaid and vnlaw of ane
merk money for the first falt, the nixt xx ss, the third xl ss, and ay
toties quoties also oft as thai contrauein the samyn, to pay fra that furth
xl ss, quhairof the names followis :—Item, Johne Reoche, admittit and
payit 2 merkis money ; William Vatsone, payit 2 merkis ; Alexander
Munro, payit 2 merkis ; Johnie Lousone, payit 2 merkis ; Thomas
Dunbar, payit 1 merk ; William Sangster, payit 2 merkis ; Johnie
Fraseir, payit 1 merk ; Agnes Ker, pait 1 merk ; Johnie Aird, payit 2
merkis ; Allister McJames McAine Viil, payit 2 merkis ; Johnie Oige
McMiller, cordener, payit 2 merkis ; Jannet Gordoune, pait 2 merkis.
[Here follow the names of 24 others, each paying one or two merks.]

1605

That day ane broche struckin be the Bailzies on the haill vnfrie
broustaris of this burghe, quhairof thair names followis, that, wranguslie
and agains the law, thai haif contravenit brockin the statutes set on the
aill in tackinge xii d and xvi d for the poinct aill, express contrar the
statut set doune thairanent, quhair thai suld nocht tack bot x d for the
poinct aill, quha, bein callit, compeiringe, and beinge euerie ane of them
accusit, confessit to hau brockin the saidis statutes set doune be the
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Provest, Bailzies and Counsell, viz: Duncan McConchie, accusit, confessit, Alexander Burnet confesss; John Oige, cordener, confesss; John McPhail confesss, all to haue brockin the statutes; Donald Doin confesss brokin of the statutes; William Watsone confesss; William McCoul Doin confesss; Donald Miller wyiff confess; Alexander McJames McAine Will wyiff confesss; Agnes Ker confesss; Margaret Vrqrt confesss; Donald Doin confess; William Suesone confess; William McCoul Doin confesss; Donald Miller wyiff confess; Alexander McJames McAine Will wyiff confesss; Agnes Ker confesss; Margaret Vrqrt confesss; Thomas Dunbar confesss; Donald Miller wyiff confess; James Anton wyiff confess; Margaret Clerk confess; Agnes Donaldsone confess; Thomas Andersone confess; Alexander Monro confesss; Johne Lowsone confesss; Katherine nein Donald confesss; John McIntailzeour wyiff confesss; Nein Gibson confesss; William McConil Vic Riche wyiff confesss; Isbel Steuart confesss; William McConil vic Aine wyiff confesss; Isbel nein Ain vic Conchie confesss; Finla McGibsone wyiff confesss; accordinge to thair confessiuone in breckin of statutes the Judges hes decernit eueri ane of them to pay aucht ss. of wnlaw; and dom gevin thairon be Malcolm Duncansone.

Vigesimo Julij anno domini quinquagesimo quinto.

The quhilk day the Bailzeis and Counsell understand the Auld Statutis maid anent the price of quheit breid, and be the ordoure and statutis of wtheris borrowis, and that the greit men of the realme and wtheris the queynis leigis, gettis dailie fra baxteris of this bruche and wtheris tounis adiacent thairto, for quheyt sevin scor lawis [loaves] weill beakin and dryit, of xvi wnce wecht of piece of ilk boll quheit withot ony expenss maid be the leigis bot the said breid delyuerit frielic to the delyueraris of quheit; Thairfoir the saidis Bailzeis and Counsell hes ordainit that ilk tyme cuming the piece of quheit breid be obserwit and keipit as it cumis to sewin scor breid of xvi wnce wecht the piece quhoweur the quheit beis sauld, And thairfoir considerit and calculit the piece of breid and the pryces of quheit wnderwreittin to stand just conforme to sevin scor breid, of xvi unce wecht the piece, of ilk boll quheit.
1605
16 Jan.
The boll quheit sauld commonlie for x ss, the iiiij d leif to wey iijx
xiiij wnce, 3 wnce, and fyve wnce mair, to deill amang xxx breid; the
boll quheit sauld for xij ss iiiij d, the iii d. leif to wey Lvi wnce . . .
Quhairfoir it is statut and ordainit be the saidis Bailzeis and Cunsall that
all the baxteris of this bruche baik thair breid guid and sufficient stuffe
and weill drytit, and that the same be off the vecht foirsaid, offerand to
the pairties of the quheit foirsaid wnder the paine of aucht ss. for the
first falte, the secund falt xvij ss., that the baxteris breakeris of the
statut be callit, accusit, and punishit as oppressouris and breakeris of the
statutis of the bruche, and that ilk maister of the said baxtoiris hawe
the extract heirof to the effect that they pretend no ignorance thairin:
Extract de libro statuorum curie burgi de Edinbruchi.

Heir followis the prycis contenit in the Statutis of the town
of Edinbruche, the yeiris respv deill wnder specifiet, of malt
and aill.

Item, in the monethe of Junij the yeir of God Jai vcos xlvij yeiris,
ane Statut commandand the malt to be sauld na darrar nor thrie lbs.
the nyne firlattis gewand in malt, and thairbe. The aill to be sauld
commonlie for iij d. the puint.

Item, in the monethe of October 1547 yeiris, ane Statut command
the malt to be sauld na darrer then iij lbs. x ss. the nyne firlattis, and the
aill to be sauld for iiiij d the puint.

Item, in the monethe of Februar 1547 yeiris, ane Statut command-
and the malt to be sauld for L ss the nyne firlattis, and the aill to be
sauld for v d the quart.

Item, in the monethe of October 1548 yeiris, ane Statut com-
mandand the malt to be sauld for L ss the nyne firlattis, and the aill to be
sauld for iij d the puint.

Item, in the monethe of September, the yeir of God Jai Vcos L yeiris,
ane Statut commandand the nyne firlattis malt to be sauld for iij lbs.
xvij ss., and the aill to be sauld for iiiij d the puint.

Item, in the monethe of October 1551 yeiris, ane Statut command-
and the nyne firlattis malt to be sauld for Lij ss., and the aill to be sauld
for xij d. the quart.

Item, in the monethe of October 1552 ane Statut siclyik.
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Item, in the monethe of Apryll 1553 yeiris, ane Statut maid commandand the malt to be sauld for xlvj ss the nyne firlattis, and the aill to be sauld for v. pennies the quart. 16 Jan.

Item, in the monethe of October 1553 yeiris, ane Statut maid commandand the ix firlattis grwndin malt to be sauld for xxxvj s, and the aill to be sauld for ij d. the pwint.

That day compeirit personalie in presence of the saidis Bailzeis, 16 May sittand in judgement, Mr. Robert Monro, minister of Logie and Urquhart, Thesaurer of Ross, exhibit and producit ane commissioune grantit be the Lordis of Counsal, extractit vnder the signe and subscriptione of Mr. Alexander Gibsone, clerk, being of the dait at Edinbruche the secund day of Merche 1605 yeiris, directit to the saidis Bailzeis, for taickinge of his the said Mr. Robert Monrois aithe of weritie vpone ane ressonue and eick proponit in presens of the Lordis of Counsal be Mr. Laurence McGill, Procurator for Mr. Alexander Hamiltoune of Kinglass, tuichinge the suspensioune of the Letteris of Horninge purchest at the instance of the said Mr. Robert Monro, quhairwithe he causit chairge the said Mr. Alexander Hamiltoune to mack payment to him of the teindis and deueties of the thesaurie of Ross yeirlie of the cropis and yeiris of God Jai v\text{cres} L xxxx viii, xviii, xix, vi\text{cres}, vi\text{cres} and ane, and vi\text{cres} and twa yeiris, quhilk Lettres of Horninge the said Mr. Laurence McGill alledgit aucht to be repellit for the resone and eick followinge, first, becaus the said Mr. Alexander Hamiltoune, haiffin in tack and assedatioune of the said Thesaurie of Ross, for diuersss yeiris to cum, haid maid pament of the deueties of the said Thesaurie of Ross for the cropis and yeiris of God aboune wreittin to the said Mr. Robert Monro, and to Andro Monro, his sister son, haiffand his power and commissioune to that effect, as also becaus the said Mr. Robert hes tain ane special assignation of the said Mr. Alexander Hamiltoune, tackisman of the teind schawes of the Thesaurie of Ross, of the teindis of the landis of Culbockie ; lyickas the said Mr. Robert causit the said Mr. Alexander denunce the possessoris and intrometteris withe the teindis of the saidis landis; vpoun the quhilk horninge the said Mr. Robert obtenit the gift of the escheit of the possessoris of the saidis teindis; as the said commissioune in it selff proportis; The said Mr. Robert Monro compeirand personalie, and beinge suorne solemnplie on his greit aithe and conscience to declair the
Records of Inverness

1605 veritie on the said ressoune and eick, being examinat, deponit that he
16 May nor Andro Monro, his commissionar, never ressauit ony siluer or deutie
fra Mr. Alexander Hamiltonoune for the cropis and yeiris aboune wreatittin,
nor fra na vtheris in his nam, for the haill yeiris aboune wreatittin,
exceptand onlie xiix xij merkes money quhilk he ressavit fra Huechoune
Fraser of Culbocke in pairt payment of the said Mr. Alexanderis deutie
of the Thesaurie of Ross for the cropis and yeiris of God xvij, xvij, and
nyntein yeiris; and forder deponit that he never acceptit ony particular
assignatioune of the teindis of Culbockie at ony tyme fra the said Mr.
Alexander, nather causit he the said Mr. Alexander denunce the
possessoris of the saidis teindis of Culbockie, nather obtenit he never the
gift of thair escheittis be vertew of the said denunciatioune; and this we
testifie to be of treuthe, be thir presents; Subscrivit with our handis, day,
yeir, and place foirsaid: Quhairvpoune Mr. Robert requerit Act of
Court.

J. Duff, notar, clerk, witnessinge hierto with my hand.

18 May Act auchteen day of Maij the yeir of God Jaj vices and
fyiff yeiris.

That day comperit within the kirk of Innernes, James Fraser
McAllister, and hes ower be thir presents fra him, his airis and assignais,
all richt, tytill, entres, and possesioune quhilk he hes haid in to the
quarter of land of Chappel Drackie in favouris of Mr. Johne Ross,
Provest of Innernes, his airis and assignais, and hes renuncit all claim
that he may acclaim thairto, by present and to cum, and that for the soume
of sex hunderethe merkes, money Scottis, ressauit be him fra the handis
of the said Mr. Johne Ross, for redeminge outqueitting thairof, with all
cartenentis belonginge thairto, and grantit and confessit the hail tennor
of the renunsioune and regress satisfiet to him in all pointis: Quhair-
vpone the said Mr. Johne Ross requerit and tuick Act and Instrument
befoir thir witnesses, Williame Cuthbert Johnesone, Thomas Vrquhart,
Bean McComas McConchie.

10 Dec. That day ane Broche struilken be Jhone Cuming, Procurator Fisecall
of this Bruche, on all the friemen barkeris of nolt ledder within this
burgh, viz. Alexander Merchand, Findla McVirriche, Robert Neilson,
Thomas McCoull, Williame Paterson Johnson, Alexander McConochie,
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that wrangowsly thei and ilk ane of them contrair the actis and statuttis of this burgh, be wertew quhairof thei wer inhibit be Johne Stewart, officer, be ane borru Precept, that thei nor nane of them suld carie, transport, or taik away ony barkit ledder, nor yet sell the same to ony persone, quhilk thei intend to pass to Andermes mercat, and for stay them that thei suld noch transport nain without the licence of the Magistratis, ay and quhill the craiftismen of this burgh wer first seruit and staickit thairof, quhilk thei have nocht done; and the said Procurator desyris them to be decernit in the wrang breacking of the arrestment and ordinance of this burgh: And the saidis barkeris being warnit, compering, allegdit that thei seruit the craftmen in barkit ledder at this tyme according to the desyir of Mr. Johne Ross, Prowest, and thairfor hes obtemperit the will and desyir of the saidis actis and precept, and in signe and toikin the hail craftmen and cordinaris of this burgh com- peirit and grantit them to have ressawet fra the foirsaidis barkeris sex daicker ledder, ilk ane pro rata: Quhairwpone the Judges hes obsoluit the foirsaid barkeris, and maid them frie of the said arrestment; Quhair- wpone thei requerit and tuick Act of Court.

That day James Dempster, for the wrangous cuffing of Jhone Weddell, and drawin of bluid of Thomas Zoung, Cordinar, his servitor, the fyiftein day of this instant, and that being done in the said Jhone buithe, and thairof for cuffing of the said Jhone on the Kingis casey, and, being grantit be the said James thairfoir, the Judges decernis him in the wrang, and in the bluid letting of the said Thomas, and cuffing of him and his maister, ordains him to pay fourtie schilling, and confessit Thomas Mc Elea to be instrument, thairfoir is judgit in amerciament, and down giffin upon the premissis be Malcolm Duncanson, dempster of Court: Quhairwpone requerit act.

That day Jhone Robertson, son to umquhill Jhone Robertson, burges of Innermes, for the wrangus naiffing and bluid laitting of William Cuming, cordinar, the fyiftein of this instant, and being lauchfully provin be Jhone Ker and James Cuming; the judges decernit the said Jhone in the wrangus bluid laitting and naiffing of William Cuming, ordains him thairfoir to pay fourtie schillings, is judgit in amerciament, and down giffin thairupon be the forsaid Dempster: Quhairwpone requerit act of Court.
1606

That day James Robertson, merchand, is decernit for the vrangus cuffing and buffating of William Adamson alias Gelmach, and Androw Maison, servitor to Rorie Makenzie, the fyiftein of the said monethe in his awin buithe without ony cause; thairfoir is ordanit, in respect it is prowin be George makphail and James makillireoche, to pay to the Judges and pertie four pundis money, is judgit in amerciament, and down giffin thairvpon be the foirsaid Dempster: Quhairvpone the persewaris requerit act of Court.

That day Thomas Squeyar, brother to Donald Zoung, burges of Innernes, for the vrangus trubling of Murdo Poilson, burges thair, on the aucht day of this instant, and drawing of the said Murdois bluid with his steked naiff on his wisag and face, and that becaus he challancit ane lytill measowr for metting of twa pennorth of great salt in the hands of George Strachquhen, son to unquhill Robert Strachen, quhilk the said Thomas alledgit to apertein to him, and that he ressavit the same fra his brother, and Jhone Robertson being vitness in the bluid laitting, lyik as the said Thomas confessit the same, he being anes in gripis with the said Murdow; Thairfoir the Judges has decernit the defender to pay fourtie schilling for the bluid laitting, and therefoir is judgit in amerciament, and down giffin thairvpon be the Dempster foirsaid: Quhairvpon requerit act of Court.


That day comperit Alexander Cuithbert, and with him William Campbell, his Procurator, and exhibit our Soverain Lordis breiff of lyning for lymiting of the landis thairin contenit, being deuly execut and endorsat to this day, and being callit at the tolbuith window thryse, as use is, and na partie compeiring to obpoin or obiect in the contrair, requerit act, quhairof the tennor of the breiff and executionnis follovis:

Jacobus dei gratia Rex Magne Britannie, Francie, et Hibernie, fideiique defensor, preposito et balliuis burgi nostri de Innernes, Salutem: Mandamus vobis et precipimus quatenus per duodecem de melioribus et fidedignioribus burgen. dicti burgi magno sacramento interueniente juste et secundum leges burgi liiari faciatis illam acram terre hereditarie pertinen. Alexandro Cuithbert burgen. dicti burgi jacen. in territorio eiusdem burgi in lie feild nuncupat. Dammisdall inter terram quondam Luce Patersoun burgen. dicti burgi ex australi, terram quondam Alexandri Patersoun ex boreali, terram ipsius Alexandri Cuithbert ex
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orientali, et lie Foull Poyll ex occidentali, partibus ab una et aliis secundum rectas et veretes diuisas burgorum Et sicut dict. acra per dictos linnatores liniata fuerit ita eam de cetero faciatis firmiter obseruari tantum inde facien. per pro vestro defectu amplius inde justam queremoniam non audiamus: Teste meipso apud Edr. secundo die mensis Decembris annis regni nostri tertio et tricesimo nono 1605. Upon the fift day of Februar the yeir of God Jai Vices and sex yeiris, I, William Gray, ane of the burru officers of the bruche of Innernes, paist at the command of Alexander Paterson, ane of the bailyeis of the said bruche, to the marcat croce of the same, and, after thrie oyes, I did proclaim this within wreittin breffe in all poynitis to the twenty four day of Februar instant, and maid Intimation to all personnis and pairteis haiffand or pretendand entres thairto to compeir the said day befor the Provest and Bailzeis of the said bruche, or ony ane of them, within the tolbuith of the same in ane borrow court, thair to be haldin in curt tym of day the day and dait foresaid, in the hour of cause, to oppoin or object contrair the said breiff, with certification as effeiris: This I did befor thir witnesses, Alexander Waus, son and appeirand air to James Waus, burges of Innernes, William Cuithbert, Jhone son, burges thair, and Alexander Duff, nottar and commoun clerk of Innernes; and for the mair witnessing heirof I haiff affixit my signet of office, with my subscriptoun manuell, as use is. Sic subscribitur William Gray executor heirof with my hand.

And forder producit ane burru precept deuly execut and endorsat to this day, quhairbe haiffing sommond the personis of Inqueiest following, quhairof the tenner of the said precept follovis:—

Maister Jhone Ross, Provest of Innernes, James Waus, William Cuithbert, appeirand of Aulcastelhill, Alexander Bailzie, and Alexander Paterson, Bailzieis of the said bruche, To our Iowittis William Gray our mairis and officeris in that pairt, coniunctly and seuerally, specially constitut, greitting: Forsamekill as thair is ane breiff off lyning of our Soveran Lordis Chappell raisit at the instance of Alexander Cuithbert, burges of Innernes, for lyning and limitating of ane aiker of land lyand within the territorie of the bruche of Innernes and Sherefordom thairof, in the feild callit Demmisdall merchand betwix the landis of umquhill Alexander Paterson aires landis at the North, Luc Patersonis aires landis at the Southe, the said Alexander Cuithbertis awin landis at the 1606 24 Feb.
1606  Eist, the Fousse or Fowll Poyll at the vest; Quhilk cognitioune or
24 Feb. lyning can nocht be richtly doin without ane honest and condign Inquest
of the maist honest personis or twelff of the burgesses of Innerses quha
best knawis the verietie; Quhairfoir, this Precept sein, ye pass and
lauchfully sommond warne and chairge William Robertson, elder, Burges
of Innersess, Richard Gordoun, burges thair, Petir Waus, burges thair,
Jespert Cuming, burges thair, Alexander Hey, burges thair, Jhone Duff,
James Fraser Makallister, William Cay, Thomas Lorimer, Jespert
Dempster, Jhone Abraham, William Robertson, Zounar, Alexander
Cuming, Jhone Maill, Alexander Merchand, James Cuithbert, Zounar,
Alexander Makconochie, Findla Makphaill, To compeer before vs or ony
ane of vs conjunctly and severally within the tolbuith of Innerses, in ane
borru Court thair to be haldin in curt tym of day the twentie four day of
Februar instant, in the hour of caus, and thair to pas vpone the Inquest
foirsaid for lyning of the said aiker of land foirsaid, according to oure
Soveran Lordis breiff and petition maid thairpon in all poynitis, ilk
persoun under the pain of ten pandis according to justice, the quhilk to
do ve comit to you conjunctly and severally our full power be this our
precept, delyvering the same be zou deuly execut and indorsat. Given
under the subscription of our common clerk at our command at
Innerses the xv day of Februar anno 1606 yeiris. Ita est Alexr. Duff,
notarius communis scriba burgi de Innerses testan manu propria.

Upone the sevinteint and aucheitint dayis of Februar anno Jai.
Vices and sex yeiris, I William Gray, ane of the borou officiariis of Innerses,
lauchfully summond, varnit and chairgit the haill personis of Inquest
within contenit, all personally apprehendit, except Alexander Cuming and
Jhone Duff, at their dwelling places, to compeer befoir the Provest and
Bailzies of Innerses or ony ane of them within the tolbuith of Innerses,
in ane borru court, thair to be haldin in court tym of day, the day and
daft within contenit, in the hour of caus, To pas on the Inquest of our
Soveran Lordis brewes of lyning raisit at the instance of Alexander
Cuithbert, burges of Innerses, ilk person under the pain of ten pandis.
This I did befoir thir witness, Jhone Forbes, Jhone Stewart, and
William Cuming, borru officiariis of Innerses; and for the mair wit-
nessing heirof I haift affixit my signet of office as use is. Sic subscribitur
Wm. Gray, officer, with my hand.
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Nomina Assisse: Jespert Dempster, canceler, William Robertson, 1606 elder, Petir Waus, James Cuithbert, Zoungar, Alexander Hey, all bur-
gess of Innernes, Jhone Duff, William Robertson, Zounger, Alexander Merchand, Thomas Lorimer, Findla Mackphaill, burgess of Innernes, James Makallister, Alexander Cuming.

That day quhair na persoun nor partie compeirit till obiect or appoin contrair our Soveran Lordis breiff burru precept executionis thairof and personis of Inquest, the persewar and his Procurator requerit act of Court.

Heir followis the tenor of the Petitioun:

Guid sirs of inquest, I, Alexander Cuithbert, burges of Innernes, shawes vnto your wisdomes that umquhill Luc Patersoun preiudgit me in taking away fra me, and in bigging of ane dyik of ane halfe rig of ane aiker land of myne, lyand be eist the auld fossie in Demmisdell, merchand betwix umquhill Alexander Patersounis airis, at the northe, the said umquhill Luc airis landis at the southe, my awin landis at the eist, the fossie at the west, and that the said umquhill Luc Patersoun biggit his hail dyik of his yaird thairon with the northe end of his eist barn, and thairfoir, seing the same is hindersum to me in preiudycing me of my heritage, that your wisdomes will cognois the samen and caus limit lyning the samen, and mack me to bruik and posses my awin, and to decern thairon according to the ordur set down anent lyning and limiting of landis within bruche, conform to our Soveran Lordis breiff raisit be me thairvpone, humbely de-
syirand your Wisdomes answer; and for instructing of the inquest f berhasil and petitioun the said persewar and his procurator producit ane chartour and seasing on the f berhasil aicker annalziet be Jhone Waus of Lochslyn to the persewar under the signe and subscriptioun of Jespert Cuming and Adam Dunbar, nottaris, being of the daist the sewint day of August the zeir of God Jai vcess four scor fourtein yeiris, and conform thairto desyrit the samen to be remittit to the tryall and sicht of the personis of inquest f berhasil: Qhahirvpoun requerit act of Court.

That day compeirit William Patersoune, zoungar, burges of Innernes, and alledgis that the f berhasil aicker land aucht nocht to be lynyit, and that in respect na field land is nocht in use of lyning, and protestis quhatsumever thing the inquest dois in the premiss be preiudicall to

That day the foirsaid inquest being all callit, and compeiring, being sworn and admissit, hes all in ane voice nominat Jespart Dempster canceller, and thairefter paist to the foirsaid aicker of land, and hes sein and considerit the samen, and after re-enterit in the tolbuith, and hes continuat thair sentence and pronuncing of the decreit of lyning till they be forder advysit.

That day Alexander Cuithbert, in respect the foirsaidis personis of inquest hes nocht delyverit nor pronuncit sentence of affirmitiwe nor negative, protestis that quhatsumever hurt or skaithe he sustein thairin that thei be answerabill to him thairfoir as law will: Quhairvpoun requerit act of Court.

27 June That day Thomas McAy McConil, cottar to Duncan Forbes, is decernit accordinge to his avin confessioun to entir presentlie with William Cuithbert, apperand of Auld Castelhill, and to mack him service as ane sufficent cottar, according as he promissit, and upon the conditioun maid betwix them, till Vitsonday 1607 yeiris: Quhairvpoun the said William requerit act of Court.

11 July That day William Robertson, litstar, is decernit to pay to Jhone Robertson, minor, son to umquhill Laurence Robertson, the soum of xx merkis money as for the maill of the house at the Brige end sellit to him the complenar, and that for the Mertinmes term maill thairof, 1605, and Vitsonday last, 1606; and the defender ofymes callit and nocht compeiring, he holdin pro confess, the persewar deponit according to the clame: The Judges ordanis the defender to mack payment theairoff within xv dayis, to the persewar vnder the pain off poinding or varding: Quhairvpone requerit act and tuilk of Court.

That day Murdo Poilsoun is decernit for the maisterfull taickinge away fra Jhone McAndrov, servitor to Gilbert Duff, his quheit plaid, in the hie get, cumand fra the month of pettis and turs, and, gif he comittit offence he aute to hau cumin and complenit to the Bailzies, quhilk, as the defender alleldigis, he haid stollin sum of his fiewall and turs, and ordains

¹ Coming from the mount of (with?) peats and turf.
him to pay xl ss. to the Judges for his offence, and to restoir the plaid to
the persewar instantlie : Quhairvpone requerit act of Court.

That day Jhone Oige, for the wrangus trublinge of John McComas,
cordenar, and in dingeing, neffing of him vnder silence of nycht, in his
awin hous, and vald cum and mak his compleint, gif he ony haid, to the
Bailzies, is ordanit for trubling of the toun to pay ii merkis ; and the said
Jhone McComas, for the ganging to the said Jhone Oige hous, and he
beinge inhibit be him to gange thair, and for trubling of the toun, is
ordanit to pay xl ss. : Quhairvpone requerit act of Court.

That day James Mcillereoche, for the wrangus bluid latting and
strickin of Finla McCrear in the foriheid with his durk, is ordanit to pay
xl ss. to the Judges, quhilk ves doin in Culcabock the 4 of this in-
stant, on the gerss, qua confessit he hat him iii knokies in the heid
with the heft of the durk, and to pay the leiche as salbe modifiet:
Quhairvpone requerit act of Court.

That day Androw Innes, alledgit being ane fuill, for trubling of Mr. 25 July
Robert Bruce\(^1\) at the water syid under sylence and cloud of nicht, and
vald nocht obey the office men to cum to ward ; thairfoir, being put in
the theiffis pit, and presentit now judicially, and being accusit on the
premisses, alledgit he was by dyat\(^2\) : In respect quhairof the Judges, withe
his awin consent, in caise he be found againe to do ony harme to ony
persoun within the bruche, ipso facto to be scourgit, and his lug naillit to
the throne : Quhairvpone requerit act of Court.

That day William Sangster, fuctour, according to his awin con-
fiessoun is decernit to pay to James Stevin syve pundis money as for the
mail of ane zaird pertaineing the guidman of Erlis milne, quhilk suld haid
beine payit at Candilmes 1606, and ordanis him to mak payment thairof
within fyfteine dayis, vnder the pain of poinding or warding : Quhairvpon
requerit act of Court.

That day Androw Fraser Mak conill is absolutit fra the slaying of ane
scheip or lamb alledgit comittit be him in Julij 1604 yeiris, pertaining to
William Miller at Connes, and of all that may follow thairvpon, and
that, in respect the caise being referrit to his aith, be the persewar

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\(^1\) The famous Presbyterian minister who was banished from Edinburgh by James VI.,
and resided for a time in Inverness.

\(^2\) By dyat—bedoited or crazy (?)
1606. deponit that he newir slew ane scheip, bot brack ane lambis feit pertining
25 July. the persewar, and that he tuik the samen withe him selff; thairfoir is

5 Aug. That day Jespert Cuithbert, cordiner, for the wrangous naiffing and
bluid latting of Alexander Symson, cordinar, within Donald Makrob his
maisteris buithe, and in manassung of the said Alexander, and back-
bytting of the said Donald, he being absent, in calling of him kairle,
soingour, knaiff, and sneik; thairfoir is decernit to pay fourtie scillingis
to the Judges for the wrang doing and saying of the premis\(^3\); and dome
" giffin thairupon be Jhone Stewart, Dempster of curt: Quhairvpon the
persewar requerit act of Court.

That day Jhone Makintaillzeour is decernit for the wrangous
trubling of the toun and drawing of Robert McCowill his mother
brotheris beard, convict in xix ss. to be payit to the Judges, and to cum
on Sounday in tyme of preiching, and ask forgivenes at his mother
brother: Quhairvpon requerit act.

17 Sept. That day Donald McIllean and Jhone du Mc illean compeiris in
Innernes, ar convict, the said Donald for the manissing of Alexander
McAgo, cordener, and in chaissing of him with ane drawin durk to his awin
hous of the hie get, and, not being satisfeit thairwith, persewit the said
William Cuming, officer, and maist haif slain him withe the said durk,
and, not being content thairwith, com throw the hie get lyik ane maid
man, and persewit Jhone Forbes with the durk, and hurt him and raife
his clais, and wald not paiss na wayis to ward till he was forcit thairto.
And siclyick the said Jhone paist to the said Alexander McAgo hous,
and thair trublit his wyiff, barnis, and dang his hyir woman, and maik
bla on hir, and that done under sylence of nicht, and, being provin be
Jhone Oig and Thomas Skinner; Theirfoir the Judges hes convict eather
of the saidis personis for the foirsaidis wrangis; ordanis ilk ane of them
to pay twentie scillingis, and, in caice they be found to do the lyick, they
to be banist out of this bruche, and to find cautiou thairvpon, and
ordanis them to be joigit, and ane myter with ane superscriptiou; and
Alex\(^7\) Merchand is becum cautiou on the banischement of Donald
Mackillean, and he for his cautioer releiff: Quhairvpon requerit act.

40
That day Jhone Duill, brebner, for the bluid and bla laitting of Magie Gray to Willie Fraser, messinger, in greit quantitie thairof, and in deforming of her face, is convict thairof, and ordainis him to remain in waird, seing the fact was done above eind\(^1\) till he pay the unlaw of ten pundis: Quhairvpoun requerit act.

That day the Judges haiffing accusit Donald Forbes, alias miller, for the wrangous and maisterful spoilzeatioun under sylence of nicht, and brecking of Jhone Jenoris barne, and alledging the said Donald to haue tain avay ane greit quantitie of stray thairout off, and the samen being referrit to Jhone Jenoris probatioun, and the said John succumband thairin be the aith of tua cotter wyiffis, and the pairtie defender aith, and his boy, quha knew nathing thairoff, Theirfoir the Judges hes absoluit the said defender and his boy fra the persuit of the clam; And siclyick the said John Jenor, being accusit for laitting of the said Donald Forbes of his arme, quha nayit the same, the said Donald not abill to pruiff the samen, seing thair was bot them selfis baiithe present, the Judges hes remittit the same to the tryall of ane Inquest: Quhairvpoun requerit act.

That day Thomas Squeyar na haiffing complenit on William Campbell, merchand burges of Elgin, that he culd not paiss the street of this bruche but invasioun of the said William, Theirfoir desyrit him to be wardit quhill he find him law soverties; And the Judges haiffing tryit baiithe thair allegatiounis, hes fund the said Thomas in the weit and that becaus the said Thomas mellit and ingillit (?) him in ane bargan quhilk was betwix the said William and ane uther man, and thairbe constrainit the said man to pas fra his bargan in preiudice of the said William Campbell, Theirfoir ordanis the said Thomas to be deleyuerit to the Deacon of the Skinner craft, and, giff ever he be fund into the lyick falt or any uther unciuil故障, to be banist ipso facto; And the said William Campbell being chargit in ward till he haiff fundin law soverties till Donald Zoung, that he suld be harmeles of the said William Campbell, and remaning in waird, James Andersone, merchand in Elgin, of his frie voluntari vill, oncompellit or coacit, haiffing merchand comptis and uther necessar effairs to do with the said William, becam cautious to entir the said William Campbell in waird within four houris thaireftir under the pain of fourtie pund, quhilk was not don; And thairfoir ordanis the said James Andersone to be apprehendit in this bruche, and

\(^1\) eind—eind, end, breath.
Records of Inverness

1606 to be vardit till he pay the foirsaid penaltie of fourtie pundis: Quhair-
17 Sept. vpoun requerit act.

18 Sept. The conventioun of Mr. Jhone Ross, Prowest of Innernes, William Robertson, elder, Alexander Merchand, William Paterson, Zounger, Johe Cuithbert, Zounger, Jhone Robertson, Robert Moncrieff, George Mackphaill, burgess of Innernes within the Counsell of Innernes the xviij day of September 1606 yeiris.

That day anent the accident fallen out betwix Jhone McWilliam Mcferquhairson, on the aine pairt, and William Campbell, merchand burges of Elgin, on the uther pairt, That is to say, quhair Jhone McWilliam Mcferquhair persewit William Campbell, beyond the Water of Ness, with ane drawin sword yetling to have slain him, and the said Jhone McWilliam confess judicially alledgit that it was becaus the said William vald not giff law souerties to Donald Zoung, quhilk Jhone Cuithbert and Jhone Robertson, witness, declarit that the said Jhone Mcferquhair, in Cullachie, sett on William Campbell, he being on the horse baick, and the horse, seing the drawin sword, vald not paiss away with William to eschew the offering off that iniurie in drawing the sword, quhilk in the mean tyme he behuiffit to ryid with him in the water, and war not Jhone Cuithbert, the said Jhone Mcferquhair wald haif slain the said William sa far as he persewit. It is ordanit that the said Jhone McWilliam Mcferquhair fund law souerties that William Campbell salbe harmeles of him and that the said Jhone salbe harmeles of him; and thairefter the said Jhone to sateisifie the wrang and iniurie as qr. opportunitie of the Prowest and Bailzeis sail serue, and theirfoir puttis William Campbell to libertie.

That day compeirit George Cuming, burges of Innernes, and of his awin frie motive will, oncoactit or çompellit, for Jhone McWilliam vic Ferquhair, that William Campbell salbe harmeles of him within the bruche, and als Jhone Cuithbert is becum cautiou and law souerties for William Campbell that Jhone McWilliam salbe harmeles of him within the bruche, ilk persone under the pain of fourtie pundis; and the saidis personis is becum actit for thair cautioneris to relieff them under the pain foirsaid: Quhairvpon requerit act.
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At the Kirk of Innernes, Sounday before Michelmes day, being the twentie aucht day of September, the zeir of God Jai iv supplemented and sex yeiris.

That day the Provost, Bailzeis, Counsell, and communitie of the bruch of Innernes, all burgess, compeirit within the said Paroche Kirk of Innernes, efter hearing of the preiching efter noin, and their maister Jhone Ross, Provost, dimittit and overgaif the said office in the handis of the Cunsell, and remanent burgess of Innernes, and William Cuithbert, appeirrand of Auldcastelhill, Alexander Bailzie of Dunzean, James Waus, and Alexander Paterson, Bailzeis dimittit the office of bailzarie in the handis of the said Cunsell and burgess: Quhilkis personis of Cunsell, viz. Jhone Cuithbert of Castelhill, Alexander Cuithbert, James Cuithbert, elder, William Paterson, zounger, William Robertson, elder, William Paterson, elder, William Robertson, zounger, Jhone Abraham, George Cuming, Alexander Cuming, Alexander Merchand, Petir Waus, Findla Mackphaill, with the rest of the burgess of the bruche, being convenit, as said is, for electing of their Provost and Bailzeis, conforme to the use, and act of Parliament, hes all in ane voice nominat and chosin Maister Johne Ross to be Provost of the bruche for ane zeir; William Cuithbert, appeirand of Auld Castelhill, William Campbell, James Cuithbert, elder, and Alexander Paterson, Bailzeis for ane zeir; Quha gaiff thair solemne aithis to use the foirsaidis offices uprightly during the space foirsaid; and the saidis personis of Cunsell ar electit to remane in the said office for the weill of the bruche to Michelmes next, 1607, except George Cuming and Alexander Cuming, for the quhilk the auld Bailzeis viz. Alexander Bailzie and James Waus ar adionit to the Cunsell: Quhairvpone the burgess being present requerit act and instrument.

The Heid Burru Court off the burgh of Innernes efter Michelmes, haldin within the Tolbuiithe of the same be maister Johne Ross, Provost of Innernes, William Cuithbert, appeirand of Auld Castelhill, Alexander Paterson, Bailzeis of the said burgh, the sext day of October, the zeir of God Jai iv supplemented and sex yeiris, the suitis callit, the court lauchfulli fensit and affirmit as use is.

That day Mr. Johne Ross, Prouest, is suorn Prouest of this brucht for the space of ane zeir, quha hes gewin his aithe thaivpone: Quhairvpone Alexander Paterson, Bailzie, requerit and tuick act of Court.
That day William Cuithbert, appeirand of Auld Castelhill, Alexander Paterson, and William Campbell ar admittit Bailzies for ane zeir, quha hes gewin thair aithe to use the said office of bailzerie richtly for the space of ane zeir: Quhairvpone requerit act of Court.

That day compeirit within the tolbuith of the burghe of Innernes the Prouest, Bailzies, and Counsal and communitie off the said burghe vnnder subscriuand, and haiffinge tryit the qualificatioune of Alexander Duff, notar publict, commun clerk of Innernes, hes fund, and be the tennor hierof fundis him meit, apt, and qualifet to use exerse to bruiicke and joise the said office of commun clerkschip of the said burghe of Innernes, and also for the inteir luif, fauour, kyndnes quhilk we haif borne and beiris towards the saide Alexander Duff, and for his loyall obedient seruice done be him to us and euerie ane of ws thir certain yeiris bygane, and for certain vther ressonable causis, motionnis and considerationis movinge us hierto, Theirfoir to haiff gevin, grantit, and disponit, lyicke as be the tennor hierof gevis, grantis, and disponis fra ws Prouest, Bailzies Counsal and communitie vnnder subscrivand, to the said Alexander Duff, notar publict, the saide office of commun burru clerkschip of the saide burghe dureinge all the dayis, zeiris, and termes of his lyiftym allanerlie, withe all commodities, liberties, custumes, and deueties belanginge to the said office, to be upliftit, usit and exersit, be him dureinge all the dayis of his lyiftym be all richt thairof, with frie ischiw and entrin, frielie, quietlie, viel, and in peace, but ony impediment, contradictioun, or revocatioun, or obstacule quhatsumevir; And hes electit, nominat, creat and admittit, and, be the tennor of this judiciale act, we the saidis Prouest, Bailzies, Counsal, and Communitie, for us and our successouris, electis, nominatis, creatis, and admittit, the said Alexander Duff, burges of Innernes, commun burru clerke of Innernes, to remain and to be usit be him dureinge all the dayis, zeiris, and termis of his lyiftym; quhairvpone the said Alexander hes gevin the greit aithe to the saidis Prouest, Bailzies, and Counsal, communitie under subscrivand, that he salbe obedient to them, and use the said office faithfullie, leilie, and treulie, dureinge all the dayis of his lyiftym; and forder we the said Prouest, Bailzies, and counsal, communitie under subscrivand, be the tennor hierof, for us and our successouris simpliciter suspendis in electinge, admittinge, or creatinge of any uther person quhatsumevir commun burru clerke of the said burghe of Innernes, in judgement or outwith judgement, at ony tym.
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cuminge, duringe the said Alexander Duff lyiftyme, and hes dischargit, \textit{1606} and be the tennor hierof we undersubscrivand \textit{simpliciter} discharges all personis that is or hes bein admittit or creat be us or our predecessoris or antecessoris to the said office of burru clerkschip of Innernes befoir the maickinge hierof, except onlie the said office to be bruickit be the said Alexander Duff duringe all the dayis of his lyiftym; Prouydinge aluyes be ther presentis, giff it sal happin the said Alexander Duff to be fund culpabile be us or our successoris in ony cause or fact virdie of depriva-
tioun, and the samyn beinge tryit and censurit be us and our foirsaidis, and than to be in that caice fund culpabill, \textit{ipso facto} the said Alexander than to be depriuat: Quhairvpone ather partie requerit and tuick act of Court.

\[\text{Signed} \] Mr. Jon Ross, Provest of Innernes, William Cuithbert, Bailzie, James Waus, Bailzie, Alexander Paterson, Bailzie, Alexander Bailzie of Dunzeane, ane of the bailzies, James Cuithbert, elder, ane of the Counsell, Wilzeame Paterson, ane of the Counsell, George Cuming, ane of the Counsell, Peter Waus, ane of the Counsell, Willzeame Robertsone, elder, ane of the Counsell, Wm. Robertsone, zounger, ane of the Counsell, David Cuithbert, w't. my hand, James Dempster, w't. my hand, Alexander Cuming, ane of the Consell, James Cuithbert, zounger, w't. my hand, Findla Makphail, ane of the Counsell, Johne Cuithbert of Auld Castelhill, Alexander Cuithbert, w't. my hand.

That day Robert Moncreiff persewit George Kemp, Skipper, to rander \textit{30 Oct.} to him the merchandrice following:

\begin{itemize}
  \item Item, sex pair of women stockones at sewin schilling the pair.
  \item Item, 3 pair of menis schone at 2 s. the pair; ane pair of bairnes schone 14 d.
  \item Item, 3 dubil sellit fattis at 4 grottis the piece.
  \item Item, 3 drinking cuppis 12 d. the piece.
  \item Item, ane New Testament, with ane psalme buick, baith in ane opening contrarie to the uther, giltit about baith the margiantis, at
  \item Item, 2 pair silkin gartennis at halfe crown.
  \item Item, ane pair of womenis schone at halfe crown.
  \item Item, ane wobstarris spoill at 8 d.
\end{itemize}

\textit{Summa hierof extendis to 3 libs 5 ss. v d sterling money.}
\textit{Inde of Scottis money to 39 libs v ss.}

\footnote{All the subscribers signed with their hands.}
Ane broche stricken be me Robert Moncreiff bovar, burges of Innernes, on George Kemp, burges of the Southe Ferrie, and maister of the bark callit the Angell, that wrangouslie and agains the law he deteins and withhaldis fra me the guidis and geir and merchandrice following, viz. quhilk guidis and geir of the prices abone vreittin the said George ressauit the samen in my name, with sundrie uther sortis of wairis packet in ane barrell, within the said bruche of Southe Ferrie in the monethe of September last or thairby, 1606, to haue hein delyuerit to me within the bruche off Innernes as proper geir perteining to me, and the said George Kemp deteins and withhaldis fra me as as zett the foirsaid geir as ane pairt of the geir quhilk was packit and put in the said barrell, and will not on na wayis rander, restoir, and delyver to me the foirsadis guidis and geir abon, nor zet the prices thairof abon specifies, according to my bying thairof, quhilk I micht have maid twentie pundis of gain and proffeit thairupon, without he be compellit, and thairfoir desyris my Lord Provest and Bailzieis to decerne him to mak me payment and delyverance of the foirsaid soum of 39 libis v ss. withe the soum of twentie pundis quhilk I micht have maid of proffeit and gain thairoff.

That day George Kemp, skipper of the bark callit the Angell, being wardit within the tolbuithie of Innernes at the instance of Robert Moncreiff till he haid fundin cautiouin to him to do that law anent certan merchandrice wrangouslie detenit be the said George fra the said Robert, as at mair lenthe conteinit in the said Robertis lybell; quha offerit his aithe and war not ressavit, and Thairfoir James Mudie, burges of Dundie, at the earnest request of the said George, of his awin frie motive will is becum actit in the burru buickis of Innerness for the said George to do that law will, and all that accordis of the law to the said Robert Moncreiff anent the foirsaidis geir, and within the bruche of Dundie, betwix the day and dait heirof and the first day of August 1607; and the said George is becum actit, renunceand his awin jurisdictioun, and submitting him to the jurisdictioun of the Provest and Bailzies of Dundie, to varrand, releiff, and skaithles keip the said James Mudie at the handis of the said Robert Moncreiff of that law and resson sall giff to him: Quhairvponge requerit act of Court.

That day compeirit Mr. Jhone Ross, Provest of Innernes, and William Cuithbert, ane of the Bailzieis of the said bruche, and gawe in
thair bruche, humbly meanand on Alexander Merchand, burges of Innernes. That qhairupon the tent day of November instant the Provost bailzieis and certane number of the common counsell of the said bruche being convenit within the tolbuithe of the samyn for to have tain ordour and maid pryces on the number of fyve daicker or thairby barkit nolt leader restraintit and haldin be them and put in the Cunsil hous pertaining Jhone McWirriche, burges of the same bruche, and to have sett down the awwail of the said leadder, Quhairbe that the kingis leigis mich be seruit in schone in respect of the great skanthness and present necessitie thairoff; and the said Alexander Merchand being present with the said number of Cunsall, manisst the said Provost and bailzie foirsaid, and gave them money iniuriows wordis, and gawe the lie to the bailzie, and said he vald be als mony Jardanis as they wald be Jhonestonnes, with mony ma irreverent and iniuriows wordis, yetling to hawe strucken the bailzie thairwithe; Thairfoir the said Mr. Jhone Ross, Provost, and William Cuthbert, bailzie, desyris the Judges to sensor and try the caus, and, according as the Cunsall hes decernit him, conform to his merit, desyris remed of law, and he to be dischargit and amittit of his friedome and burgeschip of this bruche conform to his demerit, as the Cunsall hes decernit; and the said Alexander Merchand according thairto to be be this judicall act dischargit thairof, quhairbe it may be in memorie to the posteritie to cum, and to give dome and sentence thairon; and the said bailzieis haiffing seine, hard, and considerit the said complaint, and, after tryall taine thairon, be the advyise of the Cunsall, videlicet, Alexander Cuthbert, Alexander Bailzie of Dunzean, William Robertsone, elder, William Patersone, elder, Jhone Abraham, William Robertsone, zongar, Petir Waus, hes adiudicat and decernit, and be thir presentis adiudicattis and decernis the said Alexander Merchand, for the caus abone vrettin, committit be him contrar the Provost and Bailzie foirsaid, to have tynt and amittit his burgesrie, libertie, and friedome of this bruche, and to be haldin as ane vnfric man, and to haue loist his fraternill societie, libertie and honour thairof, discharging him in using of ony libertie within this bruche ony forder; and dome giffin thairvpon be John Steuart, Dempster of Court: Quhairvpone the said Mr. Jhone, Provost, and William Cuithbert, bailzie, requerit and tuick act of Court.

1606
17 Nov.

Burgh Court Books: Vol. III.
1606 Ane Broche struicken be me Donald Zoung, burges of Innernes, on William Cuithbert, Jhonesone, and Jhone Robertsone, Laurencesone, burgeses thair, That quhair they wrangowslie and agauns the law, on the secund day of this instant December, I being cumand west the hie Kingis gett to pass to my buithe, to do my leisid effairs, off set purpoeis they set on me the said William with ane battown, straik me thryise thairwithe in the heid, and straik me to the ground thairwithe, and neiffit me, lyick also the said Jhone neiffit me and straik me without ony offence done by me to them; theirfoir desyris zour wyisdomes remeid of law and justice, and that they be pwnist for thair wrangous onchristian deiling, quhairbe wtheris commit not the lyick wilanie and fact.

The quhilk day compirit the defender, and, being accusit on the premisses, nayit the haill poyntis of the bruche; the persewar offeris to priwe the fact done according to his bruche, and product Jhone Robert-soun, Laurenson, as vitnes, quha vas sworn, admittit, and deponit that William Cuithbert straik Donald Zoung ane straik with ane tre; lyick as the said William, the caus being referrit to his aithe of weritie, deponit the samyn; and for the said Jhone Robertsone awin pairt, being referrit to his aithe of weritie, deponit that he did nothing to the said Donald Zoung, and that he vas bot ane readder, and fand fault withe him that he drew ane knyife, zetting to have strucken the said William Cuithbert thairwithe; the Judges, efter tryall tayn as saidis, hes judgit and decernit the said William Cuithbert in the wrang foirsaid, and ordanis him to pay

; Quhilk was done in the clerkis cham.

That day compirit judically James Robertsone, merchand burges of Innernes, of his awin frie motiwe will, oncoactit or compellit, is becum actit in the burru buiks of Innernes souertie and law borrowis for William Cuithbert, Jhonesone, burges of the said bruche, that Donald Zoung, burges thair, salbe harmles and skaitles of him in his bodie, guidis, and geir, directly and indirectly, in all tymes cuming, wither vayis nor be order of law and justice, wnder the pain of fourtie pundis money, to be payit be the said James as cautioner in caice the said William Cuithbert contravein the tennor heirof; and the said William Cuithbert is becum actit in the said burru buiks for him selff, his airis, executoris and assignais, to warrand, releif, and skaitles keip the said James Robertsone at the handis of the said Donald Zowng of the premisses, and of all
inconvenient that may result thairwpon: Quhairvpon eather of them requerit and tuick Act of Court.

That day compeirit judicially William Die, Alexander McAgO, Alexander Skinner, Jhone Oig, Thomas Paterson, Jaspart Cuithbert, Donald McRob, James Thuid, Jhone Vedell, Jhone Mc illichrist, cordinaris buith halderis, being accusit for breiking of the statutis and selling of meanis schone darrer nor ane mark the pair, vomen schone na darrer nor ten schilling money; Quhilikis persones confessed the breicking of the said act and statutis, and thairfoir ar decernit in the vrang committing thairoff, and ordanit ewerie ilk ane of them to pay to the Judges fywe merkis ilk persone, except Donald McRob, James Thuid, Jhone Weddell, ilk ane of them ordanit to pay fourtie schilling, and Jhone Mc illichrist to pay tua merkis money; and ar ordanit to be wardit quhill they pay the samyn, and dome gifHn thairupone be Malcolm Duncansone, dempster of Court: Quhairupone requerit Act of Court.

The Heid burru court of the bruche of Innernes haldin within the tolbuith of the samyn eftir Zouill be Mr. Jhone Ross, Provest, William Campbell, James Cuithbert elder, Bailzeis of the said bruche, the xij day of Januar the yeir of God Jaj vjces and sewin zeiris; the suittis callit, the court lauchfullie fensit and affermet, as use is:

Nomina presentium to this heid Court: Alexander Bailzie of Dunzean, Alexander Cuithbert, William Robertsone elder, Alexander Merchand, Donald Bain McPhersone, Jhone Maii, Findla McPhaill, Thomas Mackconill, James Waus, Donald McPhaill, Johne McPhersone in Castle Leaveris, Robert Neilson, William Patersons Jhonessone, William Paterson elder, Jhone Steuart, Alexander McConchie, Jeane Caiskin, Findla McGibsons, Alexander Cuming, Androw McConill, William Patersons zownger, James Cuithbert zownger, William Cuithbert smythe, Jhone Cuithbert of Auld Castlehill, Alexander Skinner, Donald Foustic, James Mackconchie; and all the rest contenit in the suit roll that aucht presens to this heid court ar all absent except the foirsaidis persones; thairfoir ar judgit in amerciament in thair absence, and dom gifHn thairvpone, and ordanis them to be poindit iiiij schilling ilk man.
1607 15 Jan. That day compeirit Alexander Cuithbert, burges of Innernes, and
desirit the persons of Inquest following to be callit to this day at his
instance to give affirmetiwe or negatiwe on the brief of lyning for lyning
of ane aicker land lyand in Demstall betwix the landis of umquhill Luc
Patersone at the southe, Alexander Patersones landis at the northe, the
said Alexander at the eist, the fouill pouill on the west, conform as they
that hes been summond be breiw of our Soweran Lordis Letteris, be
Alexander Monro, messenger, to compeir this day to the effect foirsaid,
quhilk vas continuitt the twentie four day of Februar 1606 yeiris, con-
forme to the proces leid in the burru buikis the said day thairanent, and
compeirit the saidis persones of Inquest; quhilk the Judges, according to
to the charg giuen them for sateisfeing of our Soverane Lordis Letteres
and will thairof, caussit incluse the Inquest in the cunsaill hous till they
haid giffin sentence of affirmetiwe or negatiwe: Quhairupon requerit act.

Nomina assise: Jhone Abraham, canceller, William Robertsone
elder, James Cuithbert samegar, Alexander Hey, Alexander Cuming,
William Robertsone samegar, Jhone Duff, James McAllister, Thomas
Lorimer, Petir Waus, Alexander Merchand, Findla McPhaill, quhilkis
persones of inquest vithe Licence off the bailzie and Alexander Cuithbert
paertie perseuar paist to the foirsaidis landis acclamit be the said Alex-
ander to be lynit, and thairerther that they haid sein, sichtit, and considerit
the samyn, haifing lynit the samyn withe rid and raip, haifing god and
guid conscience afoir thair eyes, re-enterit in face of court, and all in ane
voice hes pronuncit, decreitit, and giffin furthe for finall sentence that
the said aicker be labourit be the said Alexander Cuithbert and his airis
and assignis, and possessit be them in tymes cuming, ewin just vest as
the mering and merche lyis betwix the said aicker at the northe, and the
landis of Sanct Katherein, perteining Mr. Jhone Ross, at the Southe, to
to the gawell of the said wmquhill Luc Paterson kill and fouill pouill at
the west, just eist and west as the mering gais, and ordanis the dyck to
be demolissit be the said Alexander, and the piece of the gawell of the
barne to the mering equallie with it, and the mering to ly at the southe
of the aicker: And the Judges interponis thair decreit of court thairo:
Quhairupon the said Alexander requerit and tuick Act of Court.

9 Feb. That day compeirit within the tolbuith the of Innernes the Provost
and bailzies and Counsell of the said bruche, haifing sein and considerit
the offencis and injuris and misrevrence done and commitit be Alexander Donaldson alias Merchand, thair nichtbour, to the Provest, and William Cuithbert, bailzie, and being depreyit of his fremd and burgesie of this bruche, conforme to the act of deprivationoun maid thairanent the xvij day of November Jaj vjces and sex yeiris, and now be instigatioun and earnest request of ane honourabill man, Mr. Robert Bruce of Kinnard, and God be halie spritei haiffing movit the said Alexander Merchandis heart, acknowledge and confessing his offencis and contempt maid to God and to them openly in judgement and counsall, and they on the wther pairt haiffing considerit his humilitie, and haiffing compassiouen towardis him, hes grantit to him his fredome, libertie, and burgesie of this [bruche] als friely in all respectis to wse the samyn as ony wther burges of this bruche, and hes nominat, creat and admittit, and be the tennor heirof nominatis, creatis and admittiss the said Alexander Merchand burges of this bruche vth all solempnities usit in sic caice, and hes ressauit the gild reing quhilk vas put on his fingeris of his handis be the Provest, vth powar to him to by and sell all manner merchandrice and vther quhatsimewer within this bruche and libertie of the samyn als friely in all respectis as ony wther burges may do of this bruche; quha hes given his aithe, the halie evangeelist tuchit, serve God, that he sall maintein the trew religion as it is presenttly preichit in this realme, s[all] obey the magistratis of this bruche, maintein the libertie and fredom thairof, and skait and loit [scot and lot] vaick and vaird with the nichtbouris of this bruche, f[order] that he sall not haiil nor conceill thair hurt nor skaithe, that he sall not purches na Lordschippis; Prouyding alvais be thir presentis giff it sall happen the said Alexander Merchand to infring ony pairt of the premisses, or be offensive, culpabill joo the magistratis of this bruche heirefter, or misreverence them, or disobey the cunsell actis and statutis of this bruche and the magistratis in puting of the saidis actis to execution, ipso facto the samyn being sensurit, and he being found culpabill of the premisses, in that caice thir presentis to be null and invalid as giff it haid nevir bene grantit: Quhairvpon requerit Act of Court.

Ita est Alex: Duff noris. publicus communis scriba burgi de Innernes testan. manu propria.

That day the Provest, bailzie, and Counsell of Innernes, beinge convenit within the tolbuithe of the samen, and haiiffing tain sufficient
tryell of the conversatioun, maner, lyiff of James Stewart, hes fund him meit and qualifiyet to be ane frie burges and gild brother of this bruche, and to be in thair societie; And, conforme to the desyir of his petioun, hes nominat, creat, ressavit and admittit, and be the tennon of this judicial act, the saidis Provost, bailzies and counsell nominatis, creattis, ressavis, and admittis the said James Steuart alias McVarroun frie burges and gild brother of this bruche of In内nes withe all solemnities requisit, withe full, frie and plain power to the said James Steuart, to use, exerce and hant all maner merchandrice, friedome, libertie, and preuledge, as becumeth the ane frie burges and gild brother to do in tymes cuming, and to be alse ane frie gild brother of societie as ony vther burges; to by, block, sell and saill; And the said James Steuart hes gevin the greit aithe, the halie evangelist tuichit, that he sall in all tymes cuming maintein the trew vord of God presentlie preichit in this Kingdom of Scotland, and that he sall be obedient to his matie. the King, the laws of this realme, and that he sall be obedient to the Provost, bailzies and counsell of In内nes, maintein, defend the libertie and friedom of the said bruche, concur and assist with them in his person, guidis and geir, and obey thair statutis and ordinances in all maner vay; and that he sall skat and lat, vallk and vaird withe them all the dayis of his lyif tym quhen he salbe requerit thairto, and that he sal not hail nor conceal thair hurt nor skaithe, and that he sallnoch purschte na lordschipe in thair contrar nor contrar ony of the inhabitantis, and that he sall nocht tack art nor pairt vithe na landuart nor outlandis man in thair contrar, and that he sall mack his residence for the maist pairt of the zeir within the said bruche zeirlie in tymes cuminge; and the Provost, withe consent foirsaid, hes authorisit the said James Steuart thairin be puttinge on his fingers of the gild ringue in the name of the father, the son and the halie gaist, and admittis him gild brother and frie burges of Ineners with all ceremonies requisit; and Alexander Cuthbert is becum actit cautioner for his guid reul, the Provost gild hois, the spyce and the wyn to the Provost, bailzies and Counsell; and the said James is becum actit for his cautioneris releif, and hes payit for compositioun and admittingte of him as burges the soum of xx pundis money, qhilk the Provost ressauit to compt: Quhairupon all and hail the premisses the said James Steuart requerit and tuick act of court.

Ita est Alex. Duff noris publicus communiss scriba burgi de In内nes testan manu propria.
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That day the brebneris being accusit on the premisses, viz. —
William Bruce, confess  to have tane his sister sone prenteise but licence of the magistratis of the bruche; Kennoth Brebner, confess  ane prenteise; George McHuchewon confess  ane prenteis; Kennoth Brebner in Dimmisaill his brother wyiffis brother, ane buith halder and ane boy with him but licence of the town; Jhone Zowng, Jhone Dowill, all hes tain buithe bot licence of the bruche; quha ar ordanit to pay ane vnlaw of four pundis, with fourtie schelling for thair bute halding, ilk ane pro rata: Quhairupon requerit act.

That day the haill brebneris ar decernit to pay to the theasourer of the bruche for licence in granting to them ane visitor on that craft, zeirlie fourtie schillingis, ay sa lang as they have ane visitor: Quhairupon requerit act.

That day the haill brebneris, viz. —William Vatsone, William Bruce, William Cuming, visitoris of that craft, William McMillar, Hucheown Robsone, George McHuchewon, Thome Steinsone, Kennoth Brebner, James Roy, Thome McRob, ze ar accusit for breicking of statutis in taiking mair nor sex penneis for the elne blew and greine tartan wewing [weaving], and fourtie penneis for ane quheit, plaid wewing, four penneis for the elne of the mair and blaik wewing; quha compeiring confessit to haue breicking the statutis, and to haue taine mair nor the ordinance aboue vreittin; thairfoir the Judges hes decernit and ordanit them to pay thrie pundis for the vnlaw, and ar judgit in amerciament, and dome given thairupon be Malcolme Duncanson, dempster.

That day the foirsaidis brebneris, they ar accusit for none keiping the Kirk ewerie Sounday, and in taiking fra the nichbouris wyiffis mair wowft of zairne nor of warp, ar judgit in amerciament thairfoir, and dome given thairupon: Quhairpone requerit act of Court.

That day the haill browstaris, frie and onfrie, being accusit for breicking of statutis in taking more nor ten penneis for the point eail sen the day of the ordinance maid thairanent, being proclamit at the mercat croce, and intimatit to ewerie ane of them be the knelling of the hand bel threw the streittis, that they suld nocht taik for the point aill bot ten penneis; quhilk statut was maid at michelmes court laist, 1606, and in caice ony persone suld contraveine suld pay fourtie schillingis of vnlaw to the bailzies, quhairof thair names followis viz. —Compeirand

28 July
confesses, They are to say, Alexander Monrois wyiff confess; Donald Fraser confess; Jhone Andersonse confess; Duncan Beg confess; and soe als dois ilk persone following confesses, William McConill vic Richei, Jhone Reoches wyiff, Walter Stewart, William Vatsone, William Swesone wyiff, Agnes Ker, Margaret Duff, Jhone Lawsonis wyiff, Donald McPhaillis wyiff, Alexander Greisone, Donald McRobis wyiff, Alexander McLane Willis wyiff, Bean McConill cheill, Donald Zowng wyiff, Jhone Oig Miller wyiff, Alexander Skinnar, Jhone Aird, Findla McGibsone wyiff, Alexander Burnat, Donald Millar wyiff, Jaspert Williamsone, Androw Barbouris wyiff, Jhone McVirriche wyiff, Thomas Andersons, Alexander McAgo, Thomas Clerk, Agnes McKVirriche, Magie Smyithe, Issobell Stewart, Patrick Mcicleriche wyiff, Alexander Thomsone, Donald Baine McPhersonwyiff, Angus McConchie wyiff, Donald Doin wyiff, Jhone McPaull Gow, Kenoche Brebner wyiff, Megie nein William, James McConchiese wyiff, Rogerd Woid wyiff, George Duff wyiff, Jhone Weddell wyiff, Jhone Fraser, Jhone McSleggache dochter, Jhone du McAllister, Findla du McPhaill, Findla Du dochter, William McConill vic Ane wyiff, Jhone McMiller wyiff, William McInteir wyiff, William McFreuche wyiff, William Cay, Robert Neilson, Jhone Mc Intalzeor wyiff; Qhilkis personis, f'rè burgesses browstaris, ar decernit ilk ane to pay four ss. according to their confessioun as vnlaw, and ilk ane of the vnlaw browstaris to pay aucht ss. according to their confessioun, for their vnlaw to the Judges, and ar judgit in amerciament thairin, and dome given thairupon; and the rest of the browstaris, qua being varnit and callit thryse at the tolbuie the window, and nocht compiring, ar ordanit to pay aucht ss. for their vnlaw, ilk persone for thair absence; quhairof thair names followis, viz.:—Jean Caiskin, Jhone McCormik, Skinner Fischer, William Angussown wyiff, Elspet Ker, Barbara Cuthbert, Alexander McConche wyiff, William Patersons Johnsone wyiff, Findla McVerrichewyiff, William McConill Doin wyiff, Findla McPhaill wyiff, Issobell Ross, Thomas Du wyiff, Jaspert Cuthbert wyiff, William Ross wyiff, Robi Dawidsone wyiff, Alexander Merchand wyiff, Androw McPhaillis wyiff, Sandi McMiller dochter, Margaret Ross, Sandi Cuthbert, [blank] Smyithe wyiff, Peter Winchester dochter, Androw Miller wyiff, Agnes Ker, Jhone McVrrrest wyiff, Androw McWilliam woir wyiff, McGillimichellis wyiff, George McConill Recoche dochter, Thomas McGlasseis wyiff; ilk personis for thair absence ar judgit in amerciament, and dome
given thairupon and ordanit to pay ... schilling ilk ane for thair vnlaw of absence: Quhairupon requerit act of Court.

That day compeirit Jhone Forbes, and being erctic as commissionar for the bruche of Innernes, to conven wi the rest of the commissionaris of burruis at Dunbartan in the moneth of Julij laist, and thair to hawe voitit on certan heidis contenit in thair messive, and in speciall for insertin of the act and generall statut appointit be the saidis commissionaris in the burru buiks of Innernes, quhill the said Jhone product and desyrit the samyn to be insert, quhill the Provost, bailzeis, and Cunsall of Innernes condiscendit thairto; quhaireof the tenor of the said act followis:

In the generall conventioun of borrowis haldin at the bruche of Glaschow be the commissionaris thair convenit the third day of Julij 1574, and in Cowper 1586; for remeid quhaireof the saidis commissionaris, efter lang resonomyng, findis thair estait hielie preuigit be certane bruches quha of lait hes directit thair commissionaris to Parliamentis and conventioun of estaittis electit furthe sic rankis of personis quha haid litill skell or experience of thair effectis, and als litill cair and guidwilling to the standing thairof, haiffing na regard to the actis and constitutiouins maid of befoir anent the directioun of commissionaris to Parliamentis, conventioun of estaittis and borrowis, speciallie the Act maid at Edr. in Julij 1574, and in Cowper 1586; for remeid quhaireof the saidis commissionaris, efter inspectioun and consideratioun of the saidis actis, quhilkis war publickly red in thair awdience, they all in ane voice rateifeit and approwit, and for them and thair successoris perpetuallie conforme the saidis actis, withe all wtheris actis and constitutiouins of borrowis maid of befoir, and of new statutis and ordanis that in tym cumming nane of the saidis borrowis tak wpon them to elect, nominat or apoint ony personis for them and in thair names to beir the office of ane commissioner in Parliamentis, conventiounis of estaittis or borrowis, quhilkis ar aboue the rank and dege of ane merchand traifiquer, indweller within the bruche, and beiring burding within the samyn, and for quhome the brughis directeris of them sall nocht be answerabill to the nixt generall conventioun, and that he sall nocht do woir or attempt ony thing to the hurt and prejudice of the common estait, to be censurit and judgit be them, wnder the pane of ane vnlaw of Fourtie pundis to be payit be the
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burgh contravenand sa oft as they failzic; and ilk commissioner present

to intymit this present ordinance to his burghe after his returne, and ilk

burghe to send their commissioner to the nixt conventioun with attes-

tatioun in wreitt that the samyn is intymit, wnder the pane of ane vnlaw

of twentie pundis; and this to be ane heid of the nixt messiwe.

Extractit furth of the actis of the said conventioun be me, Mr. Alexander

Guthrie, thair generall clerk, witnessing this my subscripiown manuell,

Sic subscribitur, Mr. Alex. Guthrie. Alex. Duff, clerk of Innernes,

witnessing hierto vithe my hand.

25 Aug.

That day compeirit James Cuithbert zowngar, burges of Innernes,

and gaif in his complaint in forme of broche contrair Androw Fraser Mc-

Conill, burges of the said bruche, berand that the said Androw McConill

upon the xxijj day of Junij laist bypaisst seducet and requestit the said

James Cuithbert to cuim to the said Androw his barne in the Merkinsche,

and efter that the said James was cum thairto the said Androw, acum-

paneit withe ane greit number of his serwandis, vmbesett the said James

of his lyiff withe ane drawin durk in his hand, and hurt and windit the

said James thairwith in the heid, to the greit effusiown off his bluid, and

maid bluid and bla on his heid and eye; as also the said James gaif in

broche in contrair the said Androw, alledgeand, they being vnder law

soverteis, the said Androw, wpon the xxj day of August instant, the said

Androw, maist injuriouslie tuckit the said James on the Kingis hie gett and

casay, and vald not suffer him to pas the said casay of Innernes peciablie,

as the said James alledgit; The foirsaid twa brochis and vrangis aboue

vrettin being tryit in presens of the Judges and pairtes foirsaidis be the

deposiition of certain famows witnesses, the Judges foirsaid fand efter

just tryall the said Androw McConill to have done vrang in the bluid

laitting of the said James Cuithbert, and thairfoir hes decernit and de-

cernis the said Androw in amerciament of ten pundis money, and dome

given thairpoun; And, as concerning the tuck and trubling of the said

James on the Kingis casay as saidis, the Judges hes absolvit and

absolwis the said Androw thairfra, and in respect of the probatioun hed

and deducet thairpoun; And forder the Judges foirsaid, withe consent

of the said James Cuithbert zowngar, hes absolvit and be thir presentis

absoluis the said Androw Fraser McConill fra all actiown, vrang,
appressiown, or contraventiown that the said James Cuithbert zowngar
hes to lay or to persew or to imput to the said Androw chairge, for
quhatsumewir caus or occasiown preceeding the day and dait hierof,
simpliciter, and for ewer absolvis him thairof. Quhairupoun the said
Androw McConill requerit and tuick act of Court.

Alexander Duff, clerk.

That day, thou George Fuird art indytit for ane commun nicht valker,
maisterfull tulzeour, ane itchand drunckert, full of all vice and imperfec-
tionis, reddie to evill doinge, nocht meit to be in the societie of burganeris;
lyick as thow on the xxii day of mai instant com to James Thomson
cremer,¹ and thair thou maisterfullie reft perforce fra the said James ane
linge fische quhilk thow cuntit in portiones and tuick away the sam hame
withe [thee] maist lyick ane brigand rever and opressour; nocht content
thairwithe thow drew ane durke and luit ane straick thairwithe to the
said James, zetlinge to have slain him, war nocht God and guid reddaris
that stuid nar by; lyick alse thair is ane act and proces of banishment
past in thai contrar of befoir for thai evill doingis and attemptis; in the
quhilk act of the dait the aucht day of April the zeir of God Jāy vīcē and
thrie yeiris, thow was ordanit to have exilit and removit thai selff furthe
of the brucht than, and, in caice thow contravenit or var fund in the said
brucht thaireftir, thy hail guidis and geir suld be confiscat, and thow suld
be brunt withe ane burn iron on the cheicke and skurgit throw the haill
four streittis; quhilk thow hes contravenit, and hes nocht obtemperit the
samyn, bot dailie molestis and trubillis the inhabitantis and nychtbouris
of the bōche be invasive forme [words illegible] and vtherwawes thow
thickis meit; quhilk thow can nocht deny. The said George Fuird
beinge accusit on the premiss, judicialie confessit he tuick the linge fra
the said James Thomsane, and, as to the dravin of the durk, it is provin
that thow drew the durk, zetlinge to have slain the said James, and that
provin be the reddaris; as to the contraveninge of act and proces leid
aganis him of banishment, the said act in itselff manifestlie proportis
contraventioun.

That day thow Thomas Squeyar art indytit for ane commoun harlot,
ané furnicatour, ane nicht valker, ane drunckert, ane carter, ane dyser
[dicer], ane vicious furnicatour, quhilk thow hes bein convict thairfoir

¹ Dealer in small goods.
befoir the sessioun of Innernes sundrie and dyuieris tymes, as thair proces

leid in thai contrar vill declar; And, nochtwithstandinge that the
ministir and elderis of the said sessioun laborit be diuerse meinis to bringe
ye to conformitie ouf the said vices and volumpties and pluralities of thai misdoingis, thou vald nocht be reclamit thairfra be na gentill form of disciplin; quhilk thou can nocht deny.

Provin be witnesst testoris superum.

Secundlie, thou art indytit for sindrie trelaps in fornicatioun; idill seit, vagarie, profanatioun of the Sabothe day, quhilk haiffing na regaird to God, bot abominable levinge in thai lustes, and [illegible] of thai fleslie appetit, heipand on sin vpoun sin, quhilk micht be [illegible] to draw doun Godis hauie judgement vpoune ane citie; quhilk thou can nocht deny.

Thirdlie, thou art indytit. That quhen thou vas callit and convict be the sessioneris in the foirsaid crymes thou was reput to be ane vnworthie member to have ony residence in ony cristian citie or commun vealthe, and thou being twa seuerall tymes put in vaird to haue remanit thair till thou haid fund cautious to have removit and dispensit thaiselfif of this brucht, nochtwithstandinge thou brack vaird and com furthe of the tol-
buth quhilk deservis deithe conform to the act of Parliament; quhilk thingis and crymes thou can nocht deny.

That day thou Jame McEwin vic James art indytit as ane idill vagabound, nyicht walker, ane maisterles stirdland, na haiffand na guid exercéis nor craft, nor guidis nor geir to leif on, bot vaitinge quhair thou may get thai praie be slight; lyick as thou past yisterday to Thomas Andersoun, maltman, his hous, and thair thou dange his son, and almaist thou haid slan him, quhilk thou can nocht deny: Provin. The Judges remittis the foirsaidis personis dittayis to the tryell of ane inquicist as follows:—

Nomina Assise: William Cuthbert, appeirand of Auld Castelhill, Petir Waus, Findla McVirriche, David Cuthbert, Valter Steuart, burgess of Innernes, Johne Cuming, Robert Neilsoune, Thomas Robertstone,
Jaspert Cuthbert, Johne Forbes, burges thair, Williame Robertsone, 1608
voynge, Alexander Mackconchie, and James Cuming, burgess thair.
Quhairpis personis of inquest being all suorne and admitit, and goinge
furthe out of face of court to the Counsall House, hes choisin Williame
Cuthbert appeirand of Castelhill chancellor, and haiffinge tryet the foir-
saidis dittayis, and ye conversationis and maneris of the said George
Fuird, Thomas Squeyar, and James McEwin vic James, hes fund and find-
is them all culpabill ilk ane of them in euerie point as is gevyn vpe in the
saidis dittayis particularlie, and convictis them conforme thairto, and
ordanis the saidis George Fuird, Thomas Squeyar and James McEwin
McJames to dispesh themselffis bage and bagaige furthe of this brucht
within twenty-four houris, and to remov and baniss them selffis thairout
of for ewer, and pronunciis the same in caice thai or ony ane of them be
fund in this brucht hiererftir, nyicht or day, salbe tain and put to the
deith but ony foder dom or law. Lyick as the said inquest, eftir thair
entrie in judgement, hes decernit the foirsaidis personis to exill them
selffis out of this brucht in maner foirsaid. Pronunciit be Williame Cuth-
bert, chancellor; vnto the quhilk the judges hes decernit the premisss to
stand as ane perpetuall ordinance off banishment contrar the foirsaidis
personis, and hes interponit thair decreit of auctoritie thairinto, and
ordanis them to remain in vaird quhill thai fund caution to the effect
foirsaid. Dom gevyn thairvpoone be Malcolm Duncansoun, Dempster of
Court: Quhairvpoone the inquest requirit act of Court.

Alexander Duff, notarius, scriba curie.

That day Jaspert Cuming perswet Alexander McChattich for
tackinge away of his muck at the myln of Innernes, quha, as he alledgis,
gaf him mony iniurious vordis and reprochfull spechis; and the said
Jaspert haiffinge stavyit his hors fra foder tackinge away of his muck, the
said Allister com maist furiouslie on him, and drew aue sword, and zetlit
to haue slain the said Jaspert var nocht he cappit the straickis thairof in
his dager, beinge thire or four straickis sein merkit thairin producit ; and
the said Jaspert of befoir in the morninge this day quhen he set on him,
beinge the tent day of Febuar instant, desyrit him nocht to tack away
his muck, yet the said Allister of heie proud malice tuick away the said
muck, the same beinge vnder arrestment, as he alledgis, laid on be
Williame Cuming, officiar ; and the said Alexander being accusit thairon
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1609 nayit the premisses, quhilk the perseuar referit to his aith of vertrie,
13 Feb. quha refusit to gif his aith thairon; thairfoir the Judges decernis him in
the said vrange, and ordanis him to be vardit quhill he pay xx lib. for
his falt. Dom gevin thairon be Malcolm Duncansone, demster of Court:
Quhairvponde requerit act of court.

22 Feb. That day in presens of James Waus, one of the Bailzies of Innernes,
comperit Duncane Fraser, zowngar of Monlochie, and for certain sowmes
of money guid and vsual of Scotland ressauid be him fra the hands of
Alexander Bayne of Logye Vester, quhairof he haldis him viell payit,
and be the tenner hierof quietclames, exoneris, and discharges the said
Alexander Bayne thairof, and of the exceptioun of non innumerat money
for ever; For the quhilk sowmes of money the said Duncan Fraser zoun-
gar, as principall, and withe him David Moir alias Forbes in Monlochye,
and Donald McConil vic Aine thair, souerties, cautionaris and full debtw-
oris for him coniunctim pro rato, off their awin frie motiv will, on coactit
or compellit, ar becum actit in the burru court buickis of Innernes, the
saidis cautionaris coniunctim pro rato, renunciand thair awin jurisdictioun
in this caice, and submittinge them to the jurisdictioun of the Prouest
and Bailzies of Innernes, to content, pay, and delyuer to the said Alex-
ander Bayne of Logye Vester the number of auchtien bollis and ane half
boll cheritit beir guid and sufficient victual within the town and landis
of Kilmuir, crope anno Jai vicces and nyn zeiris, with the firlat met and
missour of Leithie, betwix the last day of December nixt to cum and the
first day of Februar thaireftir in anno Jai vicces and ten zeiris, or at the leist
aucht pundis money liquidat and modifiet soum convenit vpoun as price
for ilk boll of the said auchtien bollis and half boll cheritit beir that sal hap-
pin to be vnedlyuerd the foirsaid first day of Februar anno 1610 zeiris;
lyickas the said Duncan Fraser is becum actit in the saidis buickis to
allow and allocat to the foirsaidis cautionaris the saidis auchtien bollis
half boll cheritit beir in payment of thair fermes of Monlochie, cropp anno
Jai vicces and nyn zeiris, vnder the pain of poindinge or vardinge: Quhair-
vpoune the said Alexander Bayne requerit act befoir thir vitnesses, Donald
Zovnge, burges of Innernes, Archibald Sutherland.

Duncan Fraser.
Alexr Duff, notar, clerk.
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That day compeir personalie in Jugment Jhone Vaus of Lochslyne, and hes constitut William Campbell, ane of the Bailzies of Innernes, his procuratour in obtaining of him to be admittit as frie burges of Innernes and succeeding in his vmquhill faither as burges air, and to be seruit as air generall and speciall, and als as airis maill to his vmquhill faither, Jhone Waus of Lochslyne, et prouisit de rato: Quhairvpoun requerit act of Court.

That day the Provest, bailzies, and counsell hes ressauit and admittit Jhone Waus of Lochslyne frie burges and gild brother of Innernes, cedent to vmquhill Jhone Waus of Lochslyne, his father, as burges air of this burgh, conforme to his petitioun; Quha hes payit fyif schillingis four pennies in ane four pennie purs, according to the ordour maid and vsit anent resauing of burges airis, with pouer to him to vs, hant, exers all maner of freidom, preveleig, as becummeth ane frie burges to do; Quha hes gevyn his aith and hes suorne be the halie God, maker of all thingis, that he sall mantein, defend and profes the treu religioun presentlie precheit in this Kingdom, and that he sall be obedieant to the King and his lauis, and that he sall be obedient, loyall, and trew to the Prouest, bailzies, and counsell of Innernes, mantein, defend thane the liberti and preveleig of the said bruch, obey thair actis and statutis, concur and assist withe the inhabitantis burgess of the said bruch, skat and lot, vall and vaird with tham, and that he sall nocht haill nor conseill thair hurt nor skaith, and that he sall nocht purches na lordschipis in their contrair, and that he sall mack his residenc for ane pairt of euerie zeir in the said bruch; and the Prouest vpoun the conditionis forsaid hes authorisit the said Jhone Waus as frie burges air be puting on the fingeris of his richt hand in the name of the Father, the Sone and the Halie Gaist, the gild ring, and hes creat him frie burgis and gild brother of this brouch, with all solemnptitieis and ceremonies visit thair anent; and Alexander Cuithbert is becum actit cautinou for the said Jhone Waus to pay the Prouest his gild hois, and the spyce and wyne to the Counsell: Quhairvpone all and haill the premies the said Jhone Waus requerit and tuick act of Court.

Ita est Alex. Duff, notarius communissi scriba dicti burgi, testan manu propria.
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That day compeirrit the said William Campbell, Procurator for the perseuar, and producit our Souveraine Lordis breif, with the execution thairof execut at his instance, to this present day, for seruing of him as nerest and lauchfull air and airis maill to vmquhill Jhone Waus of Lochslyne, his vmquhill father, in all and sunderi the landis and mylne particularlie vnder vritin, and beinge thryis callit at the tolbuithe vindo, and quhair na persoun compeirrit to oppoun in the contrar the procuratour for the perseuar requerit and tuick act of Court.

That day the said procuratour for the persuer producit ane boru precept of the Prouest and bailzies of Invernes, duele execut and inadorsat be Jhone Forbes, boru officiar, to this day, be vertiou quhairof the persounis of inqueist following var summond to this day to pas vpon the said inqueist, quhairof thair names followis, viz.:—Maister Jhone Ross burges of Invernes, William Cuithbert appirand of Auldcastelhill, William Patersoun younger, William Robertson elder, George Cuming, burgess thair, Alexander Merchand, Jhone Cuming, Jhone Abraham, William Cuithbert Jhonesoune, Finlay McPhaill, burgess thair, Gilbert Duff, Richard Gordown, Alexander Hay, Piter Vaus, Robert Steuart, burgess thair, George McBean, and James Fraser McAllister, burgess thair, and being all suorome to depone the veratie for seruing of the said Jhon Vaus as air to his father, conform to his petitioune and instructioune follouing; and quhair na persoun compeirrit to oppon in thair contrair, the said procuratour requerit and tuick of Court.

That day the said procurator producit the persuear petitioune desyirin him to be seruit as narest air to his vmquhill father in the landis and quarter of mylne following, quhairof the tenour of the said petitioune follovis: Guid Siris of inqueist, I, Jhone Waus of Lochslyne sayis vnto zour W[isdoms] that vmquhill Jhone Waus of Lochslyne, my vmquhill father, diet at our Souerane Lordis fayt and peace, last vestit and saisit as of fie in all and heill tuentie tua ackeris arabil feild land callit Dierbocht, lyand contigue to gidder within the territorie of the bruche of Invernes and Serefdome thairof, bondin betwix the landis of Sanct Catherinigis Chaplanrie at the South, the common gait and Jhone Cuithbert of Castelheill lyand at the North, vmquhill Sir James Duff and certaine vther landis at the vest, and the mylne burne at the eist, and in all and heill ane tenement of borrou biggit land lyand within burgh of
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Innernes ni the eist gait and the South syid of the samin, betwix Alexander Duff landis at the eist, James Cuithbert zoynger his landis at the vest, the hie get at the north, and vmquhill Gorge Cuithbert of Auldcastel-hillis landis at the South, as all so in all and heill ane quarter of the Kingis mille of Innernes, multeris and sequelis belonging thairto, as narest airds maill to the said quarter of the kinges mille, and that I am narest and lauchfull air to the said vmquhill Jhone Waus of Lochslyne, my vmquhill father, of all and heill the foirsaid tuantie tua ackeris land callit Deirbocht, tenement of biggit land, and airds maill to him of the quarter of the Kingis mylne, with thair universall pairtis, pendicilis and pertinentis, lyand as saidis, and that I am air of lauchfull aige, and that all and hail the foirsaidis tuantie tua ackeris of Deirbocht, and tenement of burrou land, ar haldin of auld of the Chaplane of Sant Thomas alter, fundit within the Perroch Kirk of Innernes, and now ar haldin of the Prouest bailzies and counsall of the burgh of Innernes and thair successouris, heretablie fewe firme, for payment making zeirlie of xxii tua markis for the said tuantie tua ackeris landis, and for the said tenement of land tua marches money with thrie schillingis money to the chaplanthoro, and that all and heill the said quarter of the Kingis mylne is haldin heretabillie in fewe ferme of the Prouest, bailzies and counsaille of the burgh of Innernes, and thair successouris, for payment zeirlie to thame of the soume of four pundis thrie schillingis tua penneis as the auld few firme, and four schillingis and tua penneis money augmentation; and for doubling of the foirsaid hail soumes at the enteri of the air and airds maill of my said vmquhill father, and that the foirsaid tuantie tua ackeris land of Deirbocht, tenement of land and quarter of the Kingis milne hes bein in the handis of the Provest and bailzies of burghe of Innernes as in the handis of my immediat superior thairof continualie sence the deceese of the said vmquhill Jhone Vaus of Lochslyn, my vmquhill father, wha decessit in Fei in anno iij [sic] sex hundrith and aucht zeiris, in default of me the said Jhone Vaus his sone and apirant air nocht perseuing my rich hiddertill, desuring zowr V[isdomes] that I may be seruit and resaut as narest and lauchfuli air and airds mail to my vmquhill father in all and heill landis and miln and vtheris aboue vreitin, and to be retourit vnder zowr testimonial of seruice and seillis as vse is, and zowr Visdomes anser heirypone I requeir; And the said Procuratour for the perseuar, for instructing of the said Petitioun, producit ane Instrument of Saising
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vnder the sing and subscripition of William Cuming, noter, of the dait the sext day of Junij anno dom lxxxvi zeiris, beran the said vmquhill Jhone Vaus to be infest and saitis in the said tuantie tua aickeris land and tenement land, lyand, boundand as saidis, and als producit ane infestment and Instrument of Seasing on the said quarter of the Kingis milne vnder the sing and subscripition of Alexander Duff, noter, of the dait the fyift day of Junij Jai vcss for scoir auichtein zeiris, and conforme thairto desyrit proces and service: Quhairvpon the said Procuratour requerit and tuick act of court.

That day compeirit Alexander Cuithbert, burges of Innernes, and producit ane infestment continand ane Instrument of Saising thairin vnder the subscripitionis of the said Jhone Vaus, bailzies and counsell of Innernes, and Robert Vaus and William Campbell, noteris, of the dait the penoult day of Julii Jai vcss four scoir fourteen zeiris, vpon all and hail fyiftein aickeris land of the said tuentie tua aickeris land of Deirbocht, and also producit ane Letter of redemptionioun granted be William Cuithbert, Jhone sone, as air to Jhone Cuithbert, James soun, burges of Innernes, vpoun the remanent aickeris being vij aickers of the saidis landis of Deirbocht, extending to the said number of tuentie tua aickeris, as he quha is maid assignay fore redemptionioun thairof be vmquhill the said Jhone Vaus, conforme to the contract maid thairon of the dait the second day of September 154xx xix zeiris, as the said Letter of redemptionioun of the dait the third day of September four scoir nyntein zeiris at lenth proportis, and conforme thairto protestit that the samin sould be reseruit to him, his airs and assignais, heritabilie, conforme to his richtis, ay and quhill the samyn tuentie tua aickeris land of Deirbocht be lauchfulie redemit, relaxit fra than conforme to the reversiounnis grantit be him to vmquhill the said Jhone Vaus, his airs and assignais, thairvpon, quhilk protestatioun the said Jhone Vaus now of Lochslyne admittit, and with his consent reseruis the saidis landis all richt thairof to the said Alexander and his foirsaidis according to his protestatioun and formar desyir of reseruatioun and instruccioun, and villis and condiscendis that the said inqueist reserv the samin landis to the said Alexander and his foirsaidis as in maner aboun specifit: Quhairvpon the said Alexander Cuithbert requerit and tuick act of Court.

That day compeirit Alexander Bayne of Logye Vester and protestit that the servinge of the said Jhone Vaus as air to vmquhill father in the
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foirsaid tenement land and mans suld nocht be precudicall to his hereta-
bill richt and tytill thairof, and that the samyn suld he reseruit to him, ay
and quhill the samyn war lauchfulie redemit fra him his airis and
assignais conforme to the reuersioun grantit be him thairon, quhilk
the said Jhone Vaus, nov of Lochslyne, beinge present in Judgement,
hes condiscendit thairto, and willis and grantis and condiscendis
that the inquest reser the said tenement land to the said Alexander
Bayne and his airis and assignais heretablie, to be bruckkit be them, ay
and quhill the samyn be redemit fra them conforme to their richtis:
Quhairvpoune the said Alexander Bayne requerit and tuick act of court.

That day compeirit judicialie Jaspert Cuming, and producit ane
Instrument of Saisinge on the said quarter of the Kingis mylne of
Innernes grantit to him thairon be Finla McPhaill, quha vas proprietar
thairof, be the Disposition of vmquhill Jhone Vaus of Lochslyne, and
desyrit the samyn to be reseruit to him all richt thairof, ay and quhill the
samyn var redemit fra him, his airis and assignais, conforme to the
reuersioun maid thairvpoun as he quha is maid assignay thairto be the
said Finla McPhaill, quhilk the said Jhone Vaus, now of Lochslyne,
reseruis conforme to the instructioun producit, and villis, grantis, and
condiscendis that the inquest reser the samyn to the said Jaspert and
his foirsaidis conforme to his instructioun producit of the dait the fyiftein
day of Marche 160 and fyiff zealris, vnder the signe and subscripzioun of
Alexander Duff, clerk: Quhairvpoune the said Jaspert requerit and tuick
act of Court.

That day the foirsaid haill personis of Inquest hes deponit all in
ane voce that vmquhill Johne Waus of Lochslyne, burges of Innernes,
father to the perseuar, diet at our Souerain Lordis faith and peace as of
fic in all and haill the foirsaidis tuentie tua aickeris arabiill feild land of
Deirbocht, tenement of land, & quarter of the Kingis mylne, with thair
pertinentis, lyand boundan as saidis, and that the said Jhone Waus, nov
of Lochslyne, burges of Innernes, is nerest and lauchfull air to the said
Jhone Vaus of Lochslyne, his vmquhill father, in the foirsaidis tuentie tua
aickeris, and tenement of land, and as narrow airis maill to his vmquhill
father in the foirsaid quarter of the Kingis mylne, sequellis and multuris
thairof, and that he is of lauchfull aige, and that the haill foirsaidis landis
and quarter mylne haldis of the Prouest, bailzies, and Counsell of Inner-
nes and thair successouris, in few and heretage heretablie for the zeirlie

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payment mackinge of the deueties contenit in the foirsaid petitioun, and thairfoir hes cognoscit and seruit the said Jhone Waus thairin as air foirsaid, and that he aucht and suld be seruit and sasit thairin; reservand to Alexander Cuithbert, his airis and assignais the vodset of the said twentie tua aickeris arabill land of Deirbocht, conforme to the said Alexander Cuithbert reuersioun grantit be him thairvpoune, ay and quhill the sami be lauchfullie redemnit, conforme to his instructioun producit; and to Finla McPhaill and Jaspert Cuminge, his assignayis and to thair airs and assignayis, the vodset of the said quarter of the Kingis myln richt thairof according to the said Finla McPhaill reuersioun and regres grantit thairvpoune to vmquhill Jhone Vaus of Lochslyne, conforme to thair instructioun producit; and to Alexander Bayne of Logy Vestir, his airis and assignayis, the heretabill richt of the said tenement land, ay quhill the lauchfull redemptioun thairof: Pronunciit judicialie be Mr. Johne Ross, burges of Innernes, cancellar, for him selff and the remanent inqueist; lyickas the said Johne Waus willis, grantis and condescendis thairto: Quhairvpoune the said Johne Waus, Alexander Cuithbert, Jaspert Cuminge, Alexander Bayne requerit and tuick act of Court.

12 May

That day the foirsaidis bailzies, for them selffis and in name of the Prouest, Counsell, and co-burgess of Innernes, hes dischargit Donald Finlasoun in Alnes, Johne Teilzeour, Donald Teilzeour and Donald McDoulley thair, of the actioun and persuit of foirstallinge and regratinge committit be them within the landis of the libertie of the burghe of Innernes at ony tym preceidinge the day and dait heirof, dischairginge be thir presentis all letres and executoriallas raisit at the instance of the Prouest and bailzies of Innernes contrar the foirsaidis personis for the causs foirsaid: Quhairvpoune the said personis requerit and tuick act of Court.

That day the foirsaidis bailzies giffis, grantis full power and commissioun to the saidis Donald Finlasoun, Johne Teilzeour, Donald Teilzeour and Donald McDoulley, in Alnes, to by, block, and vse all maner of tred as becumeth ane frie burges to do, and that zeirlie duringe thair guid vill and service and guid deservinge, and for thanckfull payment mackinge to them and thair thesaurn in thair names zeirlie of twentie sex schillingis aucht pennies money Scottis ilk persoune \textit{inde}
That day compeirit Robert Hendersoune alias bellumie mariuell in Leithe, and beinge perseuit be the Procurator Fiscall of Innernes for the sellinge of greit salt in Pettie, and arrivinge thair withe his barcke, and brackinge of boucke and maikinge ane stapill thairof, as gif it var ane frie burghe, and byinge and sellinge of stapill guid thair, to the greit prejudice and hinder of the inhabitantis of the burghe of Innernes, and quhair he suld halfe offerit the loff to them thairof or he haid maid mercat accordinge to the order visit thairanent; And in respect the said Robert haid done in the contrar, and haid sellit his salt and brack bousck, thairfor deyris remeid of law, and the saidis schipe and guidis to be escheit and to confiscat conforme to the libertie grantit to the inhabitantis and burgess of Innernes thairanent, quhilk defendar beinge accusit on the premiss confessit that he haid sauld fyiff bollis greit salt in Pettie to certain of the cuntrie men, and that he had sauld xl bollis to men of the Chanorie of the said salt afoir he com to Innernes; Thairfor the Judges hes decernit him in the vrange doinge thairof, and ordanis his schipe and guidis to be confiscat and escheit and to be in brocht to thair vse, for his contemptiou, and is judgit in amercliament, and dom gevin thairvponc be Malcolm Duncansone, dempster of Court: Quhairvponc the Procurator Fiscall requirit and tuick act of Court.

That day compeirit Mr. John Ross, Alex' Cuthbert, and Alex' Baillie off Dunazean, burgess off Innernes, and hes constitut William Gray their procuratoris for removing of Jasper Cuming fra the thrie quarteris of the millerschip of the Kingis myln of Innernes, with knavship and myln bannock, and producit the prouest and bailizies precept, deulie execut and indorsat to this day, be verteu quhairof they caussit the said Jaspart Cuming and Alexander McChattiche to heir and sic them to be decernit to flit frac thrie quarteris off the office of millerschip of the Kingis myln of Innernes, with knavship and bannock thairof, and for instructing thereof producit, thair precept of warning doulie execut and indorsat quhairbe they caussit warne the foirsaid personis xl days preceeding Witsonday last to flit fra the premiss, and for instructing thairoff producit Alexander Bailzie instrument of seasing
of the quartar of the Kingis myyne, with the sequelis, multaris, knav-
ship thairof, of the dait the nynt day of Februar 1608, under the signe
of Alexander Duff, commune clerk, and producit Alexander Cuthbert
instrument of seasing of the dait the day of Jaj vi"es
and zeiris, under the signe of Alexander Duff, notar, and producit
the said Mr. Johne Ross his heretabill assedatioun on ane quartar thairof
with the pertinentis, of the dait the tuentie four day of Nouember Jaj vi"es
and four scoir yeirs, subscriuit be the Provest, baillies, and counsell, and
conform thairto desyris proces and decreit to be pronuncit in contrar
the personis defendaris aboun specifiet : Quhairupon tuick act of Court.

That day compeirit Alexander McChattich, defendar, and, being
accusit on the premiiss, says he hes noch richt to the premiiss, and fallis
fra ony defence that he may mack in the contrar, and grantis him
lauchfulie remoue thairfra : Quhairvpoun tuick Act.

That day compeirit Jaspart Cuming, and protestit for his just and
lauchfull defencis in the premiiss, quhilk is grantit prouyding that he find
and sett caution on the violent proffeits conform to the act of parliament
quha past furth out of the tolbuith, and maid na anser ; in respect thair-
off the Judge, being aduysit on the premiiss, hes decernit the saidis
defendaris to fit and remove themselfis and vtheris thair subtenents
fra the said thrie pairtis of the said office and deutie thairof, and ordanis
executorialis to output the defendaris thair guids and geir thairof, and
input the said perseuaris guids and geir, and thair tennants, and mantein
them in the possessioun thairof : Quhairupon the perseuaris requerit Act
of Court.

That day compeirit James Cuithbert elder, and Johne Cuminge,
Procuratoris Fiscallis of Innernes, producit ane burru precept of the
Prouest and baillies of Innernes, deuelie execut and indorsat to this day,
be werteue quhairof the personis thairin specifiet var summond to heir
them be decernit be thair decreit of Court to have doin vrang in vsing of
frie burgessis libertie, and to heir them to be punissit thairfoir, quhairof
the tennor of the said precept and executioune thairof followis : Johne
Cuithbert of the Auld Castelhill, Prouest of the burghe of Innernes,
William Campbell, James Waus, Alexander Paterson and Alexander
Cuming, bailzies of the said burghe, to our louittis William Gray, Johne
Forbes, William Cuming and Robert Steuwart, our burru officiaris, and
executoris heir of in that paire, conjunctlie and seueralie, specialie constitut, greiting: Forsameikill as it is humblie menit and schauin to Us be our Louit James Cuithbert elder, and Johne Cuming, Procurator Fiscallis of the Burgh of Innernes, That quhair the Prouest, bailzies, Counsell and communitie of the said burghie, and thair successoris, being heretable insfeit and saisit In all and sundrie the libertes and friedomes perteinge to the said Burghie within the boundis of Ross and uther places contenit in thair insfeiment, zet, nevirtheles, Donald Finlasone, Johne Tailzour, Donald Tailzeour and Donald Duiyle in Alnes, expresse agains the lawis of this realme, daylie visis the tred and handling of frie burgess", packis, peillis, sellis, stapill geir as giff they war frie burgess and residents within our said burghie, to our havie damage and skaithe without remaid be prouydit; Heirfoir we charge: zow straitlie, and commandis that, incontinent this our precept seint, ze pas in our soueran lordis name auctoritie and orderis lauchfulie summond, varne and charge the saidis Donald Finlaysone, Johne Tailzeour, Donald Tailzeour, and Donald Duiyle to compeir befoir us or ony ane of us within the tolbuithie of Innernes in ane buirru court thair to be haldin the tuentiacht day of Julij instant in the hour of caus, to answer at the instance of the said Procurator Fiscallis, or ony ane of them; That is to say, to heir and sie them and ilk ane of them decernit be our decreit of court to haue done vrange in the vrangus vsurpatioune and vsinge of the said libertie as frie burgess", and thairfoir to heir and sie them to be punissit in thair bodies, guidis and geir thairfoir, conforme to the actis of Parliament maid thair-anent, or ellis to elledge ane resonabill caus quhey in the contrar; The quhilk to do We commit to Zow conjunctlie and severalie our full power be this our precept, deluyeringe the sam be thow deulie execut and indorsat againe to the berar. Given under the subscriptiounie of our commune clerke at our commandis, at Innernes the fyfteyne day of Julij the zeir of God Jai vicess and nyne zeiris. Et sic subscribitur Alex Duff, notar, commune clerk of Innernes, witnessinge heirto with my hand.

Upon the xii day Julij Jai vicess and nyne zeiris, being Setterday, I William Gray, ane of the buirru officiaries, past at the command of this within vreittin Precept to the marcat croce of Innernes in tyme of the haill countray, and thair etter thrie hoes, I proclamit this summond, and maid publicatione heirof, summond the persones within continit to compeir befoir the Prouest and Bailzeis of Innernes, within the
1609 tolbuith of the samyn, the day and dait within contenit, in the hour
8 July of caus, to heir and sic thame decrenit to haue done vrang in vsing of
fiemen libertie: this I did with certificacione to compeir at the
Procuratour Fiscall instance within mentionat: this I did befoir thir
witnesses, Finlay Cane, Alexander Burnat, William McConchie, Walter
Stewart, William Cuthbert, appeirand of Auld Castelhill, and Johne
Chapman; and, for the mair witnesing, my signet is effixit heito; Et
sic subscribitur, Wm. Gray vs my hand; and the saidis defendaris being
oft tymes callit, and not compeiring, court tyme of day bidding, the
persuair accusit them of their absenc, and desyrit decreit and process to be
grantit; And the Judges being aduysit hes decrenit and findis the saidis
defendaris to haue done vrang in the vrangus vsurping and vsing of
drie burgess libertie within thair boundis and preuelege, and ordanis
thair bodies to be punisit, and thair guidis and geir to be eschet and
to be inbrocht, conform to the Acts of Parliament and Lettres rasit
thairon, and ordanis the samyn geir to be vnder arestment, and inventar
to be maid thairof, to be furth cumand to the vse of the said burghes:
Quhairvpon requerit and tuick Act of Court.

28 July

Dittay Maie

That day comperit judicialie Donald McAndrow Roy, seym in
Innernes, and Magie Jenor, his spous, and product the dittay following
contrar Johne Maii, persuauing him for the caus following, quhairof the
tenour of the dittay followis:—

Johne Maii, burges of Innernes, thou art accusit and indytit that
quhairin the moneth of ...
or thairby in anno Jai vccc four scoir
fyiftein yeiris, but ony offence, deid, or accusatioune doin to you, ye
enterit in ewil languag with Magie Jenor, spous to Donald McAndrow
Roy, seym in Innernes, and, after monny injuirious wordis, ye pat
violent handis in the said Magie Jenor, sche being grant with bairne, and
littil space befoir the tyme of hir delyuerance, and thair maist wickitle
and proudlie at the marct croce of Innernes, without ony feir of God or
respect to ony mercie or compassionoue, dang and stracke the said Magie
Jenor dyveris straickis in the vomb and bellie with your handis and feit,
and made her bluid and bla, and left hir for deid, quhairthrow sche within
twentie four horis efter the said dinging sche pertit with ane deid bairne,
being ane man child, quha deit immediatlie threwcht the grait straickis
he susteinit in his mother vomb, be the quhilke ye have deservit the deith,
according to the lawis of this countrie, quhilke ye on navayis can deny.

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That day the said Johne Maii being warnit to this day at the instance of the saidis perseuaris, and being callit, compeirit personalie, and being accusit be Donald Mc Androw Roy and his spous Magie Jenor judicialie on the pointis of the foirsaid dittay giffin in be them, and the same being raid, and demandit quhither or no he haid committit the foirsaid fact according to the dittay, quha anserit and said he committit nocht the foirsaid cryme, and nais the same and the hail pointis mentionat in the dittay; quhilk the perseuaris desyreis the Judges to remit the same to the tryell of ane famus inqueist; quhilk the said Judges applyit thairto, and hes remittit the same to be cognoscit be the personis of inquest following, quha being all summond to that effect to compeir this day, quhairrof their namis followis: Alexander Bailzie of Dunzean, cancellar, Piter Waus, William Cuithbert Jhoneson, Finlay McVirrich, Thomas McConil, Robert Moncreiff, Thomas Paterson, Johne Cuming, Gilbert Duff, Androw McConil, George Cuming, William Paterson Jhoneson, Valter Steuart, Thomas Robertson, David Cuithbert; Quhilkis personis of inquest beinge all present and ressauit, admittit and suorne judicialie to try and declair the veritie on the pointis of the said dittay, quha thairefuir removit them selffis out of Judgement to the Counsal Hous, quhair they tuck with them the said Donald McAndrow and his spous persewar; And, in respect the said inquest var ignorant of the dittay, demandit of the perseuaris gif thai haid ony probatique or vitness to testifie the died to haue bein don be the defendant conform to the dittay, quha anserit and said that thai haid perseuit the said Johne Maii befoir the minesteris, eldaris and deaconis of the sessione and Kirk of Innernes, and haid exhibitit thair certain famous vitness to haue provin the committinge of the said fact, quhilk thai refere to the tryell of the Proces fed and deduct thairanent, and quhatsumeur the vitness thairin specifict haid declarit and suorne deponit thairin they vill stand firm and stabill thairat; and hes renuncit, and be thir presentis renuncis, al foder probatique and vitness that he may produce thairanent; and the said Proces beinge producit, red, sein and considerit, the inquest assys foirsaid hes fundin, and be thir presentis cognoscis and findis thairbe the said Johne Maii, defender, maid frie thairof be the vitness, and absoluit be the Minister and sessionaris conform thairto of the said crym, and hail pointis of the dittay laid to the said defendairs charige, as the said Proces, of the daitis
the yeir of God Jaj vice and nyn yeiris, subscrivit be
the Minister and Clerk of the Sessioune, at mair lenth proportis; And
thairfoir the saidis haill personis of inqueist, all in ane voce, but ony
variance, haiffinge God and guid conscience befoir thair eis, hes maid the
said Johne Maii frie of the said cryim, and aboluis the said Johne Maii
fra the said haill dittay and fra all persuit that the saidis persewaris may
imput to his chairie thairthrow at all tymes cuming, and simpliciter
discharges him thairof for ewer; And, eftir their re-entrie in fac of
Judgement, Alexander Bailzie of Dunzean, canceller, in nam of the said
inqueist hes fundin and pronunciis the said Johne Maii innocent of the
cryim, absoluit him thairfra, Lyickas the Judges interponit thair decreit
dauctoritie thairinto, and aboluis the said Johne Maii conforme thairto
fra the said dittay, and fra all persuit and inconvenient that may result
thairvpoune: Quhairvpoune Johne Maii askit and tuick act and rollment
of Court.

That day the Statutis maid be the Prouest, baillies and
counsall as follovis, viz:—

1. Item, statutis and ordanis that the haill townis mailles spiritual
and temporall be collectit and gadderit be the Magistrattis for the term of
Merties nixt, 1609, and all bygand restis preceedinge that term, to the
effect that the brige may be repairit and helpit with fyne geistis of firn
to be coft thairto with theis deuties.

2. Item, remittis to the baillies to mack statutis on breid and aill,
and to tack ordour with the missouris that thair be maid accordinge to
the juig.

3. Item, statutis that na vnfrie baxter presum to sell ony maner
victual, to vit, beir, malt, meill, quehit, fl, eittis, ry, in greit, onlie to vse
baickeinge and brevinge, and the baillies to iniun (?) the penaltie in caiie
thai contravein.

4. Item, statutis that na maner man presum to hald ony middingis
on the easy euerie Saterday vnder the pain of xxl ss. to be tain of the
contraucinir toties quoties.

5. Item, statutis that ilk persone that beis absent fra the Kirk euerie
Sunday in tym of devin servisce sal pay 13 ss. 4d. toties quoties.

6. Item, ordanis geir to be collectit to caus and theick the tolbuith,
and to bige ane meit marcat, quhilk vil be xx lib. yeirlie rent to the toun
gif it beis biggit.
7. Item, ordanis to prouyd geir to satisfie Mr. Oliver his yeirlie pensioun of xij lib restand to him thir four zeiris.
8. Item, ordanis the baillies to put the Act of Parliament to execution on contrari beggaris.
9. Item, ordanis Alexander Robertsone, litstar, to pay for his stallinger vsinge that craft onlie ten lib. for this zeir; or ellis to gif ane hundert pundis money to mack him frie burges of this brucht, and the lyick to be done with Anton Andersone, Robert Pyper, baxteris, for usinge of thair craft, ilk ane of them to pay ten lib. to the toun for this zeir, or ellis ilk ane of them to pay ane hundert lib. pro rato for to admit them burges of this brucht.
10. Item, ordanis Ewin McMagnis, baxter, to pay for vsing his craft this yeir four lib.
11. Item, ordanis ilk ane of the saidis baxteris to baick frie menis breid euerie firlat stuff for xvid.
12. Item, ordanis Donald McMillar to pay to the toun for this zeir for the libertie of ane stallinger onlie to Michaelmes 1610 four pundis money, and to vse na byinge nor sellinge of stapil guid sic as skin, hyid, plaid, voll, salt.
13. Item, ordanis all vnfric that vsis ony maner tred, that dwellis within the libertie of this brucht, to pay as salbe modifiet to the baillies for this zeir.

That day George Fuird and William McRichie, for the vrangus trublinge of George Cumings hous, vyiff and barnis on the penult of October last, and invadinge utheris vithe durkis thair, and hurtinge of utheris thairwithe, and the saidis personis invading utheris also in Alexander Monro hous, and the said William in strickinge of the said George with ane batoun in the heid, and dravinge of his bluid, ar judgit in amerciament of ten pundis ilk persoun; quhilk personis, beinge accusit, confessit the committinge of the said bluid and vrangus trublinge of thair nychbours hous; Quhairupone askit act.
That day William Cuming, cordenar, Thomas McPhail, bow, Thomas Soudie, cordenar, Alister Symsoun, cordener, Thomas Zovng, cordenar, Alexander Cuithbert, smyth, and John his brother, for the vrangus trublinge of Miller in Kinguissie vnder silence of nicht, and persuinge of him outvithe the portis as vagaboundis and brigands, to have bereft him of his lyiff with zour durkis, and in taickinge
1609 of him apprehendinge and layinge of handis on him this last moneth of
2 Nov. October, and in ursurping of auctoritie, as gif ze var Magistratis of the
toun, accordinge to thair awin grant ar judgit in amerciament, and ordanit
ilk persone of them to pay fourtie schillingis to the Judges.

That day William Cuithbert, apperand of Auld Castelhill, is becum
actit souertie and law burrovis for George Fuird, flescher, that William
McRichie salbe harmsles of him in his bodie, guidis and geir in all tymes
cuming bot be order of law, vnder the pain of ane hunderethe pundis
money to be payit to the Judges in caice thir presentis be contravenit,
vnder the pain of poindinge or varding, lyickas the said George Fuird
and James Dempster ar becum actit for to releif the said William of the
premiss, and the said George for the said James relief, vnder the panes
of poinding or varding: Quhairvpone act.

That day Alexander Bailzie of Dunzean is becum actit souertie and
law burrovis for William McRichie, that George Fuird salbe harmsles of
him in his bodie, guidis and geir in tymes cuming bot be order of law,
vnder the pain of ane hunderethe pundis to be payit to the Judges in
caice thir presentis be contravenit, vnder the pain of poindinge or varding;
and the said William McRichie is becum actit for his cautioneris releif of
the premiss vnder the panes foirsaidis: Quhairvpone askit act.

That day Johne McAg, crippil, is becum actit to content, pay and
deluyer to Androw Annand, burges of Elgin, xxij lib., half merk money,
viz.: xij lib xl d. money at Festrein evin nixt, and tuelf pundis xl d in
compleit payment of the said principall soum at Vitsonday nixt in anno
1610 zeiris vnder the pain of poindinge or varding: Quhairvpone the
said Androv askit and tuick act of Court.

1610 That day, in presens of William Campbell, baillie of the said burgh,
hawing hard the hawie and lamentabill distres, skaithe and interesste of
certen honest personis, citizens off the burgh, to wit, Mr. Johne Ross,
Jhone Abraham, Johne Cuming, Alexander Bailzie off Dunzean, be the
negligence, oversights, and villipension of the giftis of God, and in
speciall of the profet and benefett that they and vtheris inhabitantis
hawing entres to the Water of Ness and fisching thairof, quhilk in thair
predicessouris tymes hes bein authorisit and supportit be beging off
warkis, kistis, and cruowis, and other necesser ingenis for inhalding off
the sailmond fesche, quhilk now is negligentlie abosit, to the grant
skaithe, damage of the saidis personis and vtheris inhabitantis, as saidis; 1610
Theirfoir we the foirsaid bailzies, having God and guid conciens befoir
his eyes, in heiring of the hawie complitis of the foirsaid personis hes
ordanit, and be thir presentis ordanis that the remanent proprietaris,
fewaris, tennentis, and possessoris of the said Watter of Ness contribuit
and skait ewerie ane of them according to thair occupation, and deleyuer
to the foirsaidis personis compleinneris, or to ony tua of them, the sowme
of four pundis money for ilk half cobill for bigging of tua kistis, flackis,
and vther necesseris, and for mending upsetting of the watter varck of
the said Watter of Ness, and the ressauriris of the said contributioun to
be countabill to the said wattermen according to thair deburssing,
 extending the said sowme to in the haill to thrie scoor four pundis money,
being sestein personis at four pund the man; and ordaine ilk person of
them to mak payment thairoff within fyiftein dayes; and to that effect
the Judge hes interponit his decreit of authoritie thairinto for putting of
the said act to executioun within terme of law, and giff neidis beis
reform the said act, alse oft as neidis beis, to the effect executioun may
pass thairvpon wnder the pain of poinding or warding: Quhairvpon
the saidis compleinneris askit and tuick act of Court.

That day James Douglas and Alexander Vaus ar decernit to releiff
Johne Abraham of thair contributioun, ilk ane of them to pay for
thair awin pairtis the sowme of four pundis money abon specifieit.
Protestatioun tain be James Cuithbert elder contrar the airis mail of
Robert Vaus that they be compellit to relief him of the contributioun of
thair pairt inde for four lib. in respect he hes bot the voidsett thairof.

Jaspet Cumine consentis and obliis him to pay Johne Cuming of
the contributioun of his watter with that principall sowm at the
redemption.

That day Finlay McIlley in Innernes, being summond to this day
for the refusing to enter in vaird in the tolbuith be Malcolme Duncanson,
officar, at command of Alexander Paterson, bailzie, for giffing off evil vordis
and languest to William Paterson Johnes, the day of Maij last,
quha proudlie disobeyit, and pat violent handis in the officar, lyckas the
bailzie desyrit him to pass to vaird, quha refusit and pat handis in the
baillie, and thairfoir the said baillie and officar gaff in thair comptle
thereon, and desyrit ordour to be tain thereanein to the effect that vtheris

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1610 pretend not to do the lyck; the Judges hes remittit the tryell heiroff to the inquest.

Nomina assise: James Waus, Finlay McPhaill, George Cuming, Robert Stewart, merchand, George McConil Reoche, Johne Chapman, Thomas McCoul, Johne Cuithbert Thomson, Thomas Robertson, Finlay McVirrich, Johne McVirriche, Murdo Polson, Valter Stewart, Johne Robertson Laurensone, William Cuithbert Johnesone, George McPhail, William Paterson, elder, Thomas Paterson Matheusone, William McConchie, George Duff, Thomas Merchand, Androw Fraser, merchand, Johne Cuming, Gilbert Vaus, quhil personis of inqueist, efter tryel tain be them off Johne Cuithbert Thomson, and Robert Stevert, quha testifiet conforme to the brucht in disobeying off the baillie and officiar, and putting violent handis in them, be pronuncit judiciaillie be James Vaus, cancellar, hes fund the said Finlay in the vrang committing off the premisses and misusing of them; thairfoir the Judges hes decernid him in amerciament, and hes ordanit the said Finlay to be jugit at the marcat cross on Saterday nixt, and to enter thairto at aucht houris in the morning, and to remain to the marcat dissolue; and, giff ever he be fund to commit the lyck, or to disobey ony officiar heirefter, he sail be punischid in his bodie, guidis and geir, and banished out of this brucht for ever. Dome giffin thairon be Donald Pepar, Dempster: Qhairyvpon tuick Act of Court.

30 July

That day compeirit Mr. James Biscope, Minister at Innernes, and producit our Souerain Lordis breif deulie execut and indorsat to this day, For seruing of James McPhaill as nerest and lauffull air to vmquhill Androw McPhaill, of the dait at Edr. the xxvij day of Januar, 1609 zeiris, execut be Malcolme Duncanson, officiar, the 7 day of Julij 1610, and being red and callit, and quhar na persone compeirit to oppone in the contrar, the said Mr James askit and tuick act of Court.

That day the said Mr James producit the Prouest and Bailzies precept, quhairbe the personis of inquest follovs vair summond to this day to pas vpone the seruic for serving of the said James as nerest air to vmquhill the said Androv his father, and, quhair na persone compeirit to oppone in the contrar, askit act of court.

Nomina inquisitionum: That day the personis of inquest following, callit and compeiring, viz.—James Vaus, cancellar, William Paterson
Burgh Court Books: Vol. III.

zovngar, Alexander Merchand, Johne Cuming, William Patirsone elder, 1610
Thomas Merchand, Thomas Robertson, Johne Duff, Johne Chapman, 30 July
James Patersone, Johne Maii, Alexander Abraham, Johne Robertson
Laurisone, William Paterson Finlaysone, Jaspert Cuming; and, quhair
na persone nor pairtie compeirit to oppone in the contrar, the said
Mr James askit and tuick act of Court.

That day Johne Cuming is admittit Thesaurer of this brucht for 1 Oct.
vptackinge of the townis mailles, spiritual and temporal, conform to the
rentaill, fra the personis awand for the termes of Mertimes, Jai vices
and nyn zeiris, Vitsonday and Mertimes Jai vices and ten zeiris,
and Vitsonday nixt, Jaj vices and ellevin zeiris; quhilk he sall vse
diligence in seickinge and vptaickinge of the samen, and to mack
compt, rekininge and payment thairof; and sic as he can nocht get the
Prouest and baillies sall caus him be payit of theis that will mack ony
delay in maickinge of payment of sic as thai ar addebit of the foirsaidis
termes; for the quhilk the said Johne Cuminge sall allow in his comptis
ten merkes money as for his fie and panis, to be tain in the premiss;
quha hes acceptit the said office of thesaurie, and hes gevin his aith of
fidelitie to vse the sam vprichtlie during the said space and termes
foirsaid: Quhairvpone tuick Act of Court.

The Justice Schireff and borru court off the burgh off 5 Dec.
Innernes, haldin within the tollbuith off the samyn be Johne
Cuithbert of Auld Castelhil, Prouest, William Campbell,
James Cuithbert elder, Alexander Paterson, and William
Paterson elder, baillies of the said burgh, the fyift day off
December, the zeir off God Jaj vices and ten zeiris, the
suittis callit, the court lauchfullie fensit and affirmit as vse
is.

Thow Magie Fischar ar Indytit and accusit that upon the xxix day
off November last, 1610 zeiris, thow being greit with bairne in Magie
Neilson hous in Innernes, and thai tym of thi delyuerence being at hand,
thow maist vnmercifullie maisterful murdrest the birth off thai avin bodie,
being ane man cheilid and quick borne, quhilk thow maist cruellie and
theifteouslie vnder silenc off nycht erdit him vnder the watter banck and
bray of the Watter of Niss, to conceil and hail they cruel murthour off
that infant born off they avin bodie, quhilk vas gottin in adulterie
vith vmquhill William Mcillichrist in Cullodin, being mariet thair,
and sua gottin in adulterie, and sua iff possibil var thow hes deseruit
doubil deith, committing first adulterie, and thairefter in murdering
off they avin chielde after he vas borne quick; quhilk thov can nocht
deny; and, being accusit on the poinctis off this dittay, confessit that
sche haid committit conforme as the dittay proportis: Quhairvpone
the procurator Fiscal askit and tuick act off court, and the Judges
hes remittit to the tryel off the Inquest following, viz: James
Vaus, cancellar, William Robertson elder, William Paterson Johneson,
Alexander Merchand, Georg Duff, Johne Cumming, Thomas Merchand,
Androw Fraser McConil, Georg Cumming, William Cuithbert Jhonesone,
Johne Cuithbert Thomson, Robert Neilson, William Cay, George McConil
Reoche, Murdo Polson, Thomas Robertsone, Donald Zoung, James
Cuithbert Zowngar, Dauid Cuithbert.

That day the hail personis, being at suorne, deponit all in ane voce,
hes conviclit the said Magic Fischar according to hir avin confessing in
the hail poinctis of the dittay, pronuncit be the mouth of James Waus,
cancellar, judicialie, in his avin nam and in nam of the Inquest; And the
Judges ordains the said Magic for hir demerittis to be hangit quhill sche
die, and thairefter to be eardit. Dom giffin thairvpone be Malcolm
Duncanson, Dempster off Court. Ita est, Alex: Duff, nors., scriba.

That day compeirit judicialie George Mackconil Reoche, burges of
Innernes, and gaif in his complent agains Thomas McOlley, skyner,
induellar thair, beringe in effect that in the monethe of Marche, the zeir
of God Jaj vi:es and ten zeiris, the said Thomas McOlley accidentlie
vpone ane mein occasioune maist cruellie and barboruslie voundit and
hurt the said George McConil Reoche in the richt arme to the greit
effusione of his bluid, quhairthrow at the present he is nocht abill to
vin his levinge, and hes vaistit his haill geir in curinge of the said vound;
Quhilk deid beinge reid in presens of the said Thomas, and beinge
accusit thairon, he referrit himself to the Prouest and baillies, and the
said George amerciament, seinge he knew the samyn to have cumin
accidentlie: In Respect thairof, and the Judges knovinge and understan:
dinge the said Thomas greit repentance for the fact foirsaid done be
him, theirfoir the Judges, with consent of the said George, decernis and
ordnis the said Thomas McOlley presentlie to prostrat himself in judgement, and craiff pardoune at God and at the said George for the foirsaid offence; secludie, decernis, lyick as the said Thomas condescendis, that during his lyiftyme he sall nocht duell nor mack his residence in the burgh of Innernes frae this day furthe, and that he sall eschew and flie the said George cumpanie, for offendinge of him, in all tymes cuminge, quhaireuer he sall haue occasioun to meit the said George ather in burgh or land; In the contrar quhairof gif the said Thomas sall do, than in that caice he to be callit and persewit for the foirsaid fact nochtvithstandinge of ony pardoune grantit to the said Thomas at the maickinge heiroff; and the said George McConil Reoche, beinge mercifull on the tua conditionis foirsaidis, and na vther vayes, remittis and forgiffis the said Thomas of the foirsaid fact and offence committit be him on the said George, and of all that may result thairvpon: Quhairvpon ather of them askit and tuick act of court. That day Thomas McOlley aboune vreittin is becum actit to pay and delyuer to George Cuminge, burges of Innernes, twentie four merkes money for vyne that gat betwix the day and dait heirof and martimes day next vnder the pain of poindinge or vardinge: Quhairvpon tuick act.

That day compeirit personalie in judgement William Robertsone elder, one of the Procuratoris Fiscallis of the burge of Innernes, and product ane burru precept of the Prouest and baillies of Innernes, raisit at his instance, and execut to this day, contra Donald Finlayson, in Alnes, Johne and Donald Teilzeouris, thair, Donald Mc Duilley thair, be vertew quhairof the saidis haill personis defendaris war all lauchfullie summond, beinge personalie apprehendit, to compeir this present term to hier and sie them and ilk ane of them for the ressonis and causis contenit in the summondis product, deprivit of all libertie and friedom grantit to them be the baillies of the brucht of Innernes for vsinge of tred and handleinge of ane frie burges, and that conform to the tenor of ane act maid vpone the twelf day of maii sex hunderethe and nyn zeiris; Be vertev of the quhilk act the saidis personis becom actit judiciallie that within the space of ane half ane zeir after the dait of the foirsaid act they suld mack thair actual residence within the brucht of Innernes, and thair suld remain, accordinge to the lawis of burruis; And,
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1611 for instructioun of the said lybellit summondis, the said Procurator Fiscall producit the act of admission, quhair the said personis defendaris var admittit as frie burgess\(^\text{1}\) vpone the conditione forisaid, and vther-vayis thair admissioun to be null; quhilk vантit all solemnitie of the creatioun of ane burges, as be inspectioun of the act of thair admissioun may be sein, as also beiris duringe onlie the Prouest and baillies of Innernes villis thair libertie to continew, and na vther-vayes; and forder, for instructioun of the saidis summondis, producit the foirsaid act be vertew quhairof the saidis personis actit them judicialie vpone the day foirsaid to mack thair actual residence within the brucht of Innernes, vther-vayes thair admissioun and libertie to be nul, vnder the signe and subscriptioun of the common clerk of the said brucht; And thairfoir seinge it is the Prouest and baillies vill of the brucht of Innernes that the saidis personis vse na forder tred of ane frie burges, as also that they haue nocht fulfillit the tennor of the act in maickinge of thair actual residence within the brucht of Innernes; Thairfoir the said Procurator Fiscall desyrit them to be simpliciter deprivit of thair libertie: The saidis Defendaris, beinge ofstymes callit and nocht compeiringe to mack anser to the foirsaid caus, beinge al personal summond to the effect foirsaid, the Procurator Fiscal foirsaid obtenit to pruiff the contentis of his libellit summondis \textit{literatorie}: Quhairvpone the said Procurator Fiscall requerit and tuick act of Court.

24 April That day the Prouest, baillies and counsell of the brucht of Innernes beinge convenit within the tolbuithe of the samin accordinge to the pettiounge gevin in be Sir George Hay of Natherlif, knyt\(^1\), and for sundrie guid plesour and to be done to the burghe of Innernes be the said Sir George Hay, and for maintenanc of the liberties of the said brucht, hes maid, creat, nominat and admittit, and be the tennor hierof mackis, creatis, nominatis and admittitis the said Sir George Hay frie burges and gild brother of the brucht of Innernes, with all solemnpnities requisit, with power to him to vse, hant and exers all maner of friedom, libertie and previledge pertaing to ane frie burges, quha hes gevin the greit solempn aithe, the halie evangelist tuchit, that he sall mantein, defend the trew religioune presentlie professit, and be obedient to his majestie, and to the

\(^1\) Leader of the "Fife Adventurers" who attempted to colonise the Lews.
Prouest, baillies, counsell of Innernes, mantein, defend the liberties thair-of with his persone, guidis, and geir, and that he sall skat and lot, walik and vaird with them, and he sall nocht haill nor conceil thair hurt and harme, and that he sall purches na lordschipe; quhairin, gif it sall happen the said Sir George to do in contrar the premisses or ony heid thairof, than, in that caice, thir presentis to be null; lyckas the said John Cuithbert, Prouest, hes put on his fingeris the gild ringue in the nam of the Father, the Sone and the Halie Gaist, and hes ressauit the said Sir George in thair societie vpone the conditiones foirsaid; and the said Sir George hes fund Alexander Merchand cautioner for the spyce and the vyne and the Prouest gild hois: Quhairvpone askit and tuick act of Court.

That day the Prouest, baillies and counsell of the Burghe of Innernes, being convenit within the tolbuithe of the samen, for guid considerationis movinge them, and specialie for guid diedis to be done and performit to them for the well and standinge of the burghe of Innernes and maintenance off the liberties thairof be the Richt Honorabill and thair loving nyichtbour, Sir George Hay of Natherlif, knyicht, burges of Innernes, hes gevin, grantit and permittit, and be thir presentis giffis, grantis and permittis to the said Sir George Hay his factoris and scruiitoris in his name Full pover and licence to tack in of the vatter of Niss, nocht excedinge the third part of the vatter that rinnis in the vatter of Niss throw the landis of Buicht for servinge of the said Sir George leid mylne and irne varckis to be biggit on the saidis landis of Buicht, and to the effect that the said mylne leid and dracht be nocht hurtfull to the salmon fischinge of the Vatter of Ness, and for restraininge of all kynd salmon fischinge to enter in the said leid ather at the intrie or outpassinge of the vatter of of the said leid; the said Sir George Hay of his awin frie motiv vill is becum actit in the burru buickis of Innernes for him selff and his airis maill and successoris that befoir the vatter inter in the said leid to bige sufficientlie be flaickis of tymmer and vther ingenis sic sufficient tymmer flaickis quhilk he sall bige baith at the intack and out rynninge of the said leid as salbe sufficient to restrain all salmon fishe to inter in the said leid, quhilk flaickis and ingenis the said Sir George and his foirsaidis sall uphald sufficientlie zeirlie and in all tymes cuming, or at the leist sa lange as the said irne vark sal remain thair, Prouydinge aluyais gif the said Sir George or his foirsaidis sall happen to lat the saidis flaickis decay, or be cassin doune ather be violence of vatter, or be ony euil

1611
24 April
1611 disposiit persone, in that caice the said Sir George Hay is becum actit and astrictit in the saidis burru court buickis of Innernes, for him selff, his airis maill and successoris, that within fourtie dayis in vinter and within fyiftstein dayis in symmer after the breckinge and castinge dounie of the samyn to bige and re-edifie the sam sufficientlie of new agane, quhairin gif the said Sir George Hay or his foirsaidis failzie, in that caice the said Sir George Hay is becum actit and astrictit in the saidis buickis, for him selff and his foirsaidis, to content, pay and delyuer to the Thesaurer of the burghie of Innernes beinge for the tym, to be furth cumand to the utilitie of the brucht of Innernes, the soum of fyiff hundereth markis money guid and vsuall of Scotland toties quoties, the saidis flaickis salbe lattin dounie and nocht re-edifieit within the space foirsaid, and that by and attour the hail loiss\(^8\) of the salmon fischinge that the proprietaris, avnaris, and possessoris of the said vatter and fischinge sal sustein durante the tym of the dounie beinge and demolissinge of the saidis flaickis, vnder the pain of poindinge or vardinge; Quhairvpone the said Sir George Hay, and Jothe Cumingie in nam of the brucht as thesaurer and Procurator Fiscal, askit and tuick act of Court.

Actum in Preotorio burgi de Innernes vigesimo quarto die mensis Aprilis anno domini milesimo sexcentesimo undecimo.

That day the Prouest, baillies and counsal of the brucht of Innernis, vnder subscrivaris, beinge convenit within the said tolbuithe and counsal hous thairof for intretittinge of certain affairs tendinge to the viel of the said burge, and consideringe the said burghie is cituat in ane guid part of the realm, bot amangis greit men of micht and capitannis of clanis, quha ar dayli inquisitine and desyrand to be admittit burgess\(^8\) and frie men of this brucht, and in respect his majestie hes ordanit be his awin mouthe, and also be his messieue and precept directit to the saidis Prouest and baillies and counsal of the said brucht, of the dait the day of the zeir of God J[wp]vcees at lenth proportis, that thai suld noch accept nor admit nobil men nor chiftanis of clanis nor ony persone of clan at na tym cuminge burgess\(^8\) nor gild brother of the said brucht; theirfoir, and for the causs\(^8\) foirsaid, the said Prouest, baillies, and Counsal of Innernis, vnder subscrivaris, for them and thair successoris, statutis, ordanis and determinattis that thai sal nocht accept, ressaue, creat, nor admit ony clanit man, nor ony vther

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persone, hie degrie or low degrie, burges and gild brother of this burghe for the space of sevin zeiris, except burgess's barnis of the said brucht, suspendinge alvayes thair admissionoue or any ane of them for the space of sevin zeiris after the dait hierof, except as is aboun exprimit; and for the mair coroboratinge and effectuatinge hierof the saidis Prouest, baillies, and counsal hes suorne the greit aith, the hale euangelist tuitchit, to stand ferm and stabil to the premisses duringe the space foirsaid, and, in signe and testimonie of thair faith and treuth gevin hieranent, hes subscrivit this present act with thair handis as follovis, day, zeir and place foirsaid; Quhairpvone Johne Cuming, and William Robertsone elder, Procurator Fiscallis, askit and tuick act.

[Signed] Jhone Cuithbert, Prouest, Alexander Cuming, baillie, Alexander Paterson, baillie, James Waus, baillie, Mr Jhone Ross ane of the counsaill w' my hand, Alexander Bailzie of Dunzeane, ane of the Counsell, Wilzeame Paterson, ane of the Counsell, James Cuithbert for myself and in name of Alex' Cuithbert my father and as ane of the Counsell consentis, W'm Robertsone, zounger, ane off the Counsell, Willzeame Robertsone, elder, ane of the Counsell.

The statutis maid be the Prouest, baillies and consal off the burgh off Innernes as follovis.

Item, it is statut that all maner of person that bringis ony guidis, geir, merchandrice, turs, peitis, fewal, to this toun that they present the marcat corss thairvith first or they sel the sam, and that nane by the sam qhill it present the said marcat place, vnder the pain of confisca-tioun thairoff.

Item, that all personis that bringis viueris to this toun, sick as muttoun, beiffis, to the marcat off this brucht, that they present the talloun, hyidis, and skyne thairvith, and that nain thairoff be spilt, pairt, nor dimissit, and that they haue the spair rib, breistis and schuderis and cragis, and that the sam be nocht impairit of ony flesche it suld haue, vnder the pain off escheting, and the presentaris to be cancellit as evil doaris and suffer the law and punishment that aucht to follov thairupone, according to the Act of Parliament maid thairanent, and that nain off the said flesiss be blavin, vnder the panis foirsaid; and this I intimit, quhairby nain pretend ignorance heiroff.
1611 Item, that all bucheris and flesseris sel the stain off talloun for xl ss quhill the nixt statut, vnder the pain of escheting, and, giff any man hes neið off talloun, that they pass to the flescher and seller thairoff and offer him xl ss for the stain, and giff he vil noch except the sam that the byar it salbe leisum to him to leiff the xl ss. vith the seller and tack vith him the stain talloun, and the said seller and refuser to pay xl ss. for his falt and vnlaw toties quoties.

Item, I chairg, and command, in our Souverain Lordis nam, Prouest, and Baillies of this burght, that na persone quhatsumever transport, carie, or tack away out off this burgh, aither be sie or land, ony barkit nolt ladder at any tym cuming, ay and quhill thai obtein and get the Prouest and Baillies of Innernes licence, quhairby that the craftismen of the toun may get ladder to virk vark to satisfie the Kingis leigis, vnder the pain off escheting thairof, and all vther ladder that thai sal happen to haiff, and punissing of the contraviner ; and that I intimat to all personis.

Item, that all barkeris within this burght sel the berkit hyid for vii mark to the macking of the nist statut, vnder the pain of ten pund.

Item, that the cordenaris sel men schon, luggit, for 13 ss 4 d, the vnluggit schon, veil maid, for xii ss, the woman schon for ten ss, scollar schon for aucht ss, barnis schon within aucht or nyn zeiris auld for fyve ss, vnder the pain of xl ss. of vnlaw at euerie tym thai transgress ; and this I intimat.

Item, that na man giue thair aqua vite pot in borrowing to ane vnfrie persone to brev aqua vite vnder the pain of escheting or brecking thairof.

Item, that na vnfrie broustar brev aqua vite, brogat, nor beir vnder the pain of escheting and deling thairof to the puir.

Item, that all maner of brostar within this burght reform thair mettis of aill, aqua vite, and vyne according to Judg met vnder the pain of xl ss euerie tym thai sall transgress.

Item, that all brostaries and brewaris of aill and aqua vite sel the point aill for x d, the muskin aqua vite for v ss, vnder the pain of xl ss. to be payit be the contrauinor, ay and quhill the macking of nixt statut.

Item, commandis and chairgis that na baxter baick the xii d leiff of quheit breid of na less vecht nor xvi vnce in the leiff, and that it be fyn stif, sufficient fyn stuf, veil backin, vnder the pain off x lib to be payit alse oft as thi sal contravein.
Item, that thai serue nhctbouris and baick to them the firlat for xvi d 
quhen thi salbe requerit, vnder the pain of depreuition, and vnlaw of 30 Sept.
ten pund.

Item, that the iii d leiff be xvi vnce vecht, fyn eit meil onmixt, vnder 
the pain of fourtic ss. vnlaw, and delling of the breid to the puir.

Item, that all personis tack thair middingis and filthe of Kingis 
casay within ten dayis, and hald the sam casay clein heirefter, vnder the 
pain of xl ss. vnlaw, and delling of the breid to the puir.

Item, that na person gifif for the leid of turris or peittis bot iii ss for 
this vinter, in respect of the skantnes thairof, and fra that furth the pryce 
of the quart aill according to the auld vse and vont past memor of man, 
vnder the pain of vi ss., vnder the escheting of the laid: and this far I 
immat be oppin proclamatioun at the mercat cross, quhairbe nain 
pretend ignorance heirof.

Actum in pretorio burgi de Innernes vigesimo quinto die 
mensis Octobris anno domini Jaj vicces vndecimo; in pres-
entia Villielmi Campbel, Jacobi Vaus, et Alexandri 
Paterson ballivorum dicti burgi.

That day Nicolas Alberrie, Ingliss Smyt; is fund culpabil in hurting 
and bluid latting off Nicolas Addis finger, and alse in doing of the sam 
in presens off Mr. Gavel his maister; Thairfoir is judgit in amerciamen 
and ordanit to giue xl ss. to the said Nicolas Addis, and to sit on his 
knyes and ask God and his maister forgiffnes, and the said Nicolas: 
Quhairvpone requerit act.

That day thow Johne Ross art indytit for the cuming to Meikil 
Kinkel in Julij last, in this instant zeir of God, and thair thow sta fra 
Duncan McRorie, and brack his house, ane quantitie of gaid\'
irne, ane 
blew bonat and certaim leining zarne, and challancit with the in Urquhat, 
quilk thow can nocht denye.

Thow art indytit for cuming to Meickil Kinkel and thair brack 
Johne McAine house and sta fyue marck, tua curchis linning, and vas 
challancit with the, quhill thow can nocht denye.

Thow art indytit that thow sta fra Johne Froster in Tain in the 
moneth of Julii last four ellis lining, twenty-four peices of haicklit lint,

\textsuperscript{1} Gad, a bar of iron.
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1611 and challancit with the be Duncan McRorie in Kinkel, quhilk thow can

29 Oct.  nocht denye.

Thow art indytit for to cuming to Castel Lefferis¹ the xxii of this
instant and thair brack Elspect Vic farcharis house and sta ane lining
curch with tua neckis, with ane quantitie off lint, and by kniff, and
challancit with the be James Mc erchar their, quhilk thow can nocht deny.

Thow Johne Ross art indytit for bracking of the Kingis ward, and
being wardit in the tolbuith of Innernes, and being put in firmance be
William Gray, officiar, at command of Alexander Patersons and James
Waus, baillies, immediatlie efter thow was in Castel Lefferis, quhilk thow
can nocht denye; alledgis that Nein McConnas ler tuick off the hespe
and luit him out off presone.

Thow art indytit that efter thow brack ward thow cam in Donald
Zoug, burges of Innernes, on the twenty-tua day of this instant, and
thair in queet and pruid forme thow keipit them selff secret, and zeid in
behind his press, about fyiff hours at evin, and thair the said Donald
wyiff haiffing na hope off ony evil lockit the dur, and thow being thairin
onknavin to hir, and thow being of evil intention, hauing the deul in
they myind, and haiffing na thought off they creatour, thow sta avay
fourtie pundis money, sex blew bonattis, tuelff pair of Ingliss gairtantis,
ane dusson by kniffs, thrie pair off gliffs, ane leiff succour candie,² ane
quantitie off browne succour, vith ane pund off-quiht traping, ane elin
half elin off Loundon claith, quhilk thow packit vp in ane box, schot the
lock, zeid the vay vith the same, and challancit vith the in Kinkel be
Duncan McRorie, quhilk is presentit heir now in judgment as ane fang
gottin in they hand; quhilk thow can nocht deny.

Last, thou art indytit as ane commine theiff, out fang and infang,
maisterless vagabund, and syn euer thair zeid sex quarter off claith in
they cot thow hes being ay pykand and styand, and in sing thairof thi
luig hes being naylit, and thow vantis ane pairt thairof, quhilk is sein
judiciale; quhilk thow can nocht deny: the Judges hes remittit the hail
confession and dittayis to the personis of inquest.

Nomina Assise: Mr. Johne Ross, cancellar, Alexander Bailzie of
Dunzean, Alexander Merchant, William Paterson, elder, Finlay
McVirrich, Alexander Abraham, Johne Chapman, Johne Robertson
Laurenson, Johne Duff, William Dick, Dauid Cuthbert, James Robert-
sone, Thomas Merchant, William Patersons Johnesone, George Duff.

¹ Now Castle Leather, near Inverness. ² A loaf sugar—candy.
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That day the hail personis of inquest all in ane voce hes convict the said Johne Ross being al son (?) in the formar dittayis conforme to his confessioun ; the Judgis ordanis him to be tain to the gallows of the borrow mvir, and to be hangit thair onquhill he die : Dom giffin thair-vpone be Malcolm Duncanson, Dempster of Court.

Actit in the tolbuith of Inernes in presence of Johne Cuithbert of Castelhil, Prouest, Alexander Paterson, ane of the Baillies, the nyteen day of November 1611.

That day compeirit judicialie Donald McAngus of Glengarrie, and voluntarlie is becum actit in the burru court buickis of Inernes souertie and law borruis for Johne Bouy McNicol, servitor to McConil, that Johne McVirrich salbe harmles of him in his bodie, guidis and geir, and sal nocht be trublit be him thairin, nor be nane quhom he may stope and lat directlie and indirectlie in tymes cuming, bot be order of law, under the pain off thrie hundreth merkis money to be payit, and Judgis in cace thir presentis be contravenit, and the said Johne is becum actit to releive his said cautionar of the premiesz : Quhairvpone tuick act of Court.

That day Johne Jamieson, armorer, conforme to his confession, is decernit to pay to Thomas Merchand four pund for Martimes terme 1611 zeiris off his buith, and auccht merk for ane bucklar sourd he detenis : ordanis him to mack payment thairof within fyiftein dayis, vnder the pain of poinding or warding : Quhairvpone tuick act of Court.

Instructions to the comissionaris appointed for keeping of the kings magesteis peace.

I. The comissionaris and Justices of peace at thair first admittance upon the benche, sall give the oath following—Thou sall swear that thou as on of the comissionaris and Justices of the pace within the shyre, according to zor knowledge, witt and power, shall doe equall richt both to ritch and poore, conforme to the laws and customes of the land and statutes thairof, and that thou sall not be of counsell with any person in any querrell or matter depending before you, and that thou sall everie quarter keepe the sessions, or oftner as thou sall be requyred, not having any just impediment to the contrarie, and sall faithfullie and treulie discharge your duties as a Justice of his majesties pace, and sall leave
nothing undone that may tend to the preservation of the sam: So help
you God.

II. Any one Justice sall hav power upon complaint of any person
being threatened and fearing to be vornegd [wronged], to bind the partie
complained upon, under such a pecuniall somme, to keepe the peace, as
he sall thinke fitting; as alsow to committ him until suretie be founden
by him (the said complement alluayis giuand his oath before the Justice
that he hes just caus to dread him harme), and all such acts and
bondes sall be keipit in record by him, and he sall mak deliverie of the
sam to the clerck of the peace at the next sessions, to be keipit and
registrat by him.

III. If any person being charged to mak his appearance befoir a
Justice of pace, and sall refuis or delay without just caus, giff the partie
be all landit gentillman, then the Justice to hois command is con[itra]venid
sall informe the sam to soum of his Lords of his majesties prive council
the effect the partie of the qualitie forsaids may be callit, and fynded
for his dissobedience. And giff the dissobeyar be of a maner degree the
Justice sall heirby hav power to command the next constabill, with
assistance of the cowntrie, to bring any such partie before him.

III. If the Sereff or baillie sall condemne any person in a blood
wyte, or otherwayis committ him in any paine proper for him to impone,
the Justices sall hav no power of new to fyne that offender for that
offence. But giff they sall find the person not condinllie punished In
regard of the offence committed, they sall then informe his majesties
cowncell thairof.

V. If ether Sereff or Baillie or ether Deputis by collusion with the
delinquent sall suffer any person guiltie to be quyited and cleared by
assise, the partie once claired is not to be broch farther in questiown
befoir the Justices; but upon thair information the Judges ar to be
called, censured, and seuearlie punished by his majesties cowncell.

VI. The saidis Justices sall heirby haw power to proceed in tryall
upon all persons committing ryottis, and breaking of the kings pace,
vnder the degree of nobill men, prelatis, cowncelleris and senatoris of the
Colledge of Justice, and to punishe and fyn according to the qualitie of
the cryme and estaite of the offendar; and concerning theirs persons of
heicher degree, the said Commissionaris and Justices sall vse all thair
pouer conform to thair commissioun and instructionis for preuenting and
staying of the ryottis, commanding the attemptaris in his majesties name to ceas, and to find caution for keeping of the peace and for their appearance befoir his majesties counsell.

VII. The saidis Commissionaris and Justices sall put his majesties Actis of Parliament to due and full executione against maisterfull beggeris and vagabowndis, solitaris and idlemen, and vemen lurcking in euill huss, tyed to no certeinge seruices, designit, reput and haleing as vagabowndis; and thi sall punische and fyne thair recetteris acordingelie by competent pains.

VIII. The Commissionaris and Justices of Peace ar heirby authorized with power and authoritie to giue order acording as thei sall theink most convenient, and with lest grieue to the subiectis, for mending of all hie wayis and commowne passage to or from any marcat towns within the scheir, and sall call befoir them all such persoains as sall stread thois passage, or vther wayis sall mak thois hie wayis by ane casting ditches or fowssies throwgh the sam to be in any schort noysome, ontrublesom to passingeris, and sall punisch and fyn them acording to the qualitie of thair offence.

IX. The saidis Commissionaris and Justices of Peace sall put his majesties Actis of Parliament to executione aganist the committeris and distroyeris of planteing, green wood, orcharges, yaires, hainnings [hedges], breckeris of dowcatis, and cranning hares, skailers of bees and bee skepes, useres of unlawfull games wivh lying dogs, slayeris of black fishe and other fishe in forbidden tyme, fowlleris follouand in other mens landis, mackers of mure burne and mos burne forbidden tyme, and sall sitt, determen and proceed against them, conform to the saidis Actis.

X. The saidis Commissionaris and Justices sall put the Acts of Parliament to execution aganist forestallers and regreateris of mercatis, and sall proceid against them accordinglie.

XI. Becaus thire ar sundrie unnecesarie aill housses in the cowntrie quhalteris the reset of sundrie masterles men and rebelleris at the horne, and vtheris personis guiltie of diuers crymes, and ar the cheefest occasion of the stowthes, reiffes and pytrie committed alsueil in the day as nicht upon his majesties good subiectis, traweling in the cowntrie, the saidis Commissionaris and Justices sall tak ordor vith them, and minister justice upon them conform to the laus of the realme.
XII. Vther as the vorkmenschip of sundrie craftismen in bruch or
landuart is nether sufficient nor doeth it keip any constant and resonabill
pryce that so the craftismen meii sell vith aduantage eneuch, but thei
exact of the liges quhat thei please, thairfoir the saidis Commissionaris
of the peace hes power heirby to tak order theirin, and reddris the sam
as accordis.

XIII. The Commissionaris and Justices of Peace sall put his
Majestie's Actis of Parliament maid against malt makeris, quhairby they
ar ordanit to put thair malt to the mercat and to sell the sam at the
tymes substcryuit in the saidis Actis, and that thair malt be sufficient
stuff, and anent the pryce of thair malt, to due and full execution in all
pointis, conform to the tennon and according to punishe the transgress-
eres and violateris saidis Actis.

XIII. The saidis Commissionaris and Justices of Peace sall put
his maiesties Actis of Parliament to execution anent measures, veghtes, and mettis, and
thairof.

XVI. The Commissionaris and Justices of Peace sall according to
their directionis apoint pryces to be tein for any hors or man for thair
passage over any ferrie in that cowntie, and sall call and punishe all
contraweinaris.

XVII. They sall tak order that all lipper fokis sall be sequestrat,
and not sufferit to haue recet in any publicit company, and sall set down
order for thair intertainment, to be leifted out of the cowntie, in such
forme as thei sall thenk meit vith leist greef and harme to the subiectis.

XVIII. They sall set downe order for governentis in tym of
plague, and to punishe seueirlie the dissobeyeris according to the qualitie
of the delit.

XIX. They sall appoint at thair quarter sessions to be keepit in
Agust and Februar the ordinar hyire and vages of laboreris, vorkmen an
seruantes; and who sall refuis to serue upon the pryce thei set down by
them sall be imprisoned, and farther punished at the Justices discretionis.
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XX. The Commissionar is and Justices of Peace in ewerie cownty at their quarter sessions sall resolue quhat nowmber of Jaylles or prisons ar fit and necessarie to be in that schir, and the best and most commodius places for the same; and where either these Jayles be presentlie vanting or otherwise not sufficient enough for conteining of prisoneris, and, so requiering to be builded or otherwyse to be enlarged and amended, thei sall conclude and resolue vpon a certain summe of money, which money sall perfite and accomplishe these vorkis, and then by distribution thairfoir according to thair discretions sall rate euerie sufficient person within the sam shyre either in land or goodis to a certain proportion of money for building, enlarging or helping of the saidis prisons and jayles, according to thair means and abilities, and sall appoint collectoris for ingadder ing of the sam, of whom thei sall tak goode suereties for making due accompl and payment, and sall appoint tua or thrie of their owen number, duelling most neere to the place quhair the saidis prisonis ar to be builded or reproared to haw the direction or charge of the saidis vorkis, vho vpoin finishing thairof sall deliever in thair accomplis of the disbur sing to the whole bench at thair nixt sitting, and for [several words undecipherable] everie one salbe assised vnto the Lordis of His Majesties Counsell and Session, sall direct summar charges of horn ing and poynding at the instance of such as sall be appointed collectoris by the said Justices.

XXI. And becaus thair be a greit many personis apprehended and committed vho, hawing no means of thair owin for their mantinance and entertainment, vill otherwis strawe and famishe befoir thei can cum to thair træyll, vho not the lesse in regard of the cryms thei haue committed can no way be put under sueretie, or otherwise in faultis of lesse con se quence, ar unable to find sufficient caution to be maid fourthcommand, and answerable at the next session, Thairfoir it sall be laufull to the saidis commissionaris and Justices, at thair quarter sessionis, to rate euerie paroche within the shyre for a veeklie proportion for thair entertai nment of these poore prisoneris, provyding thei doe not exceid the summe of five shillingis scottis money at most, not vnder onnie schilling at leaist, which soummes sall be upliftit for that vse by the maister or reader vho sall serve at ewerie paroche from such deacons vho sall be appointed to collect the sam, and the saidis soummes to be deluyered by the constable of the paroche at the quarter sessions in presence of the
whole benche then convined to such persons as the saidis Justices sall trust thairvith, and vho accordinglie sall make due accompl thairof in paying the jayleris such raites as sall be allowed for the poore prisoneris, and in making the rest forthcoming for such vse and intent of the lyke natur as the saidis Justices sall appoint.

XXII. All magistrates of burroues and keeperis of any jayles or prisons sall recav in thair prisons all such persons as ether sall be broucht by constables, or sent unto them by warrantis under the hand of any one Justice of Peace.

XXIII. The Commissionaris and Justices of Peace sall heirwby haw pover to punishe according to thair discretion all delinquents vpon any of the penall statutis befoir rehearsed, thei being first trayed by a conding assise of xiii or xv persons, and found guiltie, and impose such punish-mentis as in their judgment the qualitie of the trespasser sall desarue, But in all crimes capitall thei sall no vay proceed without a speciall direction and commission sent from the cownsell to [undecipherable] of them for that effect.

XXIV. They sall appointe sufficient collector for vplifting the fyenes and penalties which sall be imposed vpon any offendar, and ar to tak caution for him for making due accompl.

XXV. The saidis fyenes ar to be made fourthcomming ether to his majesties Cowncell or to such Lordis of regalitie, or the Lordis Prelatis, or small barrons, as by thair infeftment, and heritable rightis can justlie challange or claim any right to the same.

XXVI. The Commissionaris and Justices of Peace, induiring the tyme of their sessions, sall haw of ewerie day of thair aboad (so it doe not exceed the number of thrie dayis at the most at one tyme) allowed to each of them fowertie shillings Scottis money daylie, to be uplifted and paid by the collector of the fyenes; but nether Earle, bishoppe, Lord, prive counsellor, or sessionar sall haw may [any?] allowance; and all such Justices as haw the benefite of that allowance and sall be absent from ewerie ordinare quarter sessions, or, when utherwise he is lauffullie requyred by the custos rotulorum to ane particular meeting, sall incurre the penaltie of fourtie pundis Scottis money, not being lauffullie excused, and the excuis allowed by the restis of the Justices their assembled.

XXVII. It is allvayis considered that these allowances to the Commissionaris of the Peace sall be ratable uplifted of all fyenes imposed
by them accessing to his maistie as to any other Lord or small barrone quhatsomeuer.

XXVIII. The Lordis of Session sall direct generall and summar chargeis of horning and poynding at the instance of the Collector appoynted in euerie cowntie for incaderring of the fynes and penalteis quhatsomeuer incurred, vpon ane simple charge of fiftene dayis.

XXIX. The Commissionaris and Justices, at the end of euerie quarter session, sall send to his maisties counsell a catalogue of all such persons as thei haw either committed or otherwise put vnder suertie, with a short abreviat' of the caus thairof, to the effect that theire vpon the counsell, as thei sall theinke meet, mey returne vnto them against theuir next sessions, or to the custos rotulorum, in the mean wyle theair farther direction.

Anent Constables and theuir offices.

I. The constables ar to be maid choise of by the commissionaris and Justices of Peace in theuir quarter sessions through owt whole cowntery, tuo at the leist in euerie paroche or according to theuir discretions hawing consideration of the localatie theairof, in great townes lyik vyiše (not being citties nor free brughs) thei ar to appoynt the number of cunstableis proportionallie to the greatnes theairof, (but in all brughs regall and free citties the constables ar to be chosun by the Magestrates of the sam) they ar to indure and to be changed from sex moneths to sex moneths.

II. Ony vho sall refuis to except the chaire, and to giue his oath for ductifull execution theairof sall be imprisoned and fyned at the discretion of the Justices of Peace at their next sitting.

III. The constables sall tak the oath following—thou sall suare that thou sall faithfullie and treulie dischairge zour office of constabularie within the parochin of etc. indiuring the tyme apointd to thou and sall not for fauor, respect or feare of any man, forbeare to doe quhat becometh thow of zour office, and aboue all things thow sall reagard the keipin and preseruing of the Kings maisties peace and sall at euerie quarter sessions and meetings of Justices giue trew and due information of any breach which hes bein maid of his maisties peace within the bounds of zour commandiment, and sall no way hyid cower nor conceaill the sam nor any of the proces and evidences which zow can giue for the electing and prouing thereof. So help thew God.
IV. Ony of his maiesties subiectis who sail refuis or delay to concure with the constable in executing of his office sail be imprisoned and Commissionaris and Justices or otherwise censured and seuerlie punished by his maiesties cowncell according to the qualitie of the offence.

V. All the Constables, at the leist ane of ewerie paroche instructed with commission to anser for the rest within the same paroche sail atend at ewerie quarter session, thair to giw information of all such mis-demanors as haw happned in thois boundis since the last session and otherwise to giw to the bench farther satisfaction in any theing quhairin they sail be required and to recav fra the said commissionaris at the end of the sessions such order and directionis as thei sail then enioyne and appoynt them to doe.

VI. A constable may apprehend any suspect man who for the most part sleepeth all day and valketh in the night and cry them to the next Justice of Peace, to find sowertie for his guid behavior, or vtherwise to be committed to prison.

VII. A constable sail arrest any person (other then such whom regard of thair office and chairge are authorized to doe the sam) who shall be fund veiring hagbuttis, pistoletis and dags and sail cry them befoir a commissionar of peace, who is either to tak suritie for their apperance the next session or commit them prisoneris vntill thi doe the sam.

VIII. If any partie doe complaine to a constable that he is threatned by an other, then sail the constable apprehend the threatenr and cry him with the pairtie complenent befoir the next commissionar of peace, and giff he refuis to goe then sail thei carry him to prison.

IX. Upon apperance of any fray or stur betuix pairties the constable may tak into him the assistance of his neighbouris for sundring of the pairties, and iff thair be any harme done to the constable or any of his assistances by them who made affray thei sail be punished by the Justices at the next sitting.

X. When one hath maid an affray and then fleeth to an house the constable may break open the doores thaireof, and albeit he soulde flee further without the boundis of his chairge zet may the constable [follow?] and apprehend him in a fresh persute.
XI. Constables sall stay and arreist all vagaboundis, sturdie beggeris and egiprians and cray them befoir the next commissionar of peace, who sall tak order for thair committing or punishment according to statute of parliament.

XII. Constables sall arrest all yld persons whom thei knaw to haw no meanes to liue vpon and yet vill not betak themsellves to any labor, trade or occupation, and sall cray them befoir a commissionar of peace, who, after examination, sall ether commit them or tak suretie of them for thair appeirance at the next Sessions.

XIII. Any constable hawing apprehended a person guilty and culpabill of slauchter, murther, thift or any capitall cryme vhatsoeuer sall then requyir his nichtbouris to assist for saiff conuoying such persons to the next commissionar, who sall then examine the cray and set down hes deposition in vryting to be shoune at the next sessions, and thairefter sall send him saiflie back to prison, and if any nobleman sall acclame the richt of jurisdiction to proceed against the delinquent, the said Justice sall recall suretie of the said pairtie who requiereth the defender to be delivered unto him that justice sall be duelie ministrat, and caus deluierie of the said person be made unto him : aluayis the said Commissionaris of Justice at the next Session sall certifie the haill matter to the bench to the effect they mey inquirir vhither justice hes accordingly bein ministrted, and, iff any default be fownden, to aduerteis his maiesties cowncell, that order may be tane therevith.

And ordeines the premises to be published in print.

finis.

Beggaris. That day Donald Greuache McConnel and Marie Mck Milen his pairtner, in cace euer thei be found again in this towne, to be executit to deith.

That day compeirit John Cumming Procurator Fiscal, for his entres, and in name of the relict and bairnis of umquhill Jhone Jenor, and producit the Provost and baillies precept, dewlie execut and indorsat to this day, be wartew quhairof William Paterson Finlason vas summond to find caution to vnderly the law for the cruel slaying of umquhill John Jenor, burges of the said burgh, quhairof the tenor follouis:
1612  
18 May  

Johne Cuithbert of the auld Castlehil, Prouest of the Burgh of Innernes, James Waus, William Campbel, Alexander Patersone, Alexander Cuming, baillies of the said burgh, conjunctlie and seueralie, heretabil sereffis in that pairt within the boundis thairoff: To our Louittis William Gray, William Reid, and Androv Tolmi, our officeris and executoris heiroff in that pairt, conjunctlie and seueralie, specialie constitut, gretting: Forsameikil as it is humblie menit and schavin to us be our lovit Elspet nein Allister Vic William, relict of vmquhill Johne Jenor, burges of Innersnis, and Jenoris, his lawful bairnis and dochteris, and remanent kin and freindis, Procurator Fiscallis for thair entres, that vpone the first day of Maii instant, at four houris efter noin or thairby, William Paterson, lauchful son to vmquhill Finlay Paterson, burges off Innersnis, vpone set purpsoe consauint malice and hatrent persewit the said vmquhill Johne Jenor with ane fut spaid, and hat him thrie strackis with the said spaid in the heid, and brack his harnie pan, and thairbe maist cruelie, barbaruslie and vnmerciullie slew and murdirst the said vmquhill Johne Jenor, he being than liuand under godis pace and our souerane lordis obedience, lawis, and ouris, quha deid the ten day of Maii instant, to the grait hurt and preudice of his said relict and bairnis, and in ewil exempil to wtheris to commit the lyck without remeid be provydit; Quhairfoir, this precept sein, ye pass in our souerain lordis name, authorities, and ouris, to the mercat cross off Innersnis, within the quhilk burgh the said William duellis, and thair summond, varne, and charge the said William Paterson to find souertie and cautiou to compeir befoir us or ony ane off us conjunctlie and seueralie, within the tolbuith of Innersnis, in ane court thair to be haldin be ws or ony ane of ws as sereffis in that pairt, the aucht ein day of Maii instant, and thair to vnderly the law for the cruel murder and slauchter of the said vmquhill Johne Jenor, and to anser at the saidis complenaris instance thairanent, with certificatioun giff he compeir not the said day and place he salbe denuncit our souerain lordis rebel, and put to his hienes horne, and his hail guidis to be eschet and inbrocht to our soueran lordis wse for his contempioun; and, giff he findis cautiou within the said day to the effect foresaidis, actit in our court buickis, for the crym foresaid, that ye summond ane conding inquest to pas vpon the said Wm not exceeding the number of XLV personis, ilk person wnder the pain of XL pundis: The quhilk to do we commit to
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yow, coniunctlie and seueralie, our ful power to this our precept, 1612 18 May
delyuering the same be yow dewlie execut and indorsat again to the
berar: Giffin vnder the subscriptionoun of our commune clerk of court, our
signet is effixt, at Innernis the ellevint day off Maii the zeir of God
1612 yeiris.

Upoun the ellevint day off Maii Jai vi°es and tuelf zeiris, I, William
Gray ane of the burru officiers of Innernis, past at the command of this
within wrettit precept to the mercat cross of Innernis, and thairefter
thrie hoyes I lauchfullie summond and chargit William Paterson
Finlasone, burges of Innernis, be opin proclamatioun at the mercat cross
of Innernis, to compeir befoir the Prouest and baillies of Innernis,
within the tolbuith off the sam, to vnderlye the law for the causis within
specifiet, in court tyme of day, the day and dait within specifiet, in the
hour of cause, with certificatioun as afferis: This I did befoir thir
witnesses, Alexander Bailzie off Dunzeane, Johne Duff, Thomas McConil,
burgess of Innernis, and Evin Auchinleck thair, and for the mair
witnessing my signet is affixt heirto as vse is, with my subscriptionoun
manuel. Et subscribitur, Wm Gray, wt my hand.

That day the said William Paterson Finlasone, being oftymes callit
and nocht compeiring, and accusit on his absens be the Procurator Fiscal,
court tyme of day biddin, and in nocht satisfeinge the contentis of the
said precept, the Judges thairfoir ordanis the said William Paterson
to be denuncit rebel, conforme to the precept: Quhairvpone William
Gray, officiar, past to the mercat croce instantlie, and hes denuncit the
said William Paterson, our souerain Lordis rebell, and put him to his
hienes horne efter thrie hoyes with thrie blastis of his horne, in
presens of Johne Abraham, Gilbert Duff, Robert Baillie, burgess of
Innernis, Androv Fraser, merchant, Johne McVirriche, burgess thair,
and Androv Tolmi, officiar: Quhairvpone Procurator Fiscal askit and
tuick act of Court.

That day Jonet Brunto, beinge accusit as ane commun harlot, nocht
sparand na man, and fund as ane usand that form as ane craft, hes
voluntarye becum actit to exil hirsellff presentlie, and that sche sal neuer
be fund in this toun again, nycht or day, vnder the pain of puttinge of
hir to deith and drowninge of hir, lyckas the Prouest and baillies hes
inhibit ony persone to gif hir ludgeing vnder the pain of xl lib: Quhair-
vpone beinge proclamit be William Gray, officiar: Quhairvpone act.
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1612 That day Thomas Binnie, Inglisman, is decernit in the bluid latting of Nicolas Addis, Inglisman, with ane straick of ane ax in the heid and alse in the arme, is judgit in amerciament, convict, ordanis him to pay ten pund, and Eduart Roger is cautioun for the said Thomas that the said Nicolas sal be harmles of him bot as law will, wnder the pain of ane hundereth pundis; and the said Thomas actit for his cautionar relieff; and Joseph Simone is souertie for Nicolas Addis that the said Thomas sal be harmles of him bot as law vil, wnder the pain of i" lib.; the said Nicolas actit for his cautionar relieff.

25 May That day Jonet McPhaill is decernit for the vrang stricking of Jonet Robertsone, dochter to Laurenc Robertsone, in the heid, and miscalling of hir and hir parentis; dom giffin thairvpon; ordanit to remain in vard quhill sche satisfe the pairtie: Quhairvpon act.

29 May That day Donald McRay, burges of Perth, is decernit in the vrang bluid latting of Thomas Clerk, cagger in Elgin, in stricking of him wth ane greit irone key in the heid, and draving ane greit quantitie of his bluid; Thairfoir is judgit in amerciament; dom giffin thairvpon; ordanit to pay fyiftie pund: Quhairvpon tuick act.

23 July Apud burgum de Innernis 23 die mensis Julij anno domini 1612 in presentia Villielmi Campbel unius ballivorum dicti burgi.

That day Androw Du Fraser, minister at Dalcros, in presence of James Waus, Baillie, is becum actit that James Dason vyiff sal neuir be fund to mack hir residence in this toun in tym cuming, accept at mercat tym, to remain tuentie four horis sa lang as thai duel wth him: Quhairvpon tuick act.

31 July That day William Paterson, youngar, is becum actit cautionar for entering of Georg Mc Conil Reoche befoir the counsal of the burgh, quhen he salbe chargit, and that for the iniurius words vterit be the said Georg to the Judges judicialie, and manissing of them, saying that god nor he suld stick himselff bot he suld cause them troit to Edinburgh, quhilk is agains his aith of obedience quhilk he gave, and vas convict thairfoir: dome giffin thairon: Quhairvpon act.
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That day Mariorie Nein Thomas Mc Rorie hes set in tack to 1612 Valter Stewart his spous the frieris croft sum tym occupiet be William 27 Aug. Davison for the space of fyve zeiris, thir entres to begin thairto at Vitsonday 1613, paying thairfoir zeirlie Twa bollis victual at Candilmes; lyickas the said Mariorie nein Thomas is becum actit to varrand the said fyve zeiris tack of the said croft to the said Valter and his spous agains all mortal as law vil; Quhairvpon requerit act: Befoir thir witness William Campbel, James Cuming.

That day Donald Mc Illimichel persewis George Fuird, quhairvpon fryday last, 23 of October instant, the said Georg strack the said Donald but ony offence doin be him with ane by knaif, and hes cuttit his elboc ane greit cut to the effusion of his bluid, and onabil to vin or virk, and thairfoir desyris the said Georg to mack him ane condisp satisfacion, and to repent for the vrang, and to satisfie the leich; and comperit the said Georg Fuird, defender, confess the stricking of the persewar with ane by knaif in the elboc; the Judges decrenis the said Georg Fuird in the bluid latting according to his confessioun, and ordanis him to pay to the Judges fyiftie pund, and ordanis him to satisfie the pairtie and the leich as salbe modifiet be the Judges according to the defendar hinderportand, Is Judgit in amerciament, and dom giffin th'vpon be Malcolm Duncanson, Dempster: Quhairvpon the said Georg is ordanit to remain in ward ay and qll the premiss be satisfiet: Qrvpon the laird of Strechin in name of the persewar tuick act of cort.

That day Johne Robertson, son to vmqll Johne Robertson, burges of Inn'nis, Is convict in the vrang trubling of Thomas Squeyar, in his maling buith, 24 of October instant and draving of ane durck, and, stricking of him thervith forment his car pape, maid a hol in his doublet; and trubling of the toun: Quhairvpon act.

That day Wm. Mc Conchie, skinner, burges of Innernis, voluntarlie 27 Oct. Is becum actit souertie and law borrowis for Jon Robertson Laurenson, burges thair, that Donald Zoung, burgess there, salbe harmles and skaithles of him in his bodie, guids, and geir, navayis to be trublit therein, nor his vyiff, famelie, at na tym cuming, derecltie nor
Records of Inverness

1612

indirectlie, bot as law wil, wnder the pain of four hundereth merks

27 Oct.

money, the ane halff to the Judgis, and the wther halff thereof to the

pertie harmit; and the said Johne Robertson Is becum actit for his

cautioneer releiff of the premisses: Quhairvpon tuick act.

That day James Cuithbert, burges of Innernis, son to Alexr

Cuithbert, burges there, Is becum actit sortie and cautioun to do that

law vil and all that accordis vt. the law to the Procutor Fiscallis

of Innernis anent the lousing of the Prowest and baillies of Innernis

arestment presentit at ther instance be wertew of ane buurrn precept, in

the guids and geir of umqll Allister Dow Mc Comas vic Wm in Drakie,

and

his spous quha drownit in the myln burn of

Innernis satterday vnder silenc of nicht, 24 October instante, and to

be anserabill to the prowest, baillies of Innernis therefoir in caice it

salbe fund that thai halff, or the procurator fiscalls, entries or richt

thereto: Qrvpon tuick act.

30 Oct.

Actum penultimo Octobris an'o D'ni 1612 in pn'tia

Jacobi Vaus, Jacobi Cuithbert Senioris, Gullielmi Paterson, Justiceris, et Alexr Paterson ballivorum burgi de

Innernis.

That day Wm. Conil Duy, litstar, Is decernit to pay and delyver

to Thomas Mc Inneis the soum off aucht merks money as pryce of

ane quhyt horss coft and ressevit be him fra the said Thomas, qlk

the said defendar refferis to the persewar aith, qa suri conform as saidis,

therefoir the Judges ordanis the defendar to mack payment to the

said persewar of the said aucht merkes money within fyiftein days,

vnder the pain of poinding or warding: Qrvpon tuick act.

6 Nov.

That day Johne Robertson Lawreneson, burges of Innernis,

voluntarlie is becum actit in the burru cort buicks of Innernis sortie,

cautionar, and law borrowis for James Deimpster, burges of the said

brucht, That James Mudie, elder, burges of Dundie, and James Mudie, youngar, his brother son, burges thair, salbe harmsles and skailshes of

the said James Dempster and all that he may stop and lat in their

bodies, guids, and geir, and na wayses to be trubillit be him therein,

nor be na utheris quhom he may stop and lat as saidis, directlie nor

indirectlie, in all tym cuming, bot as law will, vnder the pain of four
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hunderethe merkes to be payit in caice thir presents be contravenit; 1612
and the said James Dempster is becum actit for his cautionaris releif 6 Nov.
vnder the pain of poindinge or warding: Quhairvpon the said James
Mudie, elder, and Jon Robertson for his releif, askit and tuick act of
cort.

That day as term of contineuatioun tain be the Judges for pro-
nuncinge of Decreit of removinge contrar James Cuminge for removing
of him furth and fra the Kingis myln of Innernis, office of millarschip
and knavschip and myln bannock thereof, as he quha was varnit xl
dayis preceeding Vitsonday 1612, to that effect, at the instance of
Alexr Bailze of Dunzean, Alexr Cuithbert, James Cuithbert, his son,
Mr Jon. Ross, and haiffing instructit thir pieces, to wit, the burru
Precept, their Precept of varninge, thair infeftments on the said myln,
the... Julij 1612 zeiris, and now the said James Cuminge being lauli
varint and citit to this day to the effect foirsaid, and callit, com-
peirit, and haiffing na richt nor instructioun than nor yet now to
stay process and decreit; Theirfoir the Judges hes decernit the said
James Cuminge to flit and remoif himsell, his vyif, famelie, furth
and fra the Kingis myln, office of millerschip of the said myln,
knavschip and myln bannock thairof, houses and biggings thairof,
and ordanis executorially to output the said James and his foirsaid
therefra, his guids and geir, and input the said persewar flemoraris
guids and geir thair tenents and servands therein, within xv dayis,
under the pain of warding and outputting of the said James Cuminge
... Qurvpon the said persewars requerit and tuick act of cort.

Alexr Duff, Clerk.

That day ane bruche struckin on all and haill fre and vnfre brou-
stairs of this brugh, quhairo of thair names followis, that ye and ilk ane
of zow, vranguslie and agains the law, hes transgressit the actis and
statutis maid be the Provest, baillies, and counsal of this brugh, that ye
suld not sell the pointe all darar nor twelff pennies, the point of bier
fourtein pennies, the muskin of aqua vitie fyiff schilling, quhilk ze haiff
contravinit, and hes tain for the point of all senein pennies, and for the
point of bier xvid. and 18d., and for the muskin off aqua vitie 8 ss., qlk
ze can not denay; and being proclimit at the markat croce, and with the
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1613

25 Jan.

handbel throue the streittis of the toun, that ze suld keipe the foirsaid statutis ilk person vnder the pain off xx lib. ilk falt, and therfoir ze haiff fallin in the said penaltie; and, compeiring, being accusit ilk person according to thair confessioun, and judgeit in amerciament, and ilk ane of the said frie burgiss\(^8\) ar ordain to pay ten ss. for the brackeing of statutis of the aquavitie, als meikil for the bier, and xx ss. for the ail, and the unfrie broustars als meikil; And the Judges, being indewit with mercie, hes judgit ilk ane of the saidis personis in the said vnlaw, and dom giffin thairupon: thair namis followis, viz. Jaspert Cuithbert confess\(^8\) the brackeing of statutis of all and aqua vitie; William Paterson Johnson vyiff confess\(^8\) the brackeing of statutis of aquavitie; Jaspert Williamson confess\(^8\) the brackeing of the statutis of ail; Alex\(^s\) Skinner confess\(^8\) the brackeing the statutis of all and aqua vitie; Johne Mc Virrich vyiff confess\(^8\) the brackeing the statutis of aquavitie; Alex\(^s\) Merchand confess\(^8\) the sam; Johne Cuming vyiff confess\(^8\) the sam; Alexander Cuming confess\(^8\) the sam; Johne Maii vyif confess\(^8\) the sam; Thomas Mc Coul vyiff confess\(^8\) the brackeing of statutis of all and aqua vitie; Murdo Poilson vyiff confess\(^8\) the brackeing of statutis of all and beir; Johne Duff vyiff confess\(^8\) the brackeing of statutis of aquavitie and all; Valter Stewart vyiff confess\(^8\) the brackeing of statutis of beir; relict of vmqll Johne Jenor confess\(^8\) the brackeing of statutis of ail; Johne Lowson confess\(^8\) the brackeing of statutis of ail, aqua vitie, and beir; Robert Neilson confesses the brackeing of statutis of ail; Georg Mc Coul Reoche confess\(^8\) the brackeing of statutis of bier. Unfrie broustarsis:—Alex\(^s\) Mc Ane Veil vyiff confess\(^8\) the brackeing of statutis of ail; Thomas Clerk confess\(^8\) the sam; Bean Mc Co Cheil confess\(^8\) the brackeing of statutis of aqua vitie; Thomas du vyiff confess\(^8\) the brackeing of statutis of aqua vitie; Sandie Burnat vyiff confess\(^8\) the brackeing of statutis of ail and aqua vitie; William Stewinson confess\(^8\) the brackeing of statutis of ail; John McCormik confess\(^8\) the sam; Patrick Clerk confess\(^8\) the sam; Rorie bayn confess\(^8\) the sam; Vm. Thomson confess\(^8\) the sam; Kennoch Brebnar confess\(^8\) the sam; Vm. Mc Cowil Duy confess\(^8\) the sam; Thomas Murray confess\(^8\) the brackeing of statutis of ail. Bewest the vatter of Niss, Donald Mc Comas confess\(^8\) the brackeing of statutis of bier; Johne Mc intailyeor confess\(^8\) the brackeing of statutis of ail and bier; Johne Mc Robie Mc Coul vyiff confess the brackeing of statutis
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of ail; Georg Berrie confess\* the brecking of statutis of bier; Johne du Mc Allister confess\* the brecking of statutis of bier and ail; Allister Mc William vic Conil vic Farquhar confess\* the sam; Catherin Beddel confess\* the brecking of statutis of ail; Elspet Marquis confess\* the brecking of statutis of ail and bier; Donald Foular the sam; Alex\* Grierson confess\* the brecking of statutis of ail; Vm. Watson vyiff confess\* the brecking of statutis of ails: Summa of all xxxi Lib.

That day William Robertson, Zounar, persewit Finlay Mc Virrich and Isbel Ross his spous to pay to him four libis ten schillingis as the pryce off lik boll off Ten bolls malt, crope anno 1611 zeirs sauld be him to the said Isbel in the moneth of April 1612 zeirs, qlk malt they ressavit fra Wm. Boyd, maltman, or at the leist acceptit him ful debtor to delyver them the sam than; qlk defendars, being accusit on the clam, nayit that they ressavit the said ten bolls malt fra the said Wm. Boyd, nor zeit acceptit they him as ful debtor to delyver them the said victual; qlk the said William Robertson referrit simpliciter to the said Isbel Ross aith of weritie; quha was suorn, deponit that sche ressavit nain of the said malt nor na vther at hir command fra the said Wm. Boyd, and that sche acceptit him not as debtor to delyver hir the sam; Thairfoir the Judges absolvis the said Isbel Ross and the said Finlay Mc Virrich hir spous for his entres off the said clam off Ten bolls malt and preces thairof abov specifit: Qrvpon the said Finlay and his spous askit and tuick act off court.

That day Johne McPherson in Casteleveris Is becum actit souertie for James Mc Conchie McPherson, that he sal not nor na vtheris at his command, In defraud of Thomas McNoyar in prejudice of him ane letter of tack or set of the lands of Nather Culcaboek, nor any pairt thairoff of the myln and croft house and croft thairof, fra the superior thairof, for the space of fyiff zeirs efter the dait heiroff, under the pain off fyiff hundereth merkes money to be payit be the said Johne McPherson, cautionar, and the said James Mc Conchie as principal, conjunctlie and severalie, to the said Thomas McNoyar in caice thir presents be contravenit, vnder the pain of poindinge or varding: And the said James is becum actit for his cautionar releif of the premiss\*; quupon tuick act; Befoir thir witness\*, James Cuithbert Alexanderson, Patric Clerk, messenger, Thomas Merchant in Innernis.
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1613 That day compeirit Judicialie Johne Cuithbert of the Auldcastelhil, 3 Mar. Provest of the Burghe of Innernis, James Waus, James Cuithbert, elder, Alexander Paterson, William Paterson, Zoungar, Baillies of the said Burghe, Williame Cuithbert, appeirand of Auldcastelhil, William Campbel, William Robertson, elder, William Paterson, elder, James Paterson, William Robertson, zoungar, William Cuithbert Johneson, burgesss and commoun counsal of the said Burghe, with express consent and assent of Alex Merchand, James Cuithbert, zoungar, in Merkinsche, William Paterson Johneson, Thomas Merchand, George Duff, Johne Cuminge, Johne Duff, Finlay McVirriche, Johne McVirriche, Johne Maiï, Robert Neilson, George Mc Conil Reeche, Johne Chapman, Thomas Paterson Mathewson, William Dick, Murdo Poilson, James Dempster, Thomas Mc Coul, Thomas Robertson, Finla Skyner, Alex Abraham, Jaspet Cuithbert, Valter Stewart, Androw McConil, James McAllister, Jaspet Williamson, Donald McPhaill, Androw Fraser, Merchant, Thomas Dalgleische, burgesss of the said brut, and with consent and assent of the remanent burgesss and communitie of the said burghe of Innernis, for themselfsis and thair grieschip, terretorie, and servands remanen within the burghe grieschipe and terretorie thairof, on the ane pait, Maister Johne Ross, burges of Innernis, Alex Bailzie of Dunzean, burges thair, Alex Cuithbert burges thair, and James Cuithbert his son, burges thair, feu firmoraris of the mylnis callit the Kingis mylnis, and commoun mylnis of the said burghe of Innernis, on the vther pait, In maner, form, and effect as efter follovis, That is to say, For the caussys vnder vreittin The saidis parties hinc inde contendan tuitchinge the multuris of the saidis mylnis, hes in ane voce, for them selfsis, thair successors, irrevocabill and for perpetuall memorie and commoun viell of the said burghe of Innernis, and thair familie, servands, tenents to burghe and to land: Renuncis and Dischargis atheris vtheris of all caussys, querrells, amerciaments, vnlawis, vrangs, debaittis, that ony of them may imput to vtheris chargis, and of all bygain abstractit multuris be the saidis Provest, baillies, counsall, and communitie of the said brut, fra the saids mylnis, and of all actiou, contentiou, discord, convocatiou, gadderinge that hes proceidit or may proced or follow be ony of the saids perties aganis utheris, preceidinge the day and daift heirof thairanent for ever: Lyickas the saidis Provest, Baillies, Counsall and
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communitie, with the express consent and assent of the said feu 1613
firmoraris, Statutis and ordanis for perpetual membrie, and for the
commun vie of baith the saids perties and their successors, pro-
nunces, Decreittis, and Delyveris That the said feu firmoraris, and all
other feu firmoraris thair successors in tym cuming, sall grind all
maner of cornis and victual that sall happin to grow on the grieschip
lands and terotorie burgaige lands of the said burghe, insuckin and
outsuckin, that sall ressaue and tuck coblill and kill it within the burgne
of Innernis and terotorie of the same, Twabolls malt for ane peck
multir, and ane lippie, beinge the fourt pert of ane peck, for the
knarschip thairof allanerlie, and the twabolls schillinge for ane peck
multir schillinge, and ane lippie schillinge for the knarschip thairof
allanerlie; And for everie seck beinge full of meill to pay ane lippie
of meil allanerlie, And for the twabolls quheit grirlinge ane peck
multir be straick, and ane lippie be straick for the knarschip thairof
allanerlie; And for the grirling of the twabolls peis ane peck multir
and ane lippie knarschip be straick allanerlie; And for the twabolls
ry grirling ane peck multir and ane lippie be straick for knarschip
thairof allanerlie; And for everie seck full of everie sort of meill ane
lippie of meil allanerlie; Saissand and exceptand flour off quheit
allanerlie; Lyick as the saidis feu firmoraris astrictis them selfsis and
their successors That they sall haif ane firlat, ane peck, and ane
lippie in the saidis mylnis equall and conform to the commun firlat
and peck of the brut of Innernis, for vpliftinge of thair multur and
knarschip in all tym cuminge, And to caus the millar to furnis twa
horses to leid and carie the communis malt daylie, oulklie, and zeirlie
to and fra the saidis mylnis in all tym cuminge; And the saidis feu
firmoraris, for thaim selfsis and thair foirsaidis, to be anserabill to the
saidis Provest, baillies, counsall, and communetie of Innernis and thair
successors That the saidis cornis and victual salbe wiell groundin, and
to haif ane sufficient millar at the said mylnis, and twa famous
servandis quha sall weir for thair habit bot coit and brichis, but ony
covertor, everie vark day oulklie: Proveyding that in caice the saidis
Provest, baillies, counsall and communetie and thair successors get
not thair malt, cornis, and victual ground that sal happin to cum to
the saidis Kingis mylnis, within fourtie aucth hors efter the sam cum
thair, Than, in thair caice, it salbe leisum to the awnar thairof to pas

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1613 to ony vther myln they pleiss; Provypinge he craif twa witness to
3 Mar. beir testimonie quhair he hes avaittit on the grinding thairof the foir-
said space: Providinge also that the saidis communitie pas with all
outsuckin cornis and victual that cumis in the brut onground that
tackis not fyir and vatter in the saidis brut of Innernis and terotorie
thairof, to ony myln of the saidis Kingis mylnis, Castelhilmyln, and the
myln of Dierbocht, and that they pas not thairwith to na vther mylne
but ony contradictoun; And forder the saidis feu fimmoraris, for them
selfsis and thair successors, astricks them selfsis and thair foirsaidis to
vphald sufficientlie the saidis Kingis mylnis in stanis, iron, and
tymer vark requisit, with the myln and vark hous to be vphaldin vatter
ticht aboun, and sufficient in vallis, duriis, and thaicke in all tymes
cuminge upon thair awin expenss, for preservinge of the communis
stuff; And forder the saidis Provest, baillies, counsall, and communitie
of the said burghe, and the saidis feu fimmoraris of the Kingis mylnis
of Innernis, for them selfsis and thair successors, on the ane and vther
paitis, be thair presents astrictis and thirlis to the said Johne Cuith-
bert of Auldcastelhil his myln of Auldcastelhil the haill multur and
knavschip off all cornis and victual quhatsumevir that sall happen
hereafter to grow on vpon his lands and baronie of Auldcastelhil, and
vtheris his lands and heretages quhatsumevir, pertaininge to him
lyand in the grieschip burgaige and terotorie of the brut of Innernis, Or
to his vassals that halds of him ather in few, fogaige, heretage, blenche,
or tack, or vther vayes that payis ferm maill and duetie to remain
and abyid at the said myln of Auldcastelhil and to be ground thairat
in all tymes cuminge as perpetuallie thirllit thairto with consent of
the saids feu fimmoraris and communitie foirsaid, for payment mackinge
thairat of sic multur and knavschip as is payit at the Kingis mylnis;
Providinge that the mettis and missors of the said myln of Castelhil
be equall and conform to the mettis of the Kingis mylnis of Innernis;
And forder, in caice it sall happen the saidis Provest, baillies, counsall
and communitie of the said brut. of Innernis and thair successors and
thair tennentis, servands, and all vther ferme sucknaris beinge oblisit
to the suckin of the saidis Kingis mylnis, remoifis or sall happen to
remoif or avay pas with thair cornis fra the saidis Kingis mylnis to
ony vther mylnis quhatsumevir, in privie or in quiet, publict, in part
or in haill, it beinge knawin, than and in that caice the saidis Provest,
baillies, counsell and communitie, for them selffis and thair successors, 1613
sal defend the saidis few firmoraris and their successors to mack the 3 Mar.
samen cornis past to vther mylnis to pay the multur and knavschip thairof to the saidis feu firmoraris and thair foirsaids, als wiell as gif the samen haid bein ground at the Kingis mylnis, and to caus them be anserit for the sam for payment thairof incontinent in tym to cum: Reservand to the saidis Johne Cuithbert of Auldcastelhill and his foirsaids the thrall in maner as is aboun vreittin in all tym cuminge: Lyickas the saidis perties discharges atheris vtheris hinc inde be thir presents of all actis, bands, contractis, maid be thair pre-
decessors to vtheris anent the premisses precedinge the day and dait hierof, dischargeinge the samen actis, bands, and contractis, haill strenth effect thairof, forewar: In Vitnes qhairof baith the saidis parties hes submittit them selffis and thair successors, gif thai failze in ony point of the premisses, to the judgement and judicatorie of the Provest and baillies of Innernis and thair successors, Provest and baillies thairof, as judges competent to decern in ony point that sal happin to be brockin be ony of the saidis perties in the premisses: quhairvpon baith the saidis perties consents that thir present and effect thairof haif the strenth of ane judiciall act, as it is ane decreit of the Provest and baillies interponit thairto, that executoriallis follow thairvpon vnder the pain of poindinge or vardinge: Quhairvpon ather perties askit and tuick act of court.

Ita est Alexander Duff,
Notarius publicus communiss scriba burgi de Innernis
testan manu propria
Alexei Duff clerk.

William Campbeill, not., ane of the clerks, and as
counsolor
A. Fraser, Sref. clerk of Innernes, Witnes requeirit to
the premisses.

That day compeirit Androw Fraser, Procurator Fiscal of Innernis, 27 April
and perseuit Donald Mc Ray, burges of Perth, that wranguslie and aganis
the law he vsurpit the libertie and friedom of ane burges in this brut in
haldinge of ane merchant buithe thir sevin zeiris bygan, in tappinge and
sellinge of all kynd of stapil guids and merchandrice to all vnfrie men
1613 and strangeris and vpland pepil, and daylie making his tred and vociation in this brut as gif he war frie burges and gild brother of the said brut, but ony licent of altolleraince haid be him thairto, and in greit preiudice hurt and skaithe of the comburgess\* and merchands of the said burge quha skattis and lattis, walkis and wards, in all thingis tendinge to our souerain lords will and the realme, quhairby they ar damniset be the said Donald thairanent, and thairfoir desyris the judges to decern the said Donald Mc Ray in the wrange committinge thairof, and to escheit and confiscat all his guids and geir and merchandrice he hes thair for his bygan contempt and vsurpatioun, conform to the Act of Parliament, and to fund cautioun actit that he sal not use the lyick in tym cuming vnder the pain of fyiff hunderethe merkes money accordinge to iustice.

That day compeirit the said Donald Mc Ray, and, beinge accusit on the poinctis of the broche, confess\* the haldinge of buithe in sellinge and tappin of stapil guids and merchandrice to all maner of person thir sevin zeiris bygan, and in vsurpinge vpon the libertie of the burges\* and gild brotherin of the brut of Inverness but ony licence, and confess\* his error thairanent, conforme to the heids of the broche in all poinctis, and is cum in will of the judges thairanent; and the judges, beinge ryply advysit on his confessioun, hes decernit this said Donald Mc Ray in the wrange committinge of sic contempt and vsurpatioun conform to his confessioun, and ordanis his hail movabill guids and geir merchandrice within the buiths and that to be escheit and confiscat to the utilitie of the said brut of Inverness comburgess\* thairof, and to be inbrocht to thair use, for his contempt and vsurpatioun of thair libertie but licenc for his bygan facts and dieds maid be him thairanent thir sevin zeiris bygan, and is convict thairin, and that be Malcolm Duncanson, dempster of court, and judgit in amerciament thairin, and ordanit to fund cautioun to abstein in tymes cuming vnder the pain of fyiff hunderethe merkes money toties quoties, to be payit in caicze he contravein: Quhairvpon the said Procurator Fiscal askit and tuick act of court.

That day William Robertson, youngar, voluntarlie is becum actit in the burru court buickis of Inverness conjunctlie and severalie sourtie and cautionar for the said Donald Mc Ray, burges of Perthe, that he sal nocht vse, hant, nor exercis e ane frie manis tred in this brut in tym cuming, nor hald buith, nor sell na merchandrice opinlie or secreitlie, vnder the pain of fyiff hundert merkes money to be payit

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toties quoties quhow oft he sal contravein, vnder the pain of poindinge or wardinge; and the said Donald Mc Ray is becum actit to wairand releif the said William Robertson, youngar, his airs, executors, and assinis, of the said soum at al hands haiffand entres vnder the pain feirsaid: Quhairvpon the said Procurator Fiscal askit and tuick Act of Court.

That day the said Androw Fraser, Procurator Fiscal, persewit Donald Fraser, son and appeirand air of John Fraser, portioner of Moniack, for halding of buithe in this toun and sellinge and tapping stapill guids and merchandrice, and vsurping the libertie of the burgess of the brut, quha compeirit confessit he coft iiij stain iron fra Donald Mc Ray and tappit the stapil guids and merchandrice to all vnfrie men; thairfoir, accordinge to his confessioun, his haill guids and geir merchandrice is confiscat and escheit for his bygan usurpatioun, his guids arestit, conform to the Act of Parliament; judgit in amercia-ment and dom giffin thairvpon be Malcolm Duncanson, 'dempster: Quhairvpon tuick act of court.

That day Johne Robertson Laurencson voluntarlie is becum actit in the burru court buickis of Innernis souertie and cautionar for Donald Fraser, son to Johne Fraser, portioner of Moniack, that he sal nocht vse or hant ony tred or merchandrice or hald buith in this brut at ony tym cuming, nor tap nor sel the sam, in preiudice of the libertie of the brut, vnder the pain of fyvff hunder merkes toties quoties quhow oft he sal contravein, to be payit to the thesaurer of the brut set, cumand to the utilitie of the brut, vnder the pain of poindinge or wardinge; And the said Donald Fraser is becum actit for the said Johne Robertson relief of the premiss vnder the pain of poindinge or wardinge: Quhairvpon askit and tuick act of court.

That day James Thom, seruitor to William Dollas of Budit, voluntarlie is becum actit in nam of his said maister and ful debtor to pay and delyver to Duncan Forbes, burges of Cromartie, sex merks money quhilk his maister borrowit, and for nyn firlots victual crop 1612, payit ten merks for ilk boll thairof, at Witsunday nixt, quhilk failyeinge the hiest price that nyn firlots victual will gif at mertimes, to be payit than vnder the pain of poindinge or wardinge: Quhairvpon the said Duncan askit act.
Records of Inverness

1613

18 June

That day thou Donald Mc Aine Mc William Vic Miben, sum tym in Newmore, art indytit for the cuming vpon the xiiij day of Junij instant, vnder silence of nicht, to Alexander Mc Conchies house, burges of Innernis, and thair thou past in at his windo, and theifteouslie steiling away with the ane barkit hyid furthe of the bark sac of the said Alex', pertaining to Allister Hay, cordenar, and thairefter thow past thairwith to Thomas Paterson barne, and hid the same vnder certain timmer, qvhilk was apprehendit thair and thow . . . thairwith; Qvhilk thow can nocht deny; Qvhilk is present as ane fang; Thairfoir thow hes deseruit the daith: accusit confess* the fang: convicts.

That day thow Donald art accusit as ane commoun vagabund, maisterles theif, out fang and in fang, ane idil lymmer, watting on his majesties subjects to steil the sam and to leif thairon aganis the Act of Parliament, and ane evil member for the commoun weil, and ay steiland fen ever thair zeid sex quartars claiith in thai cot, and ane commoun cutter of hors* taills; Qvhilk thow can nocht deny; Thairfoir thow hes deseruit the daith: confess* he hes na maister: convicts.

Nomina assise: Alex' Cuming, cancellar, Androw Fraser, merchant, James Mc Allister, James Robertson, Robert Moncreiff, Georg Duff, Johne Maii, Johne Robertson Laurison, Donald Mc Phaill, James Abraham, Jaspert Cuming, William Cuithbert Johnson, Johne Lawson, Donald Souctor, Alex' Robertson.

That day the said Inqueist, being all sworne, and passing to the counsal house, efter tryel and cognoscing of the said Donald Mc Aine lyif and conversatioun, hes all in ane voce fund the said Donald culpabil of the saids dyttayis; Thairfoir hes convict him thairin, pronouncit judiciallie efter thair re entrie, be the mouth of Alex' Cuming, Cancellor of the Inqueist: Quhairypon tuick Act of Court.

That day the judges, according to the convictioun foresaid, hes ordanit you Donald Mc Aine for they demerits they lug to be nailit to the pillarie at the cross to remain ane hour, thairefter to be scurgit throu the hail four streits of the tou; and, gif ever thou beis fund again in this burgh, thou sal be put to death: Quhairypon Malcolm Duncanson, dempster, hes giffin dom: Quhairypon tuick act of Court.

2 July

That day Johne Wincister and Margaret Cuthbert his spous is decernit to pay to William Mc William Vic Farchar in Drakie fyiff pund,
with sex schilling expenss, quhilk he gave to the said Margaret in borrowing, in respect thai being warnit to gif thair eith of veritie thairon and not compeiring is ordanit to pay the foirsaid soum to the said William within XV dayis under the pain of poinding or warding: Quhairvpon the said William tuick act of court.

That day the said Johne Wincare is decernit to pay to William Mc William Vic Farquhar as cautionar for Bean Mc Aine Duy Vic Phail within XV dayis vnder the pain of poinding or warding: Quhairvpon tuick act of cort.

That day Johne Jimiess, armorar, beinge accusit for deforcinge of Androw Tolmi, officiar, and, accordinge to his confessioun, in stayinge of the officiar to poind in his buith, and provin be Androw Mc Conil, for satisfeinge of — Mc Claud, fleischer, of sic debt as he obteneit in his contrar be decreit, and, nocht withstanding thairafter the said Johne beinge chargit, be the said officiar to ward his person in the tolbuith quhill be satisfeit the debt, beinge choppit with his officiar wand, wilipendit and wald noch obey to cum to ward, bot pat hands in the officiar; thairfoir is decernit to tyn and amit his haill guids and geir, and his person to be wardit quhill he find cautioum to remoif and banis himself of the toun, or at the leist to be in the judges wil for order tackinge with him of his guid reul in tym cuminge: Quhairvpon the Procurator Fiscal askit act of court.

That day Jaspert Cuithbert is becum actit for Angus Miller, millar at Castelhil myln, to persew befoir the sessioun Mulmoirie Millar, his servand, for alleldgit lyinge with his wyff, and befoir the Baillies for reset of the said Angus geir, and also is becum actit souertie and law burrows for the said Angus Millar that the said Mulmoirie salbe harmles of him in his bodie, guids, and geir, and na wayes to be molestit thairin be him nor be na vther quhom he may stop and lat, directlie or indirectlie in tym cuminge, bot as law will, vnder the pain of ane hunderethe puns money to be payit to the judges in caice thir presents be contravenit, vnder the pain of poinding or wardinge: And the said Angus is becum actit for his cautioumaris releif of the premiss: Quhairvpon askit act.

That day Duncan Mc Pherson being apprehendit be the said baillie in his toun of Inschis, alledgeging to haif oppressit and sorrit upon his
tenant William Mc Cruer and persewing of him, to haif tain ludgeinge of him perforce, and drawing of his bluid, being in ward in the tolbuith, and for his guid reul in tym cuming: William Mc Pherson, his brother, in Hiltoun, is becum actit souertie for the said Duncan and law borrowis that all the haill inhabitants of Innernis and tennets cottaris and servands upon thair grieshop landis, and vtheris dwelland vpon and within the terotorie, salbe harmles and skaithles of the said Duncan in thair bodies, guids, and geir, and nayit, nor be na vtheris quhom he may stop or lat, drectlie or indirectlie, in tym cuming, bot be law and justice, vnder the pain of iiij ce\textsuperscript{s} merks money to be payit to the judges in caice thir presents be contravenit: And to enter him befoir the saids Provest and baillies of Innernis, to be judicatit be them for his wrange or fact crym he sal commit, to suffer thairfoir according as he sall merit at the discretioun of the Judges, vnder the pain foirsaid: Quhairvpon tuick act.

3 Aug. That day Margaret Nein Georg Mc Conil Reoche, spous to Johne Mc Aine Oig vic Vanin, beinge persewit be William Mc Fingoun, menstril, for the wrangus and maisterfull strickin of Elspect Nein Donald Vic William, his spous, vpon the xix day of Julij last, in the foirheid, with ane greit stain, be the quhilk brack hir harn pan, and bled meickil of hir bluid and fel deid in sound [swoon] to the ground; and the said Margaret compeiringe, accusit nayit the sam; in respect thairof certain witness\textsuperscript{s} war ressaut, sworn, and admittit, quha deponit that thai war ignorant of the matter, bot schaw hir lyand on the ground at the watter syd of Niss: Nochtwithstandinge the Judges, for cleringe of the tryel thairin, referrit the caus to the said Margaret aith of veritie; sworn, deponit that in hir awin defenc vpon hir awin ground the said Elspet purpoislie set on hir with ane drawin knaif and wald haif strokit and slain her thairwith, and war not that sche liftit ane neif stain and cuist the sam at the said Elspet and hat hir thairwith in the heid sche haid slain hir; And the said Judges, becaus of the said Margaret confessioun of the premiss\textsuperscript{s}, and for the said bluid lattinge of the said Elspet and trublinge of the toun, becaus the said Elspet was the onsetter, and the original of hir awin harm, hes decernit the said Margaret to pay the partie grevit and harmit ten merks for hir curinge, and expens\textsuperscript{s} maid thairon to the leiche, with xx lib.
Burgh Court Books: Vol. III.

the judges for the wrang and committinge of the said Ryot; and dom 1613
gevin thairvpon, ordaininge payment to be maid thairof within xv 3 Aug.
dayis vnder the pain of poiinding or wardinge: Quhairvpon tuick act.

That day everie one of the broustars following, brecking of the
statutis of the brut in selling of the point all darrar nor xvi d., and,
conforme to thair confession, in selling darrar nor the sam, ar judgit in
amerciament, and ordanit to pay to the Judges ilk ane of them 20 ss.
Item, imprimis Allester Mc Aine Weil wyif 20 ss.; Bean Mc Aine cheil
20 ss.; Johne Mc Cormick 20 ss.; William Mc Curmen; Gilbert
Mc Comas vic Kennoch; Androw Barbour wyif; Thomas du Mc Aine
Vic William; Angus Mc Conchie; Kennoch Brebnar; Jelis Cuithbert;
Magie neii William; Donald Foular wyif; William Watson wyif;
Thomas Stewinson, Brebnar; Elspet Marquis; Donald Mc Comas;
Johne Mc Intailyeor; William Mc French; Allister brebnar; William
Mc Conil Vic Ain; William Mc Millar vick Aine Wrick; Johne du
Mc Allister, burgess, wyiffis, ordanit to pay ilk ane 10 ss.; Thomas
Mc Phail wyif; Catherin Straichen; William Thomson wyif, Baxteris,
accusit for brecking the statutis in making of the leif [loaf] les nor xiii
unce the leif; Robert Sinclair 4 lbs.; Ewin Baxter ij merks; James
Smyt, baxter, ij merks; Hector Mc Kenzie payit ij merks; Anton
Anderson 40 ss.; for brecking of the foirsaid act and statutis.

Cordenars:

Item, Johne Ker, frie brecking of statutis, and Robert Millar, his
prenteis; the said Johne hes payit xl ss.; Johne Pedison payit ij merks;
Angus Roy payit for his brother prenteiss 4 lib.; Johne Mc Conchie
payit xl ss.; Donald Mc Ay, taskman, payit xl ss.; Donald Davison,
taskman, payit xl ss.; Angus Lewissach payit 40 ss.; James Dick 40 ss.,
payit be Johne Cuithbert for him; Johne McFinlay vic Allan payit
40 ss.; Thomas Squear payit 4 lib. for wrang vsing of ane burges libertie
and tacking upe of ane buith.

Brebnaris are vnlauit for brecking of thair injuntionis of
thair ar put in vnlaw, ilk ane of them to 40 ss.
Item, imprimis Johne Mc Henrick, David Forbes, William Mc Illech,
Arthur Dingval, Thomas Sueson, Johne Romson, Donald Clerk, Patric
Moir son, Johne doin Manis, George Watson, William Cumming, Thomas
Baittis, Huechon Robertson, Allister Gray, Andrew Monro, Johne
Records of Inverness

1613 Young, Donald Dow, James Roy, Kennoch Brebnar, Johne Mc Clow,

31 Aug. Ultimo die mensis Augusti Anno domini Jai vic decimo tertio.

That day Johne Mc Pherson of Elrick, Johne Mackfarqr in Cul-clachie, Donald Mc Robert in Durris, and William Mc Illespick in Cantra, voluntarlie ar becum actit in the burru Court buicks of Innersis conjunctle, renuncand thair awin jurisdictioun in this caice, souertie and cautionar for Isbel Mc Phail, relict of vmquhill Walter Stewart, to enter and present the said Isbel vpon fourtie aucht hours warning afoir the Justice or his deputis, or the Prowest or Bailies of Innersis, in the tolbuith thairof, quhen ever ony ane of them salbe chargit thairto, vnder the pain of ane thousand pund money to be payit be them conjunctle to the saids Provest and Bailies in caice they fail in the premiss, vnder the pain of poinding or warding: Quhairvpon tuick act; Befoir thir witness David Cuithbert, Georg Mc Phail, and Donald Mc Phail, burgess of Innersis; And the said Isbel, and Donald Mc Phail hir brother, ar becum actit for releif of the four foirsaid cautionars of the premiss.

4 Oct. 4 October 1613 zeiris. The names of the personis electit and nominatit Provest, baillies, and counsal for this zeir fra Michaelmes 1613 zeiris to Michaelmes 1614 zeiris.

Johne Cuithbert of Castelhil Provest; James Waus, William Campbel, Alexander Paterson, William Paterson, youngar, baillies; Mr. Johne Ross, James Cuithbert, elder, Alexander Bailyie of Dunzean, Wm. Robertson, elder, Wm. Cuithbert, appeirand of Castelhil, Wm. Robertson, elder, James Cuithbert Alex son, Wm. Robertson, zoungr, James Paterson, Wm. Cuithbert Johneson, the names of the personis addit Assessors.

Ordanis everie Mounday to be the counsal day as occasioun servis vtherwayes, and to be present at the sound of the bel knellit to that effect; ilk persone that beis absent and personalie warnit and hering the bel sal pay vj d. sterling vnforgitt.
Burgh Court Books: Vol. III.

The xxvi of September 1613 zeiris at the Paroche Kirk off Innernis.

That day Johne Cuithbert of Auldcastelhil is electit Provost be the consent of the hail burgess of Innernis convenit this day in the Paroche Kirk of Innernis; James Waus, Alexander Paterson, William Campbel and William Paterson zounger are electit baillies; quha war sworn presentlie thairin to discharge the deueties in thair officis to Michaelmes 1614 zeiris: Quhairvpon tuick act.

Alexr Duff clerk.

The names of the hail vnfrie broustars, baxteris, merchandis, flescharis, cordinars, and craftismen, buith haldars, admittit fra michaelmes last 1613 to michaelmes, 1614.

Broustars.


Bewest the wattir of Niss.


1613 Mc Cloid iiiij lib. The names of the Cordinaris for buith halding and barking—Donald Mc Rob, Johne Cuithbert, for barking and buith halding xi ss.; Johne Ker, for buith halding ij merks; Alex Symson for buith halding and barking xi ss.; Alex Mc Ago for barking iiiij lib.; Angus Roy for buith halding and barking xi ss.; George Dick for buith halding and barking xxx ss.; James Anderson for sic lyk xi ss.; Johne Cuper for sic lyk xi ss. The names of armoraris, vrichtis, sadellis and onfrie craftsmen—Georg Kennoch xx ss.; Rorie Wood 20 ss.; Zacharie Dunbar 20 ss.; Johne Jamieson 20 ss.; Johne Gib 20 ss.; Rorie Bain xiiij ss. 4 d.; Thomas Murray xiiij ss. 4 d. The names of the Baxteris—Ewin Baxtar 4 lib.; William McConil Duy, Litstar, payit 4 lib. Summa off the haill reset and chairg abov writtin exteinds to Dischaig of the said Reset abov writtin. 18 October 1613.

Item, giffin to Mr. Johne Houestoun for his fie of the Gramair Schoil for the terme of Witsunday 1613 xi lib. Item, giffin Donald Pepper at comand of the Baillies 12 ss. for to by him schoin to ring curfuie (curfeu).

21 October. Item, giffin to Johne Cuming to pass South for raising suspensioun anent Alter 6 lib. Item, send to James Vinram that he was super expendit 10 merks. Item, to raiiss the nixt suspensioun to conten relaxatioun 3 lib. Item, to raiiss lres [letters] aganis theis that slayis blak fishe on the watter 3 lib.; summa 28 merks.

25 October, 1613. giffin to William Reid, officiar, to sum Mond the slayars of blak fishe on the watter of Niss 13 ss. 4 d.

3 November 1613. Item, giffin to Johne Cain to gif to James Winram to raiiss suspensioun continand relaxatioun on Altars horning the third tym 10 merks. Item, giffin him to raiiss lres [letters] on Alex Cuming for rander of the infeiment on the commountie of the brig end pertening the burgh 30 ss. Item, giffin him self for his fie ix merks. Giffin to Alexander Logan for extractioun of Alters horning executionis thairof 6 ss.

4 of November 1613. Item, giffin to Mr. James Bischope in his fie for the term of Martimes 1613 for his ministrie xlii merks 6 ss. 8d. In compleit payment of 50 merks stipend for the said term. Item, giffin Alexander Thomson to by can oil to the Kirk 4 lib. Item, giffin the four Baillies in thair fie 8 lib.
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16 November 1613. Item, giffin to William Fraser, messinger, \(1613\) to summond Alexr Cuming to rander the said Infeftment befoir the Lords of Sessioun 6 ss. Item, giffin to Johne Cain that zeid with William Campbel Edr: anent that actioun of Alter lii ss.

17 November 1613. That day giffin Jonet Cuithbert, spous to Androw Fraser, Notar, for the annual of ane hundereth pund borrowit fra him to defend aganis Alter actioun, quhilk is giffin to William Campbel to elecd Alteris actioun of horning fra this day to Witsonday \(1614\) 3 lib.

19 November 1613. Item, giffin to Rorie Bain to obtraid the steeipil dur xl ss. Item, giffin to the said Alexr Thomson for his fie of reiding and reuling of the knock orluge for the Martimes terme \(1613\) 16 lib. Item, Alexr Duff hes detenit in my hands quhilk the toun is restand as super plus debursit be me of the last compt of stallingars the soum of 20 lib.

27 November 1613. Item, giffen Robert Stewart to summond theis that seyit the wattir laitlie—13 ss. 4 d.

Last of November 1613. Item, giffin Alexr Myln, messinger, to report to James Vinram or William Campbel now in Edr., our commissioun, to compeir befoir the secreit counsal anent that geir crevit be Gordoun anent Starconins prosecuting 26 ss. 8 d.

20 December, 1613. Giffin Patrick Clerk, messinger, to summond alters men anent the reducting of the horning 5 lib. Item, to the boyis that maid coppis thairof and to the relaxatioun 13 ss. 4 d.

17 Januar 1614. Derecitet with Johne Cain to be delyverit to James Vinram to raiss reductioun relaxatioun suspensioun and for thair names and signet thairof 20 ij lib. Item, to Johne Cain for his fie 6 lib. Item, giffin to Johne Mc Virrich for ane quheit plaid that was directit be him to James Vinram 4 lib.

25 Januar 1614. Giffin Donald Mc Androw Voir for to summond Alters men on act and lres. [letters] to the sevintein of Februar 3 ss. 4 d. Summa.

That day the Prowest, Baillies, and Counsal of the burgh of \(26\ Oct.\) Innernis, being convenit within the tolbuith of the sam, intretting on the commun affairis of the said burgh, tending for the glorie of God and commoun weil of the said burgh, To wit, the said Prouest and four
1613 baillies above nominatit, Mr Johne Ross, Alex' Bailzie of Dunzean, 26 Oct. James Cuithbert Alexanderson, James Cuithbert, elder, James Paterson, William Robertson, elder, William Paterson, elder, counsal for the maist pairt of the said burgh, hes concludit on the statutis following, to remain as ane law in the said burgh to they be forder resolvit:—

Item, imprimis, statutis to Godis glorie that all the inhabitantis of this burgh cum to the Kirck ewerie Sunday to the preching befoir noin and efternoin befoir the leving of the sounding and knelling of the third bell in all tym cuming, under the pain of sex schillings scottis to be payit be the contravenar and to be poindit therefor to the baillies; and twa of the baillies, thair tym about, with twa officiaris and twa eldaris of the Kirck to attend thairon ewerie saboth day heirefter.

Item, it is statut that na broustar sell the point aill darar nor twelff pennies the poinct quhill the nixt statut.

[Then follow the prices to be charged for "luggit men schoin", "on luggit men schoin", "dubill solit men schoin", "women schoin", and barnis schoin", but the amounts have been left blank.]

Item, it is statut that the leif of 4 d. leif aff eit breid [oat bread] be of . . . unce weicht quhill the nixt statut quhen the boll is at four pund.

Item, it is statut that the twelff pennie leif of quheit breid quhen the boll quheit is at . . . be . . . unce weicht.

It is statut that the baillies tak tryel and hald court anis in the moneth on theis that sal breck the statutis.

Item, that the poinct of beir be sauld for twa pennies mair nor the poinct aill sal gif at all time cuming.

Item, it is statut that all unfrie cremars that beis admitit stallangers that they sal haif na libertie nor powar to by or sel stapil guid in the burgh except sic as wyne, salt, iron, tallon, wol, plaidis, skin, and hyid, vnder the pain of confisving and escheting thairof.

Item, it is statut that James Waus, Alex' Paterson, baillies, and with them Johne Robertson, be visitors of wark of the brig, and to causs mend the sam.

Item, it is statut and ordanit that the Chapel Zeaird dyickis be edifiet be the persoun quha sal obtein ane tack thairon and left sufficient at his ischiu.

Item, it is statut that the cross be mendit and pinnit, and frie stains bocht thairto gif it neidis.

1 See page 57.
It is statut that Sanct Thomas Evin, being the twentie day of December zeirlie, be proclamit and haldin as ane fair in this burgh.

It is statut that na persoun presum to brew ail to sel in the grieschip vnder the pain of tiriing of thair hous and casting doun of the sam.

Item, it is statut that the Ruid fair be haldin zeirlie in tym cumming in this burgh the twentie sex day off October.

Item, James Cuithbert, elder, William Robertson, elder, Androw Fraser, notar, are nominal andchosin Procurators Fiscalls of this burgh for this zeir.

Item, that na person presume to tack away aither be sie or land buy barkit ledder without liciens of the Prowest and baillies, vnder the pain off eschetig, conforme to the auld statuts maid thairanent zeirlie past memor of man.

Item, James Waus, Baillie, is admittit Judge and baillie to sit and desyid on all questioun belonging merchands and merchandries affairs, forstallars, regrataris, wrangis committit in this burgh be them betwix merchand and merchand, provyding that the vnlaws, eschetis, and vtheris gain excrescens thairof be distributed as the counsal sal pleis; and the said baillie to be anserabil for the sam this zeir according to his intromissiou.

Item, that na person by ony victual quhill it present the marcat pleis vnder the pain of eschetig.

Item, it is statut that na person by ony victual in this burgh bot with ze comoun met.

Item, it is statut that na person ressav victual in thair hous that ar to present the marcat vnder the pain of twenty pund.

Item, it is statut that na person gif for the leid of turris bot the pryce of the poinct aill in all tym cuming.

Item, it is statut that the casay be clengit of filth and muck everie satirday vnder the pain of twenty pund.

The burru court and Justice court off the burgh of Innernis haldin within the tolbuithie of the same be Johne Cuithbert of the Auldcastelhil, Provost, James Waus, William Campbell, and Alexr Paterson, baillies of the said burgh, the third day of Januar, the zeir of God Jai vis fourtein zeiris; the suitis callit; the court lauli. fensit and affirmit, as vse is.
Thoue Donald Roy Mc Gowin art indytit at the [instance] of Janett nein William vic Comas, relict off vmquhill Allister Dowe, cotter thair to Crystane Dunbar, relict off vmquhill Alex' Cuithbert, Burges off Innernis, Donald and Androwe Allister Dowe, Agnes nein Allister Dowe, Donald Roy, vpone the first day of Januar instant, being Saturday last bypast, but onie offence done be the said vmquhill Allister Dowe to the, bot doing his maisteres liesom bissines in hir barne at the eist end of hir dwelling place and zaird of Innernis, thoue, haiiffand na seir off God nor off his image thoue drewe ane braid by knayiff, and maist cruelie, barbarouslie, vnmerciefullie strack the said vmquhill Allister Dowe thairwith with all they force in the wombe and bellie above the navill into the back quhill all his entrells gussit out and left the said vmquhill Allister thair deid but onie lyiff, quhairwith thoue was apprehendit in the mein tyme with the reid hand, and wardit quhair thoue art nowe present, and in signe the by knayiff is in they sicht and presence quhairwith thoue did slaye the said vmquhill Allister Dowe; quhilk thoue can not denay.

That day Donald Roy being accusit vpon poinctis of the said dittay be Janet nein William vic Comas and the foirsaid bairnis confessit judicialie that he fel in discentioun of words with the said vmquhill Allister Dowe, and that they zeid in handie grippis, and that the said defunct pat and cuist him vnder him, and that he drew the said by knaif, he being vnder the defunct strack him thairwith in the bellie and womb, luit out his entrells; quhilk he could not denay; quhairvpon the said relict for hir selff and in name of the said bairnis desyrit the sam to be remittit and cognoscit be ane inquest: Quhairvpon tuick act of court.

Nomina assise: Mr. Johne Ross, cancellor, James Cuithbert, elder, Duncan Forbes, Androw Mc Conil, William Paterson, elder, Alex Merchand, Androw Fraser, merchand, George Mc Conil Reoch, David Cuithbert, Johne Abraham, Robert Neilson, Johne Lowson, Murdo Poloison, Gilbert Waus, Johne Chapman, Johne Duff, William Mc Conchie, Finlay Skinner, Jas pert Williamson.

That day the hail foirsaid personis of inquest, being all admittit, and sworn the greit aith, efter cognitioun tain be them in the said dittay, and also conform to the said Donald Roy confessioun, being

1 Image, meaning man.
known to them, hes all in ane voce convict and fylit the said Donald Roy for the slaying of the said vmquhill Allister Dow conform to the said dittay in all pointes, pronouncit judiciallie be the mouth of Mr. Johne Ross, canceller of the assyis: Quhairvpon the said relict, and in nam of the said bairnis, askit and tuick act of court.

That day the Judges hes decernit and ordainit the said Donald Roy to be tain to the heiding hil, and thair his heid to be struckin of fra the bodie, and to die for his dimerits for the slaughter of the said vmquhill Allister Dow; and dome giffin thairvpon be Malcolm Duncanson, Dempster of Court, and his hail guides and geir to be escheit: Quhairvpon the said relict askit and tuick act of court.

That day thowe Hector Mackenzie, Johne Mc Eaine Bwy and Jonat Lobane, ze and ilk ane off youe art indyitit at the instance of the Procurator Fiscall for the crewel vnmerceifull murther of vmquhill Margrat Nein Miller, servitor to Johne Maii, burges of Innernis, that, quhair sche, vnder cloud of nicht, vpoun the twentie thrie day of December last bypast, 1613 zeiris, tho being in quyet and peiciabill forme on hir maister affaris, seeking soume breid to bye, come to your dwelling hous, haifing no evill in hir mynd bot to haif levit vnder Godis paice and the Kingis, ze maist barbarruslie, ze and ilk ane of zoure, tuick the said Margrat be the gorret and thropill bone and keist hir to the ground, and thairbe stopit hir braithe till sche deit; and thairefter ze and ilk ane of zoure, withe supittlitie for chinking of zour hainous and bluidy crym, efter the murther of the said Margrat tuick hir and transportit hir vnder the hether stak, thinking thairbe to be fred of the said murther; thairfoir ze and ilk ane of zoure ar act and pairt of the said murther and aucht to suffer the extremitie and rigour of the lawe and to die for zour demerittis; quhilk crym ze cane noth denay.

That day the said Hector Mackenzie, Johne Mc Eaine Bwy and Jonat Lobane, being accusit vpon the pointes of the dittay, nayis the same; thairfoir the Procurator Fiscall desyrit of the Judges that the same suld be remittit to the tryall of ane inqueist, quhilk the Judges grantit: Quhairvpon tuick act.

Nomina assise: William Robertsone, elder, cancellar, Androw Fraser, merchant, Alexander Merchand, William Cuithbert Johne
Records of Inverness

1614. Sonne, James Abrahame, Gilbert Waus, Thomas Merchand, Androw


That day the foirsaid personis of inquest, being all present, sworne, the halie evangelist tutchit, and admittit, past to the counsal house of the said tolbuithe, and, haiffand taine tryall of certaine famous witnesses sworne, quha war presant, hes fund be their despositionis the saids Hector Mc Kenzie, Johne Mc Eaine Bwy and Jonat Lobane to be clein saickles and frie and saiff of the hail poinectis of the said ditty, in regard quhairroff the saidis hail personis of inquest al in ane voice, but variance, absolvis and clengis the said Hector Mc Kenzie, Johne Mc Eaine Bwy and Jonat Lobane of the said fact and ditty and hail poinectis thairoff, pronouncit judiciaillie efter thair re-enterie be the mouthe of William Robertsone, elder, cancellar of the assisy, for him selff and in their name, quha absolvit the saids Hector, Johne, and Jonat thairof; Qhairvpooun the Judges hes interponit ther decreit of absolvitor in vberioris forma juris: Qhairvpooun the said Hector Mackenzie, Johne Mack eaine Bwy, and Jonat Lobane askit and tuick act off court.

29 Feb. That day Johne Lasrieis servitour to Androwe Barbour, and withe him Francis Tealzour, for ane bucklar sword ressavit be them fra Thomas Morray and Margrat Cumminge his spous, relict of vmquhill Robert Stewart, quhilk sword pertennit to the said vmquhill Robert, ar becum actit conjunctlie and seueralie to warrand, relief, and skaithles keipe the said Thomas his spous and thairis at the handis of the aires of the said vmquhill Robert Stewart and al otheris handis haiffand ony pretending entres thairto, of ten merks to be payit be them to the said Thomas, or at the leist to delyver the said sword, vnder the pain of poinding or warding; Befoir thir witness, Androwe Barbour, Johne Cuithbert in Leithe, Johne Cumming, William Fraser, messengar.

8 July That day the hail frie and vnfrie broustaris, beinge all warnit to this day for breckinge of the statutis seance Michaelmes last in sellinge of the point aill darrer nor twelff pennies, and in sellinge of the point of beir darrer nor fourtein pennies, and in sellinge of the point aqua
vite darrer nor twentie schillingis, and callit, compeiringe, being accusit
thairon, confessit to the breckinge of statutis; Thairfoir the Judges
decernis them in the wrange doinge thairof, and ar judgit in amercia-
ment, ilk persoun broustaris in this brut, and ordanit to pay ilk ane of
them twentie schillingis value, and dome giffen thairvpoun; and ordanit
to remane in ward quhill they pay the samyn: Quhairvpoun tuick act of
Court.

The names of the comparentis ffrie burgess broustaris: Johne Duff
confess, Finlay Mc Virriche, Murdo Polson, Robert Sinclair, Johne
Cumminge, Donald Fowler, Jaspert Cuithbert, William Dick, George
Mc Conil Reoche, Robert Neilson, Thomas Paterson, Mathow Bouie,
Anton Andersoun. Unfrie broustaris: James Stewinsoun, Alex
Mc Lauchlan, William Mc Richie, Duncane Mc Conchie, James Smythe,
William Watsoun, William Fuesoun, Thomas Stewinsoun, brebmar,
Duncane Mc Aine Vic Finlay Beige, Alex Griesoun, Alex Mc Aine
Viel, Bean Mc Conil cheil, Johne Mc Cormick, Alex Barbour, Thomas
du, William Stewinsoun, Rorie Bayne, Thomas Murray, Angus
Mc Richie, Kenoche Brebner, Megie Nein William, Johne Mc Gow
wyiff, Hector Mc Kenzie, Dunald Mc Comie, Johne Du Mc Allister,
James Mc Allister, William Mc Millar, Johne Mc Virriche, Allister
Huechoun, William Mc Freusche, Thomas Munro, Allister Mc William
Coul, Johne Mc Aine beige wyiff, Johne Mc Intailyour, Allister Mc
Robert, Donald Reid wyiff.

That day compeirit judiciallie Mr Johne Ross, Alexander Baillie of
Dunzean, and James Cuithbert, Burgess of Innernis, feue firmoraris of
the Kingis mylne of Innernis, multuris, sequels thairof, and office of
myllarschipe of the samyn, and producit ane Burru precept of the
Prowest and Baillies of Innernis deuelie execut and indorsatt to this day,
be vertue quhairof James Forbes alias myllar at the mylne of Kilchul-
drum was summond to heir and sie him selff, wyiff, bairnis, familie,
ervandis, subtenents, cottaris, guidis and geir to be decrenit be decreit
of Court to flit and remove from the said office of myllarschipe of Kingis
mylne, multures and sequelis, knaveschipe and myll bonnack, houss;
biggingis thairof, as the same, of the dait at Innernis the fyift day of Julij
1614 zeiris, and execut be Thomas Clerk, ane of the burro officiaris of
the said brucht, the said fyift day of Julij 1614, summond the said James
1614 Forbes alias myllar, personallie apprehendit, and delyverit to him ane coppe of the said burru precept to the effect foirsaid, in presence of William Reid and Androwe Bluy, officiaris, and that conforme to the said persewaris precept of warninge, deuelie execut and endorse att be William Reid thair officiar fourtie dayes preceeding the Feist of Whit-sunday last 1614 zeiris, contrar the said James Forbes and his foirsadis, and delyverit him a coppe, personallie apprehendit, to flit and remove him selff and his foirsaidis fra the said myllne, houss, and biggingis, multuris and sequelis, knaveschipe and mylne bonnack thairof, and office and myllarschipe of the samen, and commodities perteyninge thairto, as the same of the dait the twentie thrie day of Aprill 1614 zeiris, subscrivit with thair handis and execut be the said officiar the said day and zeir of God foirsaid, In presens of Thomas Dalgleis, William Mc Conil, Donald Slego, and sic lyick vpoun the twentie four day of Aprill, being Sounday, befor noine 1614, warnit the said James and his foirsaidis and red the samyn at the Kirk dur of Innernis to flit fra the premisis, befor the saidis witnessis; and for instructinge of the said precipt of warninge the said Mr. Johne Ross producit his instrument of sasinge upon the quartor of the said Kingis myllne, multuris, sequelis, knavaschipe, and mylne bonnack, office and myllarschipe thairof; and the said Alex. Baillie producit his instrument of sasinge vpoun ane quartor of the said Kingis myllne with the pertinentis sic as it is abov desynit, and office of myllarschipe; Lyick as the said James Cuithbert producit twa severall instruments of sasinge quhair he is infeft in the half of the said myllne, half multuris, sequelis, knavaschipe, mylne bonnack, and office abov wreittin; and conforme thairto the saidis persewaris desyrit process and decreit for removeinge of the said James Forbes and his foir-saidis fra the said myllne and office thairof abov desynit: Qhahivpon tuick act of Court.

That day compeirit James Forbes alias myllar and producit ane Letter of Tack and assedatioun grantit be the saidis persewaris to him vpoun the said office of myllarschipe of the said Kingis myllne of Innernis and for the space of thrie zeiris, his entres to begin thairto at Whitsonday in the zeir of God 1613 zeiris, and to the said lands, and to serve as myllar thairat during the said space, and to mack his residence and habitationh thairat, and to greind all cornis that suld cum thair sufficientlie but onie complaint to be maid thairvpon duringe
the said thrie zeirs; For the quhilk the said James suld vbtack the half of the knaveschipe and the haill bonnack of everie stuff that suld cum thair, as the said Letter of Tack, of the dait the twentie thrie day of Januar 1613 zeirs, at lenthe proportis; and conforme that pronuncinge of decreit in his contrar on the premisis suld stay: Quhairvpon the said James askit and tuick act of Court.

That day the saidis persewaris alledgit that the said James Forbes, myllar, had nocht maid his residence at the said mylne this zeir bygane for serving and grinding of everie stuff that suld cum to the said mylne conforme to his Letter of Tack; In respect thairof the said Letter of Tack aucht and suld be declarit null and of no availl in all tymes cuminge, and that the said James Forbes and his foirsaidis aucht and suld be decernit be decreit of Court to flit and remove fra the said mylne, office thairof and pertinentis of the samyn abov desynit; And thairof the saidis persewaris desyrit process and decreit: Quhairvpon askit and tuick act of Court.

That day the Judges with consent of the persewaris and defender hes contenewit thair verdit and interloquitor vpon the premissis to this day aucht dayes, beinge the twentie twa day of Julij instant, and the same to remain in the same strenthe, force, and effect as it is now but prejudice of pertie to the said day; and the saidis perties apud acta citatis: Quhairvpon the saidis persewaris askit and tuick act of Court.

That day compeirit Mr' Johne Ross and James Cuithbert, persewaris, and haveand powar of Alex' Baillie, and desyrit process and decreit to be pronouncit in thair favours contrar James Forbes alias myllar for removeinge of him, his wyiff, bairnes, familié, servandes, subtenents, cottaris, guides and geir, furthe and fra the Kingis mylne of Innernis, multuris, sequelis thairof, knaveschipe and mylne bonnack of the samyn, conforme to the process deducit and tennor of the last act maid thairanent: Quhairvpon tuick act of Court.

That day James Forbes alias myllar, beinge callit at the tolbuithe windo as vse is, compeirit, and adheringe to his former Letter of Tack, producit ane annegationoun [P] maid, and alledgis he aucht nocht to be decernit to flit fra the said office and commodities thairof in respect he is willinge duringe the twa zeiris that is to rune of the said Letter of
1614. Tack to remaine and mack his residence at the saidis Kingis mylne, and serve thairat as myllar, conforme the said tack in all pointes; and for performinge thairof the said James Forbes alias myllar voluntarlie, of his awn frie motive will, oneactit or compellit, is becum actit in the burru court buicks of Innernis, renounceand his awin jurisdictioun, that he sal betwix the day and dait hereof and the twentie fyiff day of Julij instant, being Mononday nixt, and in the day find ane sufficient and responsall burges of the brut of Innernis, actit in the burru buicks thairof sourtie and cautionar for him, that the said James sal mack his actual residence, wyiff, bairnis, and servandes, at the said Kingis mylne of Innernis, and serve as the myllar thairat faithfullie for the space of twa zeiris fra Whitsonday 1614; Qvhairon, giff the said James Forbes alias myllar sal failze in findinge of the cautioun at the day abov expressit, in that caic the said James willis, grantis, and condiscendis that the said Letter of Tack and assedatioun grantit to him be the firmoraris of the Kingis mylne duringe the space abov wreittin sall expyr and be null in the selff and will grantit and condiscendit that the Prowest and Baillies of the brucht of Innernis pronouncit thair decreit of removinge in his contrar notwithstandinge the tack foirsaid, renouncand the foirsaid tack sinipliciter be thir presentis in caice the said James find nocht sourtie at the day aboun wreittin in manner as saidis: Qvhairvpoun the saidis persewaris askit and tuick act of Court.

That day David Forbes alias myllar and Angus Myllar, subtenentis in the office of myllarschipe at the Kingis mylne of Innernis to James Forbes alias Myllar, and they beinge sworn to this day to heir them be decernit fra the said office, and beinge ofymes callit and the said David noct, compeiringe, and the said Angus compeiringe court tyme biddinge, and they nor nane of thair names haiiffing na titill nor entres to instruct for stayinge of the process of removeinge, the said Angus grantit willinglie to remove, and the said David beinge absent, are bai the decernit to remove fra the said office, and ordanis executoraillis to be directit for inputtinge of the persewaris thairin and outputtinge of the saidis Angus and David, their guides and geir, thairfra: Qvhairvpoun tuick ack of Court.

That day Alexander Cuminge is decernit, accordinge to his confessioun, for the wrang takinge of the firmoraris boye at the Kingis
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mylene or Innernis, of the drawinge of his luge, and hittinge of him ane chape with the branckis that was in the boye handis vpoun his feit, and is judget in americiament and vnlawe, and dome gissen thairon.

Statut 1. That day the Provost, Baillies, and Counsal ordanis ane conscientious man of ilk craft be chosen to visie his craft, to try the fynes of wark, and cause the statutis be observit, and report the same to the Magistrates and Counsal, the brekars thairof, that thai may be fynit conforme to the Act of Parliament Mary 6 Pa. caput 52.

Statut 2. Item, statutis that na craft tak on hand to admit ony prentceis or buith halder, nor hald court or conventioun, nor to tak vnlaw, at na tym cuming in defraud of the toun without licens of the magistrates and counsal, vnder the pain of punissing of them in thair bodies, guids and geir.

Statut 3. Item, it is statut for the better reverence and obedience to God, his majesties Lawis, and magistrates of the burt, that na person presume to blaspheim, backbyit, or speck irreverentlie to the office berars, magistrates, in the executioun of thair office, privat or publici, vnder the pain of tinsal thair libertie for ane zeir, and fourtie pundis to be payit ad publicos vsus.

4 Statut. Item, gif ane person presume to drawe vapoun [weapon] to the magistrat, to amit and tyne his libertie for evir, and to pay ane vnlaw of jens lib., and to be wardit qvhill sufficient cautiouin be fund in tym cuming of his guid reul.

5 Statut. Item, gif ane persoun abuse or hurt ane magistrat the pains contenit in the Act of Parliament to be inflictit vpon him.

6 Statut. Item, gif ane magistrat prejude ane nictbor be his office or vthair wayis it salbe leisum to the pertie grivit to complaine to the counsal, and according to thair discretion the fault to be reparit.

7 Statut. Item, it is statut that all prenteiss, taskmen, and buith halders salbe revisit and in tym cuming admittit be the Counsal, and the benefite qvhilk salbe vplifit fra them to be applyit to the commun guid.

8 Statut. Item, it is statut that all persounis adebit of commun maills, annuals, and vther deuetie belonging to the sam, sal compeir zeirlie in the counsal house twa dayis befoir Witsunday and Mertimes in presens of the auditors that the Counsal sal appoint, and pay and deluyer thair deueties and maills vnder the pain of the doubling of the sam, and this

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22 July.
3 Oct.
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1614. 3 Oct. Doubt to be uplifted from the contravenar, and his person to be wardit but ony favour or forgiveness thairof.

9 Statut. Item, that sic commun guid as is zeirlie movabill in use to be set fra zeir to zeir be roupit conforme to the order.

10 Statut. Item, that the officiaris nor na vther person pretend not to ward ony man bot be the licens of ane magistrat quha man be anserabil for the samyn, and that na libertie nor oppin durris be grantit to ony warder in tym cuming, bot the jayllar to be anserabil for his reset and custodie, and the jayllar to ressave for his pains, to be mitigat at the discretioun of the Baillies.

11 Statut. Item, that the counsal conven anes ilk fyifteyn dayis, and to tak tryel of all miss\(^{5}\) and set order quhoo all thingis salbe reparit in tym cuming, and the counsal sworne to assist the magistratis anagis all men in thair office but feid or favour, and quhatever person that persewis the magistrat misregardit be ony person in the executioun of his office and assistis him not sal pay ane vnlaw of ten ponds.

12 Statut. Item, that the visitors of the breid and aill be verie cairful tuitching the fynes of the samyn.

13 Statut. Item, That all maner of men tak away thair middings of the Kingis streits, and hald the sam clein, and cause sweipe the sam clein everie Sattirday afoir thair dwellings in tym cuming, vnnder the pain of fourte schillingis to be payit be the contravenar totes quoties.

Statut. That day it is statut that na vnfric broustar brew ony aquavitie or bier in tym cuming vnnder the pain of eschetinge and punissinge of thair person.

It is statut that all burges dochteris marit with vnfric men sal pay half stallinger broustar; and the burges bastard dochteris marit with vnfric men sal pay hail stallinger broustar silver.

4 Nov. Apud Inernis quarto die mensis Novembris anno Domini millesimo sex centesimo decimo quarto.

That day Duncan Forbes\(^{1}\) burges of Inernis, grants and confess\(^{6}\) him to half receavit of the commun guid of the said Burgh and borruit fra the handis off Donald Foular burges thair, as proper geir pertenning the said burgh, the soum of Twa hundereth meriks money guid and usual of Scotland, quhairof the said Duncan haldis him weil satisfiet and payit,

\(^{1}\) Duncan Forbes, merchant in Inverness, who purchased Culloden in 1625.
renunceand all exceptioun, aith of pairtie, and remeid of law in the contrair for ever; Qvhillk soum of twa hundereth merkis money the said Duncan Forbes, of his awin frie motiv wil, is becum actit in the burru court buiks of Innernis to content, repay, and redelyver to the thesaurar of Innernis or to ony vtheris in name of the Provest and Baillies of Innernis haiffand thair powar, the said soum of twa hundereth merkis money, within the said Burgh betwix the dait present and the Feist and terme of Whitsonday nixt to cum in the zeir of God Jai vi\textsuperscript{ces} and fyistin zeiris, togethir with the soum off fourtie pund money agreit vpoun for expens\textsuperscript{s} in caice thir presents be put to executioun efter the foirsaid day, vnder the pain of poinding or warding: Quhairvpoun the said Donald Foular askit and tuik act of Court.

Duncan Forbes, Burges of Innernis, with my hand.

That day the saides Baillies beinge convenit in the said tolbuie in fense court in maner as saidis, and at command of the Provest and counsall for order tackinge with the transgressors of the statutis of this brut and for the commoun weil of the toune and tenentraye, and supressinge of darthe, war trubilit and injurit in judgement be Allister Mc Comas Mc Sime in Inschis, and boistit manissit be him. [The Court fled the bench without recording decision—for cause see under 9th January.]

That day Johne Muil Mc Bean being apprehendit and committit in ward within the tolbuie of Innernis for slaying of black fische on the watter of Niss in tym bygain, and becauss he culd get na man to cum cautioun for to obstein thairfra in tym cuming, Thairfoir the said Johne Muil Mc Bean voluntarie is becum actit in the burru Court buiks of Innernis that, in caice he be fund to slay ony fische or smoltis or salmond fry on the watter of Niss with ony maner of ingein or craft, or be art or pairt with ony person in slaying thairof or reset of the sam, in that caice wills, grants, and condiscends that the pains contenit in our soveran Lordis act of Parliament for the secund falt and miss be inflictit and tain of him ipso facto, vnder the pain of poinding or warding: Quhairvpoun James Cuithbert, elder, Procurator Fiscall, askit and tuik act.

That day Johne Maii resignit in the handis of the said William Campbell, Baillie, be staf and batoun as vse is, twa aickers feild land of
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1615 the Carse, boundan betwix Thomas Robertsoun land at the West, the
9 Jan. said Johne lands at the eist, the Scapeget [Scatget] at the north,
at the South, with all richt thairof, in favours of Johne Chapman and hes
airis maill, burgesses recidents in this burt, to be haldin in feu heretage of
the Provost, Baillies, and Counsal thairof, for the zeirlie payment macking
of twa merkis money feu deuetie at the termes visiit and wont, and the
airis maill to dubil the sam soum at his entrie, provyding gif that Johne
Maii relevis Johne Chapman at the handis of Alexander Abraham and
payis to him ij\textsuperscript{e} and xx merkis at Witsonday 1616 as he qvha is
cauionar for the said Johne Maii, than thir presentis to be null, faiyeing
thairof the said land sal remain in wadset with the said Johne Chapman
and his foirsaidis apoun the soum of ij\textsuperscript{e} pundis money, and na vther
ways to be redemit thaireftir; and the said Johne Maii is becum actit
to warrand the said resignatioun to be valid to the said Johne Chapman
in manner foirsaid; and the Baillie, vpoun the condiitoun foirsaid,
resavit the said rssignatioun, ordaining sasing to be giffin to the said
Johne Chapman thairvpoun, qvha hes payit to Androw Fraser, Baillie,
iij merkis dubil entrie: Quhairvpoun tuik act of Court.

Alex\textsuperscript{e} Duff, commun clerk, with my hand.

That day compeirit judiciallie William Robertsoun, elder, Burges of
Innernis, and with him William Gray thair, Procurators Fiscalls con-
junctlie and severalie constituent of the said burt, and gaif in the broche
dittay following aganis Allister Mc Comas Mc Sym, tenent to
William Patersoun, youngar, burges of the said burt, in Inschis, anent the
offence doin be him to our Soveran Lord and Baillies sittand in judge-
ment, and desyrit the sam to be red and remittit to the tryel of the
inquest following; Qvhairos the tennor of the said broche in forme of
dittay followis:

In the first Thou Alex\textsuperscript{e} Mc Comas Mc Sym, tenent in Inschis, art
persewit and indytit that vpoun the twentie four day of December last
by past, the burru court of Innernis beand lawfullie fensit be the four
Baillies, to wit Alexander Patersoun, William Campbel, Duncan Forbes,
and Androw Fraser, Baillies, sittand in judgement for administration
off Justice, ze most irreverentlie and barbarouslie com throw ze tolbuith,
croct the judges and judgement seat with zur heid coverit, and nathar
wald reverence his Majestie nor his Judges placit in His Majestie seat,
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and thairefter in forme of bangstarie and oppressioun ze maist master-
fullie tuik William Reid, ane of the brru officiaris of this burt, be the
neck, and boistit him perforce to opin the counsal house dur to the effect
ze micht confer with sum malefactor wardit thairin callit Fanis Mc fanis
vic Innes Duy in Balleblair, and, becaus it was refusit to you for sundrie
guid ressonis the Baillies, ze maist barbarouslie past to the
counsal house dur and dang at the samyn with zour feit and handis, and
commandit the officiar maist imperiuslie to opin the samyn into you, and
thairefter ze beand requerit be the Baillies present to desist fra the
counsal house dur in ane frendlie maner with fair language, ze added
contempt into contempt, gifand the Magistrats most injurriouse and
deteistabil language, saying into them the divil pintl in thair airse, with
sic vther abominabil and injuriouse language not wirthie to be repetit
or put in writing; And the said Allister being accusit on the haill
pointis aboun wreittin nayit the samyn, qvhilk the judges remittit to the
tryel of the inquest following: Quhairvpoun the said Procurators askit
and tuik act of Court.

Secundlie, thow Allister Mc Comas beand chairgit be William Reid
and Tolmi, officiaris, in our Soveran Lordis nam to rander zour
waponis qvhill ze suld be sensorit for zour trespass and offence doin
agains His Majestie and His Hienes office beraris, ze refusit to rander
zour waponis and zour self, bot dang the officiaris masterfullie fra you,
and thairefter offerit to persew the Baillies sittand in judgement sua that
the Baillies was forcit to raise out of judgement and to disarme you and
tak zour waponis fra you perforce for saifing of them selfis fra forder
inconvenient; and the said Allister being accusit on the premiss5 nayit
the samyn, qvhilk was remittit be the judges to the tryel of inquest
following: Quhairvpoun the saidis Procurators askit and tuik Act of
Court.

Thirdlie, thow Allister Mc Comas art persewit and indytit that sen
the tym of zour warding in the tolbuith ze most barborouslie bostit
Donald Mc Aine Reoche alias Pepper, segstar, and wald not suffer him to
ring the bells to the prayaris except he wald haif consentit to haif lattin
out of ward James Mc Fleger in Drackie qvha was wardit with zour selff
for certan causs6: and in respect he refusit you to lat him out ze said ze
wald tack ane ryid bone out of his heid, and desyrit him in contempt to
tell the samyn to the Baillies. Be ressoun qvhairof, and for zour hie

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contempt committit be you in diverse formes aganis our Soveran Lord His Hienes judicatorie and office, becaus zou haif not only tint and amittit zour hail movabil guidis and geir bot also zour very lyif conforme to the lawis of this realm; desyring your L to tack tryel in the premisses: and, as the said Alester beis find culpabill, that vtheris commit not the lyick; and the said Alex being present and being accusit on the hail pointis and offences aboun writtin, nayit the samyn, quhilk the judges hes remittit to the tryel of the inquest following summonit to that effect to this day: Quhairvpoun the Procurators tuik act of Court.

Nomina inquisitionum: Mr John Ross, cancellar, burges of Innernis, Alexander Baillie of Dunzean, James Cuithbert, elder, James Wauass, Alex' Mc Conil vic Farchar of Davochgarroech, Hector Mc Conil vic Farquhar, his brothan, in Culcabock, Alex' Merchand, burges of Innernis, Alex' Cuming, burges thair, John Cuming, William Patersoun, elder, Andrew Fraser, merchand, Andrew Mc Conil, James Mc Allister, burges thair, David Ross, Robert Sinclair, burges thair, Anton Andersoun, Robert Moncreiff, William Stevinsoun, William Patersoun, zounar, Richard Gordoun, burges thair, William Mc Conchie, Finlay Mc Virrich, John Robertsoun, James Robertsoun, burges thair, quha being all summonit to this day to pass vpoun the said inquest, and being all admittit and sworne judicallie that they suld tak just tryel in the foirsaid offences and dittayis, and declar the veritie, past out of face of court to the counsal house, and thair, efter lang reossoning and deghost comuning haid vpoun the foirsaid broche and dittay, and efter just tryel fund be them the said Allister Mc Comil in the foirsaid hail dittayis and pointis thairoff, and, efter thair reentrie in face of court, pronouncit be the mouth of Mr John Ross, cancellar of the said inquest, and finde the said Allister culpabill in all the pointis of the saidis dittayis: Quhairvpoun the saidis Procurators Fiscalls askit and tuik act.

That day the judges, according to the convictioun foirsaid, hes judgit the said Allister Mc Comil in the amerciament for committing of the saidis offences and decernit to pay the soum of thrie hundereth merkis, and to mack his humiliatioun within the tolbuith vpoun his kneis befoir God and the Majestrats, and thairefter to mack his repentance in

1 Maclean of Dochgarroch.
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quheit habit in the Paroch Kirks of Innernis, Forres, and Elgin, on ane 1615
Saboth day in every Kirk thairof in tym of Divine Service, and confess
his offences done to God and man, and crave pardoun at the greit God
omnipotent, our Soveran Lord King Majestie, and the Kirk, and ordanis
him to remain in ward quhill he find cautioum for satisfeing of the
premiss; Quhairvpoun dom giffin be Malcolm Duncansoun, dempster
of Court: Quhairvpoun the saidis Procurators Fiscalls askit and tuik act
of Court.

Alex of Duff, notar, clerk.

That day compeir the haill proprietoris of the salmond fischinge of
wattir of Niss judicallie vnder subscribing, and vnderstandinge per-
fyctlie that the demolissinge watter barckis of Niss quhilk for the present
ar greitlie decayit and cassin doun, quhilk is the greit caus of thair hurt
and hinder of the fischinge and commoditie thairof, Theirfoir they all
with ane consent and assent ar becum actit in the burru court buickis of
Innernis for them selfis and thair airis maill, beinge burgess of Innernis,
and actual residentis thairin, that, betwix the day and dait hierof and the
fyiftein day of Februar nixt to cum, laid and carie alse mony stainis to
the watter bray, and carie them in alse greit quantitie and alse meickil in
carn as Johne Cuithbert of Castelhil, Provost, sal leid, quhais cairn salbe
ane patroun for the rest, sa that everie ane of the said wattermen salbe
actit and astrictit to leid alse meickil in calm for biggin of the slap of
the auld grein hillock, vnder the pain of twentie pundis money to be payit
be him that sal failzie thairin, to be applyit as the remanent wattermen
sal pleis, vnder the pain of poindinge or warding: Quhairvpoun askit act.

Johne Cuithbert, Provost, Alexander Baillie of Dunzeane, Jasp.
Cuming, James Cuithbert with my hand, J. Cuithberte elder with my
hand, Mr Johne Ross, Duncan Forbes, James Fraser, William Ross with
my hand, De mandato Andrae Mc Conil et Wilhelmi Patersoun senioris
scribere vestro ego Alex of Duff notarius requisitus est manu
propria, James Dempster.

That day Allister Mc Conil vic Farquhar in Davochgarroche, Alex
Bailie Mc Sandie Roy in Davochfuir, ar becum actit cautionaris con-
junctlie and severallie for Hector Mc Allister in Davochcarne2 and Donald
his son, that thai sal not slay na black fische nor be airt or pait thairof

1 Dochfour. 2 Now Lochend—the east end of Lochness.
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1615 in tym cumin vpoun the wattr of Niss, vnder the pain of twentie pund
10 Jan. to be payit to the Procuratoris Fiscal of Innernis in caice thai contravein,
and to present the contravenar within the tolbuith of Innernis; and thai
actit for thair cautionars relief: Quhairvpoun Duncan Forbes in name
of the Pror. askit and tuik act.

That day Farchar Oig, fischar, and Alexander Buddit voluntarlie ar
becum actit that thai sal not slay na fische vpoun the wattr of Niss at
na tym cumin with na maner of ingeinn accept cobil and net, vnder the
pain of cutting of thair richt hands: Quhairvpoun the Procurator Fiscal
tuik act of Court.

13 Jan. That day William Dick, cordener burges of Innernis, being accusit
be the Procurator Fiscal for the wranguss melling, resetting, and intro-
mittit with sex sirlatts malt fra Johne Boyd, maltman, quha haid nain
of his awin, out of Thomas Mc Conl Kil, the xi day of Januar instant,
vnder silence of nicht, be him selff, his wyif, servands, complices, and
vtheris at his command, quhilk richeouslie pertainit to William Paters-
soun: quhilk malt the said William aucht not to haif ressauit because
the sellar thairof haid nain of his awin, thairfuir aucth to tyne his fredom,
and his haill guidis and geir to be escheit and confiscat to be imploiyit to
the use of the burt, and, compeiring, anserit confessit the reset of the
malt, and knew the sellar to be bot ane commun man, quhilk as he
belevit micht sell and by with him, and cumin in wil of the Judges:
quhairfoir the Judges being merciful hes judgit him in amerciament, and
ordanis him to pay twentie pundes of vnlaw for his wrang; Dom giffin
thairvpoun be the Dempster of Court: Quhairvpoun the Procurator
Fiscal askit and tuik act of Court.

5 June That day James Stewart, servitor last to Lauchlan Mc Intoschie of
Dunachtin, for giffin of ane cuf and buffat to James Cuttis, servitor [to]
the Eril of Engzie, vpoun the halffat with his hand, and James Waus,
witness, declarit the sam to be of veretie; and the said James Stewart
accusit thairon confessit the wrange: thairfoir the Judges decernis him in
the wrange trubling of the said James Cuttis, committing of ane ryot,
trubling of the toun, breiking of the Kingis pace: thairfoir is ordanit to
mack his humiliatioun and satisfactiou to the said James Cuttis and
that opinly, and to crave pardoun at God and the persone offendit, and

1 Mackintosh of Mackintosh.

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to pay to the Judges twentie pund for his syne: Quhairvpoun tuik act of Court.

The quhilth day preceeding the Provest, Baillies, and Counsal of the burt of Innernis being convenit in the tolbuith thairof for desyding on certan commun affairis teindind for the weel of the burt, And, after lang conferance, hes statut and ordainit, and be thir presentis statutis and ordanis, all in ane voce, for them selfis and thair successors, that na Provest that sal be electit in tym cuming within this burt sall not admitt ane burges of this burt of him self without the consent of the Provest, Baillies, and Counsal first obteinit thairto; And in caice he do in the contrar he sal tyne his fredom of the burt, and for fault tyne and amitt all landis that he halds to the toune greschope land and nevir to be restorit to his libertie thairefter, nor to nain of the landis, nor beir office in the said burt thairefter: Quhairvpoun tuik act of Court.

That day it is statut be the said Provest, Baillies, and Counsal that no man sal solist to crave ane man to be maid burges of this burt befoir his petitioun be giffin in to the counsal, vnder the pain of ten pundis to be payit toties quotes be the solister quhowaft he sal contravein: Quhairvpoun tuik act of Court.

That day the Provest, Baillies, and Counsal of the burt of Innernis, being convenit for intreitit, commoning, and concluding of certan the commun affairis of the said burt, and for the publict weil thairof and inhabitantis of the sam, and for ratifeing and approving of certan auld actis and statutis maid be thair predecessors for the commun weil of the said burt, and finding now as then the salmond fisching of the watter of Niss to be greit humblie prejudgit be incasting of roch and lymit hyidis and vther filth, and lint, in the said wattir, quhairthrow the passage of the said salmond fische is stayit: Thairfoir hes statut, decernit, and ordainit, and be the tennor heirof statuts, decernis, and ordainis that na inhabitant, merchand, barker, litstaris, or ony vther persoun presume or tak vpoun hand to lay ony hyidis or skinis, roch or lymit, or ony lint, or ony vther filthie wairis of litstars, in the said wattir at ony time heirefter, vnder the pain of xl lbs toties quotes, to be payit be the contraveinar, the ane half thairof to the burt, and the vther half to the wattermen; and also statuts and ordainis that quhatsumeever persoun that salbe fund
night or day in the Ile of the watter of Niss, or vpoun the watter wark thairof, with clippis, net, or drylochis or waspeiris, or with ony vther ingein for slaying of fisch, or vther wayis beggan or ravan fisch aither in the said Ile wark or at the watter syid or schoit with cobil net, except the maister and thair fischaris, vynder the pain of ten libs. toties quoties, and to be punist in thair persoun without favour: Quhairvpoun the Procurator Fiscall, James Cuithbert, elder, askit and tuik act.

That day Donald Mc Robert in Darris for brecking of the Kingis pace of the proclaimit Ruid fair, trubling of the toun, in stacking of Finlay in Lettercullin, servitor to Johne Bayne of Slego, with ane naickit durck behind the heid, and committing of bluid, is convictit conforme to persewaris being referrit to him, in the said wrang, and decernit to pay fyiftie lib. for his vnlaw: Quhairvpoun tuik act.

That day Grant in Cromdail, for the bluid latting of Georg Strachon, and stricking of him with ane knaif in the brhest, brecking of the Kingis pace, trubling of the toun and mercat, is convictit thairin conforme to his confessioun, ordainit to pay fyiftie lib vnlaw; Quhairvpoun tuik act.

That day Georg Strachon, for the bluid latting of the said Grant, and stricking of him with ane durck throw the brain of the lyig, brecking of the Kingis pace, trubling of the toun and mercat, is convictit thairin conforme to his confessioun, and ordainit to pay xlv lib. of vnlaw; Quhairvpoun tuik act.

The Heid burru court of the burt of Innernis, haldin within the tolbuith of the samyn efter michealmes, be Johne Cuithbert of Auldcastelhil, Provest of the burt of Innernis, Alex Patersoun, William Campbel, Duncan Forbes, and Androw Fraser, baillies of the said burt, the second day of October the zeir of God Jai vi² and fyiftein zeiris; the suitis callit, the court laulie fensit and affirmit as use is.

That day Mr Johne Ross, burges of Innernis, is electit and admittit Provest of the burt of Innernis for ane zeir, quha hes giffin his aith for faithful administratioun of the said office during the said space: Quhairvpoun tuik act of Court.

15 Sept. That day Donald Mc Robert in Darris for brecking of the Kingis pace of the proclaimit Ruid fair, trubling of the toun, in stacking of Finlay in Lettercullin, servitor to Johne Bayne of Slego, with ane naickit durck behind the heid, and committing of bluid, is convictit conforme to persewaris being referrit to him, in the said wrang, and decernit to pay fyiftie lib. for his vnlaw: Quhairvpoun tuik act.

That day Grant in Cromdail, for the bluid latting of Georg Strachon, and stricking of him with ane knaif in the brhest, brecking of the Kingis pace, trubling of the toun and mercat, is convictit thairin conforme to his confessioun, ordainit to pay fyiftie lib vnlaw; Quhairvpoun tuik act.

That day Georg Strachon, for the bluid latting of the said Grant, and stricking of him with ane durck throw the brain of the lyig, brecking of the Kingis pace, trubling of the toun and mercat, is convictit thairin conforme to his confessioun, and ordainit to pay xlv lib. of vnlaw; Quhairvpoun tuik act.

2 Oct.

The Heid burru court of the burt of Innernis, haldin within the tolbuith of the samyn efter michealmes, be Johne Cuithbert of Auldcastelhil, Provest of the burt of Innernis, Alex Patersoun, William Campbel, Duncan Forbes, and Androw Fraser, baillies of the said burt, the second day of October the zeir of God Jai vi² and fyiftein zeiris; the suitis callit, the court laulie fensit and affirmit as use is.

That day Mr Johne Ross, burges of Innernis, is electit and admittit Provest of the burt of Innernis for ane zeir, quha hes giffin his aith for faithful administratioun of the said office during the said space: Quhairvpoun tuik act of Court.
That day Alexander Patersoun, William Campbel, Duncan Forbes, James Cuithbert of Eister Drackie, ar electit, admittit, and sworne baillies of the said burt conjunctlie and severalie during the space of ane zeir according to the forme, quha hes giffin thair aith for faithfull administratioun of thair offices during the said space: Qhaurvpoun tuik act of Court.

That day Alexander Duff, notar, is creat commun clerk of the said burt during his lyiftym, according to the Act grantit to him thairanent, quha hes giffin his aith for faithfull administratioun of the said office: Qhaurvpoun tuik of court.


That day thow Allister Mc Conil vic Androw vic Finlay art indyttit that quhairvpoun the fyfteirn day of September instant, at son sett, thow maist thiefteouslie sta and tuik away with ze out of Eister Drakie ane liltit browne horse quhilk was gerssan vpoun the Clay Pottis of the said toun pertearning to James Mc Illester as his proper guid and geir, and thow immediatlie vnder cullour past with the Kingis lieges the cost horse at the Ruid fair eist to m'r ray thinking thairbe thow suld not be spytt, and sauld the said horse to Falconar, Smyth in Greischill, and in signe thairof thow ressauit fra him fourtie schillingis in arles pennie, and thow promisit to haiff giffen Donald Mc Robert in Darris as brocht and hammel for the said horse, quhill ze haid bein doin, lyik as the said horse was apprehendid with the said Smyth quha gave ze as warrand, and quhen zou was apprehendid and accusit thairon be the said James Mc Illester zou confessit zou sta the said horse and was warrand to the said Smyth for the samyn; quhilk now also zou can not denay: Referris to the tryel of the inqueist.
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2 Oct. Thou art indytit for the thifteous steling of ane lang tuel of twelf
eln that wald conten fyif bolls beir, out of the barne of Eister Drackie,
tournit the said tuel being ful of beir, and tuik and sta the sam with ze
perteining to vmquhill Alexander Cuithbert in the month of October or
thairby 1610 zeiris, and sauld the sam in Innernis to quhom thou
knawis; quhilk zou can not denay: Referris to the tryel of Inquest.

That day thou Allister Mc Conil vic Androw vic Finlay art indytit
of the thifteous steling fra vmquhill James Bain out of his house in
the month of November 1614 and lay darvit in the sta of his horse quhill
midnicht, and than zou raise and tuik away with ze schoin, hoise, and
vther necessaris, with fyif merkis, and disponit thairvpoun in Innernis to
quhom thou knawis; quhilk zou can not denay: Referris to the tryel of
Inquest.

Thou Allister Mc Conil vic Finlay, zou art indytit for the thifteous
steling fra Androw Dow in Drackie in the month of September 1613 out
of his house, vnder silence of nicht, thou being weil intertinct, sta and
tuik away with ze ane wombil and ane ax quhilk thou disponit vpoun at
thai plesser; quhilk zou can nocht denay: Referris to the tryell of
Inquest.

Thou art indytit for thifteous steling Kinmaillies,1 in September
1614, fra Thomas Moir, gardenar thair, of ane gardenar scheir, hempe,
and lock, and certain apills, and disponit thairvpoun: quhilk thou can
not denay: sworn be Thomas Moir, vpgiffar: Referris to the tryel of
Inquest.

Thou Allister Mc Conil vic Androw vic Finlay, thou art indytit as
ane commun notorius their, ane maisterles vagabond, infang thief, out-
fang their, ane evil member for the commun weil, and, sen thair was sex
quartars claith in thai coat, zou hes bein ny steland and pycker and ane
maniser their; quhilk zou can not denay: Referris to the tryel of Inquest.

That day the Judges hes remittit the foirsaid dittayis to the tryel of
Inquest as follows:—

Nomina assisse: That day Alexander Cuming, Androw Mc Conil,
James Mc Allister, John Cuming, John Abraham, William Robertson,
elder, Cancellor, Robert Neilson, William Cuithbert Johnson, Gillichrist
Mc Aine Glass, James Cuithbert in Merkinsche, James Cuithbert
Jamesson, Finlay Skinner, Jaspert Cuithbert, David Ross, George

1 Kinmyles, near Inverness.

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Mc Conil Reoche, being all admissit and sworn, hes convict the said Allister Mc Conil vic Androw vic Finlay in the foresaid dittayis, conforme to his confessioun, pronouncit be the mouth of William Robertsoun, elder, cancellar of the Inqueist: Quhairvpoun tuik act of Court.

That day the Judges, after ryipe advyisment with the convictioun, hes decernit zou Allister Mc Conil vic Androw, for thai demerritis according to the convictioun, to be tain to the brige, and cassin doun in the watter, and thair thow remain quhill thow die; and dom giffen thair- vpoun be Malcolm Duncansoun, dempster of Inqueist.

That day compeirit judicialie in judgement James Cuithbert, elder, Burges and Thesaurar of the burt of Innernis, and William Robertsoun, elder, merchand Burges, and one of the Procurators Fiscalls of the said Burt of Innernis, for them selffis, and for thair entres, and also for and in nam and behalf off the Counsall, comburgess and communitie of Innernis, and with adwiss and consent, and producit ane Burru Precept of the Prouest and Baillies of the Burt of Innernis, dewelic execut and indorsat to this day; Be vertew quhairof John Grant of Glenmoristoun, and William Patersoun, elder, burges of Innernis, pretendit tennents and occupiars of that landis callit the burru hauch of Innernis, with the park and wod betwix the hicht of the hill and the hauche lyand betwix the hillie mont and the watter, with the wod and park, war laulie summond to heir and sic them selffis, wyffis, bairnes, famelie, sub tennents, cottars, guidis, and geir to be decernit be decreit of court to fitt and remove them selffis furth and fra the said (sic) of that land callit the burru hauch of Innernis, park and wod thairof, and to mack void and red the sam to the effect the said complenars, counsall, burgess of Innernis, communitie thairof, may enter thairwith, set, vse, dispone thairvpoun in all tym cunning, as their proper landis and heretages; quhairof the tennor of the said Precept and executiones thairof followis.

Mr Johne Ross, Provost of the Burt of Innernis, James Cuithbert of Eister Drackie, William Campbel, Alexander Patersoun, and Duncan Forbes, Baillies of the said burt, conjunctlie and severalie, To our lovitis Alexander Grieson our burra officiars and executors heirof in that part, conjunctlie and severalie, special constitut, greiting; Forsameikill as it is humble meint and schewin to us by our lovitis James
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1615 Cuithbert, elder, burges and Thesaurar of the burt of Innernis, and
14 Oct. William Robertsoun, elder, merchand burges and ane of the Procurators
Fiscalls of the said burt of Innernis, for them selffis and for their entres,
and also for and in name and behalf of the counsall comburgesses and
communite of the burt of Innernis, and with their adwyiss and consent,
causit their officiar by their precept of warning fourtie dayis preceeding
the Feist of Witsounday Jai viccis and fourtein zeiris, laulie warne and
chaigne John Grant of Glenmoristoun and William Paterson, elder,
burges of Innernis, pretendit tennents and occupiaries of that landis callit
the burru hauch of Innernis, lyand betwix hil mont and the watter, with
wod and park, & lie haouch park and wod betwix the hicht of the hill
and the haouch, to haif flittit and removit them selffis, wyfis, bairniss,
fameli, servandis, sub-tenents, cottaris, guidis and geir, furth and fra the
said burru hauch at the said Feist of Witsounday Jai viccis and fourtein
zeiris, and to haif maid the sam void and red to the saidis complemaris to
the effect thai may dispone thairon as thair proper heretage, quhilk thai
maist wilfulli refuss to do without thai be compellit, as is alledged: Quhairfoir, this Precept sein, ze pass in our soverain lordis naim and ours,
summond, warne, and chaigne the said John Grant of Glenmoristoun and
the said William Paterson, elder, to compeir befoir vs or ony ane of vs
within the Tolbuith of Innernis, in ane burra Court thair to be haldein
court tym of day the fourtein day of October instant in the hour of cause,
and thair to anser at the instance of the said James Cuithbert, elder,
Thesaurar, and William Robertsoun, elder, Procuretoris Fiscalls, for them
selffis and in nam of the Counsall and communities of Innernis, and to
heir and see them to be decernit be decreit of court to fit and remove
fra the said burru hauch of Innernis, park aud wod thairof, fra the hicht
of the hill to the wattir, conforme to thair warning and infeftment thairof,
with certificatioun and intimatioun as affairis: The quhilk to do we
commit to you conjunctlie and severalie our ful power be this our
precept, delyvering the sam be zou dewelie execut and indorsat again to
the berar: Giffin vnder the subscription manual of our commun clerk at
our command, at Innernis, the sext day of October the zeir of God Jai
viccis and fyiftcin zeiris.

Vpon the sext day of October 1615 zeiris I Alex’ Grieson, Officiar
within constitut, past at command within writtin Precept, summond
William Paterson, elder, To compeir befoir the Provost and Baillies of
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Innernis within the tolbuith of Innernis the day and dait within conteinit, to the effect within specifiet, with certificatioun as iffeirs, and delyuerit ane coppie of this within written precept personalie apprehendit befoir thir witness, Patrick Clerk, Messenger, David Watson, Cremar, Mr William Ross, Scoill Maister of Innernis; and for the mair verificatioun to this my indorsatioun is effixit vssit in sic caices, with my subscripitioun manuall. Et sic subscribiter Alex' Grieson, officiar.

Vpon the seventh day of October the zeir of God Jai viess and fyiftein zeiris, I Alex' Grieson, ane of the burru officiaries of Innernis, past at command of this within precept and after the forme and tennor of the sam to the toun and landis of Balmackaan, being the dwelling place of John Grant of Glenmoristoun for the tym, summonit him quhair his wyif and servandis was for the tym, and efter I haid knockit sex knockis at the durt of the said dwelling, culd get na entres; Thairfoir I effixit ane coppie of this within written precept Vpoun his said dwelling house dur, and vpon the aucht day I summond him and delyuerit to the said John Grant personalie ane coppie heirof to compeir befoir the Provest and Baillies of Innernis or ony ane of them within the tolbuith thairof court tym of day the fourteine day of October instant, to the effect within conteinit, with certificatioun and intumatioun as effeiris; And this I did befoir thir witness Johne Mc Allister vic Aine, Finlay Grant, Androw Dow, serviters to the said Johne Grant; and for the mair verificatioun to this my indorsatioun my signet is effixt vssit in sic caices, with my subscripitioun manuall. Et sic subscribiter Alex' Grieson, Officiar: and for instructing of the said burru precept the saidis persewaris productit thair precept of warning, with the execution thairof, quhairof the tennor followis:—

James Cuithbert, elder, Thesaurar of Innernis, William Robertsoun, elder, burges and Procurator Fiscill of the said burt, for ourselfis and for our entres, also for and in name and behalf of the Counsell and haill communitie of the burt of Innernis and with their advyiss, heretabil proprietars and titularis of the landis vnderwrittin, To our lovitis Thomas Clerk, Androw Tolmi, William Reid, our burru officiaries of the said burt, and our officiaries executors heirof in that pairt, conjunctlie and severalie constituted, greitting: It is our will and we chaireg zou our said officiaries, This precept sein, ze pas fourtie dayis preceeding the Feist and terme of Whitsonday nixt to cum in the zeir of God Jai viess and fourteine zeiris,
and, conforme to the Act of Parliament, laulie warne and chairge Johne Grant of Glenmoristoun and William Patersoun, elder, Burges of the said brut. of Innernis, pretendit tennents and occupiars of our proper landis callit the burru hauch of Innernis, with the wod and parck thairof, lyand within the territorie of the burt of Innernis be south the said burt fra the hicht of the hill to the watter, To flit and remove them selffis, thair wyffis, bairnis, famelie, servandis, sub tennents, cottars, guidis and geir furth and fra our said proper landis callit the burru hauch of Innernis, parck and wod thairof, perteining vs heretablie, lyand as said is, and to leve the sam vod and red at the said Feist of Witosunday nixt to cum Jai viices and fourtein zeiris, to the effect we the said Thesaurer, Procurator Fiscall, Counsall, and communitie of the said burt, men, tennents, and servandis, and vtheris in our nam, may enter peciable thairoto, set, vse, and dispone thairon at our plesur in all tym cuming, as our proper heritage and landis, and delyuer ane coppie of this our warning ilk ane of them personalie gif thai can be apprehendit, fallzeing thairof to thair wyffis or servandis in thair names, or leve the same ypoun the zett or dur of thair dwelling place and ypoun the ground of the saidis landis in signe of thair lachful warn: Sicklyick that ze pass fourtie dayis befoir the said Feist of Witosunday Jai viices and fourtein zeiris to the Parroch Kirk of Innernis, within the quhillk Parroch the saidis landis lyis, and thair ypoun ane Sunday befoir noin, in tym of divin service, prechong or prayiaris, reid or cause be red ane coppie of our warning, and thair, absent as present, warne the saidis personis to flit and remove fra the saidis landis at the Feist of Witosunday Jai viices and fourtein zeiris, and thairefter effix the sam ypoun the maist patent dur of the said Parroche Kirk, quhairbe thai pretend no ignorance heirof; with certificatious, in caic thai do in the contrar and fitts not, they salbe callit and persewit for voilent occupatioun thairof, and sal pay the profiteits off the saidis landis conforme to the Act of Parliament maid anent the warning of tennents: The quhilk to do we committ to you conjunctlie and severalie our full power be this our Precept of warning, delyuering the sam be zou dewlie execut and indorsat again to the berar: Giffin vnder our subscription for our selffis and for our entres, and in nam and behalf of the counsell and communitie of the said burt, at Innernis, the last day of Apirle, the zeir of God Jai viices and fourtein zeiris. Et sic subscribiter James Cuithbert, elder, Thesaurer of the burt
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of Innernis, Wm Robertsoun, elder, Procurator Fiscall of the burt off Innernis. Alex Duff not. clerk. Vpoun the last day of Aprile the zeir of God Jai vi\textsuperscript{e}s and fourtein zeiris, I Thomas Clerk, ane of the burru officaris of Innernis and officiar within constitut, past at command of this within written Precept of warning, and, efter the forme and tennor of the samyn, I laulie warnit and chairgit John Grant of Glenmoristoun, William Patersoun, elder, merchand burges of Innernis, pretendit tennentis and occupiars of the landis within written, personalie apprehendit, and delyuerit to ilk ane of them ane coppie of the precept of warning within contenit to hit and remove them selfis thair wyifvis, Baerins, famelie, servandis, subtenentis, cottaris, guidis, and geir furth and fra the burru hauch of Innernis, with the wod parck thairof, fra the hicht of the hill to the watter, as is within contenit, at the Feist off Witsunday nixt to cum in the zeir of God Jai vi\textsuperscript{e}s and fourtein zeiris, and to mack vod and red the sam than to the effect the complenaris within written thair men, tennentis, and servandis may enter peciable thairto, set and dispone thairon at thair plesur, and effixt ane coppie of the said Precept of warning vpoun ane stobe vpoun the ground of the saidis land and hauch within mentionat, and maid intimation to the said John Grant and William Patersoun, elder, of the said warning, and visit the hail remanent order of warning prescrivitt in the Act of Parliament maid anent the warning of tennentis, with certificatioun in caice thy did in the contrar heirof they suld be callit for violent occupatioun and compellit to pay the proffeits of the saidis landis; and this I did befoir thir witness\textsuperscript{s} Gilbert Waus, burges of Innernis, Alexander Patersoun, son to William Patersoun, elder, burges thair, William Reid, Androw Tolmi, burru officaris thair, Alexander Abraham, Finlay Skinner, James Cuithbert in Merkinsch, burges\textsuperscript{s} thair; and for the mair verificatioun to this my indorsatioun my signet is effixt visit in sic caices.

Alex Duff, clerk.

And sic lyick vpoun the first day of Mai, being Sounday, befoir noin, in the zeir of God Jai vi\textsuperscript{e}s and fourtein zeiris I the said Thomas Clerk, ane of the burru officaris of Innernis and officiar within constitut, past at command of this within writtin Precept of warning, and eftir the forme and tennor zeid to the Parroch Kirk of Innernis, within the quhilk the said lands lyis, and thair the said day befoir noin, in tym of prayars,
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1615 causit Alexander Patersoun, son to the said William Patersoun, elder, reid the coppie of the Precept of warning within contenit, and thair, absent as present, warnit the said Johne of Glenmoristoun and William Paterson, elder, to flit and remove them selfis, wyiffs, bairnis, fameli, servuands, sub tennents, cottars, guids and geir furthe and fra the burra Hauch of Inverness, wod and parck thairof, within mentionat, at the Feast off Witsunnday nixt to cum Jai viices and fourtein zeiris, and suffer them to dispone thairvpoun at thair plesur as thair proper heretag, and thairefuir effixt the coppie of the within writtin warning vpoun the maist patent dur of the said Parroch Kirk in signe of lawl warning, with certifi- catioun in caice they fail zeit and flitts not at the foirsaid terme, they suld be callit and persegit for violent occupation, and compellit to pay the profits of the said lands according to the Act of Parliament; and this I did befoir thir witness, Gilbert Waus, burges of Innernis, Thomas Mc Coull, burges thair, Hector Mc Allister Vic Eachin in Lairge, the said Alexander Patersoun, Androw Tolmi, William Reid, burru officiaris of Innernis; And for the mair verificatioun of this my indorsatioun my signet is effixt hereto vis it in sic caices; And for instructing of the said Precept of warning the said James Cuithbert, elder, Theasurier, and William Robertsoun, elder, Procurator Fiscall, producit ane Instrument of Sasing quhair thai ar dewlie infeft and sasit in the foirsaid Burru Hauch, parck and wod, fra the height of the hill to the watter, lyand as saidis, of the dait the sext day of Maii the zeir of God Jai viices four scoir and twelf zeiris, vnder the signe and subscriptioun of William Campbel, notar; and the saids Johne Grant and William Patersoun, elder, being oft tymes callit at the tolbuith stair and windo, and not compeiring, court tym of day biddin, and the hour of cause, and not compeiring nor na vther in their name; Thairfoir the saids James Cuithbert, elder, and William Robertsoun, elder, desyrit process and decreit contrar the said Johne Grant and William Patersoun, elder, for removing of them and thair foirsaid furth and fra the said Burru Hauch, wod and parck thairof, conforme to the instructionis richt titill producit; Quhairvpoun the said James Cuithbert, elder, and William Robertsoun, elder, askit the judges answer: Quhairvpoun tuik Act of Court.

That day the Judges, being ryplie advysit with the proces and instructionis producit be the said James Cuithbert, elder, Thesaurar, and William Robertsoun, elder, Procurator Fiscall, and hes fund the sam
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laulie vsit, laid, and deduct, and fyndis the sam sufficientli instructit; 1615
Thairfoir the saids Judges hes decernit and ordainit, and be the tennor heir-
of for final sentence decernis and ordanis the said John Grant of Glen-
moristoun and William Patersoun, elder, merchand burges of Innernis, to
fit and remove them selfis, their wyffis, bairnis, famelie, servandis, sub-
tennentis, cottars, guidis and geir furth and fra the said burru hauch,
wod parck, fra the hicht of the hill to the watter, lyand as saidis, and
mak void and red the sam, and to desist fra forder occupeing laboring
thairof, and to permit the Counsell, communitie of Innernis, to posses
occupie the sam, and ordainis lres [letters] executorials and precepts to
be direct for outputting of the said John and William and thair foirsaidis
fra the said burru hauch, wod and parck, lyand as saidis, and to input
the said thesaurar and Procurator Fiscall, counsell, burgess, and comm-
unitie, them selfis, thair guidis, geir, men, tennents, and servandis in the
foirsaid burru hauch, hault them in peciabil possessioun thairof, conform
to their gift and infeftments and sasengis grantit to them thairvpoun and
thair successors vpoun fyistein dayis chaig: Quhairvpoun the said James
Cuithbert, Elder, thesaurar, and William Robertsoun, Elder, Procurator
Fiscall of the said burt of Innernis, for them selfis, thair entres, and in
nam of the said burt, askit and tuick act of Court. Ita est Alex Duff
no publicus communis scriba burgi de Innernis testan. manu propria
Alex Duff clerk.

That day, according to William Stevenson confession, the Judges, 1616
haiving reuth and compassionie in mercie, for drawing of ane durk in
presence of Duncane Forbes, baillie, within the tolbuith, being wardit at
the instance of the said baillie, the said William Stevenson fund in the
wrang for drawing of ane durck to the said John [sic] be the said Judges
and Counsel, and hes ordainit the said William to mack his repentance in
the stuill of the said Parroche Kirk, and thairefter to ask forgisnes at God
and at the said baillie for his fault, and lykwayes to pay to the judges xx
lib vlna within ten dayes, vnder the pane of poinding or warding: Quhair-
vpoun tuick Act.

Apud Innernis penultimo die mensis martii Anno Domini 30 Mar.
Jai vii decimo sexto In presentiis magistri Joannis Ross
Praepositi Guilelmi Campbel unius balivorum dicti burgi.
That day Robert Quhairvpoun and lyickwayes Cumlachin the forenamed, according to his clam and according to his aith, that Donald Buy was awand him fourtie merkis money for merchandrice; lyickwayes David Ross acclamit and gave his aith that the said Donald was awand him merchandice and lent money nyn merkis half merk money, quhairof fourtie schillingis lent money and four merkis for lowering of the arrestment put on his geir for the price of ane hyid that he awand to Huechoun Mc Rae, the rest for merchandice extending in the hail to the said nyn merkis half merk, quhilk the said David ressauid; and also Johne Lafries ressauid thrie pund money as for his house mail sen Witsounday last 1615; and as for the geir that Alexander Duff Johnson haid giffin to the said vmquhill Donald, because he ressauid na payment thairof fra the said vmquhill Donald, the said Alexander, sworn, gaif his aith that he was awand him for the said geir, quhilk geir being blew bonnats, knyiffis, and schiris, extending to Ten pundis wirth being extant, ressauid the sam again out of the said ledderin wallat: Quhairvpoun tuick act.

That day David Cuithbert, burges of Innernis, is decernit to pay and deluyer to Sueyn Mc Queyn in Cumlachin the soum of twentie merkis money as price of ane garit kow tain as poind be Alexander Griesoun for custom, haifand commissioun for the said day, vpoun the 15 September last 1615, on restorit, and the said Sueyn sworn vpoun the valor thairof to be payit vpoun Witsounday nixt with xi s. expensis for the officiar lies, vnder the pain of poinding or warding: Quhairvpoun tuick Act of Court.

That day Donald Mc Comas persewit Catherin Cuming, spouse to Androw Mc Conil, for the wrangus trubling of Jonet Waus, his unrisch, in dining, kneeling, drawing of her hair out off hir heid, and separating of her skin fra hir heid, being personalie warnit and not compeiring to mack anser, the wrang is remittit to the persewar probatioun, quh'a exhibit Johne Williamson, Cordenar, sworn, deponit that Catherin Cuming drew the unrische hair, best and dang hir, and misusit hir. Robert Neilson, elder, witnes, deponit the samyn. Quhairvpoun tuick act.
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That day Johne Cuming, for speicking in fensit court in excusing the 
wrang off Murdo Poilson but licens first obtenit, is judget in amercia-
ment; dom giffin thairvpoun; ordainis to pay iii libs. money for his 
vnlaw. Quhairvpoun the Procurator Fiscal tuick Act of Court.

That day Johne Cuithbert, cordenar, for vtering misreverent speichis 
in fensit court, is judgit in amerciament; dom giffin thairvpoun; ordainis 
to pay 40 ss. for vnlaw. Quhairvpoun the Procurator Fiscal tuick act of 
Court.

That day Murdo Poilson, according to his confessioun, for the wrang 
detecting of Martha Cogburn in ward within his clos and house, usurping 
auctie, is judgit in amerciament; ordainis to pay 10 libs. money for his 
vnlaw. Quhairvpoun the said Procurator tuik act of Court.

That day Androw Mc Conil and his spous being personalie warnit 
to this day to heir decreit condemnitor to be pronounct in thair contrar 
for hurting, trubling, and drawing of Jonet Waus hair out of hir heid, 
braking of the Kings pace, quha is presentlie vnrische to Donald Mc 
Comas, are judgit in amerciament and dom giffin thairvpoun; ordains 
to pay 4 libs. of vnlaw. Quhairvpoun the said Procurator tuik act of Court.

That day thou Donald Androw Mc Aine in Kilmunie ar indytit that 
quhairvpoun . . . of Julij instant thou sta fra Androw Mc 
Intailour out of his house in Innernis, vnder silence of nicht, out of his 
kist, fourtic merkis money, with thrie scoir peices hekllit lint, 7 quar-
tars lining [linen] courtchaing, 7 quartars of ane twaland cordwair of 
lining, thrie pecks meil, with the said Androw coit and truisse quhilk is 
on they back, dispoit on the premis', and thou gave thairof to William 
Mc Rorie Vic Aine, cordenar, 8 merkis 5 ss. 3 d., quhairwith the hail 
premisses thou was apprehendit, and the said aucht merkis present in thai 
sicht as ane fang: Quhilk thou can not denay: confess the premisess. 
The Judgis remittis to the Inquest.

Thou Donald Androw Mc Aine art indytit for the thefeuous steling 
fra Alexander Taillour in Conlegavel in Mai last of ane gray plaid, in 
signe thairof thou sufferit ane assyis, for the quhilk thai lug was cuttit, 
quhilk the sam testifies as zeit: Quhilk thou can not denay: Confesse.

That day thou Donald Mc Androw Vic Aine art indytit for the 
steling of ane coit and ane pair of breickis fra Thomas Fraser in
Kilravock in Junii last, for the quhilk thou is markit in the hand with ane burne iron, quhilk is to testifie in signe thou delyuerit the sam again: Quhilk thou can not denay: confess.

Thou Donald Mc Androw art indyt as ane maisterless vagabund, ane evil member for the commun weil, steling the leiges geir nicht and day, commun theif, out fang and in fang, and sen thair zeid sex quartars of clathed in thai coit thou hes bein ay steland: Quhilk thou can not denay: Confesse.

Nomina Assise: James Cuithbert Jamesson, cancellar, Johne Cuming, Androw Mc Conil, Johne Robertsoun, Jaspert Cuming, Thomas Dalgleis, Donald Mc Phail, James Cuming, Adam Stewart, Thomas Mc Noyer, James Abraham, David Cuithbert, Johne Lowson, Donald Foular, George Cuming.

That day the hai1l persouns of inquest foirsaid convicts the said Donald Mc Androw according to his confessioun in the hai1l poincts of the foirsaid dittayis, Pronouncit be the mouth of James Cuithbert Jamesson, Cancellar of the Inquest: Quhairvpoun tuick act of Court.

That day the Judges has decernit and judgit the said Donald Mc Androw, according to his confessioun and convictioun foirsaid, ane fang presentit for his demerits and facts, to be tain to the burru muir of Innernis and thair to be hangit vpoun the gallows, and to remain quhill he die: Dom giffin thairvpoun be Malcolm Duncanson, Dempster of Court: Quhairvpoun tuick act of Court.

That day Sandi Grieson, for the bluid latt out of Catherin Buy heid with ane battoun, is convict in the wrang committing thairof, is judgit in amerciament; dom giffin thairvpoun; ordainit to pay 10 lib. vnlaw: Quhairvpoun tuick act of Court.

That day Catherin Buy is decernit in the wrang committing of blaypoun Sandi Grieson wyif above the brow, convict thairfoir, judgit in amerciament, ordainit to remain in ward till Mounday nixt till sche be brankit for this and mony vther offenses: Quhairvpoun tuick act of Court.

That day Johne Mc Conil, garne in Macheri, is convict for the wrang drawing of Johne Mc Aine vic Conil sumtym in Durris of his beird, drawing of the hair thairout, of hurting of his life, trubling of him, brecking of the Kingis pace, raising of tumult in the toun, giffin of mony
scandalous words, is judgit in amerciament; ordainit to pay 10 lbs. vnlaw:

1616
Quhairvpoun tuick act of Court.

2 Nov.

That day the merchands, burgesses, and stallangers of this burt being sitit to this day at the instance off the Procurator Fiscall of this burt, and presentit be him for haifing of wrangus wechtis and eln wands, and selling of merchandrice thairwith, disseiving the Kingis legis, being callit and compeiring producit thair hail wechtis greit and smal and eln wands, being all tryit and weyit, ar fund sufficient wechtis and eln wands according to the laws off the Realme: thairfoir the Judges hes absolvit them fra all wrang and vnlaw that may follow thairvpoun preceeding the dait heirof, quhairof the names followis Alexander Cuming, James Robertsoun, Thomas Robertsoun, David Ross, Murdo Poilson, Johne Clerk, John Robertsoun, Alexander Abraham, Johne Christisoun, William Mc Conchie, Johne Poilsoun, Donald Foular, James ThomSoun, Finlay Skinner, David Watson, William Paterson, elder, Androw Fraser, Merchand, James Waus, Finlay Mc Phaill, William Paterson Johnson, William Abraham, Alexander Duff, Lawrence Cuithbert, Thomas Dalgleis, Alexander Robertsoun; William Cuithbert, James Mc Allister, James Cuithbert Jamesson, William Robertsoun, zoungar, Johne Cuming, and quhair the saids wechtis and eln wands producit be them ar fund sufficient wechtis and eln wands, and quhair thai ar maid frei of all vnlaw and inconveinent that may follow thairvpoun preceeding: Askit and tuik act of Court.

29 Nov.

That day William Dick, cordenar burges of Innernis, being judicialie persewit be the Procurator Fiscall for transgressing of the statutes of the burt in carding and taking away of ane greit numbre of barkit nolt ledder, the 23 October 1616, but liciens of the Provest and Baillies and Counsall, to the effect that the craftismen cordenars suld be servit for serving of the Kingis leiges, and being inhibit also to tak away the same be Androw Tolmi, buuru officiar, at command of the Magistrats, being accusit thairvpoun, confessit the wrang; thairfoir the Judges hes convict the said William in the wrang doing thairof; and decernis him to mack payment of ten pundis of vnlaw: Quhairvpoun the Procurator tuick act of Court.
That day William Denoin, servitor to James Cuithbert of Drackie, is decernit secundum alegata et probata to pay delyuer to Alexander Mc Ago, cordenar in Innernis, the soum of fourtie pundis money as price of ane black horse quhilk hind fuit in the cuít was brackin in the moneth of 1616 zeiris, qhilk horse fuit the said William tuik vpoun hand to haif halit and curit sufficientlie schort space thairefter to leid the said Alexander turris vpoun the pain of the said soum, qhilk is incurabill, thairfoir the judges hes ordainit the said William Denoin to mack pay- ment to the said Alexander Mc Ago of the said fourtie pundis money, with fourtie schillingis money for expenses sustenit, with the officiaris fies, within ten dayis, vpoun the pain of pointing or warding: Quhairvpon the said Alexander Mc Ago askit and tuik Act of Court.

That day Ewin Bayne perswit be Sweyne Mc Finlay Roy that quhairvpon, the 12 of Februar, vpoun silence of nicht, he trublit the said Sweyne in his awin house to haif bereft him off his lyif, and hes hurt Margaret Cuithbert, spouse to the said Sweyne, with ane durk in the arme, and the cry being, Alexander Grierson and William Reid, burru officiaris, heiring of the tumult ran in to command the said Ewin to desist fra forder trubill, and to pass to waird qhill truely war tain, quha with ane durk strack Alexander Grierson in the heid, bleid him, qhilk thai product presentlie, and, accusit heiron, confessit he promissit to gif Sweyne ane cuf quhairever he suld meit with him; and the said Ewin being examinat vpoun the premiss', confess the sam, and is decernit in the wrang doing heirof, brecking of the Kingis pace vpoun silence of nicht, trubling of the toun and hurting of the perties and the officiaris; Ordainit to pay xx lib. to them and judgit in amerciament: Quhairvpon Johne Cuithbert Procurator Fiscall tuik act.

That day Duncan Mc Intoschic of Obirarder is becum actit law souertie for the said Ewin Bayne that the said Sweyne, Alexander Grierson, and William Reid salbe harmles of him in all tym cuming bot as law wil, vpoun the pain of vce merkis money, and is becum actit for his cautioner releif of the premiss': Quhairvpon tuik act.

The names of the stallangaris admittit fra Michaelmes 1617 to Michaelmes 1618 zeiris, frie men's dochters lawfull payis half stallangers, bastard dochters payis haill stallangers that ar mariet with unfrie men,
the haill stallangars are becum actit to cum to the kirk everie Sabothe 1617
day to heir the preching befoir and efter noin vnder the pain of depriving
them of all libertie and paying of xl ss. toties quoties, [then follow
particulars of the various sums received, and of the discharge among
which are the following items]:—

Item giffin to Alexander Thomson martimes fie xxiii merkis.

Item giffin to the four Baillies in thair fies fra Michaelmes 1617 to
Michaelmes 1618 zeiris viii lib.

Item to my self in my fie xl ss.

Item giffin to Alexander Thomson to by candil to the kirk quhill
Candilmes nixt ii four.

15 November 1617. Item giffin to Jaspet Cuming at command of
the laird of Glenmoristoun in pairt payment of xl lib. for the twelf geists
of fir to the brig xvi merkis.

Item giffin to Androw Small messenger for the laird of Glenmoris-
toun teind taxatioun for the first terme off Martimes 1617 conforme to
his acquittance xix merkis in pairt payment of the said xl lib.

Item giffin to the said Androw Small for the laird of Glenmoristoun
land taxatioun of Culcaback and Knockintinnall for the said first terme
vi lib. l ss. conforme to the said Androw acquittance giffin thairvpoun.

28 November 1617. Item giffin to Thoas Mc Ray Vricht for helpe
to thck the kirk 10 lib.

3 December 1617. Item giffin to Mr William Ross, Maister of the
Grammar Scooil, for his Martimes fie 1617 xl lib.

Item payit for Androw. Fraser notar his taxatioun for Martimes
 terme 1617, iiiij lib.

22 December 1617. Item payit to Mr Johne Howesoun for the
Martimes terme 1617 mail of the Schooil iiiij lib.

That day thou Thomas Mc Andrew vic William Guy1 in Culcabock
art indytit, thou being present in ward, for the cruel winding of Rorie
Mc Ferchar vic Allister, Durris, vpoun the xv day of this instant moneth,
notwithstanding thou knawing thai self to be culpabill the said fact, thou
and Johne Mc Varraich, be his occasioun alluring the, brocht ane ledger,
and causit the cum furth and brek ward in hie contempt of our souverain
Lord, and thairefter the said Johne intertinet the in his house in Innernis

1 Thomas, son of Andrew, son of Black William.
1618 and lay with him that nicht, quhilk aither of you can not deny, and maid
7 July violent insurrectioun agains the officiaris, quhilk thai confess.


That day thou Thomas Mc Androw vic William Guy for breking of ward is convict be the haill inquest, and thow Johne Mc Varraich for out taking of the said Thomas out of ward art convict also.

That day the saids personis being convict, the Judgis ordains the saids Thomas and Johne Mc Varraich to be tain throw the four streits of the toun the morn on Saterday at aucht hors befoir noin, thair to be scurgit, and thairefter thair luggis to be naillit to the tron, and to remain quhill vi. hors at iwin, and thair backis ilk ane to vther, and to be bund with towis, and the said Johne Mc Varraich to be exilit and banisit for ever out of this burt and nevir to dwel thairin again vnder the pain of burning him on the cheik, and ordains Johne Mc Varraich to be first scurgit. Dome giffin thairwpoun be Malcolme Duncansoun, Dempster: Quhairvpoun tuik act of Court.

31 July That day James Cuithbert of Eister Drakie, Alexander Bailzie, Johne Cuithbert Anderson, James Cuithbert, elder, Mr John Ross, Johne Robertsoun, William Robertsoun, zoungar, Androw Mc Conil, James Fraser Mc Allister, Duncan Forbes, heretabill proprietars of the wattir of Niss, being warnit personalie ilk ane of them, to pay thair contributeion pro rato for repairing and mending of the salmond fishe kist lyand within the wark of Innernis To Johne Clerk burges thair, quhilk he hes debursit, and warnit thairon at thair command for craftismen, for daills, buirds, nailis, and vther materialis belonging thairto, extending to twentie thrie punds sextein schillings sex penies money, and for everie half cobil pairt thairof, extending to xxx schillings money; and the saids persons being oftymes callit to giff thair aith of veritie on thair command, and to pay to the said Johne Clerk ilk ane of them the said threttie schillings money pro rato within ten dayes, vnder the pain of poinding or warding: Quhairvpoun the said Johne Clerk askit and tuik act of Court.)
The Heid Burru Court of the hurt of Innernis haldin within the tollbuith of the samyn after Michælmes Be Mr Johne Ross Provost of Innernis, James Cuitthbert of Eister Drackie, William Campbell, Alexander Patersoun, James Robertsoun, Baillies of the said hurt, the fyift day of Octobre the zeir of God Jai vi\textsuperscript{ces} and aughtein zeiris; the suittis callit the Court laulie fensit and affirmit as vse is:

1. I command and chairge in our souverains Lordis nam Provost and Baillies of this hurt that all persones resort to the kirk everie Saboth day to the preching befoir and efter noin in tym cuiming, ynder the pain of xl schillings on forgiffin, and depriving of all unfrie brostars, tredars, and craftsmen of all libertie for this zeir.

2. Item that all maner of persoun that bringis ony winers, guids, geir, merchandrice, malt, meil, and sewal fische, flesche, to this hurt to sell, that thai first present the mercat croce and place thairwith or they sell the sam, and that na maner of persoun presum to by blok for the sam, ay and quhill it present the mercat place, ynder the pain of eschetting thairof, and punissing of the contravenar.

3. Item that all persones that bringis beif, muttoun, to this toun and mercat, that thai present the talloun, hyid, and skin thairwith, and that it be not hinderit nor parit aff ony flesche that it suld half, ynder the pain of eschetting.

4. Item that na flesche be blawin vnder the pain of death.

5. Item that all fleschers sell the stain of talloun for thrrie merkis half merk money.

6. Item that na person carie be sic or land ony victual or barkit ledder out of this hurt, ay and quhill thai obtein the Provost Baillies licence, ynder the pain of eschetting thairof according to the auld statuts.

7. Item that nain tak away talloun, woll, to be sauld or transportit to ony foirrein cuntry, ynder the pain of eschetting thairof, and punissing of the contravenar.

8. Item that the barkars sell thair best hyid for vii merkis, ynder the pain of 10 lib.

9. Item that the cordenars sell the luggit men schoin for 10 ss.

10. Item that thai sell on luggit men schoin for ix ss.

11. Item that they sell women schoin for 8 ss.

\textsuperscript{1618} \textit{31 July}
12. Item that they sell scollars schoin for vi ss., vnder the pain of xl ss. vnlaw everie tym they transgres.
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tym 1618

13. Item that na broustar sell the point ail darrar nor xii d., the point bier for xiiii d., the muskin aqua vitie for v ss., vnder the pain of xl ss. als oft as thai cum to the Baillies to obtein licence to taist the sam gif it be wirth that price or better.

14. Item that na unfrie Broustar brew ony aqua vitie, bier, or brogat vnder the pain of escheting, and punissing of the contravenar.

15. Item that na frie burges in this burt gif furth or lend his aqua vitie pott to unfrie broustars, vnder the pain of confiscaitoun of the pott, and xl ss. vnlaw, to be tain of the unfrie broustar that brewis ony aqua vitie with the samyn.

16. Item that na baxter baick the leiff of quheit breid that thai sal sell for xii d. na less wecht nor xvi unce, and that it be fyne stuf, vnder the pain of io lib. quhen the boll is at ix marks.

17. Item that the four pennie leif of eit breid haif xvi unce wecht quhen the boll is at vii marks money.

18. Item that na man presume to hald muck or midding on the Kingis casay, and that thai cause sweipe and afoir thair yettis everie Saterday, vnder the pain of xl ss. als oft as thair contravein.

19. Item that nain gif for the leid of turvis bot the price of the quart aill, vnder the pain of xl ss.

20. Item that nain by meil or malt within this burt bot with the commun pek and firlat, and that nain sal sel bot with the samyn mett, vnder the pain of escheting, and vnlaw of xl ss.

21. Item that na man by ony victual that is purposit to cum to the toun to be sauld quhill it present the mercat place, vnder the pain of escheting, and that nain sell the same vnder the pain foirsaid.

22. Item that nain tak in meil in thair houses, vnder the pain of escheting als oft as thair contravein.

23. Item that na craftismen, cordenar, skinner, baxter, tailzeour, nor na vther craftisman in this burt tak vpoun hand to tak, resett, or mak pactioun with ane prenteiiss in tym cuming, ay and quhill thai obtein licence thairto of the Provost Baillies and Counsall, vnder the pain of depryving them of thair libertie quhatever thai haif, and vnlaw of xl lib.

24. Item that na stallangar taskman be ressavit be na craftismen in this burt, ay and quhill thai obtein licence of the Counsall thairto, vnder the pain of depryving of the contravenar of al libertie.
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25. Item that na man by block ony maner of waris in tym cuming quhill vii hors in the morning everie Saterday, vnder the pain of escheting.

That day Jonet Gollan according to her awin confessioun is decernit to pay and delyver the soum off xx ss. money for the bluid latting of Thomas Mc Aine Crom, tailzeour; and to be joggit, and to be branckit throw the toun: Quhairvpoun tuik act of Court.

That day George Dunbar, maisson, is decernit to pay the soum of twenty punds for cuffing of Johne Andersoun, and also is decernit in the soum of xx punds money for persewing of him vnder silence of nicht and drawing of his bluid, and trubling of the toun, in the soum of xx lib. money, and for brecking off the law borrowis is decernit in the soum off fourtie punds money, and to remain in ward quhill he satisfie the sam: Dom giffin thairvpoun.

That day Johne Andersoun is decernit to pay the soum of ten punds money for persewing of George Dunbar vnder silence of nicht, and to remain in ward quhill he satisfie the sam, and to find law borrowis: Dom giffin thairvpoun.

That day Anton Andersoun, burges of Innernis, is becum actit souertie, cautionar, and law borrowis for Johne Andersoun, Sheref Officiar, that George Dunbar, maisson, salbe harmles and skaithles of him in his bodie, guids, and geir, and all quhom he may stope or latt directlie or indirectlie or ony either way nor be order of law and justice in tym cuming, vnder the pain of one hundereth merkis money; and the said Johne is becum actit for his cautionar relief of the premiss vnder the pains foirsaid: Quhairvpoun tuik act of Court.

Apud Innernis quarto die mensis Decembris anno domini 1618

That day James Robertsoun, litstar, for hurting of Francis Bishope, his maister, is decernit be the foirsaid judges to be brocht out of the tolbuith, quhairin he is presentlie wardit, on Saterday nixt, convoyit with the officiars at ten hors befoir noin to the mercat croce of Innernis, and 31 July 1619
29 Jan.
13 Jan.
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that publicitie confess his fault doin be him to the said Francis, and to sit on his knees and creve mercie and pardoun at the said Francis, and to delyver to him his durk in tokin of his submissoun and humiliatioun, and sic lyik is decernit be the said judges in ten punds money for the bluid latting of the said Francis, and to pay twentie punds money to the leiche, and ane merk daylie for the space of xv dayes during the quhilk space the said Francis was onabill to wirk his wark, and to remain in ward quhill he satisifie and obey the haill contents of this decreit: Dom giffin thairvpoun be Alexander Griersoun, Officier: Quhairvpoun tuik act of Court.

That day Thomas Robertsoun, merchand burges of Innernis, is becum actit souerite, cautionar, and law borrowis for Francis Bishops, litstar, burges thair, that Cristan nein Dougal, relict of vmquhill George Mc Conil Reoch, Margaret nein Bean, and Marjorie Mack Mathow, dochter to the said Margaret, that thai, thair bairnis, servandis, and fame sall be harmles and skaithles of him and all quhom he may stop or latt directlie or indirectlie in all tym cuming in their bodies, guidis, and geir, word and died, uther wayes nor be order of law and justice, vnder the pain of One hundereth merkis to be payit to the judges: Quhairvpoun tuick act of Court.

The Justice and Burru court of the burght of Innernis haldin witin the tollbuith thairof be James Cuithbert of Eister Drackie, Prouest, Andrew Fraser, notar, Duncan Forbes, William Paterson, elder, William Robertstone, zounigar, Baillies of the said burght, conjunctlie and seueralie, the twentie fift day of October the zeir of God Jaj viices tuentie ane zeiris; the suittis callit, the Court lauchfullie fensit and affirmit as use is.

Thow Johne Williamsone, skinner, art indytit for the cruel Slauchter and murther of vmquhill Murdo Mc Ay vic David Robe1 in Cullodin, quhilk you committit zisternicht, being the 24 of October instant, vpon the feildis of ester Dempster within this burght, after you being drinking in William Reid Mc Andrew Roy his house, boistit, and gae ilwil speichis to the said vmquhill Murdo, appeillit him to the singular combat, and cuttit ane quantitie of stray and delyuerit the ane half to him and pat

1 Murdo, son of David, son of David, son of Robert.

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the wther pait thairof in your purse, quhilk vas fund with the; quhair-vpone yov past furth immediatelie out of the said house and tuik thair sword and tairge with ye, and followit the said vmquhill Murdo to the said field quhair thow on besett him, and with the drawin sword soggit and strack him in the bellie, quhairof he departed this present lyif immediatlie, quhairof thow being tain with red hand remains zit incarserit, thairfoir quhairthrow thow hes not only commit cruel murther and slaughter bot also be offerit of singular combat express agains his maestie lawis and actis of Parliament, quhilk thou can not deny, and thairfoir thow aucht to die.

That day the said Johne Williamsone being accusit on the said dittay in judgement be Finlay Mc Ay vic Dauid Rob and James Mc Ay vic Dauid Robe, brethériing to the said vmquhill Murdo, denayit the samyn; Thairfoir desyrit the samyn to be remittit to the tryel and cognitioune of ane assyise as he quha vas pannalit: Quhairvpone tuik act of court.


That day the said hail persones of assyise being all suorne in judgement and admititt, and efter tryel and cognitioune tain be them of the said cryme, hes all in ane voce convict and fylit the said Johne Williamsone to be the doar thairof; Pronuncit be the mouth of Johne Cuithbert of Auld Castelhil, cancellar of the assyise: Quhairvpone tuik act of Court.

That day the Judges ordanis the said Johne Williamsone to be tain to the heiding hill, and thair to be heidit, and to sinder the heid fra the sulderis for the said slaughter committit be him: Dom giffin thairon, and ordanis his hail guidis and geir to be eschetit: Quhairvpone tuik act of Court.

James Duff, Clerk.
That day Mr Samuel Falconer of Kingorth, and Alexander Forbes, seruitor to my lord duik of Lennox, commissionaris appointit be ane nobill lord, John Lord Erskin, for establissing keiperis of the seil for seiling and stamping of letter and tanning of hyidis, be thir presentis hes nominat and appointit Androw Fraser, notar, burges of Inverness, keiper of the said stampe and seil within the burght of Inverness and boundis thairabout following, to wit, from the schir of Nairn at the eist to the height of Straglass at the vest, including the Priorie of Bewlie thairin, with the landis and boundis of Vrquhart, Glenmoristoun, and Badezenoch, Abirtarf, Stratharig, Stratherin,\(^1\) Strathnairn; quhilk hes acceptit the samyn and giffin his aith pro fidei administratione and to be comptabill to the said nobill lord or his deputis for the samyn as law will, and this present commissioune to stand to the Feist of Witsonnday nixt to cum 1622 zeiris allanarlie: Quhairwpone tuik act of Court.

That day the said Mr Samuel Falconer of Kingorth and the saidis Alexander Forbes, servitor to my lord Duick of Lennox, commissionaris appointit be ane nobill lord John Lord Erskin for establissing keiperis of the seil for seiling and stamping of letter and tannit hyidis be thir presentis, hes nominat Robert Dunbar, tutor of Auoch, keiper of the said stampe and seil within the hail boundis, landis and parrochins of the Diosie and commissariat of Ross, the Priorie of Bewli only exceptit, quha hes acceptit the samyn and giffin his aith pro fidei administratione and to be comptabill to the said nobill Lord or his deputis for the samyn as law will, and this present commissioune to stand to the Feist and terme of Witsonday nixt to cum Jai vi\(^{ces}\) twenty tua zeiris allanarlie: Quhairvpon the said Alexander Forbes askit and tuick act of Court.

That day compeirit judicialie Francis Bischope, litstar, burges of Inverness, and with him William Gray, his Procurator, and producit our souerain lordis breif of lyning of the landis wnder writtin et promisit de rato: Quhairvpon tuik act of court.

That day the said William Gray, Procurator foresaid, producit ane petitioune following thairvpon, quhairrof the tennor followis: Honorabill persons and nibbouris of inquest chairgit to this day for lyning of the roodis and particatis of land vnder writtin, I, Francis Bischope, litstar, burges of Inverness, desyris that the saidis roodis and particatis of land,

\(^1\) Stratherin, now written Strathdearn in English.
vith housses, biggings, and zairdis perteining and heretablie lyand within the burght of Innernis bevest the vatter of Niss, boundan betwix the landis as efter follouis, to wit, ane ruid of land boundan betwix the landis of William Robertson, burges of the said burght, and John Andersone, at the South, the landis of Johne Neilson at the North, and the hie kingis get that passes nar by the watter of Niss at the eist, the commun vennal at the vest, and alse ane kill laroch or particat of land lyand within the said burght in the vest syid of the said watter, boundan betwix the landis of Finlay Mc Phaill at the South and north, the landis of John Abraham at the vest, and the commun vennal at the eist, and siclyik of tua rodis land lyand bevest the watter of Niss lyand contigue betwix the landis of Johne Abraham at the South, the landis of Androw Mc William Voir, at the north, the landis of Johne Anderson, at the eist, the commun vennal at the vest, ane wther peice or particat of land lyand be vest the said vatter, extending to fyif cuppillis and tua taill forkis, boundan betwix the landis of the said Androw Mc William Voir, at the South, the landis of Johne Robertson at the North, the landis of William Robertson at the eist, and the commun vennal at the vest, quhilk is to be instantlie lynit be your wisdomes according to the lawis of burght, and that I may haif right to that pait quhilk I vant of the saidis roodis and particat of landis aboue reheris detenit and haldin be wtheris nixt adiacent thaireto fra me; Thairfoir humblie desyris your wisdomes to cause lyn the samyn conforme to our Souerain lordis breif of lyning directit thairanent and as the said land beis lynit that ye cause the next adiacent nichtbouris keipe nichtbored conforme to the said lyning in all pointis and your wisdomes anseris, and that I may possess the said land peciablie but ony impediment, and your wisdomes anser humblie I desyr conforme to my richtis and infeftment of the dait the 1621 zeiris.

That day the said William Gray, Procurator foirsaid, producit ane burru precept of the Prouest and Baillies of Innernis dewlie execut and indorsat to this day, be werteu quhairof the persons of inquest following var summond for lyning of the landis acclamit conforme to our souvrain lordis brief aboue specifiet, and being callit thryse at the tolbuith vindo as vse is, and quhar na person compeirit to oppone in the contrari, desyr the inquist following to be admittit and suorne according to the forme quhilk the Judges hes remittit to the tryel of the inquest: Quhairvpone tuik act of Court.

That day the foirsaid haill persones of inquest being all callit, and being all present, hes suorne the greit aith, the halie euangelist tuchit, to pas vpon the ground of the said land and lyne the said land richtlie according as God sall guid their knowledge thairto: Quhairvpone tuik act of Court.

That day the said lynoris, convenit within the tolbuith efter the lyning of the foirsaid land, acclamit and dewe examination tain be them thairanent hes all in ane voce but varience decemit, ordanit and be ther presentis decernis and ordanis tua futt of eaise drope to be betwix the landis of Francis Bischope and the kill and land of Margaret Nein Bean, and the said Margaret to haif na entres at the South, and ordanis Andrew Andersone, maltman, to big his back to the said Francis land; quhairinto the Judges hes interponit thair decreit of auctoritie: Quhairvpone tuik act of Court.

29 Mar.  That day Thomas Merchand, burges of Innernis, Androw Andersone, maltman thair, Johne Mc Intailzeour thair, ar decernit and ordanit be the foirsaid Judges coniunctlie pro rato to bige sufficientle and vphald thair pairtis of the dyikis, bigging next adjacent to the said landis and biggingis and yairdis pertaining Francis Bischope, litstar, burges of Innernis, bevest the vatter of Niss, and that within tuentie four houris nixt efter thai be chargit thairto, and to keipe the said Francis harmsles and skaithles in all tym cuming, with certificatioune the contravenar to pay the skaith; and alse to pay to the Judges fyif pundis money toties quoties thai transgress, vnnder the pain of poinding or varding : Quhairvpone tuik act of Court.

10 April  That day Johne Cuithbert Johneson, being accusit be Catherin Dunbar, spous to Francis Brodi, for the ryat committit be him this day, viz. sche being in hir awin buith foirnent the croce in the morning doing hir leisum bissnes the said Johne cam to the buith dur, cloisat and lokit the dur, and inclosat hir and hir seruandis thairin, and cariet the keyis thairof with him, and thairefter immediatlie he past to the duelling hous
of the said Catherin, and thair closat four durris and tuik away the keyis 1622
with him, quhairby sche vas constrainit to cause brek vpe the buith dur 10 April
and to lat hir and hir seruandis furth to hir greit prejudice.

That day compeirit the said Johne Cuithbert and confessit the premiss, alleging he did the samyn vpon presumptioun and information that sche vas tacking some guidis geir and poise furth of the said buith privilie, quhilk pertainit to vmquhill William Cuithbert, his brother, quhilk he remittis to the Judges interloquctor.

That day the foirsaid Judges ordanis the said Johne Cuithbert to remain in vaird ay and quhilk they tak ordour vith him, and decernis him in lyik maner to cum to the buith and delivver the keys to the said Catherine Dunbar, and siclyik to cum to hir house and thair to delivver the vther four keys, and to confess his offence, and ordanis him to pay for his ryat committit be him to the tounis thesaurer fyftie pundis money and to remain in vard quhill he pay the samyn: Quhairvpone tuik act of court.

That day Margaret Mck lintack, for the bluid latting of Elspet 2 Dec. Habburne, spous to William Robertstone, elder, is decernit to pay fyve pundis money for hir ryat and to be joigit at the croce on Saturday nixt, being the sevent day of December, and thair to remain for the space of ane hour; Quhairvpone tuick act of Court.

Thow Johne Mc Aine Vyill art indytit for the thifteous stelling 1623 23 Sept. away taking with zow and yuor compliss wnder cloud of nicht vpon tyisday after Lambesday furth of the cloise of Drakie fra Johne Fraser thair ane blak ox with ane quheit spott about his baggis, and vas fund with thow, quhilk thow can nocht deny.

And siclyik thow art indytit for the thifteous steling and away taking with yow wnder silence of nicht furth of the toun and laidis of Cullodin fra Johne Mc Virrich thair ane blak cow, quhilk vas fund with yow, quhilk thow can nocht deny.

That day the said Johne Mc Aine Viil being accusit on the foirsaid dittayes, and also for absenting of him self out of his awin duelling house in Drakie the moneth by gain be the saidis Johne Fraser and Johne Mc Virrich and, being pannalit at the bar, confessit the samyn conforme
Records of Inverness

1623 to the dittay, and thairfoir the saidis persones desyrit the samyn to be remittit to the tryell of assyis, quhilk the Judges remittis.


That day the foirsaid hail persones of assyis being al present and suorne the greit aith and efter thair re-entrie in face of Court: Quhairvpon tuick act of Court.

That day the foirsaid Judges conforme to the foirsaid convictioun ordanis the said Johne Mc Aine Viil to be tain to the brig and thair to cast him doun in the vatter and thair to remain quhill he die: Dom giffin thairon be William Reid and Androw Roy, dempster of Court: Quhairvpon tuick act of Court.

29 Nov. That day compeiritt Alexander Mc Intoschie of Auldauri, and with him Johne Cuithbert, Johneson, his Procurator, and gave in the dittay efter following contrar Alister Mc Gowin, coirdinar in Innernis, and desyrit the said dittay to be remittit to the tryel of assyis: Quhairvpon tuick act.

Thow Alister Mc Gowin, cordenar in Innernis, art accusit and indytit as airt and pairt takar with William Mc Aine Reoch and Donald Cam Mc Bean for the thifteous steling, consealing and away taking out off the said Alexander Mc Intoschie house in Far thrie pair of small lying scheittis, tua pair quheit plaidis, four smal queirches, tua smal lyning ruffis, thrie cod yaris with thair cooddis, ane half stain cassis littil voll, half stain blak voll, ane naipkein of holland claieth sewit about with goldin threid and goldin knappis, four clewis of littil zairn, 30 lyning sarkis, sex scoir cheis, tua stain butter.

That day the saidis Judges remittis the said dittay to the tryel of the assyis following: Quhairvpon tuick act of Court.

That day the saidis persones of assyise being all present inclosit within the consal house and efter dew resoning and dew deliberatioun findis the said Alister Mc Gowin frie of the foirsaid dittay aboun vrittin, and efter thair re-entrie in face of court the said Alexander Bailzie, cancellar, pronuncit the samyn to the foirsaid Judges and clengis the said Alister Mc Gowin thairof, quhairvpon tuik act of court, and protestit for him self and in name of the remainder persones of assyis if ony error vas that the samyn vas ignorant than vlfullie: Quhairvpon tuik act of Court.

That day Johne Cuithbert, Procurator for the said Alexander Mc Intosche, protestit for error of assyis and for persewing of the persone for the foirsaid dittay: Quhairvpone tuik act of Court.

That day James Paterson, burges of Innernis, and David Cuithbert, burges thair, ar becum actit in the burru court buikis thairof coniunctlie pro rata for Alister Mc Gowin, cordenar, that the said Alister Mc Gowin sal remowe him selff out of this burght and territorie within xxiiii howris efter the date heirof, and that he sal nocht nevir duell within this burght nor territorie in tym cuming, quhiltis failzieing ar becum actit as saidis to content, pay and delyuer the sowme of tua hundereth merkis money coniunctlie pro rata by and attour the punissing of the said Alister Mc Gowin wnder the pain of poinding or warding: Quhairvpone tuik act.

That day Thomas Gutherie, vricht in Innernes, for the bluid latting of Elspet Mk Pherson, servitrix to Mr Robert Gairdin, Sheref Deput of Innernes, in the arm, and being present confessit, Thairfoir the said Judge decrenis the said Thomas to pay the sowme of fyifte pundis money, and to remain in vard quhill he pay the samyn: Quhairvpon James Cuithbert, elder, Procurator Fiscal of the said burght, askit and tuik act of Court.
At Inschis nyntein day of September Ja<sup>ies</sup> tuenti fyue zeiris, In presens of Alexander Bailzie, of Dunzean, Provost, Duncan Forbes, ane of the Baillies of Innernes, James Cuithbert, of Drackies, Mr Johne Ross, elder, James Cuithbert, elder, Robert Bailzie, Johne Robertson, Lawrenson, Androw Fraser, commisser, burgess<sup>5</sup> of the said Burght chosin and electit be the personis wnder writtin for deeyding of the differ efter specit.

That day anent the differ and question of merchis standing in debait betwix William Paterson, zounger, heretabill proprietar of the tua plewis land of Vester Inschis, on the ane part, and Johne Robertson, William-son, burges of Innernes heretabill proprietar of the toun and landis of Eister Inschis on the wther part: The saidis personeis, with the saidis Provost, baillies and remanent freindis aboune writtin, past to the ground of the saidis debaittabill landis, and haiffing cognoscit and tryit all differ and debattis and questiones betwix aither of the saidis landis they all in ane voce and with ane consent and assent decernis and ordanis as followis, viz.: beginning first at the vpper end of the buss<sup>5</sup> and wod growing in the bourne that devydis the saidis landis of Eister Inschis from the saidis landis of Vester Inschis they ordain and tolleratis the said William Paterson his aires assignis and thair tenentis and possessoris of the said tua plewis land of Vester Inschis to haif ane common loning from the said vpper end of the saidis buss<sup>5</sup> vphone the eister syd of the said burne, being vphone the said Johne Robertsone syd thairoff, vpvard to the commun month<sup>2</sup> and pasturage according to vse and vont in all tym cuming heirefter; And ordanis all and sindrie the buss<sup>5</sup>, voodis, girss and landis on the eister syd of the said burne as the samyn presentlie rinis from the fuird of the said lonying douvart to the nethir end of the said buss<sup>5</sup> to pertain to the said Johne Robertsone, his aires, assigis and possessoris of the saidis landis of Eister Inschis and all and sindrie the buss<sup>5</sup> wodis, landis and girssing vpon the vester syd of the said burne as the samyn presentlie rinis, from the said fuird of the foir-said lonying douvart to the nethir end of the said buss<sup>5</sup> to pertain properlie to the said William Paterson, his aires, and assignis and possessors of the saidis landis of Vester Inschis in all tym cuming; And ordanis the said burne and stryipe as it presentlie rinis from the nethir

<sup>5</sup> Month—mount or hill.

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end of the said buss quhill the samyn rin to the merchis of Macheries and Little Drakie to be the merchis and divisiones betwix baith the saidis perties thair landis foirtsaidis and fra thyne furth as the merche stans ar sett and pottit this present day in presens of the saidis freindis to the nethir end of baith the saidis perties landis foirtsaid to be the proper meithis and merchis for devydine and separatin the saidis landis of Vester Inschis from the saidis landis of Eister Inschis in all tym heirefter to cum but ony impediment or obstacal to be maid be aither of the saidis perties to wther : Lyikas both the saidis perties by thir presentis bindis and obliis them, thair aires and assigis and successoris to warrand this present merching and division, and observe and keipe the samyn aither of them to wther in all tyme cuming bot reclamatioun or appellatioun ; and in signe quhairof baith the saidis perties hes subscrivit thir presentis with thair handis and hes causit this present act to be maid.

Wilzeme Paterson, wt my hand.
Johne Robertsone, wt my hand.

The Serif Court of the burght of Innernis and terrtorie thairof, haldin within the tolbuith off the samyn be Duncan Forbes, Provest, Alexander Paterson, William Paterson, zoungar, William Robertsone, zoungar, Frances Bischope, Baillies of the said burght, Sereffis of the samyn within them selfis be wertew of thair infeftment, the penult day of Januar Jaj vii\textsuperscript{26} tuentie sewin zeiris, the suititis callit, the court lauchfullie fensit and affrirmit as vse is.

That day Georg Gib and John Gib his father, wrichtis, ar pannalit for the crymes following : Ze John Gib, wricht in Innernis, and George Gib, zour son ar accusit and indytit for cuming to the duelling house of vmquhill Adam Peirie, taizzeour in this burght, wpon the xxix day of Januar instant, and after offering of diuerse malicious speichis, contentious vordis and lies to the said vmquhill Adam Peirie, thow the said John Gib vent out with him at the dur, and haiffing fallin in straickis and buffattis with wther, and being wasling toghither in the gutter, thow the said George Gibe cam furth with ane drawin durk in they hand and thairwith strak the said vmquhill Adam Peirie ynder the left pape throw the hart, and thair cruelie slew and murderit him to the deid without any speichis, quha vas cariet into the house deid immediatlie, and ye haiffing fled as fugitives var incontinent takin and apprehendit with the ryld
Records of Inverness

1627 hand, and ze and aither of zow ar airt and pairt of the said slauchter and murder consauit of sett purpoise and foirthocht fellonie: Qhilk ze can nocht deny, and thaefoir aucht to die.

That day compeirit Androw Fraser, Sheref Clerk of the Sherefdom of Innernis, in name of the Seref Principall of Innernis, haiffing sein the saidis persones pannalit, and haiffing hard the said bill red, Protestit that the pannaling of the said John Gib and Georg Gib his son and putting of them to assyise for the crym aboun writtin sal nocht prejudice the Seref Principall.

It is anserit by the Provost and Baillies of Innernis that thai ar Sereffis within them selffis and terrotorie thairof conforme to thair Infeftment, and will sit as thair predecessoris did befoir.

Nomina Assise: Mr. Johne Ross, elder, cancellar, James Cuithbert, elder, William Paterson, elder, John Cuithbert, Alexanderson, Robert Bailzie, William Bailzie, Androw Fraser Mc Conil, Johne Robertson, Laurenson, Donald Grant, John Poilson, Thomas Fraser, Jameson, William Robertson, elder, William Stewinson, Androw Fraser, merchant, David Watson.

That day the haill assysoris, being suorne, past to the counsal house, and thair efter dew tryel and cognition tain be them all in ane voce hes convict the said George Gib according to his awin confession maid in judgement, and conforme to the witness deposition maid on the said cryme.

That day the assyisoris all in ane voce absoluis the said Johne Gib frae the said cryme and fact, and fra all airt and pairt consal thairof. That day the said canceller efter his re-entering in face of court his pronuncit the said convictioun in Judgement and absoluitor.

That day Johne Gib askit and tuik act and instrument on his absoluitor.

That day the Judges ordanis the said George Gibe to be broocht to the heiding hill and thair behedit to the deith, and his heid to be sundrit fra the bodie with ane aix: Quhairvpone dom giffin be John Fraser, dempster.

That day the foirsaid Judges ordanis the said Johne Gib to be vardit still quhill he be sensorit be them in his guidis and geir for bringing of his son to the inconvenient and accident aboun writtin: Quhairvpone tuik act of Court.
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That day Donald Mc Comas, maltman in Innernis, is decernit in the sowme of ten pundis money for the bluid lattinge of William Tulloche, maltman burges thair, with ane key in the face, and for drawing of his durk to him, and ordanis the said Donald to remain in vard quhill he satisfie the samyn: Dom giffin thairon: Qhairvpone tuik act of Court.

The burrow court of the burght of Innernis haldin at the boundis of Eister Inschis be James Cuthbert of Eister Dreakie, Prouest, Alexander Paterson, Mr. John Ross, zoungr, Robert Bailzie and Frances Bischope, Baillies, the tuentie nynt day of Julij the zeir of God Jai vicces tuentie nyne zeiris, the suitis callit, the court lauchfulie fensit and affirmit as vse is.

That day comperit Johne Robertsone, Williamson, of Eister Inschis burges of Innernes, and gae in his bill of complent contrar Johne Cuthbert, Alexanderson, of Littil Dreakie, burges of the said burght, Scharand that the said Johne Cuthbert trublit and molestit him daylie in the propertie off his land of Eister Inschis in takinge away of his zeird of his manurit riggis and also in castinge of fail and diuatis pairt of the said land in the month, and thairfoir desyrit remeid of law; quhilk bill beinge red in audience of the saidis Judges ordanit to be remitt the treyl and cognifioun of ane inquest, quhilk, baith the pairties beinge present, condiscendit thairto: Qhairvpone tuik act of Court.


That day the foirssaidis persones of Inquest ordanis William Robertsone, Williamson, to mak ane stauck at the newmost pairt of his landis of Inschis narrest Littil Dreakie quhair the stanis alreddie ar laid and on that pairt quhar the auld dyick vas fundit of auld, and the said Johne Cuthbert to helpe the said Johne Robertsone to cast the stauck: As also decernis and ordanis the said Johne Robertsone to bige ane ewin dyick at the eistmost pairt of his land as they gae vpe to the month, quhair the stanis are laid, and putt ewin to the burne vpvard, and that for saissing of his awin cornes: And syik lyik ordanis the loning goinge vpe to the month of the commintie betwixt the said Johne Robertsone,
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1629  
29 July  
And foder it is ordanit that thair be sextein space in the gett goinge vpe to the month aboune the burne and assin tries: And also it is ordanit be the said Inquest that it sal not be leisum to the said Johne Cuithbert, Alexander-son, to cast ony flag or diuatis in the month of the Eister Inschis dowwart fra Lagchaltin1 as the get gois fra Torrannabrek syd at any tyme cuminge but licience and attollerance paid and obtenit be the said Johne Cuithbert fra the said Johne Robertstone: And this to stand as aine perpetual memorie: Qhilk premis2 was pronuncit in judgement be the said Mr John Ross, elder, canceller of the Inquest; Qhahirinto the foirsaid Judges hes interponit thair decreit of auctoritie thairto: Qhahir-wpone aither pairtie askit and tuik act of court and instrument.

1631  
1 July  
That day compeared Frances Bishop, burges of Innernis, and James 
Abraham, Procurator Fiscal of the said Brugh, for his entres, and gave in ane burrow precept of the said Provost and baillies of Innernis complain-and on Andro Fraser Mc Conill, burges of the said brugh, that quhair the said Andro came vpon the sevintein day of Junij to the comoun carse and marish of the said brugh vpon the west syd of the lands of Merkinche within the flood mark thirof, qhaur the comons of the said brugh and thair predecessoris past memorie of man have bein in use to won and cast faill and clay for the biggings, with the number of eight persons with him or thairby boddin in fear of wear, and there most barberouslie, wrongouslie and wilfully dang, hurt and abused the said Frances Bishop complenar his servants that was working at said the carse for the tyme and tooke from them their slaughter spaid and cuttit in small peices the hail failis castin and won be them for the use of their master, comittinge thereby manifest oppression and mynd to appropriat the comon carse to his own use as giff it had been his proper heretage, and oppresinge of the neighboris thairof; Qhilk precept beinge read in judgment, and the said defender comparand with Johne Cuithbert Jonson, his procurator, and havinge no laughfull defences to object or propon in the contrar, the said Judges remittit the same to the tryell of the inquest following, viz.: —Mr John Ros, chancellor, William Bailzie, James Cuithbert, Jameson, Finlay Skinner, William Stevison, burges of Innernis, David Cuithbert, William Neilson, Thomas Robertson, John Robertson, Laurensone, William Gray, burgesss thair, William Read, messenger, Bean Mc Conil chill,

1 Lag a' Chalitainn, Hazel Hollow.

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Thomas Vaus, Thomas Murray, Murdo Polson, burgess theuir, and beinge put and suorne in presens of the said defender, past instantlie to the said boundis of cause quhair the said faill and clay was casten be the said pursuer, and, after due and mature deliberation takin be them thair-anent, hes found the haill cause of Merkinche outwith the dykes of the manured land and rigs thairof as the flood mark goes and flows, to be comontie to the brugh of Innernis in all tyme cuming to cast their divatts, flags and clay thereon as their predecessors did in tymes by past and conform to the old use and wont quhilk they had in tymes bygain, and after their re-entrie in face of court the said chancellar pronuncit the samen: To the quhilk the foirsaid Judge hes interponit their decreet and authoritie therto, and ordanis that no person or persons cast ony flags, faill or divotts with an foot spaid on the said cause in tymes coming, bot onlie with ane slaughter spaid, and referrs the fyne and satisfaction to be made be the defender for the wrong oppression and inquirie done be him on the said comontie in dinging the persuers servands and cutting of faill and breaking of his burges aith to the Judges discretion: Quhairvpon the said Francis Bishop and James Abraham as Procurator Fiscall of the said brugh askit and took act of Court. Sic subscribitur,

James Duff, Clerk.

The above writtin act of the haill tenor above writtin to have bein registrat in this book under the said clerk his hand, quhairof I the present clerk of this brugh gave out extracts, after such extracting the leaff quhairon the samen was writtin was surreptisiouslie taken away after the samen book quhairin it was receivd be Finlay he fornamit Andro Mc Conil his son for reviseing thairof under some other fair pretext, quhilk I the present clerk doe avowe and attest as I am an famous and faithfull man, quhairthrow this act may be ane authentick to the said Inhabitants in tyme coming as formerlie: Quhairon act.

Ja. Cuthbert, cls.

Note.—From this time until 1637 there are but few entries in the Records.

Note.—It is to be noted that only a small portion of the page immediately following the one on which the foregoing entry is written remains, the rest having evidently been removed by means of scissors.
Anent the lybellit summondis purchest and impetrat at the instance of Thomas Robertsone and James Abrahame, burgess and Procuratoris Fiscallis of the said burrowe of Innernes, aganes James Robertsone, burges thair, and certan vther nichtbouris of the said burrowe, makand mention that quhair at the giffin furth and settinge in few of the commun landis of the said burrowe callit the Carse to the nichtbouris and comburgess of the burrowe ilk fewar and persone his pairst and portion was than decyded be aickeris markit, meithit, and merchit, quhairby ilk persone knew and understoid his owin proper pairst and portion of the said fewe landis, and thairby thai peaciablie possessit and injoyit the samyn but ony impeding, quhilk laitlie that the said James Robertsone and the ramanent to quhom the saidis landis of the Carse was fewit, haiffinge coft and obtenit the possessioun of the said landis callit the Carse fra thair predecessours, hes at thair awin handis maist wranguslie, violentlie and unorderlie past the boundis appointit and designit to them in thair original infeftment, and hes brokin and raisit the metes, methis and merches thairof, and hes riwin, intelt, schawin, occupiet and schoirne greit pairtis and portionis of the said commun Carse quhilk was reseruit furth of all fewis and dispositione for the commun vse of the inhabitantis of the said burrowe: and by all order, warrand or licence haid or obteinit thairto they haif biggit and buildit barnes, byiris, barne yairdis, dungehillis and middingis vpone the reseruit communitie, and hes jonit the saidis novationes to thair saidis landis first fewit to thair prediessouris, and vil nocht suffer nor permit the comonis and inhabitantis of the said burrowe to pastour thair guidis and bestallis, nor to cast nor vin flags, fall, clay nor diuattis vpone the said reseruit communitie, myndinge thairby to appropriat the said reseruit communitie to thair proper particular vse, to the greit preiudice and damnaige of the said burrowe, and inhabitantis unless remeid be prouydit; and anent the charige giffin to the said James Robertsone and remanent fewaris contenit in the said summondis to haif compeirirt be the saidis Provest and bailies this day and place to haif anserit at the instance of the saidis Procuratoris Fiscallis conjunctlie and seueralie in the said maner, that is to say to haif hard and sein dew and lauchful cognition to be takin in the said mater, and to haif hard and sein them dercernit to flit and remove themselfris, vyiffis, bairnis, famelic, seruandis, cottaris, guidis and geir furth and fra the said novationes and vrangus
riwin in land, barnes, byier and barne yardis, dung hils and middingis bildit and bygit vpone the said reseruit commontie outwith their awin proper merchis and meithis designit in their original few infeftment, and to desist and ceis fra all forder occupatioun and laboringe thairof, and from all molestinge, trublinge, and impedinge of the inhabitantis of the said burrowe in vsuming the samyn as their communtie accordinge to vse and vont; and to be decernit also be decreit of court to content and pay to the saidis complenaris the particular sowmes of money vnder vritin, ilk ane of them for their awin pairtis as is effir decydit for the profittis, excrees, and deweties of the said vrangus riwin land and biggingis zeirlie and ilk zeir of the cropes and zeiris of God Jaj vjceis sextein zeiris, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632 zeiris alredie bygain, and siclyik zeirlie in tyme cumingne sua lange as thai violentlie and vrangus laboris the samyn; That is to say, the said James Robertsone for his vrangus occupatioun of the landis, barnes, byris, barne yardis, middingis and dung hils, riwin in and buildit be him vpon the said reseruit communtie zeirlie the sowme of money usual of this realme accordinge to justice, and for the cost and expensss: And anent chairge giffin to the persones of Inquest vndernamet to compeir this day and place to pass vpon the inquest and tryel of the said cognitioun ilk persone vnder the pain of fourtie pundis as the said lybellit summondis dewlie execut and indorsat at mair lenth propritis: Compeirit the saidis Procuratoris Fiscallis, persewaris and desyrit the said lybellit summondis to be referrit to the tryel of cognitioun persones of inquest vnder vritin: Compeirit also the said James Robertsone, quho haifflinge no just ressue to oppone in the contrar (except that he and Johne Cuthbert his procurator protestit that the cognitioun to be takin in this mater sal not be preuidicial to his richtis and infeftmentis): The Judges causit, call, admit and be suorne in presens of the said James Robertsone the persones vnder vritin of the maist famous nychtbouris and Burgesss of this burrowe contrar quhom no declinator impediment was maid: They are to say, James Cuthbert, elder, Alexander Cuminge, Thomas Chewis, John Cutbert Alexander-sone, Johne Cuminge, James Cuthbert, zoungar, George Dunbar, Johne Maii, Thomas Fraser Mc Alister, James Cuminge Alexandersone, James Ross, Bean Mc Conil cheill, William, William Gray, Alexander Tailzeour, all Burgesss of the said burrowe, quha var deiplie suorne
in judgements and remowit furth thairof past ground of the said novationes committit be the said James Robertsone and his authoris, and thair electit and nominat the said James Cancellor, and efir lange disputationioun haid amongst themselfis, visitinge, vewinge and perambulinge the said James Robertsone landis of the said Carse, they all in ane voce, but ony discrepancy, finds and declairis the said James Robertsone and his authoris to have riwin vpone the said reseruit communitie ane aicker land quhilk he hes joined to his sex aicker narrest the riwer of Ness, and hes biggit ane longe dry stain dyik betwix the said nowatioun and the said vater; sic lyik that he and his authoris hes buildit and biggit wpone the reseruit communitie and hanit greins of the said burowe tua barnes with ane byir, and ane corne yaird, with diuers middingis and dung hillis at the south end of the said new riwin in aicker of land; and the said nowationes war ewir reseruit in the said original few infeftmentis, and that the samyn perteins propirly to the comm of the said burowe and aucht and suld novyes be tein, laborit, or occupiet be ony particular persone or persones quhatsomever, bot to be left void, red, and ley for the commun vse of the said burght accordinge to vse and vont; which cognitioin beinge devulgit in judgement be the said cancellar efir re-entrie of the saidis hail persones of inquest, in face of Court, the Judges interponit thair decreit authorictie thairto, and decerns and ordains the said James Robertsone to flit and remowe hismellis, vyiflis, bairnes, famelie, seruandis, tennenis, cottaris, guidis and geir furth and fra the said new riwin aicker land and dry stain dyik narrest adiacent the vatter of Ness vpon the vest syid of the said sex aicker land fewit to his auctor, and furth and fra the saidis tua barnes and byir, barne yaird, dunge hillis and middingis, buildit, biggit, and occupiet be him and his auctoris vpon the said commun grein at the south end of the said new riwin in aicker, and to lewe the samyn void and red, and desist and ceis fra ony forder occupatioun of the samyn, to the effect the communis and inhabitantis of the said burowe may mak thair commun vse of the samyn accordinge to vse and vont; and forder decerns and ordains the said James Robertsone to content and pay to the saidis compleanaris, Procuratoris Fiscallis foirsaid, the sowme of for the violent and vrangus occupatioun of the said new riwin in land, barnes, byiris, barne yaird, dung hillis and middingis foirsaid zeirle and ilk zeir of the saidis zeiris of God, beinge at the said
zeir of God 1616 zeiris wnto the Feist of Whitsonday last bypast, as is
particularlie aboun expressit, be resone the said communis war preiudgit,
hinderit, skaithit, and intrest mor nor the said sowme zeirlie throwch the
said vrangus riwin in biggingis, barnes, byeris, barne yaird, dung hillis,
& middingis abone specifiet, ordinance lettres and executionis to be
directit vpone this thair decreit foirsaid in forme as effeirs: Quhairvpone
the saidis Procuraroris Fiscallis askit and tuik act and instrumentis.

Extractit.
James Duff, clerk.

That day compeirit Johne Robertsone, Williamson, of Eister
Insches, burges of Innernes, quha gaue in his bill of grivances, makand
mention that quhair William Ross, millar at Castlehil myln, and
Finlay Cam, millar at Derboch [Direbught], Andrew McComas, millar at
Culcabok, at the myln of Dreakie, and James Forbes,
millar at Bucht, be themselfis and thair seruandis, myln boyes, daylie,
oukly and zeirlie thir dyvers zeiris bygain maist vranguslie and aganes
ane act, statut, and ordinance maid and ordanit be Prouest, bailles and
counsell of Innernes, transportis, caries and awaytakkes be day and nicht
furth and fra the killis of Innernes, maltariss of the samyn in greit, both
malt and victual, takinge fyir and vatter, and growinge within the
territorie and burgaige of Innernes, beinge land suckin and thrall to the
kingis myln of Innernes, transportis the samyn to wther mylins, viz. —
the mylns aboue writin, that maist vranguslie respect of ony formar
actis and the fermoraris thair infeftmentis; quhilk beinge reid, vyit, and
considerit, the saidis persones complenit vpone ar found and declarit
to haif doin vrange in takinge away furth of the saidis killis; and for
restraininge of the said misorder, to the effect said ordour may be keipit
in all tyme cuminge, and the fermoraris to be in toto saif fra such vrangis
in tyms cuminge conforme to this present act ratifeinge the formar
actis maid thairanent, concludis and ordanis that it sal nocht be liesum
or lauchfull to the saidis myllaris or ony ane of them, directlie or
indirectlie, vnder quhatsumevir colliour or pretence, to transport, middil
or intromett with any victual, malt, or wtheris out of the saidis killis,
or fra the saidis maltmen, and that ilk maltmen or kilman to pay the
vnlaw and fyne of tuentie pundis money toties quoties thair contravein
in giffinge furth ony victual by the said kingis myln to the saidis
1633 myllaris of the said mylns, or to thair successoris millaris of the said
19 July mylns, ordaininge intimatioune to be maid of the inhibitioun ordanit to
be raisit be vertew of this act: Quhairvpone John Robertstone askit
act of Court.¹

¹ No record in Minute Book between 3rd October, 1636, when James Duff was Clerk, and
April, 1637, when D. Cuthbert was Clerk.
The quilk day the saidis Provest, Baillies, and Counsell hes concludit and ordaint that Alexander Paterson, lat baillie of this brucht, in respect of his present necessitie, and being not able to furnisce and susteine himself upone his awin proper meansis, sall haiff zeirlie of the towne of Innerness and of the commodities thairof, for his sustentatioun and mantinance in bed, burd, and cloithis, the sowme of four scor poundis guid and usuall money of this realme; and the samen sowme to be payit to him proportionally at four seueral tymes in the zier to wit, twenty poundis quarterly, beginand the first quarteris payment of the said sowme instantlie at the date of thir presentis; And the said sowme of four scor pondis money is hereby statute and ordanit to be payit to the said Alexander Paterson zeirlie indureing his lyftyme, and that proportionallie in forme and maner aboue specifiet: Of the quhilk sowme of four scor pundis money forsaid the sessioun, be ane act thairof of the dait the tent day of Junii instant, hes grantit to the said Alexander the sowme of fourtie merkis money zeirlie for aberating and disburdining the towne pro tanto: Qrupone act.

That day there was ane band presentit to the Counsell grantit by Erle of Seaforth, as Generall over all companies and armies to be leved be North Spey, to be sub' be this brucht, all utheris noblemen and gentlemen hes done; the Counsell hes concludit to anser my lord Seafort that, as uther bruchts in the Kingdome goes on with Generalls in sik caices, that they sall be most willing to go on in the lyk maner.

That day also the Counsell hes statut and concludit that everie man and inhabitant within this brucht and territorie thairof be stentit to thair power and meanis to furnische poulder and ball for satisfie of thamselvis and the countrey betwixt the [date] heirof and the tuentie fount day of Marche, under the payments of . . . . hundreth pennies money; as also ordaines that till the poulder within this brucht be . . . . qulk
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1640 first the nightbouris be servit, and that the pouldar be sauld at twentie
19 Mar. four schelingis the pund of hand and the lead at threttie tua pennies the
pund.

21 Sept. That day the Counsell aboue nominat, haiffing tackin to thair con-
sideratione that this Mononday is the ordinar Counsell day quhen the
new Counsell suld be chosin for this next zeir, but sicing thair is com-
missioneris appoynted be the borrowes to com heir from certane brughtis,
both south and north, for certane afferis pertaining to the weill of this
brucht, and suld keip heir the 22 of September: Thairfoir the said
Counsell hes all in ane voice continewit the electione of the said new
Counsell qhill the said commissioneris come present, at leist qhill
Fryday next.

10 Dec. That day Lettres and instructiounes sent from the committie of the
estatis being red in presens of the saidis pruest, baillies and counselloris
and remenant merds. and honest men abouen namiet of this bruch, anent
the sowme of ane hundreth and fyftie thousand guildingis to be presentlie
advanced for peyment of the same to the factoris of Campheir for armes,
ammunitioun, and uther provisione be the saidis factoris for the
defence of this cuntrey, and this bruch being requeryt be the said
directiones to warrant James Cuthbert of Dreackies, thair present com-
misssioner, to condiscend thairunto according to the remenant borrowes of
this Kingdome, as the persons aboue namiet all in ane voice hes heirby
statute and ordanit that thair be ane commissione sent to the said James
Cuthbert of Dreackies to voice and condiscend to the advancement of the
said sowme as the remenant borrowes of this Kingdome does according
to thair abilities: Quhairvpone act.

1641 The quhilk day the Baillzies and townie Counsell of the said bruche
2 Aug. of Invernes being convened within the tolbuith or Counsell Hous thairof
for treatinge vpoune such matteris as pertenes to the weill of the said
bruche, and the saidis baillzies and townie counsell haweing takene to
thair considderatione the many bygane miscariages and behaviouris of
Donald Foullar, elder, merchand burgis of the said bruch, and of his
said vyff and cheldrene, and speciaalle the vnreverand, malicious and
approbridious spechis witterit and exprest be the said Donald Foullar and
Janet Robertsoune, his spous, againes George Abrahame, one of the baillzies of the said bruch for the tyme, in the executioune off his office, for the quhilk in a court hauildine be the Prouest and baillzies off the said bruch vpoune the auctentie day of November Iaj vii\textsuperscript{es} threttie nyne yeris, the said Donald Foullar wes decernet and ordainet to tyne his libertie within the said bruch for the space of a yeir, and to pay the sowme off fortie pund ad pios usus; and siclyk that vpoune the nyntine day of the said moneth of November the said Donald Foullare being legallie persewit at the instance of the Procurator Fischall of the said bruch beffoir the Prouest and baillzies thairof for the time for abuissing of his Majesties Lettres be selling of his wairis and merchandice with one false and unsufficient steane weight thir sextine yeiris bygane, and that the samen was fund and perfytlie knowne to be fyve wnces deficient and less wiecht thane the ordinar and trew stanie weight quhilk is usit and alloweit within this kingdome; and that thairfoir he was fund guyltie and deserved the censure contanet in the actis of Parliament maid againes useris of false weightis and measuris, as the saidis decreitis at mair lenth bearis, and that as yit no executioune hes followed vpoune the secound decreit judicallie abow wrettine, nor no satisfactione offerit be the said Donald Foullar thairanent, but he and his vyff and Donald Foullar, younger, thair sone, continveing still in thair former malice, and inventis and plottis new conseatis of malice and contempt againes the Magistratis of the said bruch without any regaird ather to God or man, or yit to civill honestie; and the saidis baillzies and townie counsell finding it maist incumbent to them to tak ordor with abuises of that kind for the peaciable gouernament of the said bruche in tyme cuming: Thairfoir they have givine and grantit, and be thir presentis givis and grantis, full power warrand and commissioune to James Ross, Prouest of the said bruch, to intent actionne and persew in a legal way the said Donald Foullar elder, ather criminallie or civillie, befoir the Hich Court of Parliament, Justice Generall or his Deputis, or befoir any wther Judge or Judgis competent within this realme, for wseeing of the forsaid false steane weight, [to have] him censured and punished thairfoir in his persone and guids conforme to the Actis of Parliament, Lawis and Practigs of this realme, and for this effect lybells and procieds to reas and caus to put to executioune advocatis, procuratoris and agentis, to imploy and to persew the saidis actionnes to the finall end and
1641 desisioun, and generallie all and sundrie wther thingis to exerce and
2 Aug. vse ant the premisst that to the office prorie [procuratory] in sik caicis
is knowne to perteine, for the quhilk effect the saids baillizes and towne
counsell promisis to hold firme and stable: Quhairvpoune they maid
this act.

1642 That day the saidis Prouest, baillies and counsell all in ane voice
decere and ordaine that the arne tries and timber cuttit be James
Cuthbert of Dracklies be oversight of James Ros, present Prouest, and
transportit be him to the brige of the bruch furth of the Ile, be transportit
and put in John Polsone, ane of the baillies of the said bruch, his close,
that to remaine under arrestment be the said Prouest, baillies and
counsell thair auctoritie, ay and quhill it be discussit quhider the toune
or wattermen hes the best richt to the woodis of the said Ile, and that be
reasone Duncane Forbes of Cullodin, ane of the quarter masters of the
water of Nes, for himsellf and in name of the remanent, hes challengit
the said timber to apperteine to them as heretoris of the said water ; and
siklyk the saidis Prouest, baillies and counsell decere and ordaine that
no maner of persone, ather heritor or uther persone, tak upone hand
to cut doune or transport any kind of timber furth of the said Ile in any
tyme cuming, and that under the paine of fyftie pund toties quoties,
and that the said timber alreddi cuttit and arrestit be not mellt nor
intromittit with be any of the saidis parties under the paine of ane
hundreth pundis money: Quhairvponge Act.

31 Mar. That day the said conventioun of the Counsell haifing tackin to
thair consideratioun that at the admissioun of Mr. John Annand and
Mr. Murdoch McKenzie, present Ministeris serveing the cuir at the
Kirk of Innernes, to the ministrie thairat, the haill stipend and benefec
of the crop and zeir of God 1640 dew to be payit furth of the haill
parroche of Innernes be the parrochionaris thairof was perpetuallie
mortifeit and allowit for buyine ane Manse and gleib to ane of the
said ministeris and to his successoris serveing the Cuir at the said
Kirk; and lykways haifing considerit that the said mortifeit stipend
of the said crop and zeir 1640 zeiris is not able to buy ane sufficient
and convenient manse and ane gleib to the said Minister without the
saidis Prouest, baillies and conselloris suld advacue the sum of fyve

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hundreth merkis money moir to joyne and eik with the said stipend, for the quhilk they haif gevin present securitie to John Cuithbert of Castel-
hill thairvpone; Thairfoir they all in anc voice decerne and ordaine for thair relief of the said sowme of fyve hundreth merkis that the haill
inhabitantis of the said bruch and territorie thairof be stentit and taxt for the said fyve hundreth merkis, and the saidis conselloris releiff, and ordaines stent masteris to be [chosin] and nominat to that effect conforme to the ordor useit in uther . . . . : Quhairvpone act.

That day compeirit befoir the saidis Prouest, Baillies, and Counselloris Johne Cuithbert of Castelhill, Johne Cuithbert of Vestir Dreackies, James Cuithbert of Breachlie, and David Cuithbert, Toune Clerk of the said bruche, for themselues and in name of the remanent of thair kinsmen, freindis, and dependaris, nichtboris and come-burgess of the said bruche, and thair presentit and produceit befoir the saidis Counselloris the bill and supplicatioune following, makand mentioune that quhair it is notour and weil [?] knowne that quhair the fornamenteit persones, freindis and . . . . as memberis of the Incorporatioune off the said bruche thir dyverse and sundrie zeiris bygane hes, in mantinance and defence of the civill govericament of the ancient [?] privilledges and liberties of the said bruche, sufferit sundrie wrangis incursiounes and prejudice be the malignant perverse and vicked dis-
positioni of the evill affected of sum within and about the said bruch quha ar iritat and incensit at tham for mantaineing the said caus, and quha for thair respectis does by all means possiable strywe daylie to overthrow the Magistracie of the said bruch, and to shak the samen hous, intending thairby to bring the common wealt and standing of the said bruch to ruine and distructioun, they ar to say, Alexander Baillzie of Dunzean, David, Williame, Johne and Robert his brethren; William Baillzie of Torbrack, David, James and Johne his sons; with the remanent of that kin and allayances; quha vpoun the smaest occasioun thir fyve or sex zeiris bygane doeth convocat-thamselues in hostill maner, thairby troublonge daylie the Kingis peace and tranquillitie of the said bruch in highe and proud contempt of all auctoritie; and laitlie the fornamenteit persones with thair freindis and followaris having conceawed ane deadlie hatred, rancur and malice, being all bodelin in feare of veare, with suordis, tairges, gunes, pistollis and wtheris invassive
1642

11 Aug.

wapones, the saidis pettiounaris being vpoun the tent day off this instant in ane civill and quey maner at the burial of ane, Christane Paterson, spous to Johe Gordoun, in honour of the toune and magistratis thairof, being requerit thairto, lippneing for no harme, injurie, or persuit, the saidis personnes, out of ane forthoucht fellonie, at the least Williame Bailzie, elder, Baillie, strack Alexander Cuithbert Jamesone, behind his back, being in ane thronge amongst sundrie men and women, with ane cowred suord vpoun the head to the efussioun of his blood, thairby committing ane highe ryot and attempt against the said Alexander and remenant of his kine and freindis, as nichtboris and come-burgiss of the said bruche, to the great hurt and prejudice of the remenant memberis thairof without remeid be provydit thairfoir; Quhairfoir the said pettiounaris humblie crawit and desyre the said Magistratis and Counselloris to tak the premiss to thair serious consideratioune, and to joyne with thame in the maist strick and legall manner that can best be thocht vpoun that the insolenties and wrangis committit be the fornameit persones in tymes bygan and now latlie vpoun the said bruche Magistratis and memberis thairof may be crubed, and that sic publict enemies and evill effectit to the flourishiseng and standing of the common wealth of the said bruch may be censured and punished in thair persones and guidis in example to wtheris to attempt the lyk, in ane legall way, and to the effect to caus draw vp ane act of counsell quhairby the saidis counselloris sall mack and obleis thameselves to concurre and assist the pettiounaris as memberis of thair Incorporatioun in the legall persuit of the premiss, and to nominat commissiounaris from thair number to goe and repaire to the present Justic Court or to any wther Judicatorie competent to remonsterat and declair the sufferingsis, prejudice and wrangis bygan and latlie susteinet be the said bruche and memberis thairof. Efter readeing of the quhilk supplicatioun and being weil and ryple advysit thairwith, and hauing considderit the desyre thairof to be most equitable and just, thairfoir they all in ane voice doeth heirby faithfullie bind and obleis thame as Magistratis and Counselloris of the said bruch that they sall concurre, assist and continance all lauchfull means possable the fornameit pettiounaris thair freindis and dependaris in the legall persuit of the häll premiss befoir the Judge competent, ay and quhill the samen be broucht to ane finall concluissioun, and the pairties grieved restored to thair los and
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credit· and for the present they haue nominat, ellectit and choysin Mr. Walter Ros and Williame Patersone, younger, twa of the baillzies off the said bruch, commissioneris for the toune to repair to the said meiting at Elgine vpoun quhatsumeuer day the Commissioneris and Justices of Peace sall happine to sitt, and thair in name and behalff of the said toune to remonstrat and giue in the grivances aboun writtin befoir thame, and to insist in the legall persuit thairof, and generallie all wher thingis requisit to exercise and doe thairin that they micht doe thairin themeselues if they war personalie present firme and stable: Qhairvpoun the saidis petitounaris requyrit act, and in forder corroboratioun heirof the saidis Prouest, baillzies and counsell hes subt. thir presentis as followes:

James Rose of Merkinche, Prot.
Mr. Walter Rose, bailzie.
Johne Polson, bailzie.
W. Paterson, bailzie.
Alext. Grant, counsoler.
George Abraham, counsellor.
A. Robertsone, counsellor.
Thomas Waus, counsellor.
W. Paterson of Inchis, counsolar.
Williame Neilsone, consaller.
R. Rose, cousouler.

De mandato Jacobi Robertsone, scribere.
Ego Jacobus Duff, nors. publicus.
equis . . . . .

That day the Prouest, baillies and counsell of the said brucht vnderstandand that quhow the haill nichtboures in the landward that holdis of this brucht ar oblist in and reasone, if this brucht sall happin to be invadit or assaulted be any enemie of quhatsumeuer qualitie, to mantene and defend the samen with thair lyffs and estattis, Thairfoir and to the effect that, in caice thair sall happin to be any assault maid vpone this brucht to the effect everie man may be ingadged in the querrell of the brucht, it is statute and ordained that all maner of persones in the landward belong to this brucht and that holdis of thame, duelling vpone the territorie thairof, sall vpoun tua houris

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advertisement from the Prouest and baillies cum into the toune with thair haill force and followeing for mantinance and defence of the samen, and that they stay and abyd with thame dureing the tyme that they sall happen to have adoe, and that ilk persone give obeydience heirvnto under the payne of loseing of thair liberties: lykas it [is] also statute and ordained that in caice the nichtboures in the landward sall hapin to be first assaultit be invaiding of thair persones or away tacking of thair guidis that the haill body of the toune vpoune hemm tableau dew advertisment sall concurc and assist with thame for thair saiftie and defence be directing ane competent number of thair body with them.

Ordaines that ilk ploughe in the landward holding of the toune sall send into the toune ane sufficient man to watch in the kirk quarter ilk fourt night.

Forsamekle as the present necissitie of tyme reqweyreth both vigilancie and dilligencie for preventeing of dangeris, and sieing commissionaris and intelligensersis might be sent and directit to sundrie corneris of the cuntrey, and tacking to consideratioun whow this common cause can not be manadged nor mantained without chairges and debursesmentis, and since it is notur that thair is no moneyis in store in the thesauraris handis, thairfoir and to that effect that present moneyis may be had in caice the toune sall happen to have adoe, it is statute and ordimed be the Prouest, baillies and counsell of this brucht that the Magistrats vplift sic sowmes as sall be found requisit to be haid for the tyme for defraying and repeyment back again, theis all in ane voice condescend and agree that the sowmes sa to be vpliftit sall be imposed and stentit vpoune the haill body of the brucht, with conditione that the saidis Magistratis geve in perfyt compt to the Counsell schowing thair lauchfull debursesmentis.

20 April

Tuantie day of Apryle Jai viés fourtie four zeiris: In presens of Duncane Forbes, Prouest, Robert Ros, Thomas Schieves, and George Abram, Baillies, James Ros of Merkinsche, Alexander Cuthbert, Robert Chapman, Alexander Barbour.

That day the nomination abouewritand being chosin be the Counsell to elect tuantie four able and sufficient men of the inhabitantis of this brucht to goe to Elgin to joyne with the arme now standing
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That day the Counsell all in one voice dischairgit Hew Monro, dreil maister, of his chairge over the brucht in all tyme cuming, and ordaines that he be satisfeit of his bygane pey accordinglie as he wes on tackin: Quhairvpone act.

The Counsell all in one voice condiscendis that Duncane Forbes, Prouest, goe as their commissioner to Turray to meit the Marquis of Argyle thair, and ordaines for his expenses fourtie merkis.

The Counsell all in one voice haif statute and ordained that an commissioner sall be chosin and directit to the Conventioun of Borrouis now appoyntit to hold at Kirkcaldie the first of Julij nixt.

The Counsell ordaines James Ros of Merkinsche, Robert Baillie, and William Cuthbert, with David Cuthbert, clerk, to joyn with Alexander Dunbar, thesaurer, to reveis the rentall buik, and to mak up ane perfyt roll of all the few dewties of the said brucht to the effect the said thesaurer may collect the samen.

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24 June
The Counsell ordaines to the said James to beare his expeniss the sowme of ane hundreth merkis money.

That day the Prouest, Baillies and Counsell tacking to thair consideratioun the dangerous estait of the cuntrey, and whow that ane furrein, publict enimnie, to wit the Irysche rebellis, hes enterit within the said cuntrey to the number of thrie thowsand, and that they haif alreadie advancit to Glengarrie for the present of intentioune to urge and force all maner of persones to joyne with thame in ane black and dolfull covenant just opposit to that nationall covenant laitlie subscrivit be the tua Kingdomes Scotland and Ingland: Thairfoir, and to the effect that this brucht of Innernes prowe not slack nor deficient to thair power to oppoise the said publick enimie in mantinance of the said lait subt. covenant, haif thocht fitt and expedient that the number of fourscoir of the best, maist resolute, and best trained muskateiris be presentlie sent from this brucht to the hight of the cuntrey of Stratharick to joyne and assist my Lord Louattis forces thair in oppoiising the saidis rebellis; over the quhilk number they haif nominat and chosin Johne Cuthbert of Castelhill, captaine and Pryme command, with power to him to mack choise of lyutenentis, ensigns, sergandis, corporallis and uther officiars neidfull, and mak thame suorne to the culloris, and he behaifing himself wyslie and discreetlie towards the saidis sogeris as becumeth: Quhairypone the said Johne askit act.

That day the Prouest, Baillies and Counsell of the brucht of Innernes vunderstanding that the Irysche rebellis haif left the cuntrey of Glengarrie and ar now within the cuntrey of Badenach, forcing men, tacking vp goodis, and burneing tounes, hes gevin . . . . . and be thir presentis gives power and warrand to Johne Cuthbert of Castelhill to marche as Captaine in this present expeditioune towards Badenache with the number of fourscoir sowlderis of the best and maist resoluit men within this brucht, as they ar listit and gevin vp in the roll to the said Captaine, ordaining ilk ane of the said number to render (?) anser and obey the said Johne Cuthbert as thair Captaine in all things that
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becumeth, according to the said Captaine’s discretioune; And siklyk ordaines the said number to be at thair randivouize aganes this night, at the leist be sex horis in the morneing, to the effect they may marche tymeouslie towards the said expeditioune, with certificatioune to ilk person that ar nominat, and does not marche in the expeditoune, saill poy fourtie pundis to the said Captaine, to be exactit be him and distribut at his pleaswre, vnforgiven, to be assistit be the Magistratis and Counsell:

Quhairvpone act.

The forsaid day the Consell tacking to thair consideratioune whow that for this zeir inschevwing the toune be all apparance will haif verie meikle acoe, and that the oft keiping of counsellis for regulating of affairis is the onlie fitt way to keipt the toune in guid ordor, and sinc that vpone all exigence and occasioune that may fall furth, the haill counselloris can not conviene, thairfoir it is thocht fitt and expedient and also statute and ordained be us vnnder subscryearis, Prouest, baillies and consell of the brucht of Innernes, that any sex conselloris, vpone necessitic and vrgent affairis convening with the present Prouest and the four baillies, saill be ane sufficient quorum and ane perfyt number to conclud anie busines, the Prouest and baillies being always present:

Quhairvpone act.

That day thair wes ane Lettre presented to the Consell direct from the Marqueis of Argyle, craveing and desyreing the toune of Innernes to advance for the officaires and sogores of Buchannans Regiment the sowme of four thousand merkis money, vpoune conditione that the estaitis saill repay the samen to the toune conforme to the said Marquiesis Lettre.

Efter reiding and advyseing of the forsaid Lre., with the haill cause, efter mature deliberatioune, they all, at the leist the greiter number of the Consell, thocht fit and also concludit that no moneyis suld be advanced be vertew of the forsaid Lettre be reasone the toune hes no common good or vther rent that may satisfie the samen without the samen be stented promiscouslie vpone the toune, quhilk without forder order they all shune.

Notwithstanding of the formar conclusioune for not advanceeing of money vpone the sicht of the formar Lettre, zeit vpone better
1644

3 Dec. informatione the haill Consell hes thocht fit and expedient that not onlie the said sowme of four thousand merkis money craved be the Marqueis of Argyles Lettre for suppling Buchannanes Regiment sall be presentlie stented vpone the body of the toune, but also sinc the toune hes severall workes to build and that the garisone must be furnished be the toune of coll and candle dureing thair aboid heirof; thairfoir they all in ane voice haist statute and ordained that the sowme of ane vther thowsand merkis money for vpholding and building the toune workis and buildingis of the toune be presentlie stented with the formar four for making vp in all the sowme of fyve thowsand merkis money for the vseis and caus abouvevrittin; for stenting quhariof they all in ane voice haif nominat, electit and chosin the persones followeing for stenting and imposeing of the samen vpone the haill inhabitantes and vtheris hauiling of the toune of Innernes according to thair free means and estait quhilk they haud of the said brucht; they ar to say, James Ros of Merkinsche, Johne Polson, James Robertsone, Johne Robertson of Insches, Mr. Walter Ros, Johne Cuthbert of Wester Dreackis, David Robertsone, William Neilson, Alexander Grant, Donald Tailzeour, elder, Alexander Grant, Robert Ros, John Forbes, fiar of Cullodin, and John Cuthbert of Castelhill.

14 Dec. The Consell ordaines ane bank to be bait throghe the haill toune ordaineing all the inhabitantis of toune and territorie to satisfie thair pairt of the stent alreddie imposed vpone thame be the fornamed stentaris befoir tuelf hours on Mononday nixt vnder pain of directing partyes againes thame be the saides Prouest, baillies and Consell: Quhairvponent act.

The stent maisteris abouenamed all in ane voice haif elected, nominat and chossin the persones followeing for vplifting and resauing of the formar stent of fyve thowsand merkis, viz.: for the Kirkgait, Johne Robertsone of Poll; for the Listgait, Donald Foullar; for Domsdaill, Alexander Barbour; for the Briggate and be west the Water, William Paterson, elder; with power to thame to vplift the said stent, and to be comptable for the samen to the Consell according to thair resset, and to grant dischairoges to the nichbouris for thair pairt thairof.

That day, forsameikle as the Prouest, baillies, and consell of the brucht of Innernes haif taikin to thair consideratioune whow that for
obtempering and obeying my Lord Marqueis of Argyles Lettre, with the ordoris direct thairwith from Jothe Denhame, Generall Commissioner of this Kingdome, annent the advancement to the officiares and souldioris of Buchannanes Regiment the sowme of four thousand merkis money vsuall of this realme of Scotland for ane present suppleie to thame, they all in ane voice haif condiscended ane stent to be imposed vpone the haill body of the brucht within the toune and territorie according to thair moyan, means, and estait; thairfoir and in regard that the condiscending to the forsaid stent and advancement of four thousand merkis money hes beine vpone conditione that the samen suld be repayed back againe with the intrestes thairof to the toune of Innernes efter the forme and tennor of the said Marqueis and Commissioner Lettre and ordoris, it is thairfoir statute and ordained and lykwayes agreit vpone be the saides Prouest, baillies and consell that, if it sall happin at any tyme heirefter the forsaid sowme of four thousand merkis money presentlie advanced and stented be thame conforme to the ordoris aboue written be repayed to the toune of Innernes, or allowed to thame in any stent or impositioune be the estaites of this Kingdome, according to the said Marqueis Lettre and the said Commissioneris ordores, thene in that caice the samen sowme of four thousand merkis sall be repayed back againe, at the leist allowed to thame in any stent or impositioune, according as the samen sall happin to be allowed to the toune, everie persone dwelling within the said toune and territorie according to thair proportiouins of the said stent and the dischairge gevin to thame be the Collectoris thairvpone.

That day the Consell haif concluded, for the better effectuating of the business belonging to the weill of the brucht of Innernes in thir difficile tymes, that frequent meitingis of the Consell be keipit, and that the haill body of the Consell meit precesslie tuyse ilk weik, and thairfoir ordaines ilk Mononday and Thursday to be the dayes of meiting, and that the pryme officiaris of the garisone vpone occasioun be lykwayes present with the Consell, and the tyme of meiting to be nyne houris in the morneing; ordaineing ilk absent from the saidis meitingis to pey the sowme of xl ss.: Qhailvpono act.

That day the said Prouest, baillies and consell all in ane voice haiff statute and ordained that the Collectores appoynted for vplifit of the
1645 13 Jan. stent of fyte thousand merkis money appoynted to be vplifted for the use of the Laird Buchananenes Regiment, and for the publick workis and necesseties of the brucht, and efter collecting of the haill stent in respect that thair is tua thousand merkis money alreddie delyvered to the use of the said Regiment according to the Lyue Collonell Buchannes resset, the Consell ordaines that the sowme nynteinc hundreth and ten merkis money of the forsaid stent be delyvered and consigned in the Generall Majoris handis, thairin to remaune ay and quhill the toune be secured be the estateis for thair repayment according to the Marqueis of Argyle Lettre and the General Commissioner John Denhames ordoris, according to the custome of thir borrowes: Quhairvpone act.

Forsameikle as thair ar dyvrse and sundrie comptes lying over in sewerall mens handis, speciallie the stent of the taxt and loane, the stent of the thousand pundis for the payement of tua zeiris of the Kinges ordinar taxatioune, and the payement of the fyte hundreth merkis restand to Castelhill, and the sowme of sex scoir pundis money lying in Thomas Scheves handis, and since theis comptis or any vther debtes awand to the toune cannot convenientlie be reveiseit, sichted or examined be the haill Consell, theairfoir and to the effect the samen may be spidilie doun be ane select number, the Consell all in ane voice haif nominat, electit and choisin James Cuthbert of Dreackyes, Johne Forbes, fiar of Culloiddin, James Ros of Merkinsche, William Neilsone, Donald Tailzeor, and Johne Stewart, or, in absence of Johne Stewart, Alex Cuthbert, as examineris and auditoris of all maner of comptes, stentes or debtes awand be qt sumever maner of person, with power to thame to convene and call befoir thame all maner of persones that ar awand the saidis stentes or debtes, or that hes the samen in thair handes, and that the saidis auditoris and examineris of the forsaidis comptes produce thair dilligence against Thursday nixt, being the nixt Consell day: Quhair-vpone act.

12 June The Consell tacking to thair consideratioune the manifold prejudices they haif and do susteine this long tyme by the want of ane Commissioner to represent and remonstr thair severall burdinges, sufferinges and loss which they haif susteined this zeir by sea . . . tacking of thair shipes by pirrattes, and by the garisone now lyeing and quartered in this brucht almost now be the space of ane zeire or three quarteres at the
leist, to the estates of this Kingdom, for remeiding and redressing quhairof they haif agreid and concluded that ane able man be presentlie choisin to be ane Commissioner to be presentlie employed to be sent south to the effect abouewritten, and finding George Lesly, Shereff Clerk of Innernes, ane fitt and able man for the employment, the Consell all in ane voice haif elected, nominat and choisin the said George their Commissioner to goe presentlie south to this effect, ordaineing him to be recommended with ane lettre of recommendation to the Estates, with certane articles to be gevin him in wriett. be the Consell; and, to beare his chairges dureing the tyme of his imployment in the townes affaires, ordaines the sowme of ane hundreth pundes money to be presentlie gevin to him: Quhairvpone act.

That day the Consell tacking to consideratioune that now be the space of tua zeiris bypast Mr. Duncan McCulloche, minister serveing the Iyrsche chaing at the Kirk of Innernes, hes not receaved peyment of his zeirlie stipend of four hundreth merkis, they all in ane voice haif agreid and condisceded that the said Mr. Duncane McCulloche be dewlie and tymlie satisfied thereof, and, to the effect that the samen may be done the better, the Consell ordaines that the samen be stented and purposed be ane Committie of the persones vnderwrittin vpone such as peysis nothing to the Ministers of Innernes, and vpone such vther persones as they sall think fitt to be stented vpone according to their power and meanis, they ar to say, James Cuthbert of Dreackis, James Ros of Merkinsche, Alexander Cuthbert, William Paterson, merchand, John Stewart, Alexander Dunbar, William Neilsone, with power to the said number to impose and stent the said sowme in maner abouewritten according to their conscience and knowledge, ordaineing the saidis persones to meit the . . . . . ane stent roll thairvpone: Quhair- vpone act.

That day the Consell all in ane voice haif elected, nominat and choisin George Lesley, Shereff Clerke, as Commissioner for the toune to goe South in their affaris to the Conventioune of Borrowis appoynted to meit at the first day of November nixt, mainlie for altering the stent roll.
1646 24 June

That day the Conventioone of the Consell abouewrittin being convened for doing and for sicing to the publict affaires of the towne, and haveing at length considered the great loss, varneing, and sufferinges susteined be the nighboures and inhabitantes of the towne of Innernes, dureing the tyme of the troubles, for ther constancie and affectioune to the publict caus, and now haveing resolved to represent their meanes stait and condtioune to the estaites of the Kingdome, all in ane voice have nominat, elected and chosin Mr. Walter Ros, burges of the said brucht, thair Commissioner to goe south in this imployment, thair to represent thair articles and grivances as they will be sett doun at lenth in wretit, to the saides estaites, and ordaines and allowes that the sowme of thrie hundredth merkis money be deliyvered and givin to the said Mr. Walter to beare his chairges and expenss; and to remaine in this chairge of ane Commissioner ay and quhill he gett our nixt articles and grivances helped and remedied by the saides estaites, at leist ay and quhill the sowme abouewrittin be spent and exhausted be him in ane competent way, alloweing to him dayli furth of the said sowme dureing his aboid in the townes affaires and imployment the sowme of Liii ss. 4 d., and the first day of his expenss to be and begin vpone the tuantie sevint day of Juin instant; and if it sall happin the said Commissioner to reteir home, haveing gottin his affaires dond befoir the sowme be exhausted and spent according to Liii ss. 4 d. allowance a day, in that caiice he obliiss him to refound the superplus back to the towne efter his homecomeing; and if it sall happin the said Mr. Walter to stay longer in the townes affaires, he allowees being obliist to doe his exact dilligence in all thinges according to ane faithfull Commissioner, or [before] the said sowme is spent, the towne and Consell hereby obliiss thame to make vp his chairges and debursment according to the allowance aboue writtin:

Quhair vpone act.

21 Sept. That day ane supplicatioune belongeing to Mr. Walter Ros being presented to the Consell be David Cuthbert, Clerk, in his name and at his awin desyre, togedder with the haill peperes and dilligence wsed be him as Commissioner for the towne in his last imployment, and hauing hard the bill with the peperes presented, and finding that the same wer satisfactorie, and that Mr. Walter wes not present to answer to such thinges for his miscariage as culd be layed to his chairge, continues
forder insisting with the peperes quhill Maister Walter his Pror., and in the meane the Consell ordaines the said Mr. Walter to be cited ather personallie or at his duelling place to compeir befoir the Consell the sext day of October nixt, to cum thair to heir and sie his peperes tryed and examined and the trust put in him as thair faithfull Commissioner put to aue tryall to the effect he may receave approbatioune according to his deserving, and that he be warned to the effect forsaid, with certificioun, if he compeir not the said day, the Consell will proced conforme to the peperes alreddie gevin be him: Quhairvpone act.

That day Maister Walter Ros being convened and challanged befoir the Consell tuching his carriage and behaviour as Commissioner for the toune in the lait imployment put on him be the Consell annent the representing of the tounes loss, grievances and sufferinges throche thair adhearance and standing to the good caus to the estaites of this Kingdome, and efter that the said Maister Walter his haill peperes and procedinges befoir the estaites wer sighted, examined and perused be the said Conventioune of the Consell, they all, efter mature deliberatioune tackin with the said Mr. Walteris haill peperis presented and all that he culd aid or anser thairvnto be word, find that the said Mr. Walter hes not dischairgd the office and dewtie of ane trustie and dilligent Commissioner in this his imployment, and particularlie in the faultes and escapes following as manie poyntes remarked be the Consell: First, for his condiscendence as commissioner for the toune with Robert Hoome, late Governor of the said brucht, and that by wreit without giving first knowledge or notice thairof to the Consell; Seconnding, for his home coming sua abruptlie from this imployment wnto such tyme as he gat the affaires intrusted to him to ane better perfectioune, at the least his articles and demandes ansered be the estaites, and foralsmuch as the toune be thair act of Consell did obleis him to satisfie him ane dollor ilk day for ilk day he suld remaine in the toune's imployment; and Thirdly, for nominating of Williame Robertsone particularlie to the estaites, by [besides] all wther deserteris of the toune, without the Consellis consent. For theis transgressiounes, and wther oversigthees committed be the said Mr. Walter Ros in his lait imployment as Commissioner befoir the estaites, the Consell findes the said Mr. Walter worthie of censur and punishment, and thairfoir and for his escapes in this matter the Consell

1646
21 Sept.

6 Oct.
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1646 fynes and censures the said Mr. Walter in the sowme of ane hundreth
6 Oct. merkis money, to be peyd to pious ves, and that he com in the
presens of the hail Consell and thair confess his error and crave thame
all pardoune: Quhairvpone act.

12 Oct. That day David Robertsone with James Abram and Johne
Robertson ar appoynted andchosin be the Consell to collect and
vplift the remanent of that stent quhilk hes beine stentit for repara-
tioune of the brige, and the saidis persones ar ordainit to give in exact
dilligence thairanent against this day aucht dayes, that is payement,
wairding, or poynding of the disobeyares, and, if exact dilligence be not
produced against the said day, the said David Robertsone with his awin
consent is content to be anserable for the haili roll.

The Consell findis that Johne Marqueis is awand ten pund money
for the Anchorage, quhilk he obliiss his to satisfie befoir Martlymes
nixt vnnder the failzie of ten merkis.

Lykas the Consell all in ane voice settes and laittes to the said
Marcus the said Anchorage and dewes thairof for the haili space of ane
zeire, viz.: fra Michelmes 1646 to Michelmes 1647 zeires, with power to
the said Johne to vplift and receave the dewties vnnder writtin furth of
the said Anchorage, viz.: from ilk ship comeing within the harbor or
dock of Innermes carieing tua top mastes, the sowme of xx ss.; and for
ilk ship or barke carieing ane top mast xiii s. 4 d.; and out of ilk boott
that caries frauchtes iij ss.; for the quhilk tack and sett the said Johne
faithfullie obliiss his to pay and delwyver to the toune or thair thesaurer
in thair name the sowme of tuanti pundis money to be peyd at
Witsonday and Michelmes proportionallie.

1647 That day the Consell tackin to consideratioune whow both the Par.
14 June [liament] and the Leutenant Generall by thair ordor hes givin and grantit
the power of quartering the souldiers and officiaries of the garisone in
the toune hand, and finding that throche want of dew quartering meny
inhabitantes have sufferit great preuidice this tyme bygane; thairfoir and
to the effect the quarteris may be maid in ane iust and proportionable
way, and that non be overburdined more than ane vther according to
thair power, the Consell hes ordained Robert Monro for the Overgait,
Andro McBeane for the Eist gait, Robert Ros for the Kirk gait, and
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William Neilson for the Brig gait and be west the water, to joyne as accessoris with the present Magistrates to mak ane perfyt roll of the quarteres quhairby officiaries and souldrioris may be accommodat and placed as they sall think expedient, and that they quarter the number appoyntit be the Leuitenant Generallis ordor, and no more; and efter the roll is maid and perfyttit that the samen be gewin out under the Magistrates and Accessoris handis.

The Consell taiking to consideratioune whow that thir many zeires bygane it hath beine flencd and neglectit to find out ane way whow the Magistrates and toune consell suld be accommodat with ane sufficient dask in the Kirke, and now haveing at lenth found out the way whow ane dask may be haid, the Consell all in ane voice haue statut and ordainit that the Magistrates agrie with ane sufficient craftsman, and that the dask be maid and set up in the best way it can be dewysit in that place whair the loft is aboune the Skinneres Dask.

That day Johne Forbes, present Provost, Mr. Walter Ros, Johne Polsonc, present Baillies, and Thomas Waus quha wes apoynted with wmrquhill James Robertsone, the four collectoris quha wer nominat be the Consell for vplifting of that stent of ane thowsand pundis money for satisfieing tua zeiris of the ordinar taxatioune extending to ane thowsand merkis, and fyve hundreth merkis to Castellhill for payment of ane pairt of that sowme promistit to him for the payment of that gleib and manse coft from him for the vse of ane secound Minister, being convened for mak compt and peymcnt, ilk ane of thame according to their intro-mission with the said stent, the saidis persones exonerit thameselves as followes: in the first, the said Johne Forbes, Collector of the Brigend and bewest the water, be his roll is found comptable for the sowme of tua hundreth seventie tua pundis, quhairof peyit to Thomas Ros of Pristhill, Collector of the Kings taxatioune, ane hundreth foure scoir pundis; mair found dewtie restand to himselfv for his attendance at Par. and Conventioun of Borrowes in the zeire 1643, ane hundreth threttie sevne pund 3 ss. 4 d.; and as zit resting wncollected by the persones vnder writtin, to wit, be Alexander Tailzeor vij lib., be Francis Bischop xl ss., be William Baillie, zouner, liij s. 4 d., be Thomas Fraser Jamesone xl ss., be Jeane Caskin xvi ss., be Andro Hossack liii s. 4 d., and be Donald McComas xxiiij s., makeing in the haill xviiij lib. vi s. viii d.; togedder

1647 14 June

30 Aug.
with the sowme of v lib. xiii s. 4 d. gevin doune to persons considerit; all
makeand in the haill the sowme of ii cs. iij xii lib., quhilk is the equall of
his stent.

Lykeas Johne Polsone being convened as Collector of the Eist gait
his chaire is found to be iij xici jij viii lib. 13 s. 4 d., quhairof gevin to the
said Thomas Ros i cs. xlvi lib. 13 s. 4 d.; Lykeas he presentlie delyrit in
the Consell to be givin Castlehill nynteine pundis: So restes vntackin up
be Adame Flescher and vtheris that wer considerit of his quarter iij lib.

Mr. Walter Ros, ane vther of the saidis Collectoris, being convenit
his chaire of the Kirkstreit is found to be iij iij iij xij xxvii lib. 13 s. 4 d., and
delyverit be him presentlie to be givin Castelhill iij xiv. lib. vii s. 4 d.

Lykeas he gives vp restand as zit be the debtoris underwrittin, viz.
be Findley Skinner iij lib., be Gilbert Marnach xxiiiij s., be William Dow
x1 ss., be the Laird of Streichines Land iiiij lib., be Donald McCormik
x1 ss., be Allister More xxiij s., be Margaret Cumming x1 s., extending
to xvi lib. viii s., Quhilk in all compleites his stent.

Sicklyke be the roll of the Domisdaill Streit Umquhill James
Robertson, Collector thatrof, is found comptable for the sowme of ij cs.
x1 lib. xvi s. viij d., quhairof gevin to the said Thomas Ros iij xii lib.
vi s. viii d., mair delyurit which did ly consignit thrie scoir pundis,
quhilk wes presentlie delyverit to be givin Castelhill, mair gevin up
upone debtoris zeit resting, viz., be Donald McFerquhar 13 s. 4 d., be
Johne Sinclair xxiiij s., be William Robertson Johnesone xx s., be
Johne Munro, Wricht 24 s., be Patrick Strachanes land 24 s., be Thomas
Gardens land 24 s., be McFergus land 24 s., be Donald More McPhersone
24 s., be William Urhaird 13 s. 4 d., quhilk extendis to ix lib. vi s. 8 d., by
the which debursment the defunct Collector is found dewlie restand
xxij lib.; with the quhilk abouewrittin comptes and reckininges
abouewrittin full maid be the saidis Collectoris, the Counsell being ryplie
and weill adwysit thairwith, they all exoner and dischairge the saidis
Collectors of thair intromissionis with the said stent, reservand power
and libertie to the toune of Innernes to uplift such sowmes as they have
givin up restand be the persons contenit in the roll that have not peyit
their stent; and sicklyke reservand power to the toune to exact the said
sowme of xxxiiij lib. x s. resting zit be the said wmquhill James Robert-
sone: Quhairvpone the saidis Collectoris requerit act.
The Consell settes the anchorage and schoir silver to Donald Foullar, merchand, for the haill space of ane zeire, viz:—fra Michelmanis 1647 to Michelmanis nixt to cum 1648 zeires, and that in maner as the said Johne Marqueis last taksmann thairof possessit the samien, for the quhilik the said Donald, as principall, and Alexander Barbor, cautioner for him faithfullie bindis and obligis thame conyointlie and seuerallie to content, pey, and delyver to the toune the sowme of tuantie pundis money, the halff at Witsunday, and the vther halff at Michelmanis thairerfter, lykeas the said Donald obligis him over and aboue the peyment of the said dewtie to sett and put up thrie severall tries or beakines, ane att Cairnearke, ane vther at the Broome Buss, and the third a lyttle vnder Markinsche Hous, and sicklyk sall furnisch and put in the ground sick schoir tries as sall be found requisit for keiping fast shipes, barkis, and boattis that sall happin to arryve at the port and harbour: Quhairvpone act.

The Consell findis it expedient that such merchandis of the toune as ar concerned in peyment of excyse for in or exported guidis and merchandis according to the table of excyse suld be spockin with annent quhat satisfactioune they will give the toune for the excyse of all guidis they have sold since the begining of the order of excyse; and to this effect the Consell nominattis the present Provest, James Ros, and Alexander Cuthbert to be the persones quha sall trait with the merchandis heirannet, and they to report the merchandis anser this day aucht to the Consell.

The Consell ordaines William Crombie, Johne Grant, Gilbert Robertsone of Kindeis, and Jonat Robertsone, Donald Foullaris relict, to be chairgit as deserteris fra the toune in the tym of the last troubillis.

The Consell givis the imploymont of chairging the deserteris to compeir befoir the Committie of Estaites to Alexander McPhersone, messenger, lykeas also they give the imploymont of the chairging of Rosmarke and Channorie folkis to the said Alexander, and ordaines tuantie pundis money to be givin him for his payment out of the exyse money: Quhairvpone act.

The Consell ordaines the Collectoris of the first sex monethes mantinance and of Mr. Duncane McCulloches stipend to exhibit and
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1647 present their comptes of the said stent to the Consell this day aucht
29 Nov. dayes to the effect it may be seine who hes peyit or not, and whow the
moneyis collected wes debursit; the Collectoris names, David Robert-
sone for the Brigait, William Neilson for bewest the water, Robert
Chapman for the Eistgate, George Cuming for Doomsdaill, and Thomas
Waus for the Kirk Streit.

27 Dec. That day George McCulloche, burges of Innernes, for giveing full
obedience to the Consell in the way of residence and aboid in towne for
tymes to cum, the said George is heirby cum actit and oblist in the
Consell buikis of Innernes that he with his wyff and familie sail make his
residence within the toune for all tyme cuming conforme to the meaneing
of the act of restraint grantit be the estaiteis to the toune for restraineing
thair nichboris to remove dureing thair pleasour; lykeas he faithfullie
bindis and obleiss him that he nor his wyff or familie sail desert out of
toune in no tyme cuming conforme to the said act, and that under the
paynes thairin conteinit, with this qualitie that the said George be
nawayes stoped or hinderit to goe about his lauchfull affairs in the
cuntrie and abroid as occasionne sail offer, he makeing always the toune
of Innernes his reteiring place and place of aboid: In signe heirof he hes
subt this present act with his hand.

George McCulloch.

29 Dec. That day compeirit Donald Findleysone, merchant burges of Inner-
es, and willinglie submittit himself to the censur and decreit of the
Magistrates and Conselloris presentlie convened for anything can be
imput to him be the toune for his desertioune and withdrawing of
himself from the societie in the tyme of the lait troubles, and the saidis
Magistrates and Conselloris being advysit with the nature and qualitie
of his fault, they fyne and unlaw the said Donald for his said desertioune
in the sowne of fourtie merkis money; Lykeas they ordaine the said
Donald to enact himself that he sail never desert the toune in tyme
cuming wnder the paynes conteined in the ordo of the estaiteis granted
to the toune to this effect, and ordaines the said Donald to remaine in
waird quhill he obtemper the premisse: Quhairvpone act

1648 The Consell tacking to consideratioune Dauid Cuthbert, thair Clerk,
17 Jan. his daylie attendance and waiting on all meitinges qn. the town hes ado,
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and what lytle profeit redoundis to him thairby, they all in ane voice thairfoir allow and ordaine the sowme of ane hundreth merkis money to be presentlie deleyrit and givin to the said Davi suld of the reddiest moneys ar alreddie collected of the exyse, quhilk sowme the Provost hes undertackin to delyver of John Grant his exyse and desertioune money: Quhairvpone act.

The Conselloris aboue nameit haveing tackin to consideratioune whow that be vertew of Lettres of Captioune raisit at the instance of James Ros of Merkinsche contrar William Cuming, eldste sone to Alexander Cuming, burges of the said Brughe, Robert Ros and Alexander Cuthbert, tua of the baillies of the said Brughe, wer chairgit be Alexander McPhersone, messenger, to take and apprehend the said William, and to deteine him in waird wntill such tyme as he suld make payment to the said James Ros of such sowmes of money as ar contenit in the saidis Lettres, and whow that in obeidience of the said chairge the saidis baillies apprehendit the said William and causit thair Jeweler put him in the surest waird the townе culd command, and he haveing remaineit thairin be the space of aucht weikis or thairby more, the said William in end maid his escaipe and brak waird by stricking wp of the lofting of the inner counsell hous quhair he wes wairdit for the tyme and come out throw the said loft, and theirefter by cuting of the wther doore with sum instrument or vther of the said Counsell hous, and by breacking wp the lockes of the tolbuith doore, the said William maid his escaip as said is; And the Counsell haveing seine the hail maner of the said William his away goeing, and being werei sensible that he maid not his escaip any way throch the sleuth or neglect of thair baillies quha apprehendit, nor of the rest of the Magistrates quha ar thair ajunctis and presentlie in office with thame, bot in the hous defaulit and throch the wsufficiencie of it, and that in all equitie thay and ilk ane of thame aucht and suld be free of all danger or prejudice may follow or can result wpone the said William Cuminges escaip; Thairfoir the convention of the Counsell aboue nameit all in ane voicé be thir presentis bindis and oblesisses thame and thair successoris in office, that they sall defend and manteine the present Magistrates, to wit, Jon Forbes, Prouest, Robert Baillie, Robert Ros, Alexander Cuthbert, and Jon Stewart, baillies, and ilk ane of thame, of all parrell, danger, and inconvenient that they or any
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1648 of thame can susteine as being present Magistrates of the said brught
12 Feb. throch the said William Cuminges escap and brek of waird; And that
they sall defend joynitlie wpone the townes chairges all actioune and
instance that sall happen to be moveit or intentit be the said James Ros
or any wther in his name for makeing the saidis Magistrates or towne
comptable to him for the debt the said William wes wairdit for:
Quhairvpon the said Prouest and baillies requeyrit act.

3 April The Counsell finding the decay of the wychous of the brughe to be
a great prejudice to the common wealth thairof, and that the samen hes
lyin idle throch meir schleuch this whyle bygone, for re-establishing thairof
they ordaine John McBeane, lait maister thairof, to enter thairto as the
townis servande for a fournticht quhill he be adwysed quhat to offer for
the samen to the towne be zeire, and ordaines him to exact for ilk staine's
weway of inbrocht guidis, such as staple wair, four pennies, and for all
wther hamhald geir sex pennies, and the pryces to be satisfeit be him
quha sall requeir the service, and that the said John be comptable to the
towne for his intromissione; to the quhilk premiss the said John
willinglie agreit and condiscendit: Quhairvpon act.

For ane begining to the building of ane harbor at the dock of
Inneres, it is ordained that fourtie pundis money be delyrit be Alexander
Dunbar of the excye moneyis to John Stewart, ane of the present
baillies, to be givin to souldeiros and vther craftismen for wurking at the
said worke, and ordaines Robert Baillie, Alexander Cuthbert, and the
said John Stewart to have ane speciall and overseing cair of the worke,
and hes adjoynd to thame Donal Foullar, William Baillie, youngar, John
Abram, and Jon Conchie to be assisting to thame.

The schoir dewties of the brughe is sett to Donald Foullar, burges
of the said brughe, to Michelles nixt, with power to him to wplift and
exact sic dewtie and schoir money of the leigis as is usall and custom-
able in wther borrowes, and the said Donald to be comptable to the
towne for his haill recept, and to make compt thairof wpone his fidelitie,
to the effect the samen may be furth cumand to the towne's use; Quhilk
the said Donald willinglie undertuik, being personallie present, and
promest faithfullie to vse his exact dilligence in collecting and uplifting
the said dewtie: Quhairvpon act.
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In respect that the towne is now wrgit to receave a garisone of the Erle of Murrayes, and that quhill a way of mantinance be provydit for that garisone be the Estaites or be the said Erle of Murray, the towne is willing to give thame interteinment, thairfoir and to the effect this may be done in a proportionable way they think fit and expedient that the sowme of [blank] be presentlie stentit wpone the towne to be advancit wpone securitie to Collonell Home, who hes the present chairge of the garisone, to the effect he may distribut the samen hismell to the souldioris, wpone this conditioune that the said Collonell give his awin band for repeymet of the sowme betuixt and Mertymes nixt: and for stenting of the said sowme the Counsell hes nominat and chosin the persones following, Robert Baillie, Robert Ros, Alexander Cuthbirt, thrie Baillies, James Ros, Jon Polsone, Alex Dunbar, and Dauid Robertson, four counselloris, with power to them to stent the samen faithfullie and trewlie wpone ewerie man according to his power and abilitie, and to make ane stent roll thairwpone, and to nominat Collectoris for vplifting thairof, with this conditioune that whatever sowme is stentit and peyed be any inhabitant at this tyme salbe ather refoundit to him in money or wtherways allowit to thame in first end of thair mantinance.

That day the merchandis and wtheris of the Gildrie of the brut. of Innernes haveing givin to the Counsell thair Petitioune and suppli- catioune craveing, according to the laudable custome of wther Royall borrowes, that the ordor of ane Deane of Gild be sett up within this brut. also, and that ane able man be nominat and chosin to the effect to reull for this yeire; the Counsell haveing tackin in consideratioun the desyre of the said petitioune, they all in ane voice without any contradictioune find the desyre of the foresaid supplicatione most iust and reasonable, and thairfoir think fit that the Judicatorie of the Gilderie for a florishing comonwealth be raised wp and re-establishit in this brut. againe and that ane able and sufficient man of the merchandis be chosin as Deane of Gild to exercice this office for the zeire, he alwayes being subiect for his carriage and behaviour in the said office to the grand Counsell of the brut.; and thairfoir the Counsell all in ane voice have electit, nominat and chosin Johne Polsone, merchand burges of the said brut., Deane of Gild for this zeire, with power to him to exercice the said office with als great power and authoritie as any wther Deane of Gild within any wther
Royall brut. of this Kingdome, he always being comptable to the
Counsell for his actioune and proceedinges, with power to him to choyse
any four of the Counsell he pleis\(^s\) to joyne alwayes with him for
administering of justice, and to holde office and continew Deane of Gild
Courtis to that effect als oft as he thinks fit; lykeas the said Polsone
willinglie acceptit the office and did solempnelie sweir to exercer the
samcn faithfullie according to his conscience and knowledge: Quhair-
wpone act.

The quhilk day Jon Willsone, George Ruthven, and Patrik Ruth-
ven, merchandis and burgess\(^s\) of Dundie, being convened and accusit be
Alexander Barbour and Alexander McPhersone, Procurators Fiscallis
of the brut. of Innernes, for wronging the liberties of this brut., for
keiping opin buithes thairin, and selling be small and great furth
thairof at thair pleasour, and for breking bulk at several places on this
syde of Tarbat Ness with thair barkis and shipis without the first offer
maid to the gildrie of the brught according to thair ancient and un-
questionit privilege, the said Johne Willsone confess his error in keiping
buithis and cellaris in the toune by selling furth thairof to frie men of
the brught, and for his oversicht thairanent becomes in the Counsells will
and voluntarlie and of his awin accord maid offer to the Counsell of
tuantie fyve corss dolloris for his fault and inlaw, quhill the Counsell
acceptit. George and Patrick Ruthvens each of thame confess that they
lowered barkis loadinges at Tayne, Dinguall, and Cromartie without any
offer maid to the toune, as being ignorant of the toune's privilege anent
breking of bulk without the first offer maid to thame, for the quhilk fault
they both becomes in the Counsells will, and thairfoir willinglie maid offer
to the Counsell ilk ane of thame of tuantie corss dolloris to be bestowit
on common workis. [The offers were accepted.]

The quhilk day the Counsell haveing tackin in consideratioun whow
that be particular instructiones at the present Provestes last being in the
South they did warrand him to treat with Johne Kennedie, Provest of
Aire, anent the supperplus of tua hunder pand stirling grantit to the
toune be the Estateis, quhairof formarlie thair wes sexteine hundreth
merkes extent, and whow at that tyme they ordered the said Johne
Forbes, Provest, to compone and agrie with the said Provest of Aire in

23 Oct.
als fair a way as he culd, and to doe thairin as he thocht best and maist conduceing for the weill of the toune; for cleiring the poynt the said Johne Forbes, Provost, declarit in Counsell upone his honour and credit that all he obteinit of the supperplus of the foirsaid sowme, after long paynes tackin be him, from the said Johne Kennedy wes simpie aucht hundreth merkis, for the quhilk he did quiet all the rest, quhilk sowme he haid in his custodie redde to be delivrit, the Counsell alloweing to him in first pairt peyment such sowmes as ar dewlie restig to him be the Counsell in thair formar imploymentis extending to the sowme of four hundreth and fourtie merkis; with the quhilk and with all the said Johne Forbes, Provost hes done in obteining the said aucht hundreth merkis they ar weill pleased, and allowes and approves all that he hes done thairanent, and thairfoir allocattis and allowes to him in first pairt peyment the foirsaid sowme of four hundreth and fourtie merkis, so that he is onlie lyable and comptable to the Counsall for the sowme of thrie hunder and thrie scoir merkis money.

The Counsell ordaines tua of the Baillies, with John Polson and Alexander Grant, to reweis the stent roll of the thowsand merkis quhilk wes stentit for repairing the kirk stiple, quhilk roll lyes in Dauid Cuthbertis handis, and they to report thair dilligence thairanent to the nixt meiting of the Counsell.

The Counsell ordaines in obeydience to the chaireg givin to thame that the sowme of ane thowsand pundis money quhilk is that pairt of the sowme of tua thowsand pundis appoyntit to be upliftit from the toune and landward for building ane new Kirke for the Iryshe chaireg be stentit wpone the toune and territorie thairof, and for stenting the said sowme the Counsell hes nominat and chosin James Ros of Merkinsche, Johne Polson, William Cuthbert, Johne Stewart, Johne Hepburne, Alexander Patersone, Alexander Grant, and Robert Monro, who wer solemnlie and deiplie suorne, for stenting the said sowme in ane right and proportionable maner: Qhairvpone act.

That day compeirit Mr. Robert Forbes and Mr. James Dunbar, and gave wpe thair names to the Towne Counsell for giwing thair tryallis anent thair qualificatiouns and abilitie for dischairging the dewtie and
1649 function of ane scholemaster at the present walking (?) schole of Inverness. The Counsell hes assignit to the saidis Mr. Robert Forbes and Mr. James Dunbar the 17 of August nixt to give tryall of their literatioune and qualificatiounes for the said functione at Inverness befoir thame and the brethrene of this presbitrie, and the man found most able efter tryall to be presentit and preferit to the place; And the Counsell, with adwyse of Mr. William Fraser, one of thair ministeris, hes givin out in leassone to the saidis scolleris the 16 Od of Libri opidum of Horace, the first 16 lynes of that Od to be handled be him the said day of tryall, and that they use ane harrang befoir they handle the leassone, and that the said leassone be handled according to the custome of scolleris usit in the lyke caicis.

17 Aug. The Counsell haveing considerit ane act of Counsell grantit in favour of Mr. Johne Abercrombie, quhairby the towne hes oblidgeit thaimselves and thair successoris to content and pay zeirlie to the said Mr. Johne as a pensioun for being the townes advocat tuantie merkis money, and that now the said pensioun is resting thir sex zeiris bygone, the Counsell ordaines the thesaurar to satisfie the said Mr. Johne the sowme of ane hundereth merkis in contentatioun of all bygones, quhilk sall be allowit him at the makeing of his comptis: Quhairvpon act.

15 Oct. That day the Magistrates aboue writtin, with speciall adwyis and consent of the present Counselloris convened, did sett and latt, and be thir presentis for the dwtie underwrittin, they sett and latt to Johne Hepburne, merchant burges of Inverness, the dwtie and casualitie of anchorage and schoire dwtie of Inverness, and that for the hail space of ane zeir nixt and immediatlie following the said Hepburne his entrie thairto, quhilk is heirby understood and declarit to begin at Michelmess last, in the instant zeir of God Jaj viis fourtie nyne zeiris, and from thence to continew in his persone to Michelmess thairefter, Jaj viis and fyftie zeiris, with full power to the said Johne Hepburne and utheris in his name intrustit with his power to uplift and receave fra the leiges for the said anchorage and schoir dwtie the particular sowmes underwrittin and no forder, viz.: for the anchorage of eache bot comeing with fraucht to the schoir or harbor belonging to strangeris iii s. 4 d.; for ilk bark or schip with on topmast xiii s. 4 d.; for ilk schip with tua topmastis xx s.;
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and for each last of goodis, or last bulk importit or transportit in any schip, craer or uther wessell from strangeris not burgess or inhabitantis of Innernes, for schoir dewtie vi s. 8 d., and for each chalder wictuall be strangeris vi s. viii d.; townesmen and burgess of this brought to pey the halff, to wit, iii ss. 4 d., and, if need be, with power to the said John Hepburne to poynsd and distreinzie for the saidis sowmes: For the quhilk tack and sett aboue wrytin the said John Hepburne as principal, and William Baillie, youngar, as cautionar for him, be thir presentis ar becum bound and oblist conjunctlie and sckerallie and thair aires to content pey and delyver to the said Prowest, Baillies and Counsell or thair thesaurer the sowme of aucht scoir sewin merkis usuall money of this realme, and that proportionallie as followes, viz.:—the nixt halff thairof at the feast and terme of Witsoneday Jaj vi and fyftie zeiris, and the wther halff at Michelmes thairefter, under the failzie of xx lib. for ilk terme; lykas the said John Hepburne obles him to releve his cautioner at all hand; lykas they both haue subscrivit thir presentis as followes: Qhairypone ather pairtie tuik act.

Johne Hepburne
William Baillie, cawtioner.

The Counsell having hard and considerit ane bill givin to thame be Mr. Robert Forbes, skoole maister at the grammer skoole, craveing his by gone stipend to be satisfit him, and that the towne wold be pleased in regard of the scairetie of the zeire to augment his stipend: For the first pairt the Counsell ordaines the thesaurer, Donald Foullar, to satisfie the petitioner since his entrie to the first of Mai nixt, being tua quarteris, and for the secound the Counsell hes augmentit the said Mr. Robert's stipend for this first zeire in ten pundis more nor he haid befoir: Qhairypone act.

That day the saidis Prouest, baillies and counsell, for causs seimig good to thame, dischairges the act of Counsell formarlie in favoris of Mr. Johne Abercrombie, advocat, for the pensioun of tuantie merkis zeirlie, and ordaines the samen act to be null and of noe force contrar the towne to thair prejudice in any tyme cuming: Qhairypone act.

*Craar or Crear, a small one-masted vessel.*

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The Counsell ordaines for the better dispatch of business that tua monethis mantinance be tackin out of the reddiest moneyis of the excuse of this brughe wintill the mantinance of the brughe be stentit and collectit, and the saidis tua monethis mantinance to be delyrit to the Committie of ware of the Schyre to reck out thair commissioner to the Parliament, and whow soon the townes mantinance is collected the Counsell ordainis the saidis tua monethis mantinance to be givin in againe for makeing wp the excuse: Quhairvpone act.

Mr. Alexander Dunbar being found qualifiet to dischairge the dewtie of ane schole maister, enterit to the functioun of ane maister of schole at the gramer schole of Innernes the forsaid day, and the Counsell promiss him the lyke stipend his predicessor, Mr. Robert Forbes gott.

The Counsell nominattis and appoyntes the four Baillies, with Robert Ros, Johne Stewart, Gilbert Robertsone, Alexander Barbour to proportioune fyftie men wpone town and territorie as being thair proportioune of the present leavie for recruiting the armie, to the effect the said numberis may be presentlie set afoot and put vnder the command of towne officiaris and sent to the generall randivouze of the Kingdome.

The Counsell ordainis the four Baillies, with the assistance and advyse of Robert Ros, Dauid Robertsone, Alexander Barbour and Gilbert Robertsone, to list and inroll all the fensible men in towne and territorie, and to produce a diligence thairanent to the Counsell tomorrow.

The Counsell hes tackin thame to advyse whome they sall make choyse of to be Captaine over the Companie, is resolvit be thame to be put furth to the armie, and for listing the men that sall be found most able and neass to goe in the service, the Counsell nominattis to this effect the four Baillies, Robert Ros, and Gilbert Robertsone, and they to give in thair diligence against monenday nixt.

The Counsell all in ane voice, according to the recommendatioune sent to thame in favoris of James Forbes, hes nominat and maid choyse of the said James Forbes to be Captaine to lead and command the souldeouris is appoyntit to be put furth in the service be the towne of Innernes, and admittis him to all the benefite and privileges of ane Captaine also frielie as any uther in the armie.
That day the Prouest presentit in presens of the Conventioun abouewrittin the Kingis majesties lettre, quhairby he craves the advance-ment of tua hundreth pund stirling from the towne of Innernes.

The Counsell ordaines all theis wha haue hors within this brought to lead ane fraucht of staine and sand to calsay the schoole wyne, and ordaines ane bank to pas to that effect.

That day the Magistrates and Counselloris of the said brughe being convened for receaving the dilligence of Donald Foullar wha wes last imploied from this brughe as commissioner to go to the meiting of Dalkaith to act in vice of John Forbes wha wes lait commissioner at the said place for the said brughe, all thinges recommendit to his trust according to the instructiones'givin him to that effect; and the saidis Magistrates and Counselloris, haveinge receavet full satisfactioune from the said Commissioner and ane full accompt of all thinges intrustit and recommendit to him, and for proveinge thairof producit ane lairge wreiting in parchment, sub¹ be four of the commissioneris of the Parlia-ment of the Commonwealth of England for ordering and mannadgeing affaires in Scotland, schoweing that the said Donald as deputie of the said brughe of Innernes haid accepted of the Tender of the Parliamont of the Commonwealth of England, and thairfoir did authorise the nicht-bouris and inhabitantes of the towne and brughe of Innernes accordinge to thair formar rites and customes from tym to tym to nominate and choyse thair Magistrates and officiaries for the governement of the said towne and brughe and liberties thairof till farther order, which Magis-trates and officiaries from tym to tym ar thairby constitute to proced in the executioun of thair severall trustis accordinge as hath beine used and accustomed, vnder the provisionnes contenied in the said wreiting, and that oathe conteniet thairin be administrd to thame by such as ar appoyntit to that effect as the said wreitinge conteninge severall vther deuties ordered to be followed and performed, of dait at Dalkaith the 20th day of Merch last.

Producit lykewayes ane paper sub¹ be the saidis commissioneres of England declairinge that the abouewrittin brughe is tackin in the speciell protection of the Parliament of England, and thairfoir, strictly requeir all officiaries and souldioris, as all vther persones that sall haue
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1652 occasioun to travaill in the said brughe or converse with any of the inhabitantes of the same, that they offer no violence or injurie wnto the persones or goods of any of the inhabitantes of the same, nor take anything from thame vpone any pretext quhatsumewer without satisfaction givin, as the said paper, conteininge diverse vtheris particularis, of dait at Dalkaith the said 20th of Merch last, at lenth beares; quhilk wreitinge and paper the said Donald Foullar declared to be ane uniforme and common custome throout the haill brughes of this natioune and is the onlie platforme followed and to be followed throuthout all.

The saidis Magistrates and Counselloris efter deliverance approved the said Donald Foullar his haill proceedinges at the said meetinge, and that because this paperis ar relative to the vther paperis sent to wther brughes, and declared that the said Donald hes done ane honest dewtie in all things recommendit to his trust: Qhairypone act.

8 Nov. It is statute and ordained be the saides Provost, Baillies and Counsell that each Mononday in this inschecoming year be keipit constantlie as ane Counsell Day for consulting or doeing and regulating the brughes affaris, and sicing thair hes beine great sleuth and slacknes in sum men anent thair coming to Counsell dayes, It is ordained that ilk Counsellor keip the said Monondayes meiting precisie be aucht in the morneing, and that non be absent efter the bell is rung out and the roll of the Counselloris nams called, under the Payne of peying xii ss. vnforgivin: Lykeas it is ordained that the Counselloris meit wpon wther extra-ordinarie occasiounes, being lauchfullie warned be a tounes officiar, without theye have a lauchful excuis for thair not coming, which theye sall mak knowin to the Counsell: Qhairypone act.

1653 That day compeirit in Counsell Alexander Cuithbert, lait baillie and present Deane of Gild, of the said brught, and gave in the complaint and supplicatione following, quhairof the tennor followes: The humble supplicatione of Alexander Cuithbert, present Dean of Gild of the brught of Invernes, to the Magistrates and Counselloris of the samien brught, Sheweth that quhair your Honoris accordinge to the laudable custome of the wther Royall burrowes have beine verie cairfull for the advancement of the proffit of the common wealth of this place, to set on foot the
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office and jurisdicitione of ane Dean of Gild as a meaine verie use-
full and reasonabill for promoweing the common good of this brught,
which your Honouris all studied verie much the furtherance of, qwhich
office and jurisdicitione of ane Deane of Gild hes boine exerced and
caried on in this place verie legallie and civillie thir aucht or nyne zeiris
but intermissione or interuptioune, and that your Honouris find the
course not onlie laudable bot also profitable to the place, you wer pleased
to continew the samen unalterit as zit; Lykeas zor Ho's (instead of a
better and more able) wes pleased to nominate and make choyse of me
Judge in that office for this zeire, which I haue cairfullie studied to goe
about with alse gret cair and fideletie as I culd, and haveing laitlie in a
Deane of Gild Court, with the present Magistrates and many of the
present Counselloris consent, pronunciit decreit contrar Charles McLeane,
burges of this Brught, at the instance of severall nichboris, particularlie
at the instance of George Cuthbert, merchand burges of this brught, the
said Charles in obegeience thairof peyit all theis nichbouris except the
said George, wha vpone his not ressaueing satisfactioune did signifie and
make knowin the busines to me as Deane of Gild, and desyrit that he
micht have the benefet of the law, and that I wold give ordor to put his
decreit in executione contrar the recusant Charles McLeane; Quhair-
unto I did willinglie agrie, and that becaus his desyre wes groundit vpone
equittie; Lykeas I gave ordor to on of the tounes officiare, to wit Charles
McArthur, to pass and arrest the said Charles buith wntill such tyme as
he gave satisfactioune to the partie according to the decreit, which dewtie
the officiar being about, and I myselff oversieinge the samen, the officiar
wes most proudlie and contemptuouslie stoped be Donald Foullar, ane of
the present Baillies, and the said Charles, who cam doune the streit in
ane violent and fierce maner, and threatined and minassed the officiar
and me with many proud and insolent speiches not worthie to be repeitit
in your Honouris eares; but particularlie the said Donald uttered that
the said officiar durst not execut his office notwithstanding any com-
mand givin him, and if he wold offer to do any such thing they wold
tuggle him; which unbeseiming carriage I desyrit micht be forborne by
theis men and suffer the course of justice to have place rather than thair
pennitious wills; instead of giveing obegeience to the course of justice
and yeilding to my just desyre the said Donald uttered that that decreit
suld have no place in laying on any such arrestament, and that vpone
such unreasonable groundis as he proposed to himself, quhiddar richt or wrong; and that it would not be in my power to put the samen to executioune; and in reall sinceritie the busines is carried on in such bangasterie maner that if it be not lookit unto and resentit this office must doun; and for myselff I humblie desyre that, altho your Honouris wold forgett to looke on me as a Judge thus wronged, which I heir humblie lay doun at your seft, yit for your owin subsistances and the honour of the place over whom God hes maid you oversiers, it wer expedient that ye wold take such course with theis proud contempneris of ordor and authoritie, as such barbaritie and uncivillitie be not tollerat, and by that punishment, by being maid examplarie, vtheris may be put in such aw as they dar not attempt the lyke heirefter; and your Honoris answer I humblie crave.

The Counsell haue hard and considerit the complaint abouewrittin, and hauing also hard what Donald Foullar had to speak for himselff in answer thairto, and hauing seriouslie examined the wrong in everie circumstance, they find that Donald Foullar hes opposed the power of the Deane of Gild proudlie without any just ground, and thairfoir the Counsell, for his misdemeinour and uncivill carriage, hath suspendit, and be thir presentis suspendit him, from the office of his being Baillie, and that to the nixt Counsell Day, and forder at the Counsellis pleasour till forder advyse and consideratioune be takin in the busines: Quhairvpone the Counsell hes ordained this act to pas.

1654. The Counsell tacking to consideratioune that Mr. Alexander Dunbar, Mr. of the gramer Schoole, hes dimitted his chairge of the said Schoole in the towne’s hands, the Counsell ordaines Alexander Fraser, sone to Alexander Fraser, litster, to be speikin wnto and agreit with to teache the childrene and attend the chairge of being schoolemaster quhill ane able man be provydit.

The Counsell ordaines Alexander Dunbar and Donald Foullar, tua of the Baillies, to speake Ronald More anent timber for the bridge, and to report a dilligence to the nixt meiting of Counsell.

12 Feb. Alexander Fraser, sone to Alexander Fraser, litster, is admittit be the Counsell to the attendance and teaching of the childrene of the Gramer Schoole for the haill space of a quarter, quhill the Schoole be
better provyded with a more qualifieft man, and the toun permittis to him for his service and attendance for that quarter fourtie merkis Scottis with all vther casualties allowit: Quhairvpone act.

That day David Fouller, burges of Innernes, is becum actit in the Deane of Gild books as cautionar for Kenneth McFindley, chapman in Redcastell, that the said Kenneth sall not brek ward nor remove from the new tolbuith quhairin he is now wairdit wntill such tyme as he goe thairfra by leive of the Deane of Gild of Innernes, and that wnder the payne of thrie hundreth merkis Scottis to be incurrit and susteine be the said David in caice the said Kenneth brek waird: Quhairvpone act.

The Counsell, finding that the Landward Parroche and John Forbes with thame ar of intentioune to intent and prosecute actiounes against the toun, wpone what groundis as yit not weill knowin, thairfore the Counsell all in ane woice haue resolvit to defend thameselves and thir toun from theis mens malice be all legall meines, and at. what tyme soever the toun or any of the inhabitants thairof herrps to be cited, called, or perseuit be the Landward Parroche for whatsumever caus or occasioune, ordaines Alexander Barbor, present thesaurar of the said brughe, to aduance sua much money of any thing lyes in his handis or that sall happin to come to it heirefter of the tounes meanes as sail be able to defend any actioun of that nature, and when the tounes meanes faillies the Counsell willinglie to undergoes a stent for further ingathering of money to be disposed of alwayes at the Counsell's command: Quhairvpone act.

That day ane overtur of ane agriement being proposed whidder the debaittes betwixt toun and parroche wold be submitted to newtrall friendis it is wes weit [?] and agreit wnto that without the parroche wold consigne thair halff of the hundreth pund Sterling as the toun wes willing to doe in the Governoris hand they wold nawayes submit, but this beand done they wold submit. Quhairvpone act.

Johne Stewart and Donald Fouller, tua of the Baillie's present, ar ordained be the Counsell to speake Johne Forbes, Prouest, anent the

\[1\] The English Governor of the Town under Cromwell.
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1654 money is collectit be him from the tounes men towards a contributioune for the king; and to learne from him whidder he gane out theis moneyis as yit upon that accompt, zea or not, and they to report his answer to the nixt Counsell day, and sicklyke that they crave ane accompt of the hundreth merkis wes givin him at his last going to Elgin.

27 Nov. The Counsell ordaines Alexander Barbour, thesaurar, to bestow money presentlie wpone the keeping and mending of the decayed and maist neasserie pairtis of the bridge that the samen may be maid passible for the people that nou suffer prejudice in its default, and that small timber be presentlie layed on theis pairtis without delay.

The Counsell ordaines the Baillies, the Deane of Gild, and Thesaurar to bargane with Struy, the Chissolme, or the Tutor of Glenmoristoune for 1st good jeastis to the bridge against the nixt Spring.

The Counsell hes admittit Allister Doun in Oberriachan, hangman, and allowis all theis small casualities his predecessoris in that office haid.

1655 The Counsell is content to feu the peice carse outwith Laurance Cuthbertis dyke of his carse, all to the river of Nes, to the Governor for the Staites wse, provyding he give four scoir five jeastes to the bridge if it can be haid, and if not to take thrie scoir, the Staites or Governor in thair name to the toun for the zeirlie few deutie of the said peice ground fourtie shillings Scottis money at tua termes Vitsonday and Martymes: Quhairvpone act.

¹ Charles II. in exile.
² There are no Records of the Burgh extant for the period between October, 1655, and March, 1662.
The quhilk day the Counsell understanding that the garisone ar to remow schortlie and that this Burghe lyand in the mouth of the hylands quhair thair ar many disaffected personis subject to pouertie and giwin to thift and robertie, for preventing of any such invasions wpon this place the Counsell think it expedient and veir necessar that ewerie inhabitant of this Burghe be sufficientlie furnisched with waponis for thair own defence, and defending His Majestie’s interest sua far as in thame lyes, and therfor they haue nominat and appoynted Baillie Hepburne, Johne Cuthbert and William Robertstone, thrie of thair number, to gett tryell and notice how the inhabitantis of the Burghe are furnisched and served of offensiwe waponis for maintenance and defence of the samen aganest all invasionis, they ar to mak ane narrow search quhat waponis ewerie man hes, and quhat waponis each man wantis, and to give thair particular judgment quhat particular waponis wil be necessar for ewerie particular man quhoes names wil be giwen in be tham to the Counsell in wrytt, and in the mean tyme allows Baillie Hepburne to caus mack ane partizatioun and bring the samen to the Counsell that efter adwysement thairwith the Counsell may caus mack moir: Quhairwpon act.

The Counsell appoyntis Baillie Hepburne to giwe ane perfyt roll to the officiaris of the wholl inhabitantis of this Burghe quha ar in capacitie to buy armes to be charged to be heir in this tolbooth Thursday nixt be aucht horis with such waponis as they haue, that such as wantis waponis may be ordered to furnisch waponis and by for thamseylves.

The Counsell haue appoynted that Mr. James Sutherland, Minister, of this Burghe, be acquainted to keip this day aucht dayis, being ane Counsell day, that the Counsell and he may tack ane effectuall course with the witches that ar presentlie in hand.
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1662
14 April

The Counsell haue appoynted tueiff burgess to watch nightlie within this Burghe with ane overseer, and the four baillies ar appoynted to tack ane exact catologe of all the sensible men, inhabitantis of this burghe, and to dewyd the samen watch proportionallie ilk night be ane of the said baillies, and not refer the samen division to any of the officiaris; the eldest Baillie is to tack the first month efter hes day, quhilk is the 14 day of Apryle, and sua furth monethlie per vices.

Siclyk the Counsell declaris and ordaine that all the said inhabitantis sall watch personallie, the Magistratis and Counsell onlie excepted, and the counsellenis ar to furnishe able and sufficient men in ther stead and place quhen ther or aither of ther tournis is to watch. It is furder heirby enacted and declared that quhosoever according to the tenor of the abowe written act is laufullie charged and does not give obedience is to pey fyw pundis scotis for the first fault, ten pundis for the second fault, and for the third fault he is to be fyned and deprivyed of his burgeschip, besydis to be esteamed as a contumaceous and refractorie persone, and the pairtie overseer is to resaue his watch all the tyme betuixt the first of Apryle and the first of October at ten o'clock at night, and is in ane formall way to disolue during that space ilk morneing at 4 o'clock, and for the rest of the zeir at 8 o'clock at night, and 6 in the morning, it being always understood that quhatever person withdrawis himself in the night tyme without the overseer's licence, and is not present quhen the watch is disolued, is to be holden as iff he appeared not all, and to be fyned as afoirsaid.

The Counsell enactis that in regard the towne hes little or no pasturage, and that that pairt of the Carse quhich is beneth the place quhair the gibbet stood, betwixt it and the river syde towardis the scone, wes spaired thir zeirs bygone so that now the Counsell find it weirie wesfull for graseng, therfor the Magistratis and Counsell doe heirby statute and ordayne that non presume nor tack wpoun hand to cast flagg, faill, or diwott in any tyme heirefter or tirr any pairt of the said carse exceptand onlie so much thereof as sal be imploied for the wpholding of the dyck lyand towardis that samen syd, and least any pretend ignorance or throw want of knowledge quhatt is the platt of ground heirby inhibit the Magistratis appoyntis Prouest Rose and Baillie Dunbar to goe and pott the ground, and the transgressoris of this act to pey ten pundis Scotis toties quoties: Quhairwpone act.
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Baillie Dunbar, Baillie Hepburne, Baillie Fraser and Robert Rose, 1662
Gilbert Robertsone, with Mr. James Sutherland, the Minister, ar to heir
and try the witches presentlie in waird, iff they will adheir to ther former
confessionis, and to try of them quhat furder they will confess.

The Counsell, tacking to considderatioune Maister James Sutherland,
present Minister of this Burghe, his desyr of ane hundreth merkis to be
advanceit to him in payment of his Mertimes stipend qlk the towne is
obleist to pey zeirlie to the ministeris of Innerness during ther serveing
the cuir at Innernes, and the Counsell finding no readier way to obtem-
per his demand nor by borroweing of the samen sowme of the Hospitall
money, quhairfor the Counsell haue appoynted the Baillies, with Willeam
Baillie, thesaurer, to giwe band and securitie foi the said sowme of ane
hundreth merkis and the annual rent therof fra the dat of the band to
the terme of payment therin speciff to Johne Hepburne, one of the said
Baillies, in name of the Hospitall of this burghe, and the Counsell
obleiss\textsuperscript{s} themselves foi ther relciff: Quhairwpone act.

The quhilk day the Counsell abownamed and wdersubscryweing, 22 Sept.
tacking to ther considderatioune the petitioun wnderwrittin giwen in to
tham be James Cuthbert, thair present clerk, of quhilk petitioun the
tenor follow :—Unto the Right Honoll. Prowest, Baillies and Counsell
of Innerness. The Humble suplicatioune of James Cuthbert zour owne
clerk, Scheweth that notwithstanding zour honoris did nominat and
select me as zour burrow clerk, (for quhilk favor I cannot enuch be
thankfull) zet hauing considdered that quhat benefet is had therby is
not sufficient to manteane me and my familie civilie and as becometh
zour towne clerk without help had therto, may it please zour honoris
therfor to tack this my condition to zour serious considderatioune and
lett me haue the casualties of zour double entrie formerlie possest be my
predecessor, and zour Honoris anser I crawe and sall pray : and being
ryplie and maturlie advysed therwith efter considderatioune of the samen,
and finding the samen weill ground, therfor we homologat and approw
the said petitioune in all poynsis, and ordaynis the petitioner to middle
and intromett with the said double entries of all landis and tenementis
holdene of us since his entrie to the clerkschip, and zeirlie and continu-
allie in tyme cuming during his service as our towne clerk: Quhairwpone
the said James required Act of Court, and in furder testimonie and cor-

roboratioune of the premisse we subscrywe as follow.

20 Oct. The Counsell hawe appoynted the clerk to remember them that
they may appoynt ane dyet and tyme foir ryding about thair land
merches.

The Counsell haue condischendit and agried with Alexander Cuth-
bert, late Prowest, for the male and dewtie of the Clerkis chalmer, and
the wault under the samen quhilk is the present prisone hous, foir ane
zeir, they peying foir the, chalmer zeirlie the sowme of tuenty four pundis
Scottis money, and for the wault tuenty pundis Scottis, and that zeirlie
during the Counsell ther possessioun therof, at tua termes, according to
wse and wont: Quhairwpone act.

That day Mr. Willeam Cumeing, Schoolmaister, being conveined in
counsell, and being inquyred quhither he resolued to keip his charge as
Schoolmaister any longer nor Witsonday nixt, ansered that he resolued
to serue the Counsell as Schoolmaister till Mertimes nixt iff they pleased
to accept of him, quhairwith the Counsell ar satisfied, he alwayes
adweising at Lambmes nixt of his resolutione anent he keiping or
demitting of his charge: Quhairen act.

That day the Counsell hawe appoynted and ordayned for the
tyme to come that the warding place for all captiwis for debt sal be the
leach Counsell hous, and that the officiar being then jeawiller that giwes
libertie and friedome without the said hous to any persone haweing no
Magistratis ordor therio sal be punished at thair discretion and amitt
and tyne his office and charge pro prima culpa.

The Counsell also ordaynis that no frieman or woman be permitted
to enter the said warding place to visit any prisoner wntill it be sex
o'clock in the morneing in sumer and aucht hours in the winter, and
that none be allowed to stay in the tolbooth with any prisoner efter sex
hours at night in winter and aucht hours in summer, and, iff it sal be
fund that the tolbooth door be opened aither befoir or efter the said
respectiue dyetis, then ipso facto the jeawiller to lose his place, and that
ilk night quhen the door is made lockfast that the wholl dooris be locket
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togidden, and iff contrarie be fund the jeawiller to be condignelie punished in his persone, goodis, and ordained to tyne and amitt his place: Quhairwpone act.

1663

The Counsell haueing perused ane act of Counsell of date the last day of M'ch 1662, by quhich Baillie Hepburne was appoynted and ordained to caus mack ane new partizatioun and present the samen befor the Counsell to be considdered of, and also by quhich he with Baillie Cuthbert and Captain Robertsone were ordained to tack inspectioun and notice how the inhabitants were furnisched with defensive and offensive weapons and armes, and, efter examination of them anent ther diligence thirant, they ar fund to have neglected and forgott this ordinance; Quhairupon of new agayne the said Counsell have appoynted the saids persones to prosecute the tenner and will of the said act and tack Speciall and cairfull inspectioun of the saids inhabitants ther weapons and armes, and to declare quha of the inhabitants ar furnisched and quha ar not furnisched with armes, and give in ane particular accompt and list of ther names the nixt Counsell day. Sicklyk the Counsell have ordained and ordains ane act to be ordaineing James Richie to give transfieries to the hylanders and inhabitants of this burghe quha sell and went acquavite within this schyr, als often as he salbe requyred therto be ony of the Magistrates, or be Dauid Scott, Alexr. McConchie, Mettie McConchie, and Thomas McNoyer, fermorers of the excuse of acquivite, with provision and assurance to him that the subscrybing and granting of the said transfierie sall not be prejudicall nor be ony maner of way ingadge the same James Richie, or mack him lyable to this burghe for any sowmes of money: Quhairupone Act.

25 May

The said day the Counsell, considdering that ther gratius King, Charles the Second, by the grace of God King of Great Britain, France & Ireland, Defender of the faith &c, his birth day wes eminent qlk. wes to be solemnlie keiped on the tuentie nynt day of this instant moneth of Maii in the best and most credible & honorable maner culd be de-wysed, and considdering that on the samen day also his majestie arrywed & landed in his owne Kingdome of England efter long exyle; quhaes arivall qlk ingadgest them to the better incurradgment in the said solemnitie, and for evidenceing & promulgating of ther joy in behalfe of his maties saffe and happie returne, the Counsell, haueing beine practised
Records of Inverness

1663 yeirlie since his maties ingress, haue appoynted that the wholl sensible men within this burghe & territories thairof be in the best armes & cloathes the said day to testifie & evidence ther joy & thankfulnes to God for so ferme & palpable a favor done to thir kingdomes as to restore our gratius King & prince to his awne throne agayne in saftie and peace: Foir traininge up, dreilling, and leiding, conducting of the said inhabitants suer furnisched, the Counsell haue nominat & appoynted Captain Willeam Robertsone to continew in his former charge as ane of the tua captans ouer the quholl inhabitants and traind band of the said burghe, ordoring him in exerciseing them and ordoring ther fyreing, and to wse all wther duties incumbent to ane captan the said day; also the Counsell haue nominat & appoynted Wm. Cuthbert to continew as liewtenant, James Cuthbert my sone ensigne, Dauid Scott & Wm. Cumeing, sergants, wnder his command; and the Cunsell haue appoynted Dauid Fouller to be the wthr captan for the said day, Johne Baillie Allexrson his liewtenant, and James Stewart to continew ensigne as formirlie, and Johne Cuthbert my naturall sone & Johne Munro sergants.

Ja. Cuthbert, Cls.

12 Oct. The Thesaurer is appoynted so to conduce with partie anent the said Chappell yeard as that no four footed beast be suffered to enter within the samen, bot that the grasse throf be mowin, and that he conduce for readdie money and bestow the samen for reparatioune of the dyk throf.

26 Oct. The Counsell haue nominat and appoynted Johne Stewart and Johne Hepburne, baillies, to goe to the presbiterie the nixt day they convene within this burghe, and consult with them anent quhat day they will appoynt for calling in of able schollers to disput for the schoole of this burghe becaus the pnt schoole m'is to leive his charge of the schoole at mertimes nixt.

The Counsell have nominat and appoynted Baillies Stewart and Hepburne, with Willeam Baillie, thesaurer, to goe and sight Baillie Fraser his dealls, and tack Dauid Scott with tham, and efter they haue made pryce for the dealls caus transport als money of the dealls to the tolbooth as will serve to thattche the steiple of the said tolbooth be the said Dauid Scot his informatione.
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That day the Counsell haue nominat & appoynted Castelhill, Prowist Rose, Baillie Stewart & Baillie Fraser to wiew that larache at the east port, and ane wther larache at the back of Dauid Robertsone his hous & yeard, and tack notice & inspectione qlk of the tua laraches is fittest to be a place to build a schoole into, and report ther diligence the nixt Counsell day.

The said day the Clerk is appoynted to drawe up ane contract betwixt the towne and Mr. James Stewart, presentlie admitted schoolmaister to this burghe, haweing winn the same by disput. Quhair-wpon act.

That day also the Counsell finding that the act of date the 14 of Apryle 1662 zeiris anent the watch is not keiped in wogue, and that ther ar few or no persons that gies obedience the charge, and the Counsell finding that the reasen throf is that those intrusted does not look exactlie efter the particular, Therefor the Counsell haue resolued to haue ther thocht on a settled way for regulating of the watch hereafter, that the place or people com not to prejudice throw sloath or negligence, and to the end the inhabitants may be the more able to discharge the dutie of watchers and able men in the place, the Counsell hes appoynted the persons following, wiz. Baillie Hepburne, Baillie Cuthbert, Captan Robertsone, to tack inspection throuchout the wholl towne quhat persons wants armes and gie in ane exact accompl the nixt Counsell day; as also that they informe themselves quhat weapons can be haid to buy, that the said Magistrats and Counsell may proportioun tham amongst such persons as wants armes.

That day also the Counsell appoynts the magistrats to caus wrytt to Robert Barbour ther commissioner to extract from the clerk of the tolbooth of Edinburgh the act by quich notice is made that old Borlume wes arrested at the Ladie Iruine her instance foir the selff samen sowme for qlk sche persues the towne for dismissing of him as sche alledges out of this tolbooth, being arrested heir also, to the end that iff possiblie his arrestment ther may tack away the proces alledgit & intended against the magistrats of this place, and also that act of burrow qrbly the comissioner from this place is not to ryd in parliament qll the difference of place betwixt tham and Haddingtowne be decydit.

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As lykwayis the Counsell hawing enqyrered Castelhill, Prowest Rose & Baillie Stewart ther report anent the conventiens of the schoole, quhider fittar at the east port or at the back of Dauid Robertsones house, did report that nather of the places wes so convenient as neid wer; but iff the schoole suld be built in aither of the places it wald be fittest at the east port, bot the Counsell considdering thir owne houss at the bridgend wes and is fitter nor they both to be the schoole, therfor they appoynted the thesaurer to caus mack the samen wryd & redd against Witsunday nixt and without delay goe about the repairing therof & mack the samen watterticht.

Moreower the Magistrats & Counsell being informed that severall of the inhabitants & cuntiemen putt in ther goats in the Ile, & daylie destroys the samen, so that it is lyk in schort tyme, without remeid be prowysed, althogidder to turne to ruine; Quhairfor they statute and ordayne that no man quatsomewer put in thr goats or kидs in any time kommeng wnder the payment of 12 ss. Scots each beast toties quoties, and appoynts the Mr of the water to put this act in executioun: Vpoun qik haill premisses act.

The Magistrats haweing receiwed ane letter from the Chancellar of Scotland in name of the Privie Counsell qrby he requyred tham to returne ane accompl of ther diligence anent the tacking of the declaratiune be persons in trust within this Incorporatioune enjoyned be act of Parliament of date the 5th Januar instant, with ane act of Counsell laying downe the maner how the samen declaratioune suld be sub of the samen date, as also ane wther letter with ane wther act from the Clerk of the Counsell of the samen date, also requyreing as aforesaid the tacking of the said declaratioune, requyreing lykwayes the saids Magistrats to give ane accompl of quhat money wes collected in this burghe for the distrest protestants in Polland, and how the samen wes imployed, did present the samen in Counsell, and efter reiding therof, the Counsell being advysed therwith, have appoynted the samen declaratioune to be drawin wp werbatim as the samen is printed, to the effect the samen may be subscrewyed be all concerned. The Counsell also appoynted som of ther number to try & searche the kirkssessioun book quhither or no ther wes any such collection and how the samen wes bestowed, that a speedie diligence may be reported theranent; and, haweing fund nothing therof
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in the records of the sessioun, the Counsell ordained ane accompl of their diligence to be returned to the said Clerk. Qron. act.

1664

25 Jan.

The Counsell also haue appoynted that ane hous be builded, containing four cupples and tua ewen gaibells, besyd the hous appoynted for the Hospital, and that to be ane Gramer Schoole; the place quhair and maner how it sail be built is appoynted to be be the aduoyce and ordor of Robert Rose, Willeam Robertsone & Allexander Rose. They are appoynted to stent and proportioun the faill to be ledd therto on the towne & territorie. Also they ar appoynted to secure alse many cabirs from Alex Baillie as will serue the said schoole, and to conduce and agrie with James Gordone, masone, and to doe all wther thinges neccesser for carieing on of that work, ay and qll the samen be compleit & finisched, ther entrie therto beginning this day or the morne. Qron. act.

That day also the Counsell finds that notwithstanding the bridge be helped this zeir, yet ane effectuall course must be tacken the nixt zeir for putting the said bridge in a good condition, and to the end the samen may be gone about (notwithstanding quhat hes beine bocht from Foyr alreddie) they ordaine eichtie tries to be bocht from Skipper Geddes to be brocht from Norway; and to this effect the Counsell nominats Baillie Stewart, Bailie Hepburne & Baillie Fraser, with Prowest Rose, Willeam Baillie, thesaurer, Willeam Robertsone, and Johne Cowie to be bargane mackers, with power to them to agrie with the said Skipper anent the pryces, anent the lenth, breith, thickness and sufficienci of the timber, and ordaininge them to conduce with him immediatlie at his returne from the Boyne heir to Innernes. Qron. act.

11 July

The Counsell ordayns that notwithstanding former acts made to that effect that now agayne, least any persone [pretend] ignorance, intimatione be made at the mercat croce be touch of drum, commandung & chargeing all burgeses quha ar not noblemen or gentlemen of qualitie, quha were hithertill made burgesses of this burghe to repair heir to the samen, and heir keip ther forum et larem, and scott, lott, wache, wark & warde with the place; and this they are to doe within a moneth efter the day and date of their presents, with certificatioun to suche as giwes not obedience (except such as ar excepted) ane new act of Counsell salbe made, declareing ther burges act to be maid woyd & null in all tyme

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1664 July 11. coming as iff the same had newer bein granted, and they rander incapable of any privilege or libertie within this burghe & liberties therof. Qron. act.

13 Sept. The Counsell finding that, notwithstanding of ther act of Counsell formerlie emitted & penned for the right regulating of the captanes and the people of the towne for watching, yet they find so much slacknes and want of observance both in the captanes and inhabitans in thr respective trusts, that for the better manadging & governeing of the night watchings heirefter the Magistrats & Counsell doe hereby appoynt Baillie Stewart, quha is for the present eldest baillie, to owersie Allex' Rose, Robert Chapman, Willeam Duff and Wm. Robertsone ther nightlie watchings, and to visit them also often & sua often as he finds caus; Baillie Hepburne to visit James Fouller, Allex' Chisholme & David Fouller, ther watchings; Finley Fraser, baillie, to visit Johne Baillie, James Fraser and Duncan Forbes, ther watchings; and Baillie Cuthbert to visit Robert Barbour, James Cuthbert and Johne Cowie, ther watchings; and maynelie besyld the noticeing quhat hes bein the tenner of the former acts, that they specallie considder that the Captane be present each night he beis in towne and in health, and in his absence that he be supplied with ane prettie man in his wise, as also the lieutennend and wther inferior officers, with certificatious to such as salbe fund breakers of this act they salbe fyned in tuentie pund Scots, besyds to be punished in ther personas at the Magistrats discretioun.

26 Sept. That day also the Magistrats and Counsell, hauing tacken to ther considderatione the prejudice they haue susteined thir zeirs bygone throw the want of ane advocat to plead ther causes & actionis both offensive & defensiwe befor the Lords of Counsell & Sessioun, and for prewenting of futur prejudice, the Counsell in one woce nemine contradicente haue nominat & chosen, lykas they for themselues and ther successors nominats and chooses Mr George Mackenzie, advocat, to implead ther actiones & causes constantlie, quither as persuers or defenders, befor the Lords of Counsell and Sessioun, sua far as lawe and reasone will permit & allow. Foir qiks causes the Prowest, Baillies and Counsell for themselues & thr. successors giwes and grants to the said Maister George McKenzie ane zeirlie pensioun of tuentie merks to be peyed zeirlie to
him be the thesaurer of Innernes at Candlemes, and this 1664
act is to stand in force during the Counsell ther pleaser, and ay and qll
ane new act discharge the samen. Qron. act.

That day the Counsell haue appoynted that Robert Barbour,
Willeam Robertsone and Johne Cowie caus buy also many dealls as
will be ane sercieing coble for transporting of tua horses and sundrie
foot ower the water of Nes the tyme that the bridge is wnputtwp, and
buy also alse many oacken boards as will be a bottom therto, qlk boat is
to be built with all expeditioun wpon the towne charges be the thesaurer.

Efter rouping of the serrieing coble ower the water of Nes, the samen
is sett to Robert Barbour for a month, wiz. from the 14 instant inclusive
to the 14 Nor. nixt exclusive, payand for the samen tuentie thrie pund
caur. for that effect, and is enacted for his caur. releiff : Qron. act.

The Magistrats hawing represented to the Counsell that, in obedience
to his Maties Privie Counsell ther Letter, they have seasit one and
apprehendit aught men to be sent south to Leith for His Maties service
in the warre betwixt him and Holland : Qlk being represented to the
Counsell as ther dilligence the Counsell doeth allow therof and approwe
the samen, and desyres that the said men may be maid furthcomand
according to the comandes receaved be the Magistratis from the said
Privie Counsell, the Magistrates hawing represented unto the Counsell
that they did vrytt ane letter to the Earle of Rothes, president to the
Privie Counsell, desyring that ane warrand should be directed be him for
delyuring of the said aught men to the nixt adjacent brughe or shereff of
shyre, and so from shyre to shyre or brughe to brughe qll they come to
Leith, that therby great charges and trouble might be prevented to this
brughe, and it being put to the voice quether or not these aught men
should be presentlie dispatched and sent avay wpon the townes charges
and be ther convoy, yea or not, it vas caried be the voice that the returne
of the letter sent south should be waited wpon, and qtt by it should be
comanded the samen aught and should be presentlie gone about how
shoone the letter comes to the Magistrates handes.

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The Counsell also appoints tua groates for maintainece in the 9 Mar. tuentie four houres to each seaman, and sexpence to each fisherman, of the foirsaid aught men dailie during ther aboid in the tolbuith, and ay and whill they be sent south, beginnand the first dayes maintainece to them the day and dait of this present act. Qron act.

The Counsell being resolved this day to roup the croft commonly called the hard croft lyand beyond the water of Nesse, boundit narrest the north greene qlk sometime belonged to umquhill Francis Bischope, and fallin to the towne throughe not payment of the few dewtie be the airs male of the said umquhill Francis, hawing befor the roup and offer therof appointed and ordained ane merk to be the yeirly few dewtie therof and doubling therof at the entrice of ilk aire or assines, and the first termes payment of the said few dewtie to be Mertimes in anno 1665 yeirs and the nixt term to be Witsonday in anno 1666, and sua furth yeirly att tua termes in the zeir, Witsonday and Mertimes in winter, be equal portions; the Prouest, hawing ane sand glasse in his hand, did go to the said croft and roup the samen that whosoever should bid most for the samen should be preferrid; Wherwpon David Fouller hawing biddin most for the samen obtained it, And is ordained not only to pay the for-said few dewtie zeirly but also to pay to the thesaurer the soume of four scoir fywe merks as the full pryce of the said croft. Qron. act.

12 June The qlk day in obedience to ane letter directed be the Bischope of Murray to the Counsell desyrying them to send some of ther number to Forras to meet with him, at which tyme he would impart qtt he had to say to them, did nominate and appoynt Prowest Rose, Bailie Fouller, and the Deane of Gild to meet with the Bischope according to his desyre, & report ther dilligence at ther returne; the Prowest and William Duff are appoynted to give them instructiones. Qrupon Act.

7 Aug. The Counsell tacking in consideratione the conditione of the gramer schoole and schoolmr., and finding that ther is ane absolut necessitie for looking out for a sufficient hous fitt for accomodatione of the children, as also that in the said hous ther be a chamber off loft qrin ther will be a bedd, a taffie, and a chimney for the use of the mr.; and for making out of sick a hous for the use afforsaid the Counsell doeth appoynt Baillie
Town Council Minute Books: Vol. VI.

Fouller, the Deane of Gild, and James Cuthbert Laurensone,¹ to look after the samen, and authorises them to promise in behalfe of the Magistrats and Counsell for sick a hous, furnished as aforsaid, the soume off fiftie merks yeirly for the space of three or four yeirs after Mertimis nixt, and appoyntes them to report ther dilligence peremptorly the nixt Counsell day: And as to the schoolmr. his bygane rests the Counsell appoynts the Baillies to caus collect the rests of the bygane stent that ar as yet restand, that therwith the gramer schoolmr. may be satisfied & wther affaires of the towne the better suplied, and appoynts them to give in ther peremptor dilligence the nixt Counsell day.

The Counsell finding that ther are great threatts & boasting maid for invading of them and the wholl incorporatioune of this brughe be my Lord McDonald his friends and followers, they find it expedient therfore to vrytt to certain particular gentlemen and noblemen (speciallie to the Earle of Murray) desyring ther presence hier with such as they will be pleasit to bring along with them that they may give ther best adwyse and concurrence to the Counsell how to carrie and behave themselves; as also they find it expedient for ther better securitie that Baillie Fouller, the Dean of Gild, and William Robertson Jonsone,² proportioun vpon the able inhabitants of this brughe als manie men wpon such of them as they shall find they are able to receave and mantain, they being always prettie able men brought from the countrey and non of them off the present inhabitants or such as are serving men in towne or territorie, and, they hauing proportioned as aforsaid, they are to give the rolls to the respective captaines appoynted for vatching of this brughe, wha are immediatellie to goe to the persons of ther respective divisions, and appoynt them to goe about ther dewties in furnishing out of men accord- ing to ther proportioun: Baillie Cuthbert and Alexr. Ros are appoynted to goe and speak to the Lairds of Calder and Killravoch desyring them to come in to this towne and giue ther best adwyse. Qron. act.

The qltk day the Magistrats & Counsell being informed that Johne ²8 Aug. McDonald of Leik and Finlay McDonald, servitor to the Lord

¹ That is, James Cuthbert, son of Lawrence Cuthbert.
² That is, son of John Robertson.
1665 28 Aug.  
Mcdonald,¹ did come to this towne on Sabturdaiy last, being the tuentie sixth of this instant August, and did desyre of the Magistrats and Counsell to have present heirin as to qtt reparatioune and satisfactioun they were to requyre for qtt was ther sufferings from the inhabitants of Innernes as they allledged, the said Magistrats & Counsell did appoynt sex aclock this day for heirin of them and ther demandes, and hawing now conweined did send three of ther number, viz. Robert Ros, late Prowest, John Hepburne & Finlay Fraser, Bailies, to lerne quhatt was ther desyre, wha, after hiering of the samen, did delivr itt to the Magistrats & Counsell as after followes, Imprimis, that ther should be a Covenant or Band past betwixt my Lord McDonald, his friends and followers, and the Magistrats, Counsell and Communitie of the Brughe Innernes, by which both parties should be bound eache to other for intertainign off offensive and defensive league, and by which it shall be declared that, if the towne of Innernes be invaded be anie (the Kings matie. excepted) they shall come the lenth of Innernes and defend the samen, and in caic they be invaded that the towne of Innernes send ane hundreth men to help them quhen and quher they shall hawe to doe; Secondlie, that the Magistrates and Counsell shall presentlie become lyable in the sowme of ane hundreth thousand merks to them; Thirldie, that the Brughe of Innernes shall quyt ther superioritie of the lands of Drechie,² and that they shall not requyre hierafter any stent, taxatioun, or any other imposition quhatsomewer for the saide lands; Fourthlie, that the Magistrats and Counsell shall suar upon oath quhatt persons did draw ther blood, and, hawing declared that, they should be delivred up to ther mercie; Fyfthlie, that quhatt armes, money, cloath, goods, horse, cowes, or bestiall vas lost be them the samen should be repayed to them according as they wold depon the samen to be worth and vanting on oath; 6thlie, that qrssoever the people of Innernes or any persone off them sees my Lord McDonald, his friends, followers, or any ane of them, that then and immediatelie they should lay doune ther armes one the ground in tokin of obedience & submission; 7thlie, that the Magistrats and Counsell of Innernes pay quhatt soumes of money they will give wp in account wch ther people are att the expenses off, since the tyme the receave a bodie untill such tyme as they shall be disbanded. Thir var

¹ Lord Macdonald and Aros, of Glengarry.
² Drakies, near Inverness.

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the propositions maid be them in presens of the said Robert Ros and fornamed tua Bailies, and besyds them in presens of David Bailie of Davochfoore and Johne Grannt of Corimonie and Francis Bailie: to qch propositions the Magistrats and Counsell returned anser be the said persons that, the Clandonald disbanding ther men, they vold be content to give a hiering to indifferent freinds, being conscientious and judicious men, to speak off such overtoors as they found necessar & expedient to be maid wse off for removing of ther hostilitie, & mak a right understand- ing betwixt the town and them. Qron act.

The Counsell having elected nominate & chosin ther present Provest with Bailies Hepburne & Fraser to goe south and prosecute that criminall action intendit befor the lords of Privie Counsell against the Clan Donald for ther bygane threatts and boastings against the inhabit- ants of this burghe, the Counsell thought it verie expedient that the said commissioners shall do all with his Majestie's Commissioner of Scotland for ane troup of horse or tuo hundreth foote to ly at this place wpon the publict accompt as ane garisone to mantayne & defend the samen against the violence of ther enimies; quhairanent they haw givin full power to the said commissioners, and ordayned this act to be penned to that effect. Qron. act.

The Counsell, considering that the dayes of the election of the new Counsell & Magistrats ar imminent, and that the saids Commissioners with severall wthers of the Counsell will not be att home the usuall dayes of election, the Counsl thairfore have continued and delayed the samen for the cause forsaid, and have ordained that the second Mononday of the moneth of November and the second Tuisday of the samen be the dayes appoynted for the said election. Qron. act.

The qlk day the Counsell being conveined for taking ane account of the said Provest, Bailies Hepburne & Fraser Comissioneres appointed to goe to Edinburgh in persuance of that criminall action intendit be this brughe against certain of the name of Clandonald, anent ther procedour thairant, and after hiering of their dilligence be the Provest his declaratioune, qrby they are certainly informed that the saids comission- ers had done all things necessar and expedient to be done according to their power in pursuance of the said action, and that they had left...
nothing undone in their default that could be done either be law or
moyine, the Counsell thersore all in ane voice (having removed the saids
Commissioners out of Counsell) allows and approves their actions,
dillgence & behaiouir thairanent in all points, and ordaines them to be
thanked for the samen; the said Provest, in further windicatione of his
dillgence, produced in Counsell ane act of the Privie Counsl qrby a new
citationune is appointed to be wsed against the said Clandonald at the
mercatt croces of Innersnes & Forres, qlk shall be fund as valied as give
they were personalie chergit; in persuance qroff he raisit letteres and
produced the samen in Counsell qlk the Counsell ordoured me [the Town
Clerk] to give to ane messenger & execute the samen att the said croces.
The Counsell, considering that they had advanced ane soume off money
to the said Bailie Hepburne for their charges and expensses & to be
waired on clerks labiour & wthers as they should find expedient, they
therfore appointed Robert Ros, late Provest, the said Bailie Fraser,
William Duff and Robert Barbour to tak count of the said Johne
Hepburne of his said intromission of the said money, he is to be counted
with be aught houres on Saturnday nixt, and to report their dilligence
thrainent the nixt Counsell day. Qrwpon act.

The Counsell, considering ane petition & supplication tendered to
them be the fishers of Sligo, Kilmure, and Pitlundie, for themselves and
in behalf of the remanent fishers bewast Chanrie Nesse, qrby they
desired the Counsell to discharge the tacksmen of the Shore Dues and
Anchorage from exacting any custome or shore dewtie from them at any
tyme when they come to this shore with gray fishes; the Counsell,
therewith being advised and estimating the samen reasonable, appoint
and ordaine that no boat betwixt Chanrie Nesse & Bewly, on either syd
of the water that comes to this brugh with gray fishes or herrin shall be
liable in any anchorage or shore dew betwixt the date herof & Michel-
mes next to come, and appoints that all emptie boatts that comes to the
said shore during the said space and carries not a fraught away with
them shall be also frie; for qlks anchorage and shore dewties of the saids
boatts thus fried the tacksman of the shore dewes is to be restand in his
own hand of his tack dewtie for the foresaid yeir the soume of ten
pounds Scotts. Qron act.

No entry in minute book from 27th Nov., 1665, to 19th March, 1666.
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The qlk day the Magistrats and Counsell, having met together anent the tounes affairs and for severall other ends tending to the well of the brugh, especiallie understanding that the register of the tounes seasings since the moneth of November in the yeir of God 1650 yeirs unto the first day of Janry. 1662 yeirs is tint and lost, whither before the late clerk his death or since his death before the present clerk his entrie is uncertaine, to the great detriment losse & prejudice of the whole inhabitants of this brugh & territories of the same exceptane effectuall means were found out to help the same; ffor remeid qrof, and to the end no inhabitant within this brugh or territories therof who sall happin aither to losse ther granted seasines, aither be fire (as God forbid) or be stealth or any other unhappie way, be denudit or defraudit of ther lands and heretages, bot that they may enjoy & bruik the samen peacable & securlie in all tyme comeing, have enactit, statute & ordained, & be thir presents the saids Magistrats & counsell of this brugh statutes & ordaines that all the inhabitants, heretors, & fewers who have coft any lands, burrow roods, tenements, fishings, aikers, common tacks, or any other lands within the liberties of this brugh since the said moneth of Nov-ember the yeir of God 1650 yeirs untill the said first of Janry. 1662, and have received infeftment & seasing thirupon under the subscription of the said late clerk, come with ther respective seasings to the present clerk betwixt the date hereof and the first day of March next to come, to the end he may booke & registreat the samen how soon they come to his hands, & returne the principall to the owner after registration thereof, with certification to ilk person that doeth not bring ther seasines to the said clerk betwixt & the first day of March next to come they sall have no benefite of this present act. The Magistrats & Counsell having sein & considered ane minute book under the late clerk his hand writ tho not subscryved, or the rather undated, to cause pen this present act provyd-ing alwayes that the seasines thus to be registreat be this present clerk agrie with the date contained in the minute book, otherwayes the samen seasing not to be registreat. Qlk seasings, being sua registreat be him, sall be als valid & sufficient to the receivevor as if the register qrin the samen wes booked formerly were extant, and that the late clerk hed subscryved the samen; declaring also that extracts therof or of any ane of the said seasings under the present clerk his hand, or under the subscription of any other clerk succeeding him, sall be als valid and
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1666 effectuall to the extracters in all tyme coming as if the sam' en were
19 Mar. authentickly & verbatim booked and subscryved be the said deceast
clerk. Quer upon act.

The said day the Counsell ther convenied having commissionat
Alexe Cuthbert, present Provest, Robert Barbour, present Baillie,
William Robertson, present thesaurer, and William Duff, ane of the
Counsell, to go to Edinburgh to plead and agent the toune's affairs,
speciallie to persue & defend that criminal action debatable betwixt my
Lord McDonald, his friends & followers, & the inhabitants of this brugh,
and having advanced ane certain soume of money for defraying the
charges and expenses thereof with all in case they should happen to
come short of money to borrow and advance money for supplying their
wants in that affair, did require them to give in their diligence & report
thereanent, who in obedience thereto not only declared be word what
had passed in the said affair and that they were greatunlie prejudged,
hindered & crossed by supplications & crosse petitions tendered to the
Lords of Privie Counsell by some ill-affected & malicious neighbors,
viz.:—John Forbes, Duncan Forbes, Alexe Forbes, Alexe Chisholm,
Thomas Watsone, Wm Cumming, Wm Baillie, younger; qrby they
pretendit & protested to be frie of all personall & percuniall fynes (give
any sould be) to be impost upon this brugh for that unhappie tumult
risin in August last betwixt the McDonalds, bot also in farder clearing
ther diligence, produced ane act of the Privie Counsell under the clerk
his hand of date . . .

Secondlie, they produced the sex discharges qlk was sent south to
them for windication of the payment of the Kings taxation imposit in
anno 1633, qlk was payable to the Duke Hamilton; together also with
ane discharge under James Baskin his hand for what was resting of that
taxation, with the extract of the said James his commission of the sam'en
dates. Item they produced the discharges granted of old be William
. . . . (? to this brugh in relation to the King's maintainance etc.
Item they produced Robert Hamilton his discharge for ane soume of
money dew to the Lords of Session of date . . . (?). Item they
produced ane extract under Sir Peter Wedderburn his hand of that
commission and protestation subscryved & produced in presence of the
Privie Counsell to the fornamed malevolent protestators, together with
the Counsell ther returne and anser to the said protestation, qlk repeles
the demand therof. Item they produced ane decreit of absolvitor pronounced be the Lords of Privie Counsell in favor of the Toun of Innernes & inhabitants therof against the Lord McDonald, his friends & followers, relating to the forsaid criminall action. Qlk hail papers, with the tounes great charter, with Balquhain's disposition & charter of Drum-deven (qlk were caried south be the said Commissioners at this last tyme for mantaining and clearing the Toun's propertie & libertie) were delveryed to the clerk; and after removall of the saids four commissioners out of Counsell, & examinatioun of their actings & doings in relation to ther said commission, and all other extrinccall employments whith they were flattigated, the said tyme at the said place, having heard their report and considered of ther said diligence, and being well & ryplie advysit therwith, find qrby that they have acted & behaved themselves faithfullie, trulie and honestlie as became men sua intrusted, and that they have done all that was incumbent, and not neglected any of the toun's affairs sua far as they were able, tending to the well therof: Qrupon the Counsell have allowed and approvin, lykas be thir presents allows and approves of ther said diligence in all points, and appoints Baillie Hepburn, eldest baillie, to thank them for ther said diligence, and withall ordains the said Baillie Hepburn, Baillie Fouller, Baillie Barbour, Robert Rose, late Provost, Charles McLean and William Duff, or any four of them to mett on Saturday next and take ane accompt of the said Wm. Robertson, Trer., of what money he received here and at Edinburgh for defraying the charges and managing the affairs of this brugh, and in payment of the forsaid somes charged upon the brugh for the said taxatioun to Duke Hamilton and the Lords of Session, and ordains the forsaid persons who are to count with the said Trer. to make up ane true & exact inventar of what debt the toun is restand for qtsomever cause, and produce the samen the next Counsell day that a way may be projected for satisfieing the samen: Qron act.

That day the Magistrats and Counsell having met togither for treating about the tounes affairs, and finding that John Semple and are come to the Citidale, and to sell, make use & cast doune the samen and the sconce thereabout built, & appropriat the price therof to their own use, having His Maties great charter under the Great Seal direct from the Chancellarie & Precept of Seasing following therupon (qlk was sein & presentit in this convention).
The Counsell finding themselves concerned in a part therof, knowing that a great part of the Sconce qlk lookes to the North & west parts respective is built on the tounes liberties and comontie qlk was never disposit to the Englishes, nor to any other person or persons qtsomever, neither yet did this brugh receive any benefite or good deed for the samen at any tyme heretofore, sua that they have good & undoubt right to the samen, they therefore nominat & appoint Robert Barbour, Baillie, William Duffe, William Robertson, thesaurer, Charles McLean, and John Cowie, or any thrie of them, a baillie and the thesaurer being always present, (the foresaid baillie nominat for that effect or in his absence another) make civill interuption to the saisd John Sempill & his copartiners or any others whom they sall appoint for casting doun & demolishing of that part of the Sconce qlk is built on the tounes privilage, liberties & comontie, and that how soone & qtnsoever they sall find & see the saisd persons or any of them enter and begin therto; anent qlk interuption this present act sall be ther warrand. Quupon act.

The Magistrates & Counsell taking to consideration a letter directin by the Earle of Murray desiring the Magistrates of this brugh to subscryve the samen; Qlk letter craves of my Lord Comissioner the waiving of any quartering on the shyre for the excyse untill the tent day of December next to come, at qlk tyme by the letter ther is faithfull promise made of tuo quarters excyse. The Magistrates & Counsell, taking the said letter to consideration, & finding that notwithstanding the toun be taxed to the payment of tuo merkes per boll conforme to the act of Parliament, yet in regard to the Shyre of Innersnes payes little or nothing, and for any thing can be sein be this Counsell are also like to do no dutie wherthrow the Counsell sees neither possibilitie nor probabilitie how the promise sall be performed; Qufore the Counsell advises their Magistrates not to subscryve the said letter since they find that the toun are at the uttermost of their dutie, & the shyre does nothing. Quon act.

24 Sept.

The Magistrates and Counsell have appointed the thesaurer to give thrie or four tries of the bridge timber to Castlehill to be putt wpon the Millne Burne for carying foot men dry shoid ower the said burne. Quon act.
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The qlk day the Magistrats and Counsell have appointed William
Duff to deal with Daniel McKenzie of Loggie anent the excuse of the
Lewis, to sic give he will give any contentment to the toune for the
samen, he having intromitted therwith, as is alledged, the time that the
toune vere taxsmen of the Shyre of Innernes. Qron act.

That day the Magistrats and Counsell have appointed that William
Duff caus raise letteres before the Secret Counsell against McLeod and
Daniel McKenzie of Loggie for ther vrongous intromission with the
excuse of the Lewis on McLeods boundes preceeding Maii last, and
appoints the thesaurer to give money for paying for the letteres.
Qron act.

The Magistrates and Counsell have statute and ordained, as be the
tennor hierof the saids Magistrates and Counsell statutes and ordaines,
that each burges and freeholder mak wp to himselfe ane ledder to ascend
himselfe in his close and keeping, the shortest to be sixenfe foote long
at least, betwixt and the second day of Febri nixt to come under the
paine of tenn pounds Scotts. Qron act.

The Magistrates and Counsell have enacted, statute & ordained that
no kart or slaid be carried alongs the bridge with any loades qther on
wheles on wtout wheles, and that no tumbling kart or slaid on wheles
be carried empty alongs the said bridge in tyme coming, under the paine
of fuyve pounds unforgivin toties quoties, and the contraviener punished at
the Magistrates discretion. Qron act.

The qlk Johne Innes, officer, being accusid in presence of the
Magistrats and Counsell for being in accession (being Jewiler [jailer] for
the time) to the away letiing of James Moire out of the tolbuith of this
brugh (he being incarcerat be Eneas McIntoshe, baillie deput of the
Regalitie of Spinie,) did reply that he had givin the keis under trust to
Alexander Blackwood wha was warded for the time for civill debt, the
recept qrof the said Alexander Blackwood acknowledged, but vindicated
himselfe from being in accession to the said escape the best maner he
could. The Magistrates and Counsell, considering that the said John
Innes, as he was jeweller and intrusted with the keyes of the said
tolbuith, aucnt not nor should not deput any man or hand nor part with
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the keyes directly nor indirectly under the haisard of his act of admisson. They therfore have statute and ordained that the said John Innes be denuded of all publict trust, charge and imployment under them and ther successors during all the dayes of his lyftyme, and that his coat and bage of service be takin from him be the hangman at the toun croce, & thereafter be carried to the vault and thefes holle, there to remaine. all the Magistrates and Counsell thr furder pleasure. Qrupon act.

15 April

That day the Magistrates and Counsell having heard Prowest Rose, Prowest Cuthbert, Baillies Hepburne & Fraser, with Wm. Duff ther report anent agrieing with Robert Barbour for up-putting the Chappell yeard dyck, have appointed and ordayned that ther be ane leasse and tack granted to the said Robert of the grase of the said yeard, and that for the space of nynteine zeirs nixt and imediatlie following his entrie thereto (but interwall or break of tack), qll entrie is to be the day and date of thir presents. Lykas the fornamed Magistrates and Counsell doe heirby sett and in assedatioun lat (on the conditions wnder written) to the said Robert Barbour the forsaid Chappell Yeard & grasse therof for the said space of nyntein zeirs nixt and imediatlie followinge his said entrie and date heirof but interwall or break of tack and but any quarallling or contradictione quhatsomewer. For qll tack the said Robert is heirby obleist to putt wp sufficient dyck about the said yeard and to wphold the samen on his owne charges & expenss, the dyck to be of this qualitie that no beast quhatsoever can loup over the samen nor enter therin during the said nynteine zeirs aither summer or winter; also the said Robert is heirby obleist to leawe the said dyck sufficient at his ishue, and that he sall caus plant the said yeard with ashe and playne tries. And it is heirby statute and ordayned that no strollers play within the said Chappell dyck nor gett leawe to enter therinto in tyme comeing. The thesaurer is appoyted to caus hing wp the doors of the said Chappell Yeard immediatlie at the said Robert his entrie. Qron act.

27 May

That day the Magistrates and [Counsell] considdinguer that diverse of the craftsmen dwelling within this burgh ar greatunlie prejudged in ther vocatiounes & callings be forrenders & strangers residding without this burgh, quha resorts daylie to the samen and inances the inhabitants
ther craft, and therby randers them wncapable & wnable to beir any
publick burden within this Incorporatioune, to the great prejudice not
onlie of the craftsmen heir residing, but also to the detriment of the
publick ; Therfor the Magistrats and Counsel have statute and ordained,
as be the tennor hierof they statute and ordayne that no inhabitant of
this burghe quhatsomever qualitie presum nor tack wpon hand to imploy
any outlandische craftsmen residding within sex myles to this burghe
(except the inhabitants) to work any work of quhat qualitie soever in all
tyme coming within this burghe & territorie therof, wnder the payne of
fywe punds Scots toties quoties, and that by and attor consfiscautione of
quhat work salbe caried to them. Quhairon act.

That day the Magistrats being informed that James Wisman,
messinger, had brought Mr Wm Leslie of Aikinwall, the Kings rebell, to
this toune, & intended to charge the Magistrats or any ane of them
to accept of the said rebell of his hands and secur him in ther jeil, and
finding that the said rebell liveth within the Shyr of Banff, and that ther
is tua Shyres beside interveined and lyand betwixt this and the Shyr of
Banff, and that notwithstanding therof the said messenger hes loup in
ower all the Shyres and resolves to trouble this burgh with him, in
regard qrof the Prowest convened this Counsell to be adwised with
them anent the Magistrats ther deportment in this caise, wha hawing
speired the voice qther or not they should in obedience to the Kings
laws accept of the said rebell & secur him the best way they can in ther
jeil, yea or not, it was caried be comon consent of the Counsell convened
that he should be received in obedience to the laws. In the mean tyme
they haw appointed the present thesaurer to look to the securing of the
inner hous of the tolbuith for the gentlemans better ease. Qron act.

That day the magistrates and Counsell have appointed that the
officers get ane list under the Clerks hand to secure the persons given up
in list to him be Prowest Rose & Bailie Fraser, whose names follows,
Duncan Buynach, Wm. Buy alias McKenzie, vmquhil George Cummings
wyfe, James Hoomes, Wm. Monro, John McEwin, Donald McHamas,
John Munro, maltmen, John Munro, chakster, Andro McKillican, Alex' McEan glass, John Dick, cordener, Donald Young, John Young, tailzer,
James Vrqrt., David Vrqrt, Alex' McGovan, John Clerk, the Prowests

1667
27 May

1668
1668 man, William Gray, Donald McGilesen, beyond the water, Duncan 25 Oct. McEanvayn, Wm. McHucheon, wentner, Alex’ McHucheon, Wm. McKonchie, and Wm. McEan mullich, to the effect that they and ilk ane of them find sufficient caution actit in the burrow court books that they nor none of them sall doe harme or skaith to any of the inhabitants of this brugh, and particularie that they sall not resett any of the inhabitants their chaff, straw, or draffe, directly or indirectly, in tyme coming, and that they sall not eat their corne or grass with ether kows or horse in tyme of yeir, and that under the paine of ane thundreth pounds Scots ilk person; it being made out in presence of the Counsell that the said persons have kows and horse and have neither corne, grass, straw, chaff or draff of their own to mainte them. Qron act.

1669 That day the Magistrats and Counsell have appointed the clerk to 15 Feb. peruse his registers to try if he can find Vmqll James Robertson, elder, and Vmqll Wm. his son their seasings of the sex acres arable field land sold to the Englishes, and Vmqll Robert Vaus his and his fathers seasing of the lands sold be him to the Englishes, qron a part of the Scone and Citadel is built, and report his dilligence the next Counsell day. Provest Rose is appointit also to use his endeavour to find out the said Vmqll James and Wm. Robertson their seasings on the said lands out of Gilbert Robertson his charter chest, and report his dilligence the next Counsell day.

26 May That day the Magistrats and Counsell, considering the great abuse and prejudice the inhabitants of this Burghe have susteained and ar daylie susteaneing be the washers of cloath at the river of Nes on both syds therof, and sicklyk be those that steipes thr hyds and skinnes in the said river, haue, for preweinting therof in the futur, statute and ordayned that none presume to wasche any kynd of cloathes on this syd of the river abow the way that leads to the water wnder the Kirk and Kirk-ycard, and that none presume to wasche on the wther syd of the water abow David Fouller his land, and that wnder the Payne of tuentie punds Scots toties quoties and that by and attor punisching of the contraweiners persone. Sicklyk the Magistrats and Counsell haue ordayned that none persun to weit or steip any kynd of leather in the said river in tyme comeing abow the said way wnder the Kirk wnder the Payne of fywe

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punds Scots *toties quoties*, and punishing the transgressors persone at the Magistrates discretion. And such as have any letch steiped abow the said place that they carie the samen away within twenty four hours nixt efter publicatione therof, wnder the forsaid payne. Qron act.

The magistrats ordayne, for honoring the solemnitie on the 29 of this instant, that the tua eldest Baillies leid thrie companies each Baillie with the captains, and the wther tua Baillies to leid tua companies the men with thr captain. Qron act.

That day the Magistrats and Counsell haue nominat and appoynted Baillies Hepburne and Fouller to speake with Willeam Trent and to try iff he will undertack for the excysse, and provyd for assosiats.

The Magistrats and Counsell haue appoynted the Baillies, with Prowest Rose, Prowest Dunbar, Baillie Jon. Cuthbert, and the thesaurer to meit and draw wp instructions to the commissioner for the burrows the morrow afternoone, and to furnisch him with money and able horse: Qron act.

That day the Magistrats and Counsell haue nominat and appoynted Prowest Rose, Baillie Hepburne, and Baillie Rose to goe to Forres the morn, being the 24 day of this instant, and meit with the wther comissioners of the excysse and Justice of the Peace betwixt Spey and Nes, quha ar to meit at the said place anent the proportionating of the militia. Qron act.

That day Baillies Hepburne and Rose, quha wer direct as comissioners from this burghe to the meiting at Forres, qr the comissioners of excysse & Justice of Peace betwixt Spey and Nes did meit wpon the accompt of the militia, being desyred to report ther diligence anent qt wes done at the said meiting, did anser therto that all that wes done that day ther materiallie wes that the conventioun appoynted the Earle of Murray to choose his officers & proportione the men, and did appoynt the next meiting at Forres. Qron act.

That day also the Magistrats and Counsell nominat and appoynted the said Baillie Hepburne and Baillie Rose to goe to the said meiting at Forres the morn, being the last day of the said moneth, and ther meit with the remanent commissioners of excysse and Justice of the Peace, and
Records of Inverness

1669 act with them as they sall think expedient in relatione to the militia, and report ther diligence the nixt Counsell day. Qron act.

30 Aug. That day the Magistrats and Counsell haue appointit Castelhill, Prowest Rose, and Baillie Hepburn to speak to Mr. James Stuart, and to have his anser whither he intends to keip the School, yea or not, and report ther diligence the nixt Counsell day. Qron act.

6 Sept. That day the Magistrats and Counsell have nominat and appoyted Prowest Rose and Baillie James Cuthbert to go to Forres Thursday next, and meitt with the rest of the commissioners of excyse and Justice of Peace betwixt Spey and Nes anent the proportioning of the militia, and report ther diligence the next Counsell day. Qron act.

14 Sept. That day the Magistrats and Counsell requyred the said Baillie Cuthbert to report his diligence anent what was done at the meiting at Forres anent the militia, did report ane order and product the samen in presence of the Counsell, for imposing of ane moneth and halfe moneth sess for defraying Sir Lodowic Gordon his expenss in going south to the Privie Counsell he was direct for supplicating the Counsell for ease to the division betwixt Spey and Nes anent the militia, and for buying of armes to the soldours of the militia, and reportit and declared that there was a meiting appoyntit to be held at Forres to the effect forsaid upon the 23 of this instant moneth. Qron act.

20 Sept. That day Baillie Hepburn and Charles McLean ar appointit to go to Forres on Thursday next and meitt with the other commissioners anent the militia. Sicklyk the said Prowest Rose, Prowest Dunbar, Baillie Hepburn, Baillie Rose and Charles McLean ar appointit to go the morrow to Castel Stuart and meitt with the Earle of Murray, and sound him anent the towns proportion of the said militia. The Magistrats and Counsell being interrogat be the Prowest, whither or not they would allow the presentinge of ane person pitched on by themselves to the School of Inverness, as they are patrons therof, or that ane edict sould be emitted and served for ane free disput to be the state of the questione yea or not, and, it being put to the voyce, is caryed affirmative as follows,—that is to say, that according to their friedome and libertie they present a man of their own appointment, without any
dispute. In the second place, it is put to the voyce whither the Counsell shall determine presently by a voyce, or give they will weate it to the next Counsell day. As to the state of the former questione it is caryed be pluralitie of voyces that they shall pitch upon their own man and present him, but before presenting of him that they and he make their conditions, and consider upon the hail clauses to be insert in the contract betwixt them. Thridlie, it being put to the voyce for present doing or weating, the samen is caryed for present doing. Qron act.

The Magistrates and Counsell, having requyred Castelhill, Prowest Rose, and Baillie Hepburn to report thr diligence anent speaking to Mr. James Stuart anent his demission from the School, did produce ane written and sett dimission under his own hand, signifieing his frie and willing quyting of the samen, in regard he was called to the holy function of the ministrie, qlk dimission, with ane supplication tendered to them be Mr. John Cuthbert being sein and considered be the saids Magistrates and Counsell, having sein also ane letter directit to them be the Bishop of Murray in favour of Mr. Michael Fraser, having heard also ane desire in behalfe of Mr. Hary Baillie, all of them aiming at the School of this burgh, it was desired that the Provost would give the house their full voyce anent the thrie persons, who in obedience therto did put it to the voyce, whither Mr. Michael Fraser, Mr. John Cuthbert, or Mr. Hary Baillie, sould be Schoolmr, it was caryed be pluralitie of voyces that the said Mr. John Cuthbert sould be Schoolmaster, and that ane presentation of him (to the said School) to the Bishop sould be penned. Qron act.

That day the Magistrates and Counsell having sein ane letter from the Bishop of Murray to the Presbitrie of Innernes, or such of them as should conveniently meet for tryell and examination of Mr. John Cuthbert his qualifications and abilitie for exercising the function as Schoolr of the said brugh, did nominat and appoint the said thesaurer and Charles McLean to go to the said Presbitrie with the said letter and report the Presbitrie's anser theranent the next Counsell day. Qron act.

That day conforme to the ancient custome and priviledge of this burghe, the Magistrates and Counsell abnownamed being conweined within the new Sessione House of Innernes for choosing new Magistrates to rule this Burghe and effears therof this ensueing zeir, wiz. fra Michaelmes
1669 to Michaelmes 1670, did, in prosecution of the laudable custome, (after prayer and supplicatione maid to God for a blessing wpon the work) select, nominat and choose the persones following to rule in maner forsaid for this ensuing zeir, They ar to say,

Alexander Cuthbert, Prowest
John Hepburne
Finlay Fraser
Alex R Rose
and Wm. Robertson

That day also Robert Barbour is continowd as Dean of Gild for this ensuing zeir.

James Stewart is elected as Thesaurer for this zeir, quha is to haue fourtie pundys for his sellarie. Qron act.

4 Oct.

Baillie Robertsone is appoynted to goe to Forres on Thursday nixt, and meit ther with the remanent commissioners of the militia, and know of ther procedor, and report his diligence the nixt Counsell day. Qron act.

11 Oct.

That day the Magistrats and Counsell, haweing enquyred Baillie Robertsone anent his diligence at the meeting at Forres anent the militia on Thursday last, did report that Sir Lodowick Gordoun, qm. they had direct South to gett ease of ther proportione of the militia, sent ane letter from the South to the meeting at Forres for ane commissione to buy armes for the solders of the militia in this divisione betwixt Spey and Nes, and to send tua able men to the Parliament to plead for ease to this divisione. Qron act.

6 Dec.

That day the Magistrats and Counsell appoyt that ane bank be beaten throw the wholl streits intimating to all the captans of the towns watche and ther companies that each captan with his companie in thr toures per vices, ar to come to the watch and sett ther sentries be nyne hours at night, and ar to continow unwremowed therfra qll fyw hours in the mornine, and for warneing them therto (besyd the officers charge) the double bells of the tolbooth ar to be tooled at the saids sewerall hours at night and in the mornine.
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The Magistrates and Counsell also appoynt and ordayne all the captans to poynd or waird the absent sogers immediatlie after the roll is called. Qron act.

That day Mr. James Stewart, late schoolmaister of this burghe, having tenderit ane supplicatione to the Magistrates and Counsell for the payment to him of the soume of Thrie hundreth fourtie sevin merks sex shillings eight pennies Scots money as yet restand to him be the burgh as remaines of his stipend since his entrie to the said school to Mertimes last, Qlk desyre the Magistrates and Counsell considered and find the said desire reasonable, and therefore they have appointit, and be thir presents they appoint, the above named David Fouler, out of the first end of the accompts resting be him to the brugh, to pay to the said Mr. James Stewart the soume of thrie hundreth and sevin merks sex shillings eight pennies, and that upon demand, and that in presence of Baillie Robertson, the thesaurer, Wm. Baillie, elder, and Charles McLean, to the effect the said Mr. James Stewart may grant ane ample and full discharge of his whole sallarie and bygane stipend preceeding Mertimes last, exceptand onlie the soume of fourtie merks Scots qlk compleits his whole stipend, and qlk fourtie merks the Magistrates and Counsell accept in and upon them as a debt, and oblidges them and their successors to pay the samen to the said Mr. James his airs or assignes with all possible diligence. Qron act.

That day Baillie Fraser is appoynted be the Counsell to wrytt south to Alexr Fraser in Dundie to send the muskets and bandeleirs he conduced with him for north with the first occasione, and that in regard the pryces therof ar payed to Robert Barbor be ordor from Johe Dunbar in Elgein, according to his last letter direct thereanent. Qron act.

That day Baillie Fraser produced the act of Secret Counsell subscrived be the clerk, qlk act relates to the way of imposeing and lewicing of the foot sogers for the militia. Qron act.

That day the Magistrats and Counsell, tacking to their consideration the great prejudice and ruine that wes threatned to this burgh and quholl Incorporatione therof throw ane sudden fyre ryseine within ane little tornach ordinarlie keiped within duelling houss, and the saids Magistrats and Counsell finding that the prejudice and ruine threatened
1670 as it was occasioned by the said tornach qlk latlie took fyr, so the ruine
7 Mar. and prejudice was lyk to be so much the more as it was among wthr biggin neir the bodie of the townes; Thairfor the saids Magistrats and Counsell doe heirby enact that no such tornachs salbe heirefter built within the townes, bot that they salbe built at a distance neir some corner therof; as also the said Magistrats and Counsell doe command that all quha have such tornachs in any place within the bodie of the townes remow the samen betwixt and Witosday nixt, with certificatione to them, iff they failzie, the Magistrats will proceid against them as contemners of the act, and that by and attour to be lyable for the skaith to be susteaned in caice of disobedience. Qron act.

28 Mar. That day the Magistrats and Counsell, considdering that, notwithstanding be former act made against landlords for receawing of vagabonds, idle and wnuusfull persone and persones without testimonialls, zet they find that ther ar ane great number receawed and keiped with in this place, Therfor they by these presents appoynt ane of the baillies, with ane of the Counsell, ane constable, and ane officer, to wieue ewerie streit, and to imprisson such persones as they will find to be as is abowe exprest, to the end that the Magistrats and Counsell may goe about the tacking of some effectuall course with them, to be redd of them, and that on the nixt counsell day, and ordayning that the saids baillies, counsellers, constables, and officers goe about the said search be sex o’clock on the afternoon of Fryday nixt. Qron act.

7 April That day the Magistrats and Counsell haveing conweined anent the towns effears, specallie for nominating and choosing of thrie commissioners to goe to Forres on Thursday nixt to meit with the rest of the commissioners foir proportioneing the militia betwixt Spey and Nesse, haue, in obedience to the Earle of Murray his desyr, nominat and chosen the present Prowest, with Baillie Hepburne and the Dean of Gild, to goe on to that meiting on Thursday nixt. Qron act.

18 April That day the Prowest produced ane letter with the double of ane act of Parliament for ane voluntar contributione for reparatione of the bulwark of Dundie presented, qlk wes ansered presentlie at the Counsell table.

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That day the present Prowest and Baillie Robertsone, being enquyred anent quhat wes done at the last meiting at Forres anent the militia, reported that, after ane long and tedious discourse and controversie amongst the commissioners then mett togidder ther, quhither men for the militia suld be layed on be the rent of the diwisione or be the numbers of the sensible men, zea or not, quhilk debaite wes caried in end be the major voice that the samen suld be the men according to the act of Parliament and act of Counsell relating therto. They reported also that Thursday nixt is appoynted as new dyet to meit at the said town of Forres for proportioneing and laying on the said lewie, at quhich tyme the commissioners to be chosen to that meiting ar to carie along with them ane half-month cesse as the townes proportione of the stent imposed on the diwisione for defraying of the extrinsick charges anent the militia.

That day Baillie Hepburne, Castelhill, Prowest Dunbar, Justices, and Charles McLeane ar choisene to goe to Forres Thursday nixt to meit with the wther commissioners for proportioneing the militia, and report ther diligence the nixt Coussell day. Qron act.

That day Bailie Rose and Charles McLeane being inquyred anent quhat wes done at Forres at the last meiting of the Comissioners for the militia, ther produced the double of ane act penned at that sederunt, mentioning that ther be new lists and rolls of the sensible men betwixt 16 and 60 be tacken up within the diwisione, in order qrinto they have ordayned that intimatione might be sent to the Comissioners of the diwisione to send ane transumpt of all men communicable as the act of date 3rd May, 1670, beirs ; item, they produced ane discharge wpon the half moneths cesse wnder Johne Ogilwie his hands, of date the third day of May, 1670, qlk discharge is deliwered to end to be registrat. Qron act.

That day Baillie Fraser, with Johne Cuthbert, late Baillie, are nominat and appoynted to goe to Forres the mornie and meit with the wther Comissioners for the militia, and report ther diligence the nixt Cousell day.

That day the Magistrats and Cousell have appoynted Baillie Rose, the Theasurer, and George Cummeing to cleir compts with Wm. McBeane
1670 anent his debursements anent the little dock at the shoar, and report ther
diligence the nixt Counsell day, and the Counsell ar to consider how to
proceed as to the putting of the old dock in ane conditione to be usefull
to the Incorporatione.

4 June That day the Magistrats and Counsell, being conweined foir treating
about the town's effears, and amongst the rest considerering that the
Magistrats and the jeall of this burghe are daylle troubled with captione,
and ar charged daylie to apprehend and tack prisoners and keep them
within ther said jeall, qll breid to them ane great deal of cair and
fascherie to them; they therfor on the forsaid considderatione haue
enacted and ordayned that no prisoners put in waird for debt or
arrested therin be wertue of letters of captione, salbe dismissed furth
thereof (notwithstanding they satisfie the debt) qll they suspend, relax
and charge the Magistrats with horneing to put them at libertie, or else
pey eich rex dollors to the thesaurer, and delywer to him ane sufficient
discharge be the creditors of all the debt for qll they sall happine to be
warded or arrested, declaring the Magistrats and ther successors to be
frie from ther challeing in all tyme comeing, bearing clauss of regis-
tratione. Qron act.

27 June That day Baillies Fraser and Robertson, with the Deane of Gild,
ar appoynted to treat with Alexr. Ross, Wm. Troup, messengers, and
Wm. Ross, drummer, anent being any ane of them keepers of the
tolbooth and jeall therof, and report ther diligence the nixt Counsell day.
Qron act.

1 Aug. That day the Magistrats and Counsell haue enacted and appointit
that all the hocksters formerlie in use to sitt at the cross be removed
therfra and from ther own doors, except for selling of Scots onzions
and bread altenarlie, exceptand Rorie Fraser and Alexander Neilson,
creamers, and such others of the saids hocksters as buy their freedomes
as the saids Rorie and Alexr. have done, or otherwayne agrie with
the Magistrats and Counsell theranent, the saids Rorie Fraser or
Alexr. Neilson being heirby restrictit not to sell at the said cross any
steple guidis except preins and needles. They are also astricted not to
buy butter nor cheese to be sold againe at the said cross except what
they buy at the great fares of the same burgh and other great fares about, debarring them from buying any butter or cheese upon the Frydays or any week dayes within this burgh to be sold again as said is; and, if it sall happen them to take mere booths or keip ward houses, then and immediatlie hereafter they are to quyt sitting at the cross and to keip either cheese or ward house, and never thereafter allowit to sit at the cross upon any accompl whatsomever, and, however that they are made friemen, yet they quytclame and hierby denude their airs of the benefite of sitting at the said cross. The hail premisses they bind and ablige themselves to adheare unto under the pain of being americat be the Magistrats by and attor performance of the premisses. Qron act.

That day also Wm. Andersone, Officer, is deposed of his office, and ordained to cast off his reid coat and delywer the samen to the wthr officers qll the Counsell be adwyed quhat furder punishment to inflick on him foir his misbehaviour in his office. Qron act.

The Magistrats and Counsell hauing ane complaint tendered to them be Robert Barbour, Deane of Gild of this burgh, against certane of the name of Fraser (quha by exercisine his office of deane of gild at Beulie mercat) quha wiolentlie and in ane hostill maner, without ane caus offered to tham, cam accompanied with the number of fourtie men at least boden with weapons, and layd wiolent hands on him quhen he wes goeing to his horse, bound homeward, and caried him back againe as prisoner to the Lord Lowat his hous, and ther keipt and detainted him qll they past sentence against him foir the sowme of ane hundred punds Scotts as a fyne on him for his deportment as deane of gild at Beulie mercat, and arrested him in the said Lord Lowat his hous for the said sowme, quhairwpon and hail premisses he took instruments in Hew Fraser, notar, his hands, quha wes pretendit clerk to that pretendit court.

The Magistrats and Counsell finding that they ar much concerned in the recentment of the grosse and hyenous affront offered to their said deane of gild, and consequentlie to themselves, doe ordayne the said Robert Barbour to consult anent quhat may be the punishment may follow wpone such a grosse and hyenous insolencie and ryett, and giwe ane accompt to the Magistrats and Counsell anent the advocatts ther responce; and in the meane tyme they appoynt Baillie Hepburne, Baillie Rose, Prowest Dunbar, and the said Deane of Gild to project quhat salbe
1670 the speidiest and most effectuall way ffoir marking out ffywe hundreth
3 Oct. merks to be the said Robert Barbour his charges to ane accompt, and iff
the samen be exhausted befor the action be brocht to a period the
Magistrates and Counsell ar to considder of ane new way ffoir his supplie
wntill the determinatioune of the lords of privie counsell be had in the
particular; and in the meane tymhe the said Deane of Gild is empowered
to persue the actioun with all wigour befors the lords of privie counsell,
and noways allowed to fall on any treattie with any pairtie or pairties,
bot the samen is reserved to the Magistrates and Counsell alenarlie in
regard they find ther honour and credit so deeplie interressed as
aforsaid; and with all the Counsell appoynts the forsais persons to give
ane exact accompt of ther diligence the nixt Counsell day. Qron act.

That day also the Magistrates and Counsell finding that the town's
officers, without any warrant from the Magistrates, doe imprisson within
the inner hous (quich hous is al togidder appoynted and allotted for
prisoners imprissoned for debt), and zet that the saids officers, without
warrand as aforsaid, doe secure and imprisone within the samen
persones challenged and arrenged for thist; the Magistrates and Counsell
foir remeid therof doe ordayne that all persones arrenged and challenged
foir thist salbe secured in the wault, and that the inner hous be reserved
and kepied as a prissone hous for men putt in foir debt alenarlie, and
ordaynes that the tua Lochabermen therin remaneing be furthwith
caried to the wault, therin to remayne qll the Scherrieff administrat
justice on tham. Qron act.

24 Oct. That day the Magistrates and Counsell haue nominat and appoynted
Baillie Fraser, Castelhill, and Wm. Duff to speake to Belladrum at the
buriell of Cullodin's daughter for ane accomodatione to be made betwixt
the Deane of Gild and certane of the name of Fraser quha affronted the
Deane of Gild at Bewlie fayr last bypass, and to report their diligence
the nixt Counsell day. Qron act.

That day the Magistrates and Council haueinge sein ane supplicatioune
tendered to them be Wm. Andersone ffor his readmussion as officer, and
finding great signes and token of remorse and amendment in him,
have received him to favor and restored him to his former office, with
this conditione that on the werie first escap and fault he comits he salbe
banished from this burghe never to returne thereto. Qron act.
That day Dauid Urquhart, officer, foir ane grosse fault committid be him, wiz.: foir holding the prisson doirs opin on the prissoners the space of an quholl day, is appointed to sit in the stocks be eleven hors, and to continew therin qll thrie hors efternoon, and to be denuded of his pairt of the jeawiller's [jailor's] fie from the present prissoners, and also foir the first fault he commits to be deposed from his office, and furder punished at the Magistrats discretione. Qron act.

That day also the Magistrats and Counsell haueing seine ane supplicatione tendered to tham be Robert Barbour, Deane of Gild, desyrieng that ane piece ground at the old dock be disposed in few to him, to build ane waakmilne theron, and the wakster's hous, with alse much ground as may be ane sufficient dam foir furnisheing water to the said milne, and haueing considdered the said supplicatione they find the desyr reasonable, and therfor haue appoynted the Magistrats, with certain wthrs persones of the Counsell, to goe and tack a view of the bounds petitioned for, and to report thir diligence theranent the nixt Counsell day. The Counsell haueing requyred ane exact diligence from the saids persones anent the place quhair the said milne and waakster's hous salbe built, and anent quhat bounds they appoynted the dam to be in, did in answer therto giwe in ther diligence as follows, to witt, they find that the old fenther or frissie as the sea fills to the south therof, and westward to the way that leads by the minister's gleib to the links from the wester end of the old dyck, lineillie to ane little know or small heap of stones lyand benorth the said old dyck, and from thence to ane wthr little hillock or know, from quich as wind and weather shears, lineillie eastward to the great stone at the wester end of the said dock, may be ane dam for the said waakmilne, including the samen milne within the saids bounds. They declar ane also that the wakster's hous, consisting of ffyftie foote in lenth and tuentie foote in breidth, may be built east and west on dry ground benorth the said dam without any prejudice to the comontie. The Magistrats and Counsell now conweined doe allow of the said report, and doe appoynt that ane chartor and seasing be extendit therwpon in favors of the said Robert Barbour, his airs and assignes, for the yeirlie payment of 13ss. 4d. Scotts money of fowdutie, payable at tua terms in the yeir, Witsonday and Mertimes in winter, be tua equall portions, and doubling thereof at the enrie of ilk aire or
1671 assigne, with this special provisione that if the said milne dam and waakster's hous be not compleitlie built and finished, and be fund wsfull as ane sufficient waakmilne for serwing the lidges, within the space of thrie zeirs immediatlie following the date hierof, then and in that caice this present act, chartor and seasing to follow therwpon to be woyd, null and of no effect in all tyme therefter coming as if the same had newer beine made, giwen nor grantit, and the ground qron the samen is appoynted to be built to returne to the burghe and belong to tham as formerlie, and the said Robert and his foresaid to be sequestrat therfra, and denudit therof, and be noways lyable in payment of the forsaid fewdutie for the samen. And it is hereby speciallie prowydit that, iff the milne and milne dam be fund wsefull to the said Robert, zct the said dam and bounds therof not to belong to the said Robert more nor to whrs the inhabitants of the said burghe except in sua far as the samen can be wsefull to him to keip water for the said milne. Qubaieron ane of the Baillies ar appoynted to goe to the ground and giwe seising in comuni forma. Qron act.

The Magistrats and Counsell also find that ane waakmilne in any place abowe the said milne on the liberties of this burghe is prijudiciall to the watermen and were dangerous to the inhabitants thair health; therfor they discharge in all tyme coming that no waakmilne be built abow the said Robert his milne, bot iff any persone desyr to have the libertie of ane saw milne abow the samen he sall be licenced to suplicat for the samen. Qron act.

6 Feb. That day Castelhill and Baillie Robertson e ar appoynted to caus prowyd eichtaine pick [pike] by buying of tham or causeing mack them be workmen of this Incorporatione and they ar allowed to pey four merks Scots for ilk pick. As also to try iff enie muskets of Linrt [?] work can be had in towne or elswhair, and to giwe accompt this day eicht dayes peremptorlie quhat they can gett done as to both. Qron act.

13 Feb. That day the Magistrats and Counsell haueing requyred Castelhill and Baillie Robertson to giwe ane accompt of the trust putt wpon tham be the abowwritten act, and finding that they haue not giwen in any diligent therof, they are therfor appoynted this day to wse peremptorie diligent, and to giwe in ane exact accompt therof the nixt Counsell day.
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The Magistrates and Counsell, haueing seueveral rolls of men fitt for the militia, haue weaved the rewising of them all the nixt Counsell day, and haue furder appoynted that the Counsell hane ther thoughts anent the fittest men for the militia, and giwe in mair rolls to that effect the nixt Counsell day.

That day Baillie Robertson is appoynted be the Magistrates and Counsell to mack search and inquirie throw the towne for all the fixed muskets of linrt [?] work and to [deliver] them to the thesaurer betwixt and Thursday nixt peremtorie, to the end that iff any be wanting they may be had another way either fra Elgen or Dundie: and this to report his diligence to the Prowest the morne at night. Qron act.

That day Robert Paull, sheomacker, being accused for his mis-behaviour and ill deportment to Baillie Robertson by words and threatteneing, and for his discourse to the prejudice of the rest of the Magistrates & burghe, and to his hy contempt of auctoritie, ras it is asserted that he on Monday, being the tint of this present moneth of Apryle, came to Baillie Robertson and disyred him in a minassing threatteneing way to putt the persone of Johne Mc ferqr to friedome, the said Johne being imprissoned be the said Baillies order, swearing awoueing by great othyes in presence of God that he wald newer watch in Inneres except he wald putt the said Johne Mc ferqr to libertie, and being desyred be the said baillie to withdraw himself from him and frie him of his trouble he was pleased of new to say to him that he wald protest against him & the wholl Magistrates the nixt morne, macking often wse in a great rage of the word Magistrates, Magistrates; & thereafter, haueing come the length of the guard, he was pleased to desyr thos of the guard to tack armes against the Magistrates & towne; & being denied be the wholl of them, and particularlie be Robert Winchester, he was pleased to call him and tham mussled beasts, &furder adding and saying that iff ther wer also many forhammers in the towne as wald breack wp the tolbooth door it wald be presentlie be mad oppine and John Mc ferqr tacken out. The said Robert Paull, being accused in presens of the Counsell on the heads of the said complaynt & accusatione, denied all. Quhairwpone the fiscall adduced sevverall and diverse famous witness to prow the accusatione, quha being suone judicallie and interrogat particularlie on the articles lyable did depone and declar

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affirmative with the complaynt. The Magistrats and Counsell therfor
haueing heard, seine, and considdered the accusatione and complaynt
abowwritten with the witness's th thr depositions, and being ryplie adwysed
thwith, find thryby that the said Robert Paull hes contemptouslie and
grosslie transgressed the lawe. They therfor haue decerned and declared
the said Robert Paull to haue tint & amitted his libertie and fredome as
burges, and appoynts him to enter presentlie as ane stallanger, and to
remayne in ward qll he pey his stallanger fie, and giwe in his burges act
to be torne, & that it haue no faith in tyme comeing. Qron act.

That day the four Baillies ar appoynted be the Counsell to meitt be
tua afternoone and proportione the companies for the watch, and to
separat Johne Mc ferqr from Robert Paull, and putt the companies in
also equall fitting as is possible. Qron act.

That day the Counsell appoynts the Deane of Gild, the Thesaurer,
& Shoarmaster to sett good & substantious stoupes about the dock, and
tua or thrie wther stoupes adjacent to the river qr he and wths adjoyneyed
to him will find it requisit, and quhat is bestowed on the samen the
Counsell appoynts it to be payed by the thesaurer. Qron act.

That day the Magistrats & Counsell haueing meet anent the towns
effairs, and speciallie anent quhat returne to giwe to the Missive; efter
publick reading therof, it wes put to the voice be the Prowest quhither
or not they wald send ane Commissioner to the nixt ensuing conventione
of the burrows, yea or not, they, considdering ther straits & difficultie at
this tyme, haue all concluded to send non to this next conventione.
Qron act.

That day also the shoolmaister of the gramer shoole haueing
tendered ane suplicatione to the Counsell desryreing that ane doctor
suld be admitted foris his helpe, and that the said doctor suld haue ane
competent lywliehood for his incurradgment; the Magistrats and
Counsell haueing tacken the said desyr in consideracione, find the samen
reasonable, considdering that the shoole at present is numerous; they
pitch on Johne Monro to be doctor fori a zeir alenarlic, and longer if the
saids Magistrats & Counsell be pleased with him, and he satisfied with
tham; and during the said zeir allows him to exact of ewerie sholler,
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also weill to burghe as landward, the sowme of sex shillings Scotts money and that by and attour the 40 merks payable be the sesioun and the 20 lib giwen to him be the shoolmaister; and appoynts ane contract to be drawne betwixt the Magistrats and him to that effect. Qron act.

That day the Magistrats and Counsell being conweined & tackeing to consideratioun the conditione of the present Magistrats, and quhat loss & prejudice may arysse to them in relatione to putting of captions to executions, and quhat may follow on the not tacking of a rebell altho the Magistrats or any ane of them be charged, and anent quhat may follow (a rebell being tacken) iff he sall happine to mack his escape quither out of the saids Magistrats ther hands or out of the tolbooth, be way of escape or breacking of prissone, or any wther maner of way, they find that the caise & conditione of the Magistrats of this burghe is farr different from the caise & conditione of the Magistrats within any wther burghe within the Kingdome; and therfoir sfoir the incurragdment of the present Magistrats and ther successors, and to prewent that the place be not made destitute of Magistrats (the present Magistrats being unwilling to accept of charge) they heirby exact and stricklie oblige the quholl Counsell and remanent inhabitants, alseewell to towne as territorie, not onlie to be bound for the relieff of the said Magistrats and ther successors according to ther respective abilities & powers, bot also defend tham and stand in ther defence and keip tham harmles & skaithles in ther persones, goods, and geir against any quho sall offer to persue tham be lawe or wtherways. Also the Counsell ownes as ther concernement the escape of Alexander Chisolme of Comer, quha escaped out of the tolbooth in the month of October 1668, and obliess tham to keip the Magistrats than in charge harmles & skaithles from all danger that may arysse throw his escape. This act is to stand & continew in force during the Magistrats & Counsell ther pleasure. Qron act.

Ther being ane decree pronounced be the Dean of Gild court against James Rose and Alex' Fraser, millers at the Kinges Milne & Milne of Deirbocht, foir hauing wnjust measures, be wertue qrof they ar not onlie fyned for the samen bot also they ar imprissoned qll they pey ther fyne, quhilk decree was read in Counsell, and efter reading therof the Prowest did interrogat the wther Magistrats & Counsell
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1671 quither or not they wald owne the said decret to be lawfullie pronounced, 30 Oct. yea or not; to quich it wes answered be the quholl Counsell that they owne the samen, and wald manteane it to ther powar. Qron act.

4 Nov. That day the Magistrats & Counsell haue nominat & chosen Robert Barbour, Dean of Gild, to goe to Edinburgh, and to consult with advocats anent quhat salbe the Magistrats & Counsell and comunitie ther cariadge & deportment in relatione to such persons as hes beine thir zeirs bygone incroacheing, and doth presentlie incroach, on and rywe in the towns comontie, as also quhat salbe the said Dean of Gild his way of proceidour against the Kings Milne foir ther measures, and to consult, as lykways prosecute in lawe quhat is fitting on the accompl of the Magistrats & Counsell to be done against them, quither as judges competent to them, or as being ther superiors; and for carieing on of his charges the Counsell imposed wpon the burghe & territorie tua months cesse to manadge that debeat; and iff ther be any overplus the samen is to be imploied foir the wse of the bridge; and iff more money be requisit the Counsell is to find out ane way to provyde for the samen. And the Counsell appoynts that proclamatione be mad intimating the premies, as lykways that it be payed to the samen collector according to the rule of the last tua monthes. Qron act.

18 Dec. That day also the Magistrats & Counsell haueing considdered ane supplicatioune tendered to them be Robert Fraser, Alexander Neilson, & Donald Clerk, Cremer, complayneing on diiverse hucksters quha wer discharged, and as yet ar discharged, to sell any cremarie goods at the croce in respect they ar not frie men bot pretend that they may doe the same as they ar militia men; the Magistrats & Counsell therfoir finds that it hes beine ther meaneing that the militia men suld be frie of ther groat such as peyers bot the samen, or ar within the samen, and allowed them to be in the condiitio of stallengers; Bot it being of weritie that they doe mack use of selling ther tobacco, preines, & neidles, quilk is and hes become the priwiledge of friemen, the Counsell therfoir discharges all men except friemen alenarlie to middle directlie or indirectlie with the saids goods or sell any of them in tyme comeing; with certificatioune to the disobeyars they will be punished at the Magistrats ther discretiou. Qron act.
The Magistrats & Counsell haueing tucken to considderatioune that ther wes formerlie ane act of Counsell appoynteing the fisch mercatt to stand in that wennell lyand at the backsyd of wmqll David Robertstone his hous, commonelie called the scholewyne, and the samen act haueing tucken effect for a certane space, and yet haueing worn out of wse so that the mercatt place (altho narrow) being tucken wp with it; the Counsell finding the prejudice and incomodiouslies therof they appoynt in all tyme comeing that the fisch mercatt sall stand in the forsaid wennell, and that all fisch be sold ther, and to that effect that publicatione be made heirof at the mercat croce publictlie, least any pretend ignorance. Qron act.

That day the Magistrats and Counsell haueing receiued lres. from Robert Barbour out of Edr., showeing that Cullodine desyrs a comungie of him anent the debeat be lawe betwixt the towne & the masters of the milns off Deirbocht, Castelhill, & the King’s Milne, now in dependance befoir the Lords: quhairanent the said Robert desyred the adwyce of the Counsell how to behauie himselff therein; quhilk lres. being read in Counsell and considdered, the Prowest put it to the voice quhait answer to returne, to quhilk the quholl Counsell now conweined in on voice disasented to any comungie, capitulatione, or submissione in their saids actions, desyreing the Magistrats to wrytt to the said Robert Barbour signifieing ther mynd theranent, and ordoring him not to condischend to any such overturs directlie or indirectlie, and considdering that Cullodine intends nothing bot to catch [advantage?] of him: appoynting him also to follow out his persute to the [fynal?] decisione therof be lawe with all wigour. Qron act.

That day also Bailie Fraser is appoynted to goe and speack to the Earle of Murray and learne from him be way of discourse quhait way is proposed for carieing the proportione of men layd on the divisione to Leith, quhither the samen be done on the common accompt of the divisione, or iff it be left to the particular leaders & burrows to be left to themselves; in the second place he is to informe himself quhait is concluded to be the alowance of ewerie soger; and thirldie & maynlie that it be putt hom with all wigor to my lord quhy & wpon quhait accompt the towne of Innernes can be made lyable in any thing quhat-
some wer above the thrie men, considdering that the towne of Innernes is of the militia bot thriescore, and so falls to be ther proportione of ane thousand men bot thrie men. Iff it be objected that the diwisione is mad lyable to tua man more nor falls to them an the accomp of the foote, it is to be answered that be all compt & reckoning it cannot fall on them bot on the accomp of the horsse quhich no burghe in Scotland is lyable, and so the towne of Innernes acht to be in the conditione of the rest of the burrows. Iff it be objected that since the diwisione is made lyable into fyftie tua by ordor of the priwie counsell they will cum periculo mack the burghe lyable conforme; to the quhich it may be were well ansered that tho the burghe of Innernes be so dealt with (quhich as is concluded in lawe & reasone they acht not to be) yet be the cast the towne of Innernes will not be fund lyable in ther proportione of the tua bot the sexteint part & les, quhich is the eicht pt. of ane man and les. The said Baillie is to report his diligence anent the premisses the nixt Counsell day. Qron act.

19 April

The Magistrats & Counsell being conweined, & tacking to considderatione the urgent & pressing commands from the Lords of the priwie counsell ordering this burghe to outrech eicht seamen for his mate's service, they, in obedience to ther commands and for the better effectuating of the samen, haue appoynted thrie months cess to be presentlie layd on, and haue also nominat the number of nyn to be the stenters and sewen of tham to be a quorum. The stenters ar—Wm. Duffe, Johne Cuthbert, James Steuart, Willeam Baillie, elder, .Hew Robertsons, Andro Shawe, James McIntosche, James McLeane, & Wm. McBeane, elder, quha ar presentlie suorn and appoyted to melt be tua afternoone this day within the tolbooth to sitt & proportione the said stent; and ordaynes intimatione to be made heirof by touk of drum at the mercat croce presentlie, to the end that iff any hes to object against the stent and stenters they may mack ther applicatione to the Magistrats be ther supplicatione, and they sall haue heiring & be sattisfied according to justice. In the meantyme the stent rolls ar appoynted to be delyvered to the clerk to be perused be all interesed, and that betwixt the dayt heirof & ten hors on Wednesday nixt being the 24 of this instant Apryle, after quhich tyme all persones lyable in peyment of stent ar to pey ther respective proportione to Wm. Thomsons quha is
apoynted collector therof, and is to haue for his collectione according to his seruice. Qron act.

That day the Magistrats and Counsell being conweined to treat about the townes affairs, they haue nominat and apoynted the said Dauid Fouler and Johne Cuthbert, merchand, with tuelwe able footmen quha ar to be of ther choosing to goe the nixt morneing, being Saturday the tuentie sewent of this instant, be ten a'clove in the fornoone with the eicht seamen (quha ar to be sent south for his matie's seruice in obedience to aine act of the priwie counsell of date the first day of Apryle, 1672). They ar to delywer the seamen be ten a'clove on Monday, being the twentie nynt instant, at Forres, and not onlie receawe securitie and oblidgment from Pluscarden & Gawen Watsone for ther saff convoy and delywerie at Leith, bot also securitie oblidging tham to obteane aine, sufficient discharge to the burghe on the receipt of the men at Leith or Bruntiland. They ar to receawe for the seamen and ther own & guards expenss til ane accompl tua hundrith & tuentie merks Scotts money, and giwe the accompt at ther returne. Qron act.

That day the Magistrats & Counsell hauing recewed the missiwe direct foir keiping the conventione of the royall burrows at Sanct Jonston did ordayne ane commissione to be drawne and subt. to be sent to Baillie Fraser quha is presentlie at Edin', quhilk wes done and sent to him. The Magistrats & Counsell also hauing recewed ane discharge of the eicht seamen sent south from Dauid Fouler, qlk he received from young Pluscarden, they apoynted Baillie Rose to goe therwith to Forres, and not onlie to meit with Pluscarden theranent and receawe the discharge qlk Pluscarden gott at Leith on the delywerie of the said seamen and bluecoats, bot also to meit with the rest of the commissioners of the diwisione for the militia (the clerk of the meiting hauing written to that effect) to know the ground of the meiting, and to report his diligence theranent the nixt Counsell day. Qron act.

That day Bailie Rose being requyred to report his diligence anent his acting at Forres the last tyme he was sent hither, declared that hauing requyred the remanent commissioners to give ane reason for
1672 14 June laying on ane halfe men [?] on this burgh, qrs they aucht not to bear
any pairt; qrto it was answered be them the proportione being castine
they culd not and wald not alter the seamen ower agayne; qrwpon the
said bailie protested and took instrument, and that because the pro-
portione of the quholl divisione wes bot fiftie tua men qroff this burgh
out worked thrie, and at the worst aucht not to be lyable to the eicht
pairt of a man, as instrument tacken thron will evidence. As to that
article qrby the said bailie wes appoynted to speack to Pluscarden and gett
the discharge for the eicht seamen from him, qlk he receawed on the
delywerie of them south, he reported that instead of the discharge he mett
with ane charge of horneing qlk he produced (and qlk wes sent south to be
suspended). And as to that article anent speacking to Lethine anent the
taxatione, he produced Lethins Ire. promising all rationall dealing on
productione of the discharge qlk the burghes hes thros. Qron act.

22 July The Magistrats & Counsell haueing sein ane Ire. direct from Edinr.
to them be Bailie Fraser, quha is commiss for this burgh at the Parlia-
ment, qrby is informat that in regard the Parliament wes then adjourned
for ane fortnights tyme he might come hom iff it consist with the Coun-
sells consent; in answer qrof the Magistrats & Counsell appoynt that the
said commissioner Bailie Fraser suld not com hom sua long as Cullodin
stayed ther at the Parliament, bot to stay thir waiting his motione
speciallie at the articles, lest he act on thing or wyt to the burghes
prejudice, and for that effect appoyted me thr clerk to wrytt to him.
Qron act.

5 Aug. The saids Magistrats & Counsell finding that ther is a great slack-
nes in keiping of the nightlie watch of this burgh, and that sewerall of
the inhabitants, some wpon on accompt and some wpon another, does
challeng exemption to themselwes from watching; and the Magistrats
& Counsell finding a great deal of loosenes in the cuntrie and ane
necessitie on them for keiping of a strict watch in the burgh, they ther-
foir haue presentlie enacted and appoynted proclamatione be took of
drum to be maid therof, declaring that no man, being ane inhabitant in
the burgh, betwixt sextie and sexteine, being able in bodie, sall challeng
to himself or expect to haue any immunitie from watching according to
ther respective tours, except alenarlie the present and old Magistrats,
Dean of Gild, and Thesaurer, quha ar allowed, quhen aither of ther tours occur, to watch be a sufficient prettie man, and that wnder the penaltie of ten merks scotts for the first fault, tuentie merks for the nixt fault, and for the third fault they ar to be punisched be the Magistrats & Counsell as contumacious and disobedient persons, the Magistrats being alway in powar to tack in consideracion such as ar not able to watch tho within age. Qron act.

That day Master Alexr Farquhar of Touley compeirand in presence of the saids Magistrats & Counsell, accompanied with ane messr quha efter chargeing of the Magistrats to put the said Touley to libertie out of the tolbooth of this burghe, did for instructione of his charge produce ane decreit, with lrs. of horneing theron raised, requyring the Magistrats sic the said Mr Alexr Farquhar subscrywe ane dispositione and assignatione of his quholl moveables and estat of land to his creditors for ther satisfactione, with suspensione, relaxatione, and charge to put to libertie. Quhilks being seine & considered be the Magistrats & Counsell, and seeing also the said Mr Alexr subscrywe the said paper, they appoynt that the said Mr Alexr be sett and putt to libertie, and that the horneing with the double of the suspensione be delywered to the clerk to be secured in the steiple for preservatione therof; qlk accordingly wes done. Qron act.

The saids Magistrats & Counsell being conweined anent the towns effairs, specllie anent the desyr putt hom to them in behalf of Hew Fraser of Culbockie, now prisooner in the tolbooth foir debt, desyreing that he may be putt at libertie & freedom out of the said tolbooth, and that becaus that he hes satled with all the creditors at quhaes instance he wes warded and arrested at this tym; with qlk desyr the Counsell being adwyed and they interrogat be Bailie Rose quhither or not the persone of the said Hew Fraser suld be put at libertie out of the said tolbooth, the Magistrats & Counsell being sufficiently secured and discharged be his wholl creditors at quhoes instance he wes imprisoned and arrested, yea or no; Quhairto the wholl Magistrats & Counsell answered that sufficient discharges being given be the saids creditors to the Magistrats, with warrandice to frie tham from trouble in all tym coming, the Magistrats might putt the said Hew Fraser at libertie; qlk they homologat and allow. Quhairon act.
That day the Magistrats & Counsell being mett to treat about the towns affairs, especiallie for provyding ane schoolmaster to the gramar school, quk is now falne vacant be the dimission of Mr John Cuthbert, present schoolmaster; and considering that as they are undoubtit patrones thereof they have the right of presentation, nevertheless the prowest put it to the voyce whither or not they would present according to their libertie; or be for a publict disput; whereto it was anserit that they were not fully resolved to give ther judgment, and therafore desired that interrogators be waved till the nixt Counsell day. Qrupon act.

That day the Magistrats & Counsell being conveined to treat about the town's affairs, especiallie anent ane master to the gramar school, and it being put to the voyce whither they were for present doing or waving, it was caryed as formerlie for waving, quupon it was ordained that all the Counsell keep peremptorly the next Counsell day and giwe thr judg-ments whither for presentation or a disput. Qron act.

That day also ane leit of shollers being presented in presence of the Counsell for teaching the gramer shoole for ane zier, and the Prowest haweing asked the woics, it was caried be pluraltie of woices in favor of Maister Alex' Rose, laull sone to Daid Rose of Erlfunlie, and therfor they have ordained and appoynted that ther be ane presentation extended in his favor for presenting of him to the bishop and his substitute for tacking tryell of his qualifications and literatour for dischargeing the said office, and being fund qualified that ther be ane contract drawn to be subscrywed be the Magistrats and Counsell on the ane pairt and him on the other pairt, and that conform to the contract that past betwixt him and Mr John Cuthbert, present shoolmaster. Qron act.

That day the Magistrats & Counsell conweined anent the towne's affairs, and finding that Alex* Forbes hes tacken protestatione against the Magistrats for imprisoneing of him on the accomplt of Cullodine his stent, the said Alex* be his tennent and a present possessor of his bigging, and the saids Magistrats & Counsell laying to heart his grosse misbehaviour in middleing with any such protestatione contrair the Magistrats of this burghe and contrairie to the dutie, submissioune and
regard he as burges owed to the saids Magistrats, the said protestatione being ansered be the saids Magistrats, the Counsell finds it fitt that the Magistrats ther said anser be sent south to Willeam Duff, one of the present bailies, quha is now at Edin' that he may not onlie stop any suspinsione or charge to put to libertie, but also that he may satisffie the Lords of Counsell and Sessioun in quhatever calumnie or aspersioun the said Cullodine shall lay to ther charge be or throw the warding of the said Alexr Forbes or wpon any wther accompl. And the Magistrats ar appoynted to wryt to the said Bailie Duff for this effect, and to give him instructiones as they sall think expedient. Qron act.

That day the Magistrats & Counsell being conweined and ffinding by constant experience that ther is no trust can be reposed in the officers of this burgh, and it being of weritie that sewerall prissoners for consider-able sums of money, and now particularlie Donald Fraser of Drummond, wer imprissoned within the inner jeale and prissonhous of this burgh, the saids Magistrats & Counsell tacking to ther consideratone how necessarie it is for tham to propose some effectuall meane for preserveing of the towe from prejudice throw the eschape of on or mor prissoners from out of the said jeale sua imprissoned; they therfor nominat and appoynt the eftermentioned persones to keip the keys of the inner hous ewerie on of them *per vices* weiklie, they ar to say Bailies Rose, Robertson, Fraser, and Duff, the Deane of Gild, Thesaurer, Bailie JoN Hepburne, Finlay Fraser, Johne Cuthbert, James Cuthbert Lauresone, David Fouler, James Stewart, George Cuming, Andro Shawe, Wm McBeane, James McIntosche, John McIntosche, James McLeane, James Dunbar, Neil Tomstone, John Cuthbert, the clerk's sone; heireby declar-ing that iff any prissoner sail eschape be or throw the neglect of the kepier of the keys, the sowmes of money for quhilk the prissoner is or salbe warded or arrested sall be charged on the said keiper of the keyes, to quhom the samen salbe delywered, and in quhaes custodie they salbe the tyme of the eschape. And the Counsell appoynts the keys to be deleywered to Bailie Rose this day, being fryday and the sext day of the month of Feb 1674, and that betwixt eleven and tuene of the day, and sua furth *per vices* weiklie, the on to deleywer the keys to the wthrs according to the roll abowexprest, and that betwixt eleven and tuene
1674 aclock on Fryday still. The saysd Magistrats & Counsell also appoynts that the tyme of the visiting of the jeall and prissone daylie be betwixt elewen and tuelue hours, and that ilk persone of the fornamed persones follow his order during his weik or tour, and that he tack along with him to visit the said jeall and prissone sex persones of the inhabitants at least and manner as he sall think necessar. Qron act.

20 April That day the Magistrats & Counsell being convened to treat about the townes affairs, and being informed that Sir Johne Bayers of Cotts hes entered men to delue the bray of the Hauche, qlk belongs to this burghe and hes beine in thr possessioun past memorie of man, the Counsell therfor thinks it expedient to send tua of the Bailies, tua of the Counsell, with tua officers, with Alex® Rose and Alex® Fraser, present Bailies, Jon Hepborne, and Jon Cuthbert, late Bailie, with Willeam Rose and David Urq®, officers, and to mack ciwil interuptioune to the said novatioune and incroachment on the town's privilidge, and tack the Clerk with tham, and tack instrument in his hands on the interuptioune, qlk is to be made be putting of the deluer from the delueing, tacking the spaid out of his hand, and turneing of the faile alreadie delued. Qron act.

27 April That day the Counsell appoynts the said Prowest, Bailies Rose and Duff, the Deane of Gild, Bailie Finlay Fraser, and the thesaurer to meit and to wryt to Sir Robert Sinclair, as also to Mr Dunbar, in relatione to the debeats lyk to be raised be the laird of Coats qr. the burghe, and iff they find it convenient that letters of laborrows be raised and ane adwocatione, and that they send ane post of thr own in all hast. Qron act.

4 May That day also the Magistrats & Counsell appoynt Bailie Duff with Bailie Finlay Fraser to goe to the Marques of Huntlie's trusties, and deal with tham anent the novatione qlk the Laird of Coats hes mowed and intends to move against the burghe, and gett the samen silenced qll the Marques come to this burghe, at qlk tyme the Magistrats & Counsell ar to giwe his Lo. all reasonable satisfactione; they ar to tack jurney Monday nixt. Qron act.
That day the Magistrats & Counsell being conweined to treat about the townes effairs, did ordayne the said thesaurer to caus carie downe out of the tolboath steiple one of the riwen bells, and deleywer the samen to Alexr Clunes, Wm Thomstone, and Donald Fouler, to be transported to London ther to be exchanged with ane wthir bell of alse good weight and mettall as the towns bell, and to mack wp the troch they are to haue fyw punds sterling money; and iff they can not gett ane bell in exchang they ar to leave the bell they carie wp to Londone with ane honest man as facer, quha is to caus cast the samen with all diligence, and not onlie leawe the bell bot also the fyw punds sterling with him. Anent qlk premisss the thesaurer is to give ane comission to the saids persons. And, iff it sall happine that he find fyw punds sterling doe not the bussines, the Counsell promiss and obleiss tham to pey to the said Alexr Clunes, Wm Thomson, and Dod Fouler sexteine pence of the testane [testoon] of quhat money will be necessitat to deburse on the said bell mor nor the said 5lb. sterling. And the thesaurer is appoynted to sie the bell weyed, and to keip ane not of the weight of it. Qron act.

That day the Magistrats & Counsell being conweined to treat of the towns effairs, find it necessar for furder securing of the inner prisson hous in the tolbooth, and prissoners therin arrested, warded and secured, that how soone the watch is conweined and sentries sett that tua of the watch be sett wp and putt in the loft abow the inner prisson ther to remayne qll daylight on the morrow according to ewerie companies tour, and wther tua centries in Willeam Bailies close in the back syd of the tolbooth, and ane wthir centrie of tua men to watch on the south syd of the tolbooth, qlk tua last centries ar to haue thr releiff according to custome, to the effect that care be had tham that no prissoner mack his eschap out of the tolbooth. The Counsell also ordayns that Bailie Hepburne be fried from keipin of the keys of the tolbooth and inner jeall throf sua long as Commiss Gray is prissoner. Qron act.

That day the Magistrats & Counsell finding that the Earl of Seafort and Lord Kintail haue presented Mr Gilbert Marshall, lat minister at Cromdell to be actual minister at the vacant charge of this kirk of Innerses, they therfor have nominat and appoynted Bailie Hepburne and the thesaurer to goe with the presentatione to the said Mr Gilbert, and
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1674 to deal with him to accept of the samen presentatione and charge, and
31 Aug. on his acceptance to goe along with him to the Bischop of Murry, and
deal with his Lo. to grant collatione and institutione to the said Mr.
Gilbert, and that with all convenient diligence, that the place may be
the sooner supplied. Qron act.

9 Nov. That day also Bailies Duff and Hepburne ar appoynted to speack
to Sir Jon Bayers of Cotts, and to know from him wpon quhat accompt
he caused middle with the towns customs at the Haichend [Haugh] and
report ther diligence the nixt Counsell day.

1675 The Magistrats & Counsell being conweined about the towns effairs,
9 Feb. and finding that ther is ane desyr tendered to them be James Moncreiff,
merchant in Edin', for serveing heretablie to him and his airs maill and
assigneys the fewdutie of ane barrell of oyle payable to them yeirlie out
of the Isle of Cava in Orkney belonging to tham be quem curat [?] gift,
and that for the yeirlie payement in tyme comeing of 4s. Schilling Scotts,
and doubleing of the fewdutie at the entrie of ilk aire or assigny: with
quhich desyr the Magistrats & Counsell being ryplie adwysed and finding
the samen reasonable, they appoynt the clerk to draw up ane few charter
theron to the said James Moncrieff and his forsais conteaning claus
of warrandice from ther owne proper facts and deids alenarlie and wther
clauss irritant, wiz., that, iff thrie terms run in one, then the few to fall in
the superiors hand. Qron act.

25 April That day ther being ane charter of confirmatione belonging to Hew
Rose of Clava on ane decreit of adjudicatione of the 4 aikers of the Carse
&c., from Jon Polson, Johnesone, produced in Counsell to be subscrywed,
the samen wes delayed qll he pey 20 lb. for reseaueing of him as ther
wassall. Qron act.

10 May That day also apoynts Bailies Fraser and Rose to speack to Sir John
Byrs of Cotts, and ask him quhy he intends to possesse the Bray of the
Hauch and mack property therof considdering that the Marques of
Huntlie at his being in this place did ordayne that all thing debeatable
betwixt his Lo. and the towne suld be silenced qll his owne returne
agayne, and to report his anser the nixt Counsell day. Qron act.

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That day Bailies Fraser and Rose being requyred to report ther diligence anent speaking to Coatts, and to desyr him to desist from incroiching on ther priviledges, and particularie from pasturing on the garse growing on the towns Hauch, they in answer therto report that the said Laird of Coatts affirmed he had ane speciall ordor and comand from the Marques of Huntlie to improw the said bray of Hauch to the best advantage, and therfor he wald not desist from pasturing theron qll he had furder ordor from the Marques. The Magistrates & Counsell being altogidder inclyned to stand hearing with the Marques and his substituts, and not tacking the said anser possitiue, appoynts Prowest Cuthbert and Bailie Duff to speack to the said Coatts anent the premis3 and report ther diligence the nixt Counsell day. Qron act.

Fforsameikill as Willeam Trent, merchant in this burgh, is obleist be obligatione to build and rear wp ane pier and bulwark at the dock of Innernes, for doing qrof the Magistrates & Counsell haue granted to him fywe ziers tack of the ancherage and shore dues, with ane hundreth pounds Scotts Money, qll is borrowed from the present Prowest; qll sowme the towne accepts as a debt in and wpon them, and therfor the Magistrates & Counsell appoynts the thesaurer to pey the samen back agayne to the said Alexr Dunbar, Prowest, of the first and readdiest money that comes to his hand; in the meantyme appoynts the said thesaurer to giwe band for payment of the said money at Michalmes nixt, conteaneeing failzie and a[mercia]ment. Qron act.

The Magistrates & Counsell haue appoynted that the townes men caus lead ane thousand loads of stone from the sconce to the said dock as a supplie to the said Wm Trent to the said work conforme to ane roll giwen under the clerks hand be the Magistrates ordor.

The Magistrates & Counsell also ordayne the ten captains appoynted for watching the towne, with ther companies in ther respectiue tours, goe downe as they sal be requyred be the officers to clean the dock and ground of the pier and bulwark qll the samen be mad fitt & cleir for laying the wall of the bulwark, and also all wthr inhabitants that ar not in the captans rolls, conforme to a roll to be giwen to the officers; and all persons that beis charged to that work to bring out showells, spades, and wthr necessar instruments for clearing of the samen work. The captan is hereby impowered to exact ane merk Scotts from ilk ane of his
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1675

sogers that disobey after tymous advertisement, and that *toties quoties*

24 May

they and ilk ane of them faill. Qron act.

The said day the Magistrates & Counsell considerer that ther wes ane report mad to tham anent the intrusione and irregularitie of diverse and sewerall inhabitantes quho haue mad wp to themselves monuments and tombs of burieing places within the Chappell yeard without licence and warrand had from the Magistrates & Counsell to erect and build wp the samen, haue ordaind and be thir presents statuts and ordainys that in all tymie comeing no persone presum to erect or build up any monument in the said Chappell yeard without licence and attollance had from the said Magistrates & Counsell (except such persones as had and hes windoubted right thereto formerlie), with certificatione if any persone presume to transgresse they sal be lyable in peyment of ane hundreth pund Scots as fyne, peyable to the thesaurer. Qron act.

7 June

That day the Prowest with Prowest Cuthbert and Bailie Duff ar appoynted to deal with Coats as formerlie and gett his last positiv anser in relatione to the bray of the Haughe conforme to the act appoynting Prowest Cuthbert and Bailie Duff to goe about the samen, dated 24 May last. Qron act.

11 June

That day also Bailie Finlay Fraser, the Dean of Gild and Bailie Fouler, (quha wer appoynted to deal with masons for repairing of the back syd of the towns hous at the bridgend, being requyred be the Prowest to report ther diligence anent ther acting in that effair, did report that they agreid with Robert Nicolsone and Andro Ross, massones, to pey them for the rearing wp of the mason work of the said back syd and furnisching of pyners and workmen on ther owne proper charge the sowme of four score merks Scots, the Magistrates & Counsell furnisching all materialls necessar. The Counsell appoynts the thesaurer to pas securitie with the saids masons be the adwyce of the saids persons that agreid with tham. Qron act.

28 June

That day the Magistrates & Counsell hauing heard and considdered the supplicatione tendered to them be Alexr Fraser, skinner in this burghe, and the proc. fiscall for his enterest, mackand mentione that the said Alexr Fraser, goeing about his owne effairs within this burghe
without any intentione of prejudice quhatsoever to any persone, yet true
it is that Wm McFrench and George Waus, haueing ane roll in ther
hands, requyred me to pey to them halfe ane crowne as his proportione
of ane impositione layd on him be the said George Waus and wthrs his
associats, quhilk tumultuous and factious ways of walking without any
warrand had from the Magistrats & Counsell aucht and suld be pun-
ished be fyne and wtherways in ther persone, considdering that ther
way of procedore is not onlie tumultuous and factious, bot also is con-
trarie to authoritie and for furder burdeneing of the quholl inhabitants iff
this and the lyk be suffered to goe on, the inhabitants wilbe impower-
isched and necessitat to leawe this place for want of maintenance; and
they haueing examined the said George Waus and Wm McFrench ther
owne confessiones and declarationes, and finding that they haue gone
about ane factious actione, and that they haue mad wp that roll without
any warrand, the Counsell all in ane voice ordayne that the said Wm
McFrench be amerciat in 20lbs, and the said George Waus be not onlie
fyned in tuentie pursds bot also be deprivyd of his friedome and libertie.
Qron act.

The Magistrats & Counsell being conweined anent the towns effairs,
and tacking to ther considderatione the tenor of ane former act of
Counsell of date the 24 Sep 1666, mentioneing that going about the
electione of a new Counsell (as they ar to doe this day), it wes interroga-
be the Prowest quhither or not these persons quha combyned togidder
against the Magistrats & Counsell of this burghe, and protested against
them befor the Lords of his Maties Priwie Counsell suld be capable of or
trusted, to be counsellors this ensueing zier, quhaes names ar Johe
Forbes of Cullodine, Duncan Forbes, his brother, Mr Wm Robertson of
Insches, Wm Bailie, yor., Thomas Watsone, Alexr Forbes, Alexander
Chisholme, Wm Cumeing, yea or not, qrto it wes ansered negative, saying
that they aucht not be capable qll the Magistrats & Counsell wer fullie
satisfied with ther ciwil deportment, as the said act of date forsaid at mor
lenth bears; and it being putt to the voice this day quhither or not the
said act suld holden inteir at this tyme, yea or not, it wes caried be the
plurallitie of voices that the samen act suld continue in force against the
haill persones therin mentioned, except Alexander Chisholme with
quhoes deportment the present Magistrats & Counsell ar fullie satisfied,
1675 and they therfor declar him capable of publict trust amongst them.

27 Sept. Qron act.

22 Oct. The Magistrats & Counsell being conweined anent the townes affairs, and considdering the tennor of ane former act of Counsell of date the 24 of September 1666 zeirs, qrby the persones followeing, wiz. Jothe Forbes of Cullodine, Duncan Forbes, his brother, Mr Willeam Robertson of Insches, Willeam Bailzie, yor., Alexr Chisholme, Thomas Watsone, Alexr Forbes, and Wm Cumeing, suld not be receiued as consellors nor zet put in any publict trust qll the Magistrats & Counsell suld be fullie satisfied with ther deportment, as the said act of the date forsaid mor fullie bears; and also considdering ane latter act of date the 27 day of September last by past, qrby all the fornamed persons, wiz. Jothe Forbes of Cullodine, Duncan Forbes, his brother, Mr Willeam Robertson of Insches, Willeam Bailie, yor., Thomas Watsone, Alexr Forbes, and Willeam Cumeing (except Alexr Chisholme quha wes declared capable) suld not be receiued consellors nor made capable of publict trust qll the Magistrats & Counsell wer fullie satisfied with ther deportment, qrby it is declared that the former act suld be keiped inteir except against the said Alexr Chisholme quha is declared capable therby as said is, as the said last act of the date forsaid at length proports; and the Prowest, efter perusall of the saids acts, did interrogat the qholl Counsell presentlie conweined how they wer satisfied with the saids persones ther deportment, and qhither or not the saids former acts suld stand in force against tham in tyme comeing, the qholl Counsell in on woic in anser therto did declar that they wer weil satisfied with the saids Jon. Forbes, Duncan Forbes, Mr Wm Robertson, Willeam Bailie, yor., Thomas Watson, Alexr Forbes, and Willeam Cumeing, thr deportments, also well as with Alexr Chisholme his deportment, and therfor the Counsell haue declared and be thir presents declar the saids tua former acts of Counsell to be null and of no force, strenth, nor effect in tyme comeing, except in sua far as Alexr Chisholme is concerned in the last act, and declares the saids fornamed persons to be capable of publick trust within this burghe in all tyme comeing. Qron act.

1676 That day the Prowest haueing receued ane lettre direct to the

3 Jan. Magistrats & Counsell be the Chancellor of Scotland requyring them to
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subscrywe the declaratione as the samen wes formerlie done in anno 1666, 1676
caused, after reading therof be the Clerk, to drawe wp ane new ane after
the samen streane, to the effect it may be subscrivsd according to the
desyr of the letter, and sent south before the 15 Feb' nixt. Qron act.

The Magistrats & Counsell, considdering that ther ar sewerall persons
strangers, also weill men as women, stollen in quyetlie to this burghe, and
haue tacken up ther lodging and dwellings as constant residenters, not so
much as speiring leawe or attolerance from the Magistrats or any one of
them, contrair to the acts and statuts of this burghe, quhairthrow the
inhabitants suffer greatinelie in ther means quhat by stouth and wthrawy;
ffoir remedie qrof, and to the effect the burghe may be purged and clensed
of such pilferrers and idle persons, wanting calling and vocationes, yet
manteaned be the peying and travells of honest persons within this place,
haue appoynted that search and diligent scrutinie be wshed for such persones,
and that they after finding of tham be secured in the jeal of this burghe
qll ordor be tacken with tham for the towns exoneratione of them; and
for that effect the Counsell haue appoynted Bailie Barbour with James
Dunbar, asisted with ane officer, to search the Kirk streit, David Fouler,
late Bailie in vic of Bailie Cuthbert, with James McLeane, to search the
Bridge streit, Finlay Fraser, Dean of Gild with Jon Stewart and Wm
Thomsone, to search the wther syd be west the water, Bailie Rose, asisted
be James Stewart and the thesaurer, to search the East streit, and Bailie
Duff with Andro Shawe, with thr officer, to search the Castel streit; and
to get notice also of what landlords did sett land to any such without
warrant, to the effect they may be fyned conforme to the act emitted
against tham, and to report thr diligence the nixt Counsell day. Qron act.

That day also the Magistrats & Counsell being conweined to treat 14 Feb.
about the towns affairs, and speciallie calling to ther remembrance that
paper qllk was past betwixt the Magistrats & Counsell and the Gildrie
and crafts of this burghe on the one and other parts (the double qrof was
produced in Counsell this day), how the same was introduced on the
Magistrats and Counsell, and they made to subscryb the samen without
any premeditation theranent, quupon the Prowest caused read the said
paper tuo several tymes, and, after perusal thereof and mature deliber-
ation theron, it is found that the samen paper (tho pretended to be for
setleing of peace and concorde within this Incorporation) is altogether

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1676 unwarrantable and contrair to the acts of Parliament, acts and constit-
14 Feb. utions of uther burrows, and contrair to the constant practise of this
brugh from age to age, yea contrair to the decreet pronounced be the
Lords for imposing and regulating of stents in anno 1664, to be a constant
rule for the future. It is also found that that paper tends to no uther end
bot to the uter ruine of the Brugh and privileges thereof, Magistrats &
Magistracie of the same, and to be a ground work of sedition, convoc-
ations, and other turbulent abuses to be actit yeirlic at elections of
Magistrats & Counsell and at imposing of stents, qeh is found by daylie
experience, particularlie by ther convocations at the subscryving of the
said paper, and thrater on Saturday at night, being the twenty sevint
day of October ther forsaid, they did convocat to the number of seven
score persons at least, being ledd on be Alex Chisholm and Wm Cuming,
and some of them being also armed, did utter most contumellous expres-
sions both against the Prowest and Bailie Rose, who, being comandit to
remove and go to their homes in the King's name, and quyte their con-
vocation, they answered that they knew not Bailie Rose to be an herauld
and would not obey him, and being asked be him who it was that said so,
they in a mutinous way said and ansered all, all, all; upon the forsaid
considerations, and on the account of severall enormites and miscarriages
comittit be them in contempt of the Magistrats, and also it being found
and clear that the paper in itselfe is false, in sua far as he names in the
sederunt persons that were not present, some whom he alleadges to be
present lying seek in their beds, others being abroad at their laull affairs.
It is therefor enacted, statut and ordained be the saids Magistrats &
Counsell that the said paper be declared null and no effect; lykas the
said Magistrats & Counsell for themselves and ther successors declares
the samen paper null, of no force nor effect, and shall be so declared in all
tyme coming and as if the samen had never been made nor subscrywed,
and never to have faith outwith or in judgment. Qron act.

1 May That day also the Magistrats & Counsell haueing sein and consid-
dered the supplication and desyr tendered to tham in behalfe of George
Waus for restoring of him to his former fredome and libertie as burges
and gild brother, and they being ryplied adwyed therwith, and finding (the
said George being deprywed therof and fyned in 20 lbs scots conforme
to ane Counsell act of date the 28 June 1675 zeirs) that the said George

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is fullie convinced of his gilt and error and promiss\textsuperscript{s} never to fall in the
lyk transgressione be God's assistance: the Magistrats & Counsell therfor
not onlie asoilzie the said George of his fyne qrin he was amerciat, but also
restore him to his former liberties \textit{ad integrum} and as iff the said act sua
far as he is concerned therin had newer bein penned nor enacted, declaring
the samen to haue no faith nor credit outwith or in judgment in all tyme
comeing against him or his airs. Quairon act.

The four Bailies, Dean of Gild, Johne Forrester, and the Mr Gilbert
Marshall ar appoynted to meit with the Gilderie, and furder capitulat
with tham anent the contraversic betwixt the Counsell and tham, and
report ther diligence the nixt Counsell day.

The Magistrats & Counsell also tacking to consideratione that the
Gilderie insists in the discussing of the suspensione raised at the Prowest
& Bailies instance against tham, the Magistrats & Counsell therfor find it
necessar to defend themselves, and insist in the declarator, and allows the
Magistrats to bestow money theron and tack the samen from the tack-
fund of the Comon Good. Qron act.

That day the Magistrats & Counsell being conweined to treat about
the towns affaers, and speciallie consideriing that the land merches of this
burghe hes not beine perambulat nor ridden thir diverse and many zeirs
bygone, they therfor ordayne that the quholl inhabitants, alsweill frie as
wnfrie, prepair themselves Wednesday nixt being the 14 of this instant,
be seven hours in the fornoone, to convoy the Magistrats and ryd and
perambulat the towns merches on this syd of the water, and ordayne that
the quholl inhabitants be charged to kep the forsaid dyet wnder the
payne of ten pund scotts the frieman, and fywe lib. scotts the unfrieman,
to be poyd be the delinquent and disobayer for the publick wse of the
burghe; that all the pyners also be charged to goe along with ther kairts
horss\textsuperscript{s} and wther furniture for service that day. And this act to be
intimat be touk of drum at the mercat croce immediatlie after disoluieing
of the Counsell. Qron act.

That day also the Counsell appoynts the present Prowest, with
Bailie Rose, James Stewart and the clerk, to goe doun to the steiple and
tack from hence Balquhynes ryt to the toun on Drumdiwane to be caried
along with the said perambulatione. Qron act.

\textit{VI.}
That day the Magistrates & Counsell being conweined anent the touns affaires, specillie to gette informatione of quhat wes done at Edinr be the late comissioner, wiz.—Alexr Cuthbert, quhairanent the Prowest produced tua missive letters direct be the said Alexr Cuthbert, thr comissioner, to the Magistrats & Counsell, certifieing tham that ther wer diverse commissioners of Royall Burrows nominat & appoynted be the generall conventione of the Royal Burrows, to come heir to this burghe for satleing all differences and tacking away all animosities arysen betwixt the Magistrats & Counsell & diverse of the inhabitants, also weill the Gilderie as the Crafts, quhow ar to meit at this burghe the last day of August nixt; and for furder informatione therof directed the extract of the act of Generall Conwentione, qlk not onlie allows the away tacking of animosities bot also impowars the saids comissioners (quhaes names ar Sir Patrick Threaplane, Prowest of Pearth; George Broun, Prowest of Dundie; Gilbert Mollisone, Bailie of Aberdeine; Robert Panalds, Prowest of Montrose; Archibald Wilsone, Bailie of Queinsferrie; David Donaldsone, Bailie of Breichin; Alexr Mill, Prowest of Linlighgo; Ronald Bayne of Knockbayne, Bailie of Dingwall; Sir Robert Dunbar of Granghill, Prowest of Fores; Alexr Graham of Drynie, Prowest of Fortrose; and James Rose, Clerk of Nairne; and seven of tham to be a quorum) to mack ane new sett & forme as to electione of Magistrats & Counsell in tyrne comeing: Quhilk beand read & considered wes thocht good of be the Counsell expecting furder informatione on the Comissioner coming home. Qron act.

That day also the Magistrates & Counsell being conweined, & informed that the Marques of Huntlie is incensed against this burghe be missinformatione alledging that the Magistrats incroach on the Castle-lands etc., they therfor hawe nominat Bailie Jon Cuthbert & Alexr Rose to goe to the Bogge & fullie satisifie the Marques anent the towns deportment towards his lands & tennends, and to receive for defraying thr charges money from the theserer. Qron act.

That day also the Magistrates & Counsell appoynt the theserer to middle with and mack wse of the falne tries that fell in the Ile & secur the samen for the touns wse. Qron act.
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That day the theserer being requyred to report his diligence anent securing the falne timber in the Ile, did in anser therto declar that he wes impeded be the watermen pending a right therto as they ar heritors of the watter, qrof the Counsell marwelled considdering that thr right leads than onlie to the fisching & not to the groweing timber in the said Ile, therfor the Magistrats ordayne as befor, that the said theserer meddle with such of the falne timber as is to the foir and mack wse therof for the towns behoofe. Qron act.

That day also the Counsell appoynts the Magistrats to draw bill on the theserer to pey to Jon Stewart fourtie nyne punds 8d Scotts money, to Donald M'Leane the sowme of eichtie eicht punds sewen shillings four pennies money forsaid, and to Willeam Trent the sowme of elewen punds thrie shillings 4d money forsaid, for bygone accompts restand to tham for treats spent in ther houses with noblemen and wthrs, and returne ther sewerall discharges therof for all bygones preceeding the date of the Bills. Qron act.

That day the Magistrats & Counsell being conweined about the tounes effairs, and haweing seine accompts giwen to the theserer anent the expenses of the Comissioners of the Burrows, directed be the Generall Conwentione of the Royall Burrows, holden at Edin' the first tysday of July last, for removing of all debeats & animosities & mistacks arisen betwixt the Magistrats & Counsell, the Gilderie and Crafts of this burghe, & the Counsell not being at leuser at the tyme to rewise & examine the samen accompts, qlk wer expended in Johne Stewart, Donald M'Leane & Willeam Trents, they therfor appoynt Bailies Cuthbert & Rose, the Dean of Gild & theserer, with Prowest Rose, to rewise the said accompts and report ther diligence theranent the nixt Counsell day. Qron act.

That day the Magistrats & Counsell being conweined anent the touns effairs, speciallie to know quhat wes done in obedience to that act of Generall Conwention pensd at the Conwention, holden at Edin' the first tysday of July last, for regulating the differences latlie arysen betwixt the Magistrats & Counsell & the Gilderie and traids of the burghe of Innernes, quhairby the Comissioners of Pearth, Dundie, Aberdeine, and wthr burrows wer appoynted to com to this burghe and sattle.
all enormities & tack away animosities, &c, the Prowest for satisfactione
to the Counsell and the quholl burghie produced in Counsell the decreit
pronounced be the saids Commissioner under the subscriptione of Sir
Patrick Threapland, president laullie chosen be the remanent Commissioner
& Mr Alex Edward, ther clerk, of date the second day of Sepr. 1676
zeirs conteaneing diverse & severall articles; Quhilk being read &
considdered the Prowest interrogat iff the Magistrats & Counsell wald
allow of the samen, yea or not, quhairo it wes replyed instanter after the
voices wer interrogat that they did allow therof and wald fulfill &
perform the haill hed and conditions conteaned in the said decreit in all
poynts and that without any discrepant voice or disassent. Qron act.

That day the Magistrats & Counsell being conweined according to
the ancient custome within the new session (the Prowest haweing takken
oath of the new elected Councillors) and conforme to the decreit of the
Commissioners of Burrows relating to the election of the Prowest, Bailies,
Dean of Gild & thesaurer, the Prowest efter prayer & suplicatione
made to God Almighty for a blessing on this day work, did inquyr the
quholl persones abownamed iff they wald follow the rule prescrybed be
the Commissioners according to ther decreit in all poynts, yea or not,
quhairo it wes ansered be the quholl hous nemine contradicente that they
homologat & allow the said decreit in all poynts without any alter-
ations, and therfor they doe continue the present Magistrats, Dean of
Gild & thesaurer to exercce ther office for this ensuing zeir, wz:—
fra Michalmes Jai vics and sewentie sex to Michalmes Jai vics and
seventie sevene zeirs. The Magistrats named ar
Alex Dunbar, Prowest
Johne Cuthbert, bailie
Robert Barbour, bailie
Alex Rose, bailie
Wm Duff, bailie
Finlay Fraser, Dean of Gild
George Cumeing, theserer

That day the Magistrats and Counsell being conweined anent the
towns effairs, specallie anent purgeing of the towne of malefactors &
strangers (if possible) and therfor nominat & appoynted Bailie Duff
with the present these rerer and Androw Shawe to pass throw the Castel streit and searche all the houss\(^5\) therin for all the idle persones that have no maisters nor testimonialls and to secure thr persones in the jeall of this burghe qll they mack out thr testimonialls and evidence to the Magistrats are honest way of lyweliehood without burdene or trouble to the inhabitants that bears burden within this burghe, they ar appoynted to goe about this diligence be four hours in the afternoone this day; Bailie Cuthbert with Donald McLeane and Hew Robertsone ar appoynted to goe about the samen diligence the forsaid hour of this day in the Kirk Street; Bailie Rose, James Stewart & William Paterson ar appoynted to wse the lyk diligence in the East streit; and siclyk the Dean of Gild with John Cuthbert & Willeam Thomstone ar appoynted to goe about the lyk dutie in the Bridge streit & beyond the water the said hour of the said day; and all of tham ar appoynted to report thr diligence the nixt Counsell day. Qron act.

The Counsell havin requyred the Bailies, Dean of Gild and the wthur persons quho wer appoynted to mack search & scrutinie throw the quholl towne for idle and unprofeitable persones and persones wanting testimonialls, in anser thereto the saids Bailies did produce certaine rolls of persones wanting testimonialls, quhairwith the Counsell havin adwysed and finding the samen not satisfactorie nor so clear as the acts of Counsell doeth ordayne, they therfor appoynt the Magistrats to look efter all such persones as ar rather a burden to the place nor profeitable, and to find out ther resetters, specallie those inhabitants & landlords that hes sett tham houss\(^5\) contrair to the statuts made theranent, and to putt the saids acts to due executione conforme to the tennor therof in all poynsts & fyn tham conforme therto. Qron act.

That day the Magistrats & Counsell being conweined & informed that the Laird of Coats did imploy servants to goe & delue the brea of the Hauche bewest the towne qll is in debet betwixt the Magistrats & Counsell and the said Laird of Coats in behalfe of the Marques of Huntlie quha pretends right therof notwithstanding that the towne had poss-essione therof past memoric of man: the Magistrats & Counsell therfor did nominat & appoynt, & be thir presents nominat & appoynt, Bailies Cuthbert & Duff, with the Dean of Gild & Bailie Hepburne to goe and
1677 speack to Coats & interrogat him wpon quhat accompt he suld middle
26 Mar. with the said brea considdering that the Marques of Huntlie himself at
his being in the castell ordred the said Coats not to middle with any
bunds in debat betwixt his Lo. & the townes bot to leawe the samen as
they wer then wntill his Los. returne to this town to agayne, qroff the said
brea is a pairt sicing he cannot deny the said ordor, and to report ther
diligence to the Counsell the nixt day anent his anser. Qron act.

27 Mar. That day the Magistrats & Counsell being conweined anent the
touns effairs, the Prowest did requyr Bailie Duff and the Dean of Gild &
Bailie Hepburne to report ther diligence anent speacking with the Laird
of Coatts quhy he suld caus delue the brea of the Haughe contrair to the
comuneing that past betwixt the Marques of Huntlie and the Magis-
trats of this burghie the tyme he wes heir last, his Lo. haweing left all the
bunds debatable betwixt his Lo. & this town as it stood at that tyme
(the observeing qrof wes injoyned to the said Laird of Coats) and to
remayne as it wes till his Los. returne hither agayne; they in anser
thereto delywer as ther report that the Laird of Coats said that he sup-
posed that the brea wes not comprehendid within the comuneing nor
wald he doe the Marques or himself that wrong as to questione ther right
therof, and therfor wald not desist from delueing of the said brea. The
Counsell hearing the said report, the Prowest did ask ther judgement
theranent and quither or not ciwll interruptione suld be mad thereto;
they all in on woice desyred the bussines to be furder adwyse & mor
deliberatlie considdered of and that ther rights suld be furder consulted
befoir any interruptione. Qron act.

9 April That day the Magistrats & Counsell being conweined about the
touns effairs, they have ordayned that Willeam Gordone, ther agent, be
written to be the Magistrats desyreing him to delywer wp the townes
Great Chartor with such wthwr wrytts & ewidents as he hes and that to
the theserer or James Dunbar, elder, both of them being gone south to
exped som of ther owne effairs and aither of ther resetts therwpon wilbe
a sufficent warrand to the said Wm Gordone theron. Qron act.

That day also the Counsell haue appoyted Bailie Barbour, the Dean
of Gild with Bailie Hepburne, as they haue formerlie agried & satled
with Andro Ross and Robert Nicolsone to rear wp the back of the
That day the Dean of Gild and Wm Cumeing, shereff clerk, ar appoyted to goe to the Earle of Murray and returne him anser anent the maltmen.

That day also Bailie Rose with the Dean of Gild ar appoynted to goe the nixt presbitrie day and desyr tham to caus wisit the touns Gramer Shoole.

Hew Robertsone, Andro Shawe & Willeam Patersone wpone a com- playnt giwen in be Johne Innes, precentar, to goe & tack inspectione of all wther shoole not warranted, and try quhat they teach to children, and to report ther diligence the nixt Counsell day. Qron act.

Hew Robertsone, Andro Shawe and Willeam Patersone being requyred to giwe in ther diligence anent ther wisiting of the wnfrie shoools conforme to ane former act of Counsell of date the 16 Apryle last did in anser therto declair that they did sie sewerall children learning the Prowerbs & sewerall wther books in Rorie Sinclers hous & Issobell Fraser hir chalmer, & diwse and sundrie children learninge to read & wrytt in George Anderson his hous; qlk report sua mad, and the Magistrats & Counsell being therwith maturelie adwysed, and considdering the great prejudice that may aryse to Johne Innes, present precentor, and to this place also by reasone of keiping and wpholding sewerall shooles without warrand had from tham; they therfor all in one woice haue discharged, and be ther presents discharges the forsaid thrie shooles, with certificatione to the wpholders of tham that iff they or aither of tham presume wnder quhatsoever cullor or pretext to teach a shoole heirefter they salbe lyable in the peyment of 40 lbs. Scots toties quoties, & that by & attour the dischargeing of the shoole. Qron act.

That day Prowest Cuthbert haueing by his supplicatione tendered to the Magistrats & Counsell requyreing them to ordor ther jeawiller to delywer wp to him the key of his wault qlk they mack wse of as ther prissone for malefactors, the samen being sett to them for rent thir sewerall zeirs by gone; the Magistrats & Counsell haueing considdered
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28 May

the said supplicatione and finding the desyr therof resonable zet not able to gett any wthr within this burghe so fitt for a prissone as the said wault, they therfor presum to keip the samen for a zeir if possible and with the said Alex' Cuthbert his own consent, and for that effect, & that they may have the samen the easier, they appoynted Bailie Barbour to deall with him and satle for the rent therof for this ensueing zeir, quha being requyred this day to report his diligence anent cleiring of the said rent for the said wault, declaird in Counsell that the said Alexander Cuthbert condischendit to ane tack of the said wault for this ensueing zeir, wiz.: fra Witsunday 1677 to Witsunday 1678, provyding he gett the theserer his debtor, and that for peymet of flour scor merks scotts money peyable at the termes wsed & wont, and that by & attour the rent of the clerks chalmer qlk is threttie sex merks money forsaid: quhilk agreement the Counsell approwe and ordayne the theserer for the tyme being to pey the saids soums extending in toto to the soum of ane hundreth & sexteine merks scots, and that at the terms wsed & wont. Qron act.

2 July

That day the Counsell appoynt the Magistrats to cast over the Militia rolls and to nominat militia soulders quhom they sall think most fitt & least prejudicall to the comonwealth of this burgh. Qron act.

9 July

That day the Magistrats & Counsell being conveined anent the towns affairs, and finding that diverse of the inhabitants incroaches upon the Kings hie way & makes dunghills & middings therupon contrair to the Acts of Parliament and prejudicall to the leidges; they therfore have appointit intimation to be made be towk of drum at the mercat cross be two hours this afternoon requiring 1 comanding all the inhabitants that have any middings & dunghills on the Kings hie way betwixt this & the milne burn sail remove the samen within fourtie eight hours under the pain of confiscation of the middings & fyneing of the contraveiner at the Magistrats discretion. Qron act.

30 July

That day the Magistrats & Counsell being conveined to treat about the townes affairs, speciallie anent provyding money to pey for the timber that repaired the bridge, and for timber & wther materialls for repairing of the towns hous at this end of the bridge and macking the
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samem ane sufficient hous for ane honestman to duell in & to pey rent therfor; and the theserer being enquyred be the Prowest iff he had any of the comon good wnspent, he did declar that he had none therof to the foir, as he will mack appear quhenewer the Counsell will. The Magistrats & Counsell therfor haue appoynted, & be thir presents appoynts, the said theserer to borrow money from the Hospital theserer on the burghes accomplt, and to give band for the samen bearing annualrent from the date of the band obligatory on him & his successors theserers of this burgh, payable out of the first & readdiest of the comon good, it being always understanded that quhat money is in Willeam Thomsone his hands be first expendit & bestowed on the repairing of the samen hous be the owrsyht of Bailie Barbour, the Dean of Gild & theserer, with Bailie Hepburne, quho wer formerlie appoynted for that effect. The said hous is appoynted to be sufficentlie rooffed, sarked and slated. The Theserer and W™ Thomsone to furnische the slayt the reddiest way they can, & for that effect to deal with Johne Barbour. Qron act.

That day also the Magistrats & Counsell being informed of the great abuse done be the swyne in this burgh to the inhabitants cornes etc., therfor they ordayne the four officers to search & find out these swyne & hoggs and to secour them in pound housa & keip & deteane them therin qll ther owners pey twelve shillings Scotts for ilk sow or hogge besyd the syneing of them iff ther swyne be fund in the like transgressione. Qron act.

Regulation for the watch of the Brugh of Innernes to be observed from this day during the Magistrats & Counsell their pleaser, sett down at Michalmes 1677.

In the first, that the Captain of the Guard be obleidgit to appear at the guard house every night from the first day of October to the first day of Aprill be nyne aclock at night, at qch tyme the bells tolls, and to continue with his company till sex hours in the morning during the said space, and after sex the captain is to apoint that four men sall stay till it be day light, tuo of them to walk about the mercat place and the other tuo to go about the town and back laines and to notice thift or any wther person who goes not about a laufull calling; and from the first of Aprill to the first of October the Captain is to appear at the guard hous

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1677 be ten aclock at night, qch is the tyme the bells tolls, and to continue till
15 Oct. four hours in the morning at qch tym the drum beatt.

Secondlie, when the Captain comes as said is he is furthwith to ap-
point ane sufficient man with ane firelock as sentrie at the guard house
door, and another at the Prowests door, who ar to cary in all respects as
becometh sentries during their toure, and then also to appoint tuo men
with their armes to stay within the Tolbuith and to notice the prisoners
and what else may occur, there to continue till day light; and to send
rounds about the town once each tuo hours to notice thift or any thing
else may tend to the prejudice of the whole inhabitants.

Thirdly, the Captain is to read the names of the persons within his
cOMPANY when he appears as said is, and if any be absent then at the
said tyme of appearing in the guard or during the whole night or in the
morning when the guard goes off as said is (with this exception that if
the merchant or gild brother be out of the town or seek, then he sending
an sufficient man with the armes himselfe sould mak use of the samen,
excuses him; bot as for the fisher or zeoman man that is out of the town
or seek he is excused and not obleidgit to send ane for him); and if any
want armes, viz:—such as the Magistrats & Captains finds able to have
such armes as is subjoined in the roll after each mans name, and such as
ar declared & ordained to have guns & muscatts are to have them chargit
with powder & lead, and the firelocks to be fixed, and muscats to have
their lunt & bandilliers; and all the inhabitants of this brugh to watch
according to the rolls (the present Magistrats, Dean of Gild & Thesauerer
exceptit during their charge, and the old Magistrats, Dean of Gild &
Thesaurer be their servants sufficientlie mountit in armes).

Fourthlie, if any inhabitant transgress any of the former rules
(intimation being made to the Captain & his company) each of them is
lyable in the fynes following, viz: the merchant or gild brother is to pay
toties quoties four pounds scots money; and the fisher & zeoman man to
pay tuo pounds money forsaid toties quoties; the halfe of the saidis fynes
to be decernit & cognossit be the Magistrats to belong the equall halfe
to the Captain and the uther halfe to the Magistrat.

Fifthlie, the Captain if he faill in his dutie he is fynable be the
Magistrats in twenty pounds scots money toties quoties, and to undergo
what loss or prejudice any of the brugh or the town may sustain throw
his default, remissnes or absence, he being in town and not at the guard,
and being in health; but if interruptit from his charge either by seeknes or being out of the town as said is his Lieutenant is to undergo the sameness mulct and punishment so that he be absent & remiss in his charge; and if the Captain be absent on the reasons forsaid the Lieutenant is to have what fynes falls due as said is.

The Magistrats & Counsell considdering & finding the harme & prejudice that the bridge sustaines throw transporting & carieing of dung & muck amongst the samen, therfor the Magistrats & Counsell prohibit & discharge all the inhabitants to carie or transport any muck or dung alonges the said bridge in tyme comeing be any maner of way neither be cairts, slayds, quhell barows or be creills on horseback wnder the Payne of ten punds scots toties quoties. Qron act.

They statut also that no draff be transported amongst the said bridge in tyme comeing bot in creills on horsebacks or mens backs in ther owne optione, wnder the Payne of ten punds scots toties quoties. Qron act.

That day also it being mowed in Counsell that the Magistrats haw bein often desyred be the town's people to try the inhabitants of this burghe & territorie therof anent a volunter contributione to be granted be them for building of a ston bridg upon the water of Nes quhair the present bridge stands: In anser to qll propositione the motione was interteaned, and for going about the samen handsomelie they hawe nominat & appoynted Bailies Fraser, Barbour & Duff, the Dean of Guild, the Thesaurer & James McLeane to deal with the inhabitants how soone & convenientlie they can, and to know quhat frielie & willinglie each man will bestow on such a good work and to caus record the samen, and mack report of ther diligence the next Counsell day. The Counsell also appoynts the Thesaurer to advance on ther expenss in that effair qll it come to the lenth of twentie punds scotts; and after report made be the saids commissioners the Counsell are to adwyse quhat furder expenss they will allowe to be spent on the samen. Qron act.

That day the Magistrats & Counsell being conweined to treat about the touns effairs, speciallie anent the manadgement and wineing of stones ffor building & rearing wp of quhat is wnbuilt as zet of the touns.
1678 bulwark & peir quhilk suld haue beine biggeit be the deceast Willeam
18 Mar. Trent, and considdering that they haue the consent of the creditors to win
& mack wse of the stons belonging to the said Wm Trent in the sconce
(ther names ar, the present Prowest for his entres, Bailie Duff, James
Stewart, and John Barbour), quhoes consent is presentlie had at the
penning of this act; the Counsell therfor finding themselues in a
capacitie without ther owne prejudice to goe about the wineing of stones
for building & outreadding of the said peir, they therfor nominat &
appoynt Robert Barbour, bailie, & James McLean, & Alex" Dunbar,
Jonsone, to wait on the said work & managde the samen by causeing
winne and lead & imploy the said stons in the said work, and to receiv
the money from James Dunbar, elder, qlk wes stented for that effect.
Qron act.

13 May The Magistrats & Counsell being conweined anent the townes
affairs, haue in the first place ordayned ane intimatione to be maid be
touck of drum at the mercat croce efter disolueing of the Counsell,
comanding all the militia sogers to bring all ther militia armes & reid
coats and delywer the samen to ther respective leaders betwixt and
ten aclock the morne, with certificatone the persone deficient sall be
punished be the Magistrats as they sall think fitt, Qron act, and are to
adwyse quither they sall out reach the sogers as formerlie or be a stent.

9 Sept. The Prowest and Bailie Barbour haueing giwen & delywered ther
report anent agreeing with Alex" Nicolsone to outread & finishe the peir
at the water syd, declared that they haue barganed with him & promised
him fourtie pundz scots money, the halfe qrof they haue delywered to
him in hand to begin the work with, and the wther halfe, qlk is twentie
pundz, at the compleiting of the work; he is also at the compleating
therof to be admitted as frieman to his owne trad & burges of this
burghe: Quhilk pacion & agriement the Counsell allows & approws.
Qron act.

The Magistrats & Counsell also appoynts the persones formerlie
nominat, to wit, Andro Shawe, James McLeane, Johne Stewart & Alex"
Dunbar yor., to owersie the said work ther day about: and the Counsell
appoynts the seweral captans with ther companies sall goe downe per
vices to clanig the harbor, and to back the work with the gravell of the
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harbourie. Ilk captan that failie being charged sall pey 5 lb, & ilk soger that disobeyes being charged sall pey 40 ss. for his disobedience. They ar to begin the morne & to bring with them showels, spads & barrows for the better carieing on of the work. Qron act.

The Bailies being required to give in ther report anent Margaret Dingwall, hir oven, quhither or not the samen as it stands now wilbe prejudicall to the neighbors, they declar that the samen is & will be prejudiciall to the inhabitants & hold the towne in great hazard. Qhair-wpon the Magistrats & Counsell comands that the said Margaret be removed from the said oven & newer mack wse therof in tyme comeing, & to that effect the said Margaret & Bessie Merchand, lyfrentrix, to be charged to remow from the said oven & newer to putt fyr therin, or else secur & put wp ane chimney at the syd of the hous & that be the adwycz of honest and judicius men to the effect the neighbors & inhabitants may be frie of skaith; with certificatione iff they doe in the contrar they wilbe fyned & warded qll they fulfill this act. They ar to be charged be ane officer for that effect. Qron act.

That day the Magistrats & Counsell being conweined anent the touns affairs, and finding that the tua months & a halfe month cesse due to His Majestie as the first moytie conforme to the act of Conwention dated in July 1678 is collected; they therfor appoynt the samen to be sent south to Sir Wm Sharp, principall collector thereof, with ane sufficient bearer to quhom they ar allowed to giwe wages for careing therof. Qron act.

That day the Magistrats & Counsell, wpone consdderationes knowne to themselves, haue appoynted the four Bailies to goe throw the quholl four streits of the towne and tack notice & perfect inspectione & inwentar of the armes in ewerie man his possessione, and for the better effectuating therof they ar to tack alongest with them the assessors following with the officer for ilk streit as formerlie, wiz., Bailie Fraser for the Bridge Streit & beyond the water, & is to haue James McLeane with him & the ordinar officer; Bailie Jon. Cuthbert for the Kirk Streit and Jon. Barbour as his assessor, & the ordinar officer of the streit; Bailie Rose for the Castel Streit, & to haue Wm Thomson for his assessor, with the ordinar officer of the streit; Hew Robertsone, Thesaurer in wic of Bailie James

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1679 Cuthbert (being absent for the tym), and Donald Fouller his assessor, with the ordinar of that streit for the East Streit. Quhar to mack report of ther diligence by sufficient rolls of armes the nixt Counsell day, to the effect that a due course may be tacken with the wanters according to ther merit. Qron act.

7 July That day also the Magistrates & Counsell having receivit ane letter from Prowest Cuthbert, Comissioner for the burrow at this last Convention of Burrows, desiring that what moneys they are to bestow on him as their Comissioner with the missive dues and eggs money may be sent south the laigh way with the first conveniencie, the Counsell finding that Baillie Duff is going south (God willing) Tuesday comes eight dayes, being the styfteint instant, the Counsell have [thought] it expedient & fit in anser to the said letter to send what money they have in the said Baillie Duff his company, and ordains the Thesaurer to provyd for the samen with all converiencie. Qron act.

18 Aug. The Counsell thinks fitt that the Magistrates gett ane just accompt of the towns ewidents given out of the Steiple to Bailie Rose on his resett, to the effect the samen ewidents may be put in the Steiple agayne & ther be secured. Qron act.

15 Sept. That day the Counsell appoynts the present Prowest, Prowest Cuthbert, ane of the present Bailies, the Deane of Gild, James Stewart, with the Clerk to goe downe to the Steiple and ffind out Bailie Rose his resetts granted be him for redaywerie of the townes ewidents qlk he receiwed, and to receive the ewidents from him & secur them in the towns chest qr they wer, & on the resett of them to give him his oblig-atione. They ar to goe downe be tua eftsone this day. Qron act.

13 Oct. The Magistrates & Counsell also the said day considdering the good adwantag they may have throw ane sufficient and able advocat to plead ther causs & actiones both offensive & defensiv befoir the Lords of Counsell and Sessione, they therfoir hawe ffoir preventing future skaith nemine contradicente in ane woice nominat & chosen Mr Rorie McKenzie of Allanes, advocat, to implead ther causs constantlie, quither as persuers or defenders, befor the Lords of Counsell & Sessione sua far as law &
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reasone will permitt & allow. For qlls causs the Prowest, Bailies & Counsell for themselues & ther successors giws and grants to the said Mr Rorie Mackenzie ane zeirlie pensione of tuentie merks scots to be payed zeirlie to him be the Thesaurer of this burghe of Innernes at Candelmes, the first zeirs peyment at Candelmes nixt, and sua furth zeirlie during this present act; and this act to stand in force during the Counsell ther pleaser and ay and qll ane new act discharg the samen. Qron act.

That day also Alex Rose, bailie, compearand in Counsell and macking it appear to them that quhat papers belonging to the Burghe wer delywered to him out of the Steiple wer returned and secured in the samen keiping place agayne, the Counsell therfor appoynt the hawers of his ressets on the said wrytts to restore the samen to him since the papers ar delywered back agayne be him. Qron act.

That day the Magistrats & Counsell being conweined about the townes effairs, specallie considdering that the bridge is on the decaying hand & lyk to ruine except ane speidie course be tacken for preventing the ruine thereof, they therfor have appoynted the Thesaurer to prowyd sifftie tries to be planks for mending & repairing therof at present, and to tack with him ane able & qualified man for choosing the timber.

The Thesaurer also is appoynted to caus sett on the rooff thache & finishe the touns hous at the bridgend, & iff he haue no money to perfyte the samen he is ordayned to borrow money & pey annuallrent for the samen on the towns charg or the wark be wndone. Qron act.

Note.—No entries appear in the Records between 20th October, 1679, and 1st March, 1680.

That day the Counsell being maturlie and deliberatlie advisit with ane petition given in be Mr John Cuthbert, burges of Innernes, ffind the desire therof reasonable, and therfor they nominat the said Mr John Cuthbert for their Clerk, and heerby apoints presentlie without delay ane act in ample form to be penned for his admission by which he sall be warranted to exerce the office of ane Clerk during the saids Magistrats and Counsell their goodwill and pleasure allenarlie, and hes willed the said Baillie Rose to take his oath de fidei administratione which accordinglie is done be the said Baillie, there being no present Prowest. And
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1680 furder the Counsell ordaines that the said Mr John Cuthbert be not
1 Mar. empowered to choise any Deput without the consent of the Magistrats &
Counsell. Qron act.

15 Mar. That day the Counsell above named and undersubscriving, tacking
to their consideration the petition underwritten givin in to them be
master John Cuthbert, their present Clerk, off qlk petition the tenor
follows: Unto your Wisd. Baillies and Counsell of the Burghe of
Innerses. The Petition of master John Cuthbert, your towns Clerk:
Humblie Sheweth, that wheras yor. Wisdoms were pleased by your
Act of Counsell of date the first day of March instant to nominat &
apoint me your Burrow Clerk, and that of your own frie motive & goodwill
allenarlie (ffor qlk favour I hold my selfe ever bound to doe you all
the service and good offices in me Iyes) and understanding perfectlie
that it was never your Wisd. designe to select and make choise of me as
your servant without allowing me the haill casualties, emoluments &
advantages, and giving me all the encouragements that former Clerks in
this place my predecessors were in possession of and trysted with. May
it therefore please your Wisdoms to take the premises to your consider-
ation and by ane Act of Counsell declare the haill casualties, emoluments
and advantages, and particularlie that of the double entrie to belong and
apertain to me for my service in the said office, and that in the samen
maner and to the selfe same force and effect that former Clerks, my
predecessors, possest the samen. Your Wisd. anser I crave and shall pray
&c. The Counsell being ryplie and maturlie advised therewith, after
consideration of the samen, and finding the samen weill grundit: There-
fore they homologate and approve, lykas we the saids Baillies & Counsell
hereby homologat & aproove of the said petition in all points, and ordains
the petitioner to medle & intromett with the saids double entries of all
lands & tenements holden of us since his entrie to the Clerkship, and all
other the haill casualties, emoluments and advantages that former Clerks
in this place, his predecessors, were in possession of, and that since his
entrie as said is and continuallie in tyme coming during his service as
our Town Clerkship. Qrupon the said Mr John Cuthbert required Act
of Court. And in furder testimonie and corroboration of the premises we
have sub't thir pnts. as follows, day & yeir forsaid.

Rob. Barbour, Baillie

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The convention of the Counsell above named, being convenued for treating anent thes affairs tending to the weell and utilitie of the toune, and having maturlie pondered and deliberatlie considered of the great and indespensabille necessitie that lyes upon them for carieing on and accomplishing so great a work as a stone bridge on the river of Ness, to nominat and select a person who shall not onlie be their Cashkeeper for receaving in all the voluntar contributiones that shall hapin to be uplifted & receaved be the collectores to be nominat be them for inbringing of the samin from the noblemen, gentlemen, Royall Burrowes and respective parochines within the Kingdome, bot also who shall deburse and give out the samin again for accomplishing the saids work: They therfor (after due consideration hade of his honestie and abilitie for such ane imployment) nominat and appoynt James Stewart, present Thesaurer, to be Cashkeeper of the haill soumes to be collected be the forsaid Collectores for the saids work, to whom they not onlie give power to receave the forsaid soumes of money to be uplifted be the personses and for the causes above mentioned, bot also commands and appoynts him to cleer of and satisfie all persones imployed or to be imployed for uprearing and building of the saids bridge, and sick lyk to wair out and bestow money for all materialles of whatsomever kynd for building therof, declaring heerby, lykas they for themselfes and successores Magistrates and Counsell of this burgh, declares that whatever soumes of money or other things beis waired out and bestowed be him in order to the saids bridge its building, whither to workmen of whatsomever degree, or for
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23 Mar. materialles of whatsoever nature & kind, shall be sufficientlie provabille and cleerlie made out be the saids James Stewart his compt book or accomnpt. And furder they for themselfes and their forsai ds declares that the said James Stewart shall not be bound to waire out anie soumes of moneys but such as he receaves from the Collectores to be appoynted by them as said is or from themselfes. And for the saids James Stewart, Cashkeeper, his trouble and paines to be waired be him in going about the saids employment, and for his better incuradgment, the saids Magistrates and Counsell above named, for themselfes and their forsai ds, does heerby appoynt to him yearlie during his service in name of sallarie all and hail the soume of turo hundreth merks Scots money, and that besydes the haill chairges and expenses he may be put to in drinking with the workmen or in ryding to and again to quaries or any other maner of way he may be ingaged to in order to his service in the saids employment; qdk sallarie of two hundreth merks per annum and his other expenses to be waired be him as said is is to be allowed to him in the verie first end of his intromission. And furder the saids Magistrates and Counsell above named, for them and their succesores, does heerby declare that the saids James Stewart his acceptation of bonds shall inferre no obligation upon him to advance money for the saids work except he recover the samin of the debitores. Qron act.

10 May The convention of the Magistrates and Counsell above named having assembled themselfes for treating anent thses things tending to the weill and advantage of the brugh, and having considered of James Smith, Mr mason, imploied for building of the stone bridge, his desyre and request as to his freedom and licence for goeing this season the length of the water of Dye [Dee?] for building ane stone bridge therupon, they upon manie good considerationes condiscend to the said James Smith his desyre and suffers him to be absent from ther work until the last day of September ensuinge, he leaving ane skilfull and sufficient mason for overseeing the masons that ar now working at the quarrie. And it is heerby speciallie declared and provyded that the Counsell ther condiscending to this favour shall inferre against him no breach or passing from the condiscend- ance made and agreed upon betwixt him & them. Qron act.
The qlk day the Magistrates and Counsell above named being assembled for taking inspection in the tounes affaires, and having required ane accoumpt of Jon Barbour his diligence in the managament of the trust committed be them to him for requiring the haill voluntar contributions that the respective Parochines, Burrowes and Colledges this side of Aberdeene sould be pleased to allow for the building of the intended stone bridge at this brugh on the river therof, who for cleering therof produced in face of Counsell ane full and ample act of the Synod of Aberdone impowering the haill Ministers within the said Diocies to collect within their owne respective paroch churches ane contributione on ane Sabath day to the forsaid effect, and after the uplifting and collecting therof to delyver the same to the Magistrates and Counsell of Innersnes their commissioner impowered for uplifting the samyn; and sicklyk produced letters directed from the townes of Aberdone, Bamfe & Peeterhead &c. to the Magistrates of this brugh as also ane letter from His Maties Universatie of Old Aberdone qrin all of them does seriouslie promise their help and assistance for the accomplishing so great and necessarie a work: with qlk accoumpts the Magistrates and Counsell above named being maturlie and deliberatlie advysed, they una voce nemine contradicente aprove therof, and appoynts Bailie Robertsone, the Thesaurer, and George Cuming to comupt with him as to his expenss. and report their diligence against the nixt Counsell day. Qron act.

That day the Magistrates and Counsell above named apoynt Bailie Duffe, the Dean of Gild, and Jon Stewart to goe the length of Tarnua and speak my Lord Murray both as to the pryce of my Lord Donnes victual and as to his contribution for the bridge, and report their diligence the nixt Counsell day. Qron act.

The qlk day the Magistrates and Counsell above named being scepterlie convened for treating of materes tending to the advantage of this brugh, in qlk convention ther wes ane leter of the Laird of McLeod presented to them wherein he promised to advance them ane hundreth pound sterling money of contribution for building of the stone bridge at this brugh provyding his name and Coat of Armes be put on the saids bridge, ane anser therto he imediaticl desyres. Qh leter the convention of the Counsell above named having seriouslie considered of, and after delyverie of the samyn to James Stewart, present Thesaurer and Cash-

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24 May

9 June
1680 keeper, to be keeped be him as the tounes securitie. They condiscend
to the saids Laird of McLeod his demand, and they apoynt ane letter to
be sent to him qrin their willingnes to the forsaid demand be made
knowine to him. Qron act.

21 June The Magistrates and Counsell above named being conveened anent
the tounes affaires and having considered of the great incroachment that is
made by ther vassalles and nighboures yearlie through ther owne default
in ommittit to perambulat ther merches conforme to the ancient lawes
of the Kingdome: they therfor statut and apoynt that in all tym coming
the Magistrates and Counsell, accompanied with the haill merchands,
tradesmen and scholars within the brugh, perambulat the merches of
the brugh yearly evrie third Tuesday of June, begining the first yeares per-
ambulatione tomorrow being twentieth two day of June, and apoynts the
Bailies to hold a Court tomorrow on ther March at Holme upon
McIntoshe of Holme and his servants for beating of ther common heard
for pasturing the goods belonging to this brugh on ther owne commontie
at the Riggs end of Holme. Qron act.

12 July That day the said Magistrats and Counsell being conveined anent
the tounes affaires, and being informit be James Stuart, Thesaurer, that
Joseph Williamson is a great hinderer & retarder of the meassons and
quarriers that are working at the quarrie at Readcastle for winning stones
for the use of the bridge of this brugh; the said Joseph as present
quarier apropriating the best of the stones for his own use. With which
proposition the Counsell being advisit, for remeid of the said inconvenience
apoint the Thesaurer to discharge the said Joseph from being any further
quarier at the said work, and furder the said Thesaurer informing the
Counsell that Willeam Durham and Arthur Sutherland [leaf of the
Records awanting at this point].

28 Sept. The said day the Counsell have nominat & apointed the Prowest,
Baillies Barbour & Duff with Jan. Cuthbert, late baillie; & William
Rose of Merkinche, to go the lenth of Elgin, and meitt with the Bishop
and remanent brethren of the Dyocie of Murray in order to the contrib-
ution for the bridge, and report ther diligence the next Counsell day.
Qron act.
That day also the Magistrats and Counsell having required the Prowest, Baillie Duff & Merkinche, who with Baillie Barbour & Baillie John Cuthbert were appoint be ane former Counsell act to go as Commissioners the lenth of Elgin and meett with the Bishop and remanent brethren of the Dyocie of Murray in order to the contribution for the bridge, who being required to give ane account of their diligence at the said meeting, did anser therto present ane act of Synod of date at Elgin threttint October instant wherby for the reasons exprest in the said act the respective soums of money therein contained and underwrn. are promisit as a voluntar contribution for the use forsaid, viz., the Presbtrie of Innernes, four hundreth merks; the brethren of Forres, ane hundreth merks; the brethren of Strathboggie, ane hundreth & ten merks; the Bp. & ministers of Elgin ane hundreth merks; and Aberlour & Abernathie to doe according to their abilitie; and this byds the contributions out of their several churches; all whic was ordainit to be made effectual at the next Synod to be kept at Innernes Aprill 3d Tuesday 1681; as the said act bears. And furder the saids Commissioners reported be word of mouth what progress they made with the Marquess of Huntlie and severall other gentlemen in Murray in relation to the said voluntar contribution. The Counsell having considerit of the said Report, approve of the saids Commissioners their diligence. Qron act.

The Magistrats and Counsell finding that the doors of the inner prison of the tolbuith of this brugh, qher the prisoners for debts stay, is unsecure, they therfore for remeid thereof apoint the Thesaurer to cause make ane strong and sufficient iron door and that for the more secureing of the saids noco of timber and of the said jayle. Qron act.
1680  That day the saids Magistrates and Counsell being conveined anent
the Touns affaires, and considering that those persons appointit as
Captains thir severall yeirs bygone for overseing of the guard & watch of
this brugh have become remiss & negligent in their said charge and
throw their long continuance therin find the same to be a trouble to
them, the Magistrats & Counsell thherefore for remeid heirof have thought
fit for the better attendance on the said guard to remove the said old
Captains & place as many new in their vice for discharge of the said
office punctuallie, considering the same to tend greatlie to the safetie of
the place. 

The said Collector is also appointit to take in Doctor McKenzie his
roll and uplift the moneths cess allowit be the Magistrats & Counsell to
him as sallarie for attending and visiting the sick & diseased persons of
this brugh.  Qron act.

1681  That day also ther being ane complaint entered be John Ross,
burrow officer, and David Cuming, the Procurator Fiscall, for his interest,
showing that qr the suplicant Jon Ross on the 8 day of January instant
did conform to the Thesaurers comand sease & apprehend David Bailzie
residenter within this brugh for his stallenger fies as unfrieman and
desired him to make payment thereof or to enter prison, yet the said
David Bailzie in manifest contempt of authoritie refused to make payment
of the soumes due or to enter prison unless he were (as he said himselfe)
torn in pieces ; and therfor desires to take the said ryot to their consider-
ation and punish the said dilinquent for his gross ryot and contempt, to
the encouragement of their servants and the terror of uthers to comitt
the like in all tyme coming.

The Magistrats & Counsell haveing causit call the said dilinquent to
to their presents, did acknowledge judiciallie that he refused to obey the
said officer in any terms to go to prison, and strugled with him and the
rest of the officers.

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The Magistrats and Counsell considering the gross ryot of the
dilinquent, and finding by his own confession that the samen is sufficientlie
provin, they appoint him to be caried to the mercat cross on Fryday
next, being the fourteinth instant betwixt eleven & twelve hours in the
fornoon, and ther jogged and a paper putt on his breast and his fault &
crime written theron in capitall letters; and appoint him to pay twentye
pounds scots money of fyne, and to be imprisoned untill he satisfie the
stallenger fie and fulfill the tenor of this sentence. Qron act.

The Magistrats & Counsell having required Alex' Rose, Dean of
Gild, to give ane account of the reasons of the novation the Gildrie have
made use of in convocating the merchants of this brugh monethlie, but
order or warrand of the Magistrats; who in anser therto replyed that
they did nothing prejudiciall to the power of the Magistrats, and for
verification therof promised to give ane clear account the next Counsell
day thereof in reguard he is not rype to doe the same presentlie. Qron act.

That day the Magistrats & Counsell appoint ane registrable dis-
charge to be procured from Maurice Trent to the Magistrats & Counsell
of Innernes and to be produced the next Counsell day discharging the
Brugh of the soum of tuo hundreth & twentie pounds Scots money with
annualrent from resting be the brugh for the expenss &
charges debursed be the deceast William Trent, brother to the said
Maurice, on the brughs account in entertaining the Commissioners ap-
pointit to meet heir for clearing the differences & mistakes betwixt the
Magistrats, Counsell, Gildrie & Trades, and upon production therof
apoint ane Act to be extendit. Qron the Magistrats & Counsell for
themselves and their successors sall accept of the said debt in & upon
them. Qron act.

The Magistrats & Counsell now conveined and considering that the
secreets of the Counsell and their actings are divulgit and that they are
therein betrayed, have apointit diligent search to be made who they are
that betray the said Counsell their secrets & actings in Counsell, and that
against the next day. Qron act.

That day the saids Magistrats & Counsell having required the Dean
of Gild to give ane account of his actings with the Gildrie, and this day
Records of Inverness

1681 accordinglie having given in ane list of some acts that were past in the
15 April Gildrie meeting anent their monethlie meeting and severall uther acts
then past, with which the Magistrats & Counsell being advisit doe
approve of the samen.

The Magistrats & Counsell appoint Bailie Duff to buy from Maurice
Trent for the use of the stone bridge the Kirk of the Citadaill as it now
stands above & under ground with the ground right qron it stands, and
that at the easiest rate he possiblie can; which comission the Magistrats
& Counsell obleist themselves & successors to abyd at. Qron act.

9 May That day also the Counsell having considerit ane supplication
tenderit to them be Baillie Fraser anent ane peice ground bewest the
water comonlie calit the Chaplanrie of the Green, qrby he desires to be
receivit their vassel therin & pey ane few-duty thercfore, find his desire
reasonable, but suspend their finall anser therto untill a fuller Counsell,
and that all the Baillies be present, and in the meantyme appoint some
of their number to go this day & view the ground, and report their diligence
the next Counsell day. Qron act.

16 May That day the Counsell appoint Baillie Barbor to go to Cromartie &
meit with the Touns of Elgin, Tayn, Nairn, or any thrie of their
Comissioners anent the reviseing & taking notice of the said brugh of
Cromartie its Comon Good to the effect ane perfect account be made
therof to the Convention of Burrows, and apoint the said Baillie Barbor
to call the saids Brugh their Comissioners to the said toun of Cromartie
the first Tuesday of June next.

30 May That day the Magistrats & Counsell considering the advantage the
town may reap be the fewing of that peice ground callit the Chaplanrie
lyand below David Foullers yaird rather then to have it wast qrby the
same may be encroached on by neighbours not concerned therin, doe
appoint imediatielie after the rysing of the Counsell the haill members
therof to go the lenth of the said peice ground and pott the samen with
march stones to the end the Counsell may be the more clear in agrieiing
for the feu of the forsaid peice of ground. Qron act.

The Counsell considering of the charges of horning layd on the
Magistrats be Maurice Trent, merchant in Leith, & Alex' Paul, merchant
in Elgin, to infet them upon decreets of adjudication raisit at their instance against Mr Trents airs &c in the haill lands belonging to the said deceast Wm Trent, and finding that the saids chargers are unwilling to satisfie the dews practicable to be payit to all superiors, apoint the Provest, Baillie Fraser & James McLean to speak to Charles McLean, trustee for the said Maurice, and sic whether he will pay ane years rent of the lands or pay ane years rent of the money for qch they adjudge; and if not appoint ane Letter may be sent South, and ane Suspension against him and the said Alex Paul. Qron act.

The Counsell apoint also Baillie Barbor, Baillie Cuthbert, Mr Gilbert Marshall & James McLean to go to Chanrie and suplicat the Synod of Ross for ane voluntar contribution towards uprearing of the stone bridge of this brugh. Qron act.

That day also be twelve a clock or therby there went alongs to that peice of ground belonging to the Toun comonlie callit the Chaplanrie of the Green conform to the above written act emittet theranent, the Provest, Baillie Fraser, the Dean of Gild, Baillie Hepburn, and remanent Counsellors who in order to the said act causit pott the ground (for dignossing the Touns comonlie there) by placing and setting of four march stones at the North and South syds or ends of the said peice ground as follows: viz, one qrof is placed at the South-east nook or corner of that smiddie belonging to Moortoun now possest be Andro Brodie, smith, for the easter march; another at the South-west nook or corner of these houses belonging to Moortoun (qlk extend westward lineallie from the said smiddie) for the wester march of the said ground, both qch stones (with ane space betwixt the samen & Moortouns houses forsaid left for ane close) are appointit to be the North march. Item another stone of the sd four is sett at the Southmost point or syd of the said peice ground on the west syd therof, and another stone at the eastmost syd of the said point (there being sex elnes & ane halfe elne or yeard betwixt both) and that for the South march of the said peice ground; which extends also in breadth at the North syd betwixt the two pottit stones to the number of fourtie seven elnes or therby; boundit the said haill peice ground with the space left for the close be the toun as pertaining to them also as follows: viz., the saids houses belonging to Moortoun at the North, the way leading to the Ferrie of Keassok & Merkinche at the east, the hie way leading from the Toun of Innernes to Clachnaharrie, the Aird & Bewlie
1681 at the west, and the towns Comontie at the South; upon potting of qch
30 May stones the Provost protestit & took instrument that the said pottit peice
ground with the space left for the closest betwixt the northmost stones & Moortouns houses sall not be encroached upon in tyme coming as being
the Touns Comontie. Qron act.

9 June That day the Counsell being assembled for treating on affaires
tending to the Comonwealth of this brugh, and having required ane
account of Baillie Barbor, John Cuthbert, late Baillie & James McLean
(who with Mr Gilbert Marshall, minister, were appointit be ane former
act to go there) of their diligence in applying themselves to the Synod of
Ross in order to the voluntar contribution to be given be the respective
Ministers of the said Synod, they the said Baillie Barbor & uthers
appointit, in anser thereto presentit ane act of Synod in favours of this
brugh, qrin each minister of the said Synod subscribes for their respective
soums & contributions payable the fifteenth day of Aprill jmvi eightie
two yeirs, extending in the haill the forsaid contributions conform to the
said roll presentit to the soum of seven hundreth threttie fyve merks
Scots money.

That day also the Magistrats & Counsell appoint ane proclamation
to be published tomorrow be elevin hours fornoon be touk of drum at the
mercat cross intimating that the peice of ground lyand west the watter
belonging to the Toun comonlie callit the Chaplanrie of the Green is to
be rouped on Munday next be the Magistrats of this brugh within the
Tolbuith therof and sett in few or tack to any most bids for the same, as
it is presentlie pottit & marched with march stones be the Magistrats &
Counsell of this Brugh. Qron act.

11 June That day the Magistrats & Counsell being conveined in treating of
matters relating to the Comonwealth of this brugh, and having interrogat
Robert Barbor, baillie, anent his diligence as Commissioner nominat be the
Magistrats & Counsell for this brugh to go the length of Cromartie and
meet with the Comissioners of Elgin, Dingwall, Tayn, etc. to revise &
take tryell of the said brugh of Cromartie its Comongood, and learn what
way the samen is dilapidat & put away, who for report of his diligence
produced in face of Counsell ane report of the Brughs of Innernes, Tayn,
Nairn & Dingwall, subt. be their respective Comissioners that mett at
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Cromarty that day, dated the 2d & 3d dayes of Junii 1681 instant; Qron the saids Comissioners their actings at the said Brugh (having conveined the whole inhabitants thereof to the effect above mentioned) is at lenth sett down in the said subd. report as the samen at lenth bears, which report with the accompt therwith produced in Counsell be the said Baillie Barbor of the Comongood of Cromartie the Counsell appoint the Clerk to keep in retentis to be furthcomand to all persons having interest in the said matter when callit for. Qron act.

That day the saids Magistrats and Counsell being conveined for treating anent the Touns affaires, and considering ane former act of date the ny nth June instant appointing ane proclamation to be published at the Cross intimating that peice of wast ground lyand within this brugh bewest the watter belonging to the Toun comonlie callit the Chaplanrie of the Green to be rouped this day and set in few or tack to any most bids for the same as it is presentlie potted and marched with march stones, bounded, and of the breadth, lenth & measure thereof as is at lenth sett doun in ane former Counsell act also emitted theranent of date the threttieth day of May last by-past. The saids Magistrats and Counsell having in order to the said intimation gone about the prosecuting of the said Roup, and there being ane protestation enterit in face of Counsell be Alexander Chisholm, baillie to the Lord Lovat, for the said Lord Lovat his pretendit interest in the said Chaplanrie of the Green, who protested that no roup should pass of the same in respect it is unformallie and illegallie gone about seeing no person having interest and possession therein are called to the effect the samen might be cognessd. The Magistrats and Counsell having considerit of the said protestation, and finding the Brugh to have the onlie undoubt right to the said peice wast ground, apoint the Roup to go on and the same offered to any most bids; quhich after publict rouping in the Tolbuith and severalls having offered therfore, Alexander Scheves of Moortoun did overbid all that offered, by offering sex pounds Scots money yeirlie as few dutie for the said peice wast ground and houses & biggings to be built thereon, and doubling of the said few ferm dutie at the entrie of ilk air or assignay to the saids lands; which offer the saids Magistrats & Counsell accept of and appoint the said Alex' to have Chartor & Seasing conform to the practise usit in such cases. Qrupon act.
1681 That day also the saids Magistrats & Counsell apoint, statut & ordain for the suppression of cursers & swearers that how oftensoever it sall happen any of the members of the Touns Counsell to hear & notice any person or persons qtsomever to curse or swear on the streetts or elswhere within this Brugh & liberties thereof that they shall incontinent, as be ther presents they are authorised, to cause ane or mor of the burrow officers imprison any sua found cursing & swearing, there to remain ay & untill the Magistrats take ane course with the delinquents and inflict such punishment as their fault deserves; and also appoint the constables in their respective streetts to advert to the fulfilling of this act & obtemperance thereof in all points. Qron act.

11 July That day also the Magistrats & Counsell considering ane complaint tenderit be the Procurator Fiscall declaring that forsamikle as Janet Leugach,1 comonly so callit, was banished this place formerlie, never to return therto, for certain malefices by her comitted, yet nevertheless hes returnit to this place notwithstanding her said banishment without license of the Magistrats, and being ane vile & wicked person as is notourlie known since her last return, is therfore banished the second tyme, and that not onlie for former miscariages, but also for miscarrying herselfe & transgressing grosslie yesterday, being the Lords day, in tyme of divyne service, in the Hie Kirk of this brugh, by being drunk & vomitting therin to the great dishonour of God and contempt of His Church. The Magistrats & Counsell therfore appoint the said Janet (on her own confession of the fact) to receive the punishment following, viz: to be caryed to the Trone this day, being the 11 of July instant 1681, be twelve hours, there to receive ten stripes on the bare back be the hands of the hangman, and thereafter to be caryed throw the whole streetts and to receive sex stripes in each streett; and thereafter to be banished this place for ever never to return therto under the payne of being lyable to punishment at the Magistrats discretion. And all the inhabitants of toun & territorie are heirby discharged to harbour, receive, lodge or take in to their houses either the said Janet Leugach or any uther banished person qtsomever under qtsomever colour or pretext in all tyme coming under the pain of twentye pounds Scots money to be incurrit be them toties quoties they transgress this act, and ordain publict intimation to be made herof at the cross. Qron act.

1 Gaelic Lugach, having crooked legs.

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That day the saids Magistrates and Counsell being convened anent the Touns affairs, and considering the great stop & impediment the work of building the stone bridge is lyke to meet with by the want of stones, which is occasioned through Baillie Duff his not purchasing of ane disposition to the church in the Citadell; and considering that the said Baillie Duff hes by ane letter directed to the Provest certified that he hes made ane finall bargain with Maurice Trent, and that the Toun may friely medle with the said Church for the forsaid use notwithstanding the disposition be not sent home, the Magistrates & Counsell upon the considerations forsaid all in one voice agried and think it fit & expedient that the said Church be immediatlie medled with towards the erecting of the said stone bridge; and for the better effectuating therof they appoint Alexr Tailzeor to oversie the casting down & demolishing of the said Church to the end the stones therof be aplied to the use abovewritten. Qranent this present act is declared to be ane sufficient warrand. Qron act.

That day the Magistrates and Counsell being convened anent treating on the Touns affairs, and considering the great damage the Ile of this Brugh suffers through severall persons their cutting & destroying of the green wood in the said Ile to the great detriment of the owners therof and indecoring of the place, have for remeit heirof appointed that immediatlie ane intimation be drawn up and publictly proclaimed at the mercait cross wherein all persons qtsomever be discharged and forbidden (as be thir presents the saids Magistrates & Counsell discharge & forbid) that no person or persons qtsomever under any colour or pretext cutt, hew down or destroy any of the green wood in the said Ile under the pain & certification of accompling & reputeing of them as enemies to the Comonweill of this brugh, and furder procedit against conform to the severall acts of Parliament published against cutters of green wood: and siclike discharges all persons to medie with any of the bees or bee-hyves now a building or that shall happin to be built in the said Ile wnder the pains & certification mentioned in the Acts of Parliament made against destroyers of orchards & bee-hyves in all points. Qron act.

That day also the saids Magistrates and Counsell considering the bad use and misinterpretation severall persons through their ignorance putts upon the Lords of His Majesties most honourable Privy Counsell
1681 their act discharging to give or take any Briminger groats, under colour  
15 Aug. qrot severalls assume the boldnes of refusing all silver groatts tuo penies  
and thrie penies though currant throughout the rest of the Kingdom;  
have thersore for remeid heirof appointit that intimation be made at the  
mercath cross wherin all persons be comandit & ordained, as be thir  
presents the saids Magistrats & Counsell command and ordain, that all  
persons accept of all silver groatts, thrie penies and tuo penies of silver in  
their payments & traffiqueings in all tyme coming, excepting the saids  
Briminger groats & broken or creatis money allenarie, certifieing all  
such as presumes to contravein this present statut and refuse the said  
upright money they sall be persuit & insistit against as wilfull refusers  
of His Majesties coyne and contemners of His Majesties authority.  
Qron act.

29 Aug. That day the saids Magistrats and Counsell being convened anent  
the Touns affaires and finding the necessitie there is of buying lime for  
the use of the stone bridge, have appointit the Thesaurer furthwith to  
buy the said lime for the use forsaied. Qron act.

26 Sept. The qlk day the saids Magistrats and Counsell being assembled for  
taking inspection in the Touns affaires, and having required ane accompt  
of Baillie Barbour annent his recoverie of ane disposition from Maurice  
Trent in favours of the Brugh of Innernes of the Church in the Citadeall  
therof, he for report of his diligence presentit in face of Counsell ane  
Disposition from Joseph Helbie, carver, of Lyme hous in the Paroch of  
Stepni, alias Stepni heath, administrator and heir apparent unto the  
deceast Phineas Pett, one of his Majesties builders at Woolwich, som-  
times His Majesties Agent for Woods in Scotland, heretable proprietor  
of the thrie third parts of the kirk in the Citadeall, in favours of the said  
Maurice Trent, as also another Disposition of Maurice Trent in favours of  
James Stuart, present Thesaurer, and his successors Thesaurers of the  
brugh of Innernes of the thrie third parts of the said kirk of the Citadeall,  
with ane order for Charles McLean, merchant, to delyver up to the said  
James Stuart the Disposition grantit be John Sempill to Phineas Pett and  
the deceast William Trent of the said kirk of the Citadeall: Qhich papers  
are instantlie delyverit to the said James Stuart, Thesaurer; and the  
Counsell ordaines the said Baillie Barbour to infeft him and his successors  
Thesaurers of this Brugh in the said kirk this day. Qron act.
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The qlk day the Magistrats and Counsell above named being convened anent ordering the Towns affaires, and being informed of and considering the complaint of the keepers of the guard & watch of this brugh qby they affirm that they are not well furnished with coal and candle which is a great discouragement to them to attend on the said guard, especiallie the long winters night, the Magistrats & Counsell for remeid heirof having callit before them John Mackintosh, elder, customer, who be vertue of ane former act dated 18 Octor. 1680 zeirs is obleidgit to furnish the guard with coal and candle each night for the custom peatts & twentie merks of augmentation, and having interrogat the said John Mackintosh why the guard is so ill furnisht, he in anser thereto declared that if they would augment his sallarie he would furnish the guard sufficientlie in the said coal & candle without qch he was not able to doe the same. The Magistrats and Counsell therfore in consideration of the premises have augmentit, & be thir presents augment, the said Jon Mackintosh his sallarie for the said furnishing to the soum of twentie pounds Scots money (in vice of the twentie merks), qch twentie pounds is to be payit to him by the Thesaurer zeirlie; for which and the custom peatts as formerlie the said John Mackintosh hes undertaken, & binds and obleidges him to furnish and provyd the said guard and watch of this brugh each night with coal & candle for ane zeirs space, viz: fra Michaelmes last to Michaelmes next, and that sufficientlie to their satisfaction fra nyne a clock at night to fyve hours in the morning each night punctuallie. Qron act.

The Counsell appoint the Thesaurer to cause repair the bridge instantlie and to suplwie it with timber where it is necessar. Qron act.

That day the saids Magistrats and Counsell finding be Baillie Stuart, cashkeeper, his information that the voluntarie contribution for the stone bridge is slow of incoming and that in defect therof he wants money to pay the workmen, viz: quarriers & meassons, wherthrow the work is like to ceass & stop; and the Counsell having desired the said Baillie Stuart for supliewing the present neid untill money come in from the contributers, to advance of his own money to the said workmen, he willinglie condescendit thereto. Wherfore the Counsell not onlie impower & authorize the said Baillie Stuart to advance in maner forsaid, but also obleidges them and their successors, Magistrats & Counsellors of this brugh, to reimburse & repay such soums of money that he hes wared or

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sall happen to bestow & ware on the said work of his own proper money, by and attour the saide contributions qn recovered, and that out of the readdiest money that comes to their hands. Qron act.

The Counsell appoint & authorize the Baillies to send to Aberdeen for a fitt person to attend on the horologue of this brugh, in respect the samen clock is altogether neglectit and out of order be the remissnes & unskilfulness of Jon Fraser, smith, present keeper therof, and for that effect to writ to Aberdeen with the first occasion. Qron act.

That day the Counsell being maturlie advisit with ane petition givin in be Samuel Cuthbert, writer in Edr., qrby he desires to be admitted Clerk of this Brugh, find the desire therof reasonable, and therfore they nominat the said Samuel Cuthbert for their Clerk, and heirby appoint presentlie without any act in ample form to be penned for his admission, by qch he sall be warranted to exercse the office of ane Clerk within this brugh during the saids Magistrats and Counsell their goodwill and pleasure allenarlie, and have willed the Provost to take his oath de fidi administratione which accordinglie is done and ordaines and allow the petitioner to medle and intromett with all and sundrie the Casualities emoluments and advantages that former clerks in this place his predecessors were in possession of in tyme coming during his service as clerk forsaid, reservyng always to the Toun Thesaurer but prejudice to him to exact the yeirlie few-dutie of all lands at the entrie of ilk air or assignay, by & attour the clerks dues to which his predecessors had right and were in use to exact; and appoint that no Deput shall be chosen be the said clerk without consent of the Counsell. Qron act.

That day also the said Samuel Cuthbert, clerk, in order to the last act, hes nominat and appointit with consent of the Counsell David Cuthbert, writer in Innernes, as his Deput Clerk, during his pleasure, for whose fidelitie and carefulnes John Cuthbert, baillie above namit hes become enactit, bound & obleigdit as cautioner; and the said David is enactit for his cautioners relieff. Qron act, the premises to be performed under the pain of fyve hundreth merks Scots money, by & attour performance of the premises.

That day also the Magistrats and Counsell haveing called for the kyes of the Steeple of this Brughe the samen were presented in Counsell
be John Cuthbert, Baillie, being fyve in number (qrof the late Clerk hade some in his custody). Qlk kyes of the said steeple and chartor chests therein the Counsell una voce appoyntit to be delyverit instanter to the persones following to be keept be them and made furth comand for the use of the brughe, viz: To the Provest tuo of the saids kyes, to wit, the uther key and the key of the chartor chest; to the Clerk, and in his absence to Baillie Cuthbert, his father, the key of the great hinging lock of the door of the said steeple; and the uther two keys wer delyverit to Baillie Stewart, viz., ane key for a chest within the steeple and ane uther for the check lock, all to be furthcomand to the effect forsaid: And the Counsell appoynt the Provest and present Baillies with Baillies Duff and Robertsone to goe alongs to the Clerks chamber, and ther take inspection of such peapers, writes and securities belonging to the Toun as are considerable and necessar to be carried to the said steeple and secured ther, and that upon the morrow be ten a clock in the fornoon, and to report ther diligence the nixt Counsell day. Qron act.

That day also ane order to the Act of Parliament made theranent the Test and Oath appointit to be taken be all those in publict chairge and trust being in Counsell to the effect the samen might be taken and subscribit be the persones under namit in manner therin exprest, qrof the tennor followes: We, Alexander Dunbar, Provest of Invernes, Finlay Fraser, John Cuthbert, Alexr Rose & James Stewart, Baillies therof; Robert Barbour, Dean of Gild, George Cuming, Thesaurer, James Cuthbert, William Duff and Hew Robertsone, late Baillies, Mr William Robertsone of Inches, William Rose of Merkinshe, William McBean, James McIntoshe, Andro Shaw, David Rose, Robert Rose, elder, Robert Rose, younger, William Keollach, William Dallas, James Dunbar, Counsellors; Samuel Cuthbert, our principall Clerk, and David Cuthbert, his Deput, and David Cuming, our procurator fiscall, Solmnlie swear in presens of the Eternall God whom wee juvocat as judge and witnes of our sincere intention of this our oath, that we own and sincerlie profess the true protestant Religion contained in the Confession of Faith recorded in the first Parliament of King James the Sext, and that wee believe the same to be foundit on and aegieable to the written word of God. And wee promise and swear that wee shall adhere therto during all the dayes of our liftymes and shall endeavoure to educat our children therin, and shall never consent to any chaigne or alteration contrair therto, and
that wee disown and renonce all such principles, doctrines or practises whither popish or phanaticall which are contrair unto, and inconsistant with the said protestant Religion and Confession of Faith. And for testification of our obedience to our most gracious Soveraign, Charles the Second, we doe affirm and swear by this our solemn Oath that the Kings Majestie is the only Supreme governour of this Realme over all persons and in all causes as well ecclesiasticall as civill, and that no souvraigne prince, person, pope, prelate, state or potentat hath or ought to have any jurisdiction, power, superioritie, preheminencie or authority ecclesiasticall or civil within this Realme; and therfor we doe utterlie renunce and forsake all souvraigue jurisdictions, powers, superiorities and authorities, and doe promise that from henceforth wee shall bear faith and true allegiance to the King's Majestie, his heirs and lauffull successors, and to our power shall asist and defend all rights, jurisdictions, prerogatives, priviledges, preheminencies, and authorities belonging to the King's Majestie, his heirs and lauffull successors. And we further affirm and swear by this our solemn oath that wee judge it unlauffull to subjects upon pretence of reformatione or any other pretence whatsoever to enter into covenants or leagues or to convocat, conveen or assemble in any conuenicles, conventions or assemblies to treat, consult or determine in any matter of state civil or ecclesiasticall without his Majesties speciall comand or express licence hade therto or to take up arms against the King or those commissioned by him, and that wee shall' never see rise in arms or enter into such covenants or assemblies, and that there lyes no obligatione on us from the Nationall Covenant or the solem League and Covenant (so comonlie called) or any other maner of way qtsomever to endeavour any change or alteration in the government either in Church. or State as it is now established by the laws of this Kingdome. And we promise and swear that wee shall with our utmost power defend assist and maintain his Majesties jurisdiction against all deadlie. And we shall never decline his Majesties power and jurisdiction, as wee shall answear to God. And finallie we afirm and swear that this our solemn oath is given in the plaine, genuine sense and meaning of the words, without any equivocation, mentall reservation or any maner of evasion whatsoever, and that wee shall not accept or use any dispensation from any creature whatsoever; so help us God. The said Alexander Dunbar, Provest haveing causit the
said Test to be openlie read in the audience of the Counsell, at reading qrof they all stood up with born up hands in reverend and devout maner. And after reading thereof the said Provest himselfe did solemnlie swear in maner above rehearsit and to the effect above specifit, and gave ther oaths solemnlie one ther knees as becometh, & sub the said Test in maner following: Sic sub.

(Then follow a copy of the signatures).

That day also conform to ane act of Counsell of date the nynhteint day of December last by past, qrby Samuel Cuthbert, Writer in Edinr., is nominat Clerk of this Brugh, and qrby ane act is appointit to be penned in ample form for his admission, the said act being presented in Counsell to be sub the whole Counsellors, the Provest having put it to the voice of Counsell if they would subscribe the same, they una voce aprove thereof and did subscribe the said act of admission, bot at the subscribing of the same Finlay Fraser, Baillie, & William Rose of Merkinche, protestit & took instrument that they be lyable onlie for double entrie conform to their chartors; wherupon the Provest protestit & took instrument that the Toun be not prejudgit of their few-duties by & attour the Clerks dues of double entrie wherof they have been in use of payment past prescription.

That day also the Magistrats and Counsell appoint that in all tyme coming no infeftment or seasing of lands holdin of the Toun be passed be any Baillie untill first the few duties of the saids lands be payit to the Thesaurer, with certification the said Baillie passer of the seasing and the Clerk not adverting heirto sall be lyable for, and pay, the said fewdutie to the Toun Thesaurer of the saids lands. Qron act.

That day also the Magistrats & Counsell finding that ther are severalls of the inhabitants that have not as yet sub their obligations in the Cash-keepers book for their contributions to the stone bridge have for the better effectuating thereof appointit the Provest & Baillies to meett Thursday next at the Clerks Chamber & conven the saids inhabitants and to move & cause such of them as have not done it alreadie to subscribe the said book each one for their respective contributions. Qron act.
That day the saids Magistrats & Counsell being convened anent the Touns affaires, and considering that James Kennedie, knockmaker at Aberdein, is presentlie in this brugh for indenting with them anent keeping of the touns knock, they appoint Baillie Fraser, the Dean of Gild & Thesaurer to meet with the said James this day and endeavour to agrie with him to keip the said knock for the bell money, and to report their diligence with all convenieniec. Qron act.

That day the saids Magistrats & Counsell being convened to the effect underwritten, and having required Baillie Fraser, the Dean of Gild & Thesaurer to report their diligence anent agrieing with James Kennedie for keeping the touns knock, they for their report declared that the said James will not midle with nor accept of the hand bell money, but is content to accept of ane hundreth pounds Scots money as ane yeirlie sallarie for keeping the said knock. The Provest having put it to the voice of the Counsell if they will bestow the said hundreth pounds as a standing yeirlie sallarie for the said knock-keeper, they una voce approve therof, and appoint the Magistrats to indent with him anent the premises and prefix the time of his entrie and the number of the yeirs he is to attend. And forasmuch as the said knock-keeper was callit heir apoints the Thesaurer to agrie with him anent his charges & expenses hither & homeward and advance and pay the samen to him presentlie. And the Counsell appoint ane intimation to be published at the cross instantlie showing that the said hand-bell money & macking of the graves money (which is to be set to the best avail) be rouped on Fryday next be eleven acloak in the fornoon in presens of the Magistrats within the tolbuth of this brugh. Qron act.

That day the saids Magistrats & Counsell being convened anent the Touns affaires, and considering that James Cuthbert, late Baillie, hes destinat, givin & grantit the soum of thrie hundreth & ffourtie merks Scots money as ane voluntar contribution for the stone bridge of this brugh, qlk soum is resting to him be David Fouller, late Baillie of Innernes, be vertue of ane tack of the salmond fishing pertaining to the said James, in & to qch soum & tack sua far as it relates to the same is assignit be the said James Cuthbert to James
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Stuart, Baillie, Cash-keeper of the saids contributions: therfore the 1682 Counsell for the more speedie payment of the said money have 23 Feb. appointit the said tack & assignation to be instantlie registrat & the said David Fouller chargit to make payment of the forsaid money as accords of law. Qron act.

That day the Magistrats & Counsell being convened about the Touns affairs, and considering what prejudice the inhabitants of this brugh may sustain by these Letters of Intercomoning raisit be the Laird of Mackintosh against the Brae Lochaber men if the saem be not advertit to, have for preveining therof appointit & ordained ane proclamation to be presentlie intimat at the cross inhibiting & discharging, lykas be thir presents the saids Magistrats & Counsell inhibits & discharges all the inhabitants of town & territory to converse with, speak, meet or have any dealling qtsomever, or sell any powder, lead or uther weapons in tyme coming during the tyme of the intercomuning to such of the said Brae Lochaber men or their tennents & servants as are containit in the saids Letters of Intercomuning under the paines containit in the saem Letters. Qron act.

That day the saids Magistrats & Counsell have appointit Baillies Stewart & Robertson to go for Chanrie on Tuesday next to the Synod to hold there the day of Aprill next to speak & meett with the Bishops & Ministers there annent their contributions for the stone bridge and to report their diligence the next Counsell day, and appointit me to delyver to Baillie Stuart the extract of the Act of Synod of Ross annent the saids contributions, which I accordinglie delyverit to him this day in the Clerks Chamber. Qron act.

That day the saids Magistrats & Counsell being convened 28 Mar. annent the Touns affaires, and considering that be the dimission of Mr George Dunbar, Schoolmaster, it is necessar there be ane fitt & qualified person chosen in his wise, and the Provest having nominat Master John Monro, late governour of the Lord Lovat, as a fitt person for the said charge, and having put it to the voice of Counsell if they think him fitt for the saem, they all in one voice approve therof. Qrupon the said Mr John Monro being callit before
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1682 the Counsell appeared personallie and acceptit of the said charge for ane yeir, viz., from Whitsunday 1682 to Whitsunday 1683; and the Counsell not onlie appointit & admittit him to the said charge as Schoolmaster of this brugh & casualties thereof according to use & wont, but also appointit him to go to the Bishop of Murray to get his approbation; to which he consents, and promisit to use diligence, for that effect and to return to his said charge. Qron act.

3 April That day the Counsell appoint Baillies Fraser, Cuthbert & Duff to go betwixt & this day eight dayes to the Bog to the Marqueis of Huntly annent his contribution for the bridge: and in ther way to speak to the Lairds of Grant, Kilravok & uther gentlemen in that way, with such Brughs as they pass throw, especiall the Lairds of Brodie, Leathin & Culbin, annent their saids contributions, and to be peremptor with them so as not to truble them heirafter theranent. Qron act.

24 April The Counsell having required Baillies Fraser, Cuthbert & Duff to report their diligence in going to the Bogg & uther places annent the contributions for the bridge, declare that the Marqueis Huntly promised to send his contribution shortly, and that Duffus promisit to call his friends theranent, and declared that Culbin promisit ane hundreth merks Scots money, and that Kilravock promisit twentie pounds Sterline money to be peyit at Mertimes next as ther contributions for the said work; and as to Brodie that he said he had given sevin dollars of contribution at his paroche kirk & would give no more. Qch report & diligence the Counsell approve. Qron act.

22 May The Counsell appoint Baillies Cuthbert, Stuart & Robertson to go to Readcastell on Thursday next to visit the quarrie and to engadge Joseph Williamson with the said work concerning the stone bridge and sett the same forward with all possible diligence. Qron act. The Counsell appoint the Cash-keeper to put the decreets to execution anent the contributions for the bridge against those decernit, and appoint him to receive such money as Mr James Wallace brought from Orkney for the use of the bridge extending to the soum of and to discharge the same pro tanto. Qron act.
That day the Magistrates & Counsell being conveined annent the Touns affaires, and it being movit in Counsell whither or not the charges givin to the vintners & brewers at the instance of Fountain Master of the Revells & Lottaries, &c, should be a publict concernment of the whole brugh and defendit on the Touns charges & expenses, or upon the privat charges of the particular brewers & vintners that are charged to give bonds not to keep games in their houses, yea or not; and the Provest having put it to the voice of the Counsell, they find that it is the Touns publict & generall concernment, and appoint the Touns Thesaurer to suspend the said charges of horning on the Touns expenss on the parties chargit ther giving in ther bonds to the Privie Counsell. Qron act.

That day the Magistrates & Counsell having required Baillies Cuthbert and Robertson to give ane accompt of their diligence in going to Innerarnie to meett with the Laird of Mackintosh & his friends annent their contributions for the stone bridge of this brugh, they in anser therto report & declare that they mett with certain of the name of Clanchattan who granted the bands underwritten upon the forsaid accompt, viz., Donald McQuein of Cluni gave bond for twentie pounds Scots money; Robert Mackintosh of Beacher, for twentie pounds money forsaid; Alex' Mackintosh of Far, for fyftie merks money forsaid; Gillies McBean of Litle Draikie, for ane hundreth merks money forsaid; John McIntosh in Ellarick, for fourtie pounds money; Lachlan McIntosh of Stroan, for fyftie merks money; Donald McBean of Faylie, fourtie merks money forsaid; Bayn McGillivray in Dunmaglass, twentie merks; William Mackintosh of Borlum, for ane hundreth pounds Scots money; John Mackintosh of Dalmiggavie for fourtie pounds; William McGillivray in Larges, twentie pounds money forsaid; Farqhar McGillivray of Dunmaglass, for ane hundreth merks money; & Lauchlan Mackintosh of Aber-arder, for ane hundreth pounds money; all qch soums are payable at Mertimes next to come with ane bond grantit be Lauchlan Mackintosh of Kinrara for the soum of ane hundreth pounds Scots money, or twentie four bolls bear payable at Whitsunday next to come. Qlks bands be appointment of the Counsell were instantlie delyverit to the Cash-keeper, viz. Baillie Stuart to be furth coming for the use of the stone bridge. Qron act.
1682  The Counsell considering the great prejudice the brugh sustaines
17 July  throw the great number of curr dogs kept therin, especiallie their
spoiling & abusing of the corns, yairds, fruits, seeds & plants therin,
their spoiling bigging in the thach thereof, their throwing down yaird
dykes, their troubsomnes in the night, the inhabitants as they go under
silence of night in the streets being bitten & hurt by the said dogis,
with several utter enormites by them comittt; the Counsell therfor
for remeid have appointit statut & ordained that the owners of the
saids curr dogs cause furthwith kill their saids curr dogs or pay tuo
shillings Scots money to those will kill the samen for each dog, and
that imediatlie after intimation heirof, with certification to the dis-
obeyers or havers & keepers of any such curr dogs in tyme coming
that they sall incurr fourtie shillings Scots money toties quoties they
transgress this act & statut. Qron act.

That day also the Counsell considering that the time & season of
the yeir is so far spent that it is too late now to begin to the stone
work of the bridge considering that what will be layd therof now hes
no tyme to bind sufficientlie: and also considering that James Smith,
master measson, who undertook the said work promised to call his son
heir to assist him therin before he sould furder midle with or begin to
the said bridge (the tuo bows alreaddie putt up having fallen in his
default) and that he promisit also to find caution to make sufficient
work: the Provest having put the said overtures to the voice of the
Counsell, they una voce declare that it is too late now to begin the
said measson work for this present season & yeir, and that it is most
necessar that the said master measson call his son heir, and find
cautioin before he begin the said work. And the Magistrats & Coun-
sell considering that it is necessar the stone & timber bridge be both
secured for this winter for the violence of the speatt in the river till
furder advisement, and untill the mayn work be convenientlie begun,
appoint David Scott, carpenter, to use his endeavoure & all means
possible for securing the said bridge for this winter with timber work,
and to begin therto incontinentlie: who being callit before the Coun-
sell for that effect did undertake to doe his endeavoure to secure the
said bridge as said is. Qron act.
That day the Magistrats & Counsell nominat & appoint Donald M'CLean, burges of this brugh, to be sent to Sir Donald M'Donald of Slate, annent his contribution for the stone bridge of this brugh, and to take his journey thither after the return of ane post to be sent there presentlie. And Baillies Robertson & Wm Duff, yor., are appointit as formerlie to go to the Lairds of Grant & Leathan annent their contributions and to report their diligence respective. Qron.

That day also the Counsell appoint the former act of Counsell or statut as to carying draff alongs the bridge in creills on horses, or on mens backs to stand in force, and discharges all carts & slades to pass alongs the bridge whither empty or full in all tyme coming under the paines exprest in the former acts past theranent, and appoints the officers to put the saids former acts with thir presents to all due execution qn transgressed. Qron act.

That day the Provest having movit in Counsell that Alexr Mackenzie of Culcowie and Sir Rorie Mackenzie of Findon are offering securitie either within this brugh to satisfaction, or the said Sir Rorie his own securitie for dismissing of the said Kilcowie furth of the tolbuith of this brugh where he is incarcerat at the instance of Charles Earle of Mar be vertue of Letters of Caption for the soum of four thousand & four hundreth merks Scots money, with certain annualrents & expenses; and arreisit there at the instance of Alexr Russell, yor., merchant in Elgin for fuye hundreth merks Scots money of principall with annualrents & expenses as the respective charges caption beir: And the Provest having put this ouverture to the voice of Counsell, they una voce approve that sufficient caution be found & acceptit of be the Magistrats to the effect forsaid and the said Culcowie dismisit therupon, providing the Cautioners be sufficient & within this brugh. Whereupon the Counsell (being most willing to conferr all the kindness in them lyes on many considerations upon the said Culcowie) did appoint the Dean of Gild & Baillie Duff to go to the said Rorie (being in toun) and learn & be informit of the cautioners, who having returnit his anser, declared that they themselves, to wit, the said Robert Barbour, Dean of Gild & Wm Duff, were the cautioners proposed, and declared they are content to become cautioners to the effect for the said Alexr.
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1682 Mackenzie on his dismissal. The Provost having put it to the voice of Counsell if they will accept of the saids cautioners they una voce accept of them, and be thir presents authorizes the Magistrats to dismiss the said Culcowie out of this tolbuith on sufficient & ample securitie & obligation to be grantit be him and his saids cautioners qrby they sall be obleidgit conjunctlie & severallie to liberat the brugh of the forsaid soums of money, with this speciall clause & article to be obleidgit to report ane discharge of the said debt from the Earle of Mar betwixt & the day of nixt to come. Whereant & annent dismissing of the said Culcowie with all hazard, expences & inconveniencie may follow therupon the Counsell are heirby obleisit to warrand the saids Magistrats at all hands. Qron act.

2 Sept. The Counsell considering that David Thomson, smith in Tayne, is in toun and is willing to accept the charge & attendance of the knok of this brugh for a competent sallarie, who appearing before the Counsell declared his willingnes to accept of the said charge, and undertook to begin therto & come to reside heir within ten dayes next after this date: And the Counsell for his encouragement allows him the hand-bell money of this brugh as Donald Deass hes it at present as a yeirlie sallarie for his said service; qrof he be thir presents accepts. And the Counsell authorizes the Magistrats to indent & agrie with the said David Thomson for the space of thrie yeirs compleit after Mertimes next: and for his furder encouragement the Counsell appoints the said David his friedom & libertie of this brugh to his own trade to be grantit to him inmediatlie as he enters, ann heirby declares him to be frie of watching and all publict burdens in this place, viz: stents & impositions during the said thrie yeirs tyme, or longer as the Counsell or their successors in office sall find him deserving. And further the Counsell allows the said David to have a proportionall part of the dutie payable be Donald Deass for the said hand bell betwixt the tyme of his entrie & Whitsunday next, of which wages & sallaries the said David Thomson heirby accepts in full satisfaction of all other thing qtsomever he can ask or crave for his said attendance. Qron act.
That day also the Counsell having convened the generality of the town's men, especially the Gildrie, annexing treating with them concerning the stone bridge, (the Mr. meassons to wit James Smith, & Mr. James Smith, his son, being in town in order to the said bridge) who appearing in face of Counsell have appointit them (to wit, the said Gildrie) to meet the morrow be two a'clock afternoon with Baillie Stuart, cash-keeper, Baillies Duff, Robertson & James Dunbar, who are appointit to satisfie them as to the accompts & collections of the contributions for said bridge, that thereafter a way may be projectit with their concurrence for setting forward of the said work & provyding money to that effect. Qron act.

That day the Counsell having callit in the Gildrie annexent the bridge to know their willingnes to concurr in setting forward the work therof and contributing & assisting to provydmoney necessar thereto, who comptaring be Charles McLean, Wm Cuming, James McLean, John Barbour, & uthers who, for themselves and in name & behalfe of the remanent towns people, did signifie & declare their willingnes to go alongs with the said work, and that the people of the town are unanimouslie willing thereto and to contribut to their outermost for setting forward therof. Qron act.

Who being convened annexent the said affair of the stone bridge, and the Provost having put it to the voice of Counsell if they think & judge it fitt to bargan and make ane new agrument & paction with James Smith & Mr. James Smith, his son, master meassons for building of the said stone bridge on the river of Ness, the Counsell una voce approve therof, and appoint and authorize the Magistrats to cause extend & draw up the indenters & securities betwixt them thereanent. And for the more frie & unanimous going on & proceeding in the said affair, the Counsell call in the Gildrie, inhabitannts & towns people to know their minds & have their consent thereto, who comptaring in face of Counsell did unanimouslie consent that the Counsell agrie & paction with the saids master meassons annexent building the said bridge, and referrs the terms & conditions of the agrientment to the Counsell & promises to abyd therat. And for their furder unanimitie in going alongs with so good and necessar
1682 a work tending so much to the weill & utilitie of the Brugh, the
14 Sept. whole inhabitants unanimouslie consent that after the contributions that
are already promisit & upliftit & made effectuall, and are exhaustit & spent on the said work or it be finished that the Counsell there-
after contract debt on the brughs charges (if found necessar) for
finishing the said work, the contributions being exhaustit as said is.
Qron act.

The Counsell appoint Baillies Duff & Robertson to speak to
Provest Cuthbert, Mr John Cuthbert & Mr Thomas Fraser of
Haughs, their relicts annent a contribution to be grantit be them to
the stone bridge and report their diligence the next Counsell day.
Qron act.

26 Sept. That day also the Magistrats and Counsell having required the
fyve new Counsellors to take the Test & Oath administrat to all
those in publict charge & trust within this Kingdom, they, to wit
the said John Hepburn, William Duff, yor., William Cuthbert, Donald
Fouller and William Paterson did embrace the same whilk was
administrat to them be the said Provest, and that after repeating
each word therof and kneeling at subscribing of the same as
becometh as the said Test & Oath sub' be them at lenth bears.
Qron act.

2 Oct. That day also the saids Magistrats & Counsell considering that
they are impowered be vertue of ane Act of Parliament dated in
September Jmvic & eightie one yeirs to uplift & exact ane toll at
the Bridge of Innernes of the quantitie, & for the space exprest in
the said Act, have therfore appointit statut and ordained, that the
toll & small customs underwn be upliftit immediatlie after public-
atation heirof at the bridge of Innernes for helping to defray some
part of the expenses therof and upholding the same, and that
conform to the said Act of Parliament emittit theranent giving order
and warrand for exacting and upliftling of the samen: viz.—Sex
pennies of each horseman or horse & load; four pennies of each
horse or kow; and tuo pennies for each footman; and sua furth
proportionallie for all sheep & uther bestiall passing alongs the said
Bridge also oft as they pass and repass the same, and that by &
attour the pettie customs of the said brugh as the said Act of 1682 Parliament of date at Edinburgh the seventient day of September 2 Oct. 1681 yeirs at lenth bears: And ordains thir presents to be published at the mercat cross of Innernes instantlie that none pretend ignorance. Qron act.

That day the saids Magistrats & Counsell being conveined 9 Oct. annent the Touns affairs, and considering that there are severalls beyond the water that repyne for paying of daylie toll at the Bridge and are content rather to give a modified contribution then to be dailie paying at their passage, the Counsell therfore appoint the persons following, viz., the Provest & four Baillies, the Dean Gild & Thesaurer, Baillie Hepburn & Baillie Rose or any fyve of them to agrie with such persons as make their aplication & are willing to give their saids contributions and to obtain their securities therfore or payment thereof: And the Counsell appoint that all poor people within Toun & Paroche (being parishoners) that are not weill able to pay toll at the bridge be exempt & frie on the Saboath day in coming to and going from Sermon from paying of the said toll: and that the coal wives be frie of toll at inbringing of their hadder & broom, bot appoint them to pay the same at their return homwards. Qron act.

The Magistrats & Counsell appoint & ordain the toll master at the Bridge, viz. close the porch at the Bridge each night at ten a cloak, and after locking of the same to delyver the key therof to the Captain of the Touns Watch or Guard to the effect they may advert to & watch the wester syd of the water as well as on this syd the same; and furder appoint the said Captain with sex persons of his company to pass the round on the west syd of the water nightlie, and appoints the said key of the bridge port to be re-delyverit to the toll master each morning be four a cloak for opening the same & attending the toll. Qron act.

That day the Counsell having challenged the said William Rose of Merkinche for erecting a barn yaird on the touns comontie neir the ministers gleib, acknowledged it was throw a mistake having apprehendit the said ground to pertain to Provest Cuthbert (whose
barn adjoyning his possesses) bot being now convinced of the contrarie promises to remove the said barn yaird after removall of such corns of this cropt as he hes therin. Qrupon the Counsell have attolated him to keip his corns there for this yeir onlie in respect he hes no utter accomodation for the same, and prohibit the said Wm from having his barn yaird any longer there. And siclyke ordain him to remove his midding at the Sconce within ten dayes after the date heirof with certification as effeirs. Qron act.

That day the Counsell considering ane obligation presented to them grantit be Wm M^Intoshe now of Conadge as principall, Jon Forrester of Culnald, Shereff Clerk of Inverness, & David Denoone in Castle Stewart, Chamberlane to the Earle of Murray, as cautioners for him for the said Wm M^Intoshe his libertie to be granted to him to the outer tolbuith, find it & have resolved it most fit & expedient that the saids Jon Forrester & David Denoone grant ane band per se, obligeing them that the said Wm shall not escape furth of the said tolbuith of Inverness, under the paine of ane thousand merks money Scots, by & attour to releive them of the payment of the sumes of money for qch he is imprisoned at Sir George M^Kenzie of Roshauch, his Maties. Advocat, his instance, viz., thrie hundred & fourty pounds money of principall with the annualrents therof & penalty; and of the principall sume of two thousand merks money with the annualrents therof & penalty specifeit & contained in the saids letters of caption raised at the instance of the saids Sir George against the said Wm M^Intoshe dated the nynth of June Jnavies & eighty ane years, and of all other encumberances the said Counsell & their successors in the saids offices shall sustaine or incurre throw the said Wm M^Intoshes escape furth of the said tolbuith. And the Counsell authorizes the Magistrats to accept of the said band from the saids persones, untill new arrestedments be layd on the said Wm M^Intoshe of Conadge and on respect therof to grant to the said William the liberty of the outer tolbuith untill new arrestedments be layd on as said is. Qrupon act.

The Counsell appoynt for the better erecting & building of the Chappleyaird dyck that for each corpse that shall be interred in the

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said Chappelyaird in tyme coming their relations shall pay to the 1683 brugh the pryces following, viz: for each gentleman & eminent 8 Jan.
burges, ane shilling sterline; and for each yeoman or tenant in the
landward, & for each meuner burges or inhabitant or tradesman or
any other meuner person in the brugh, ane sex pence money forsaid;
and that for themselves & their children & servants: and appoynt
Andrew Schaw to be collector therof till it be rouped: And this act
to stand till the dyck be completely built & no longer. And the
Counsell appoynt the Magistrats to roup the same with conveniency;
and that the bellman oppen not a grave untill first the forsaid dues
be payed, under the payne of paying the same and imprisonment:
And ordaines thir presents to be intimat at the mercat croce & other
places neidfull. Qrupon act.

That day the Counsell considering ane act of Privie Counsell 10 Feb.
directed to the Magistrats of this brugh ordering & warranding them to
set the person of Col Mc■Donald, son to the deceast Archibald Mc■Donald
of Keppoch, at liberty out of the tolbuith of Inverness for the reasons
therin exprest; and considering that since the intimation of the said
Counsell act the said Col Mc■Donald is arrested in the said tolbuith
be order of the Comissioners of Assessemnt upon accent of the de-
ficiency of the cesse due & payable be Keppoch for his lands. The
Provest having speired the votes of the Counsell anent qt. to be done
in the said affair, have resolved & concluded that the said act of
Counsell should be obeyed; and willed & authorized the Magistrats
to set the said Col Mc■Donald instantly at liberty notwithstanding of
the said arrestment, and ordained the said act of Privie Counsell to
be insirt & registrat in the Counsell books of this brugh that extracts
therof with this act may be given to such as are concerned: as also have
ordained the said principall act of Counsell to be keipit be the Towne
Clerk to be furthcomeing to the saids Magistrats for their warrandice
anent the premisses: of the wch act of Privie Counsell the tenor
followes: At Edin, the first day of Februar jm vies eightie thrie years.
Anent a petition presented by Coll Mc■Donald, son to the deceast
Archibald Mc■Donald of Keppoch, Shewing that qr. the petitioner
being the said two years bygone at the Universitie of St. Andrews
& in December last being informed that his father was dead he went
North in order to his interment with intention to returne to his studies, and having gone the leght of Inverness did send some of his friends to the Laird of McIntoshe (wt. qm. the petitioners father had former differences) & offered ane accomodation & his full resolution to submit himself & his interest to a legall decision or amicable determination, the Laird of McIntoshe in returne to his message and humble desyr by his owne clandestine warrand caused sumarly apprehend the petitioner & count him prisoner within the tolbuith of Inverness (wthout the least probation of his guilt or breach of the peace). The petitioner did therupon conceive himself extremly wronged & that his imprisonment was illegall & unwarrantable, McIntoshe being both judge & party & having seazed upon the petitioner under trust wthout any cause, but yet the petitioner to evite any further trouble caused offer caution for his appearance qn. he should be called & required, McIntoshe to cause put him to a tryall if he had anything to lay to his charge, wch was refused, as by instruments taken therupon produced is apparent; and the petitioner being thus unwarrantably seazed upon & a minor & not able to doe for himself he is necessitat to make application to the Lords of Privie Counsell qo. under His Matic. are intrusted alsweill wt. the protection of the innocent as the prosecution of the guilty; and the petitioner being resolved upon all events to submit himself to his Maties. Lawes & to live peaceably under the government, humbly therafter supplicating that the Counsell would take the petitioners condition to consideration and ordaine the Magistrats of Inverness wtin. whose tolbuith he is prisoner to set him at liberty in respect of his unwarrantable imprisonment as said is, and that he is content to find caution to appear before the Counsell at such a dyet as shall be appoynted, upon a lawfull citation to anser to anything that can be layd to his charge. The Lords of His Maties. Privie Counsell having heard & considered the forsaid petition, Doe heirby give order and warrand to the Magistrats of Inverness to set the petitioner at liberty, he finding sufficient caution acted in the books of Counsell to sist himself at the Counsell bar the fifteenth of March next for giving such security for the peace as the Counsell shall think fit to appoynt, and that under the penalty of one thousand pounds Scots money wch. caution he hath found accordingly. Extracted by me (sicsubr.) Will Paterson, Cls. sti. con. Qron act. Sa. Cuthbert, Cls.
That day there was ane missive letter presented in Counsell direct be the Magistrats of Aberdein to the Provost, Bayles and Counsell of Inverness, dated the nynteinth day of March last, bearing that the saids Magistrats & Counsell of Aberdein in July last obtained ane act of His Majesties Privie Counsell for ane voluntar contribution throw the whole kingdome towards the building & repairing of their Harbour, and therefore requiring our assistance &c, as the act beares. In order therto the Counsell wills & advyse the Magistrats to move this in the session qn the ministers recovers health, that course may be taken theranent. Orupon act.

That day anent the complaint made against such as did put in their cattell & bestiall to the Yle of Inverness to grasse to the destruction of the young growth therof, and to the prejudice of the fishing and decerment of the place, the Counsell have statute & ordained that no person nor persones after the date hereof presume to let or put in any of their cattell, either horse, kow or sheep or goat within the said Yle under the paine of fwayne pounds Scots money to be payed be the contraveiner toties quoties for each beast: and ordain intimation hereof to be made at the mercat croce be touk of drum that none pretend ignorance. Orupon act.

That day the Counsell ordaines that the Captaines of the watch set a centinell at the port of the wester end of the bridge each night to attend there to give passage to every one that hes ane lawfull urgent earand under the paine of five pounds Scots money to be payed be the transgressour toties quoties. Orupon act.

That day the Magistrats, Counsell & Comunitie of this brugh being convened anent the ordering of the outrigging of the militia to the next ensuing Randevouze to be holden at Elgin the fifth day of June next, and in prosecution therof the Provost having asked the advyse of the inhabitants and speired the votes of the Counsell theranent whither they should go on be way of stent or as formerly by leaders, the whole Counsell unanimously voted & condiscended with the advyse & consent also of the inhabitants then convened that there be thrie qrter of ane moneths cesse imposed upon the brugh & territories towards the outrigging of the said militia soulours to the
1683 said Randevouze, whereof they nominat & appoint James Cowy to be collector, whom they ordaine to pay & distribute the said stent to the militia men, and imediately to call for & receive their armes from their severall leaders, to the end he may deliver them to the militia souldours at their marching to the Randevouze & receive them back againe at their home comeing; and to be comptable for the same to the saids Magistrats & Counsell and their successors in the saids offices qn required: and further ordaines the said thrie qrters moneths stent to be payed & collected speidily wtout. delay under the paine of qrtering. And for that effect publicit intimation hereof to be made at the mercat croce be touch of drum that none pretend ignorance. And further ordaines the two moneths & ane half moneths supplie as the tenth & last moyetie & terme of the fyve years supplie granted to his majestie in the year jmvi" seventy eight years be act of the Convention of Estates to be payed befor Mononday next the twentie one day of this instant to Wm Cuthbert, Collector nominat for that effect be all persones wtin. brugh & territories lyable in payt. therof under the paine of qrtering after the said day: and for that effect ordaines publicit intimation hereof to be made at the mercat croce be touch of drum that none pretend ignorance. Wherupon act.

28 May That day Baylie Duff & Baylie Barbour presented in Counsell ane discharge granted & sub' be the Earle of Marr to Alex" Dunbar, Provest, James Stewart, Baylie & to the presenters for themselves & the remanant Magistrats & Counsell of this brugh anent the releasement & dismissing of Alex" M'Kenzie of Kilcoy furth of the tolbuith of Inverness, with warrandice that they should be harmles & skaithles for his dismissal: And after reading & considering therof the Counsell ordered the said Baylie Duff & Baylie Barbours band granted upon the forsaid accompt to be given up to thin be the Clerk, and ordaines the said discharge to be registrat in the townes register and the principall to be keipt in the kirk steeple. Wherupon act.

That day the counsell appoint Alex" Dunbar, Provest, Jon. Cuthbert & James Stewart, Baylies, Finlay Fraser, Deane of Gild, Rot. Barbour, late Baylie, & Mr Wm Robertson, of Insches, with their Clerk to go this day be thrie acloak in the afternoone to the
kirk steeple to sight & revise their evidents of the Hauch betwixt 1683 the town & the yle for wch. they pay four pounds yearly to the Exchequer that they may be the apter to answer the Marquesse of Huntlies letter concerninge his desyre to big a mill theron. Qrupon act.

That day the Counsell being conveined in order to the townes affaires, and particularly anent the greivance & clamour of the inhabitants of this brugh against the Mr Masones for their unpleasant and insufficient work in building the stone bridge, have appointed the Magistrats with Baylie Rose, Mr William Robertson, Andrew Schaw & Wm Duff, younger, to meit with & speak to the Mr meason to make good & sufficient durable work and to let him sie the insufficiency therof that he may help the same that there be no further clamour hereafter thereanent.

That day the Counsell being conveined anent the townes affaires have ordained the great charter granted to the town be King James the Sext, dated the first of Januar 1591 years, to be given to Baylie Duff, Comissioner appoynted to the next meeting of the Convention of Burrowes for clearing of ten pounds money wch be the said Charter is alloted for the poore & yearly to be allowed in the eque, and ordaine the Charter granted be K. James the third to demolish the mill on the Hauch dated the sixteinth of May 1474 to be keiped be the Clerk till Huntly come here or till further order. Qrupon act.

That day the Counsell grants friedome & libertie to Mr Wm Robertson of Insches & to his family & tenents upon the territories of Inverness to passe & repasse alongs always the bridge of Inverness in all tyme coming frie of payment of the toll money accustomed & impowered to be exacted be the Act of Parliament granted in favours of the said brugh anent the stone bridge dated the seventeenth day of September jmvi s eightie one years, because of the voluntar contribution promised towards the building of the bridge. Qrupon act.
1683  That day the Counsell (having conveined in order to the townes
13 Aug. affaires) have ordained that two of the Baylies per vices stay in the
Clerks chamber in the tyme of the next Marimass mercat to hear all
complaints & to give justice, and to rectifie disorders. Qurupon act.

That day the Counsell appoynt & ordaine Jon Ross, officer, with
the assistance of Angus Poisone to attend at the bridge end all this
weik to take up & collect the toll money of the bridge, and to be
comptable to them for the same, and that in respect that Hector
M'r Intoshe, customer, will be bussied about the collection of his
customes and cannot goodly attend both charges. Qurupon act.

That day the Counsell appoynt thrie companies to be charged to
be on the guard each day in tyme of the mercat, viz. on Wednesday,
Thursday & Fryday.

17 Sept.  That day the Counsell appoynt Baylie Robertson & Baylie
Stewart to attend in the Clerks chamber all the time of this
Roodmass mercat to hear complaints & to give justice & to rectifie
all disorders & wrongs. Qurupon act.

That day the Magistrats & Counsell considering that the charge
& function of one of the Ministers of the Paroche Kirk of Inverness
is now vacand be & throw the decease of M'r Alex'r Clerk one of the
late ministers therof, and that the presentation of another minister in
his place is fallen & become in the hands of the Laird of Strenchen,
one of the Patrones of the said Paroche Kirk, being now his tourne
alternatis vicibus, and that it is expedient that two or thrie of the
Counsell should be sent in due tym to the said Patron to speak &
comune with him to procure a presentation of him to ane able
qualified person of their owne nomination & choosing: which being
moved & voted be the Provest in Counsell they all una voce have
resolved & concluded that Jon Cuthbert & William Duff, baylies, and
Finlay Fraser, Dean of Gild, as persones nominat be the Counsell should
ryde this day to the said Patron to the effect forsaid. And further
the whole Magistrats & Counsell unanimously consent and agrie that
M'r Angus M'Beane should be presented to be their minister in vice
& place of the sd. deceast M'r Alex'r Clerk. Qurupon act.
That day the Magistrates & Counsell (having convened anent the townes affaires) required of Jon Cuthbert & Wm Duff, baylies, & Finlay Fraser, Deane of Gild (as commissioners to the effect underwritten) ane accompt & report of their diligence anent the procuring of a presentation from the Laird of Strenchen, one of the Patrones of the Parroche Kirk of Inverness, to Mr Angus McBean according to the last act of Counsell did in answer thereto report that they procured the presentation aforesd in behalf of the sd Mr Angus McBean, after hearing of wch. report the Magistrates & Counsell unanimously approved thereof, and have thought expedient that ane fit person should be sent wt. the said Mr Angus to the Bishop of Murray to procure his admission & collation & to use their endeavours to that effect, which being voted in Counsell they be plurality of votes have nominated and elected James Dunbar, merchant, to be sent as Commissioner with the said Mr Angus to the Bishop to the effect forsaid, and ordained the Treasurer to provyde him a horse & to give him money to bear his charges to goe away Tuesday next. Qrupon act.

That day the Magistrates & Counsell ordained their Clerk to insert hereafter in all burgesses acts in favours of servants of noblemen & gentlemen these words following: gratis gratia Magistratuum, because they pay nothing for it. Qrupon act.

That day the Magistrates & Counsell being convened anent the townes affaires, the said Alex Dunbar, Provost, represented & declared to them that he has beene many years in charge and many good works done in this place in his tym, and particularly the most part of the stone bridge built in the tym of his being Provost, to the building qrof he has given & doted the sume of as a voluntary contribution, and therefore petitioned them to cause his name & armes be put on the said bridge whither he die or live till the same be perfected & wholly built: which desyre and petition being voted in Counsell they all una voce granted his desyre as being Provost that tym, and because of the forsaid sume doted be him as said is, and ordained this act to be recorded in the Counsell books for future memory of the matter. Qrupon act.
1683 That day the Magistrats & Counsell enacted and ordained that 8 Oct. the first and eldest minister in office in this place serving at the Cure of the united Kirks of Inverness & Bonach in all tym hereafter shall be preferred befor & new income Minister his colleague to have, enjoy & possesse that Manse lately possest be umqll. Mr Alex Clerk, one of the late Ministers of Inverness, bounded betwixt the King’s causey at the East, the water of Ness at the West, the lands belonging to at the South, and the vennell that leads to the water of Ness by the back of the said manse at the North pairs respective; as also to enjoy & possesse the gleib lately possest be the said deceast Mr Alex Clerk lying be north the said Kirk & Kirk-yaird therof, bounded betwixt the hy way that leads to the shoare of Inverness at the East, the water of Ness at the West & the links called the butts at the North parts respective, and that during their service at the cure of the said Kirk. Qron act.

15 Oct. That day the Counsell ordered the bridge port to be left open every night from ten acloak at night till four acloak in the morneing. Qrupon act.

24 Dec. That day the Magistrats & Counsell ordained Jon. M'Cra, perewick maker, to render up his burges act and to remaine in prison till he give up the same and untill he crave pardon of William Dallas, collector of the stent, for calling him a lyar & for abuseing him with opprobrious words. Qrupon act.

That day the Magistrats & Counsell ordained Jon Hatmaker for his imprecationes to the stent masters to remaine in prison during the Magistrats pleasure & to be fynd at their pleasure. Qrupon act.

1684 That day the Counsell being convened anent the towns affaires, 31 Mar. the Provost declared in Counsell that he moved Mr Jon Monro, schoolm of the Grammar School to stay here to teach the grammar school till the first of Maii next, and required the Counsell to have their thoughts on another Mr Schooll to be installed in his place.

That day it was moved in Counsell that James Smith Mr meason in building of the stone bridge was hurrieing up the same to get it outred before Whitsunday next, being the tym appoyned for him to
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have finished the same, and that he did it to shune the penalty on him specified in the contract past theranent, and that there might be great inconveniency in building therof after that maner, and for shuneing therof that it were fit to grant him a longer tym to build the same at leasure: therefore the Provost voted the Counsell whither or not they wold grant him a prorogation to build the said bridge wt. greater leasure & conveniency for the surer & stronger building therof, they all in ane voice voted to grant him a prorogation till the last day of August next and to passe from the penalty on him for not building therof befors the said tym prefixt, so that he grant them the lyke prorogation to pay their part of the money due to be payed to him at & befors the said terme of Whitsunday next & passing from the penalty on them for not paying therof at the forsaid tym, and that but prejudice, inovation or derogation to the said contract anent the performance & fulfilling therof in all the remanent heads of the same.

That day Jon M'Leod, son to Normond M'Leod, being apprehended & incarcerat wthin. the tolbuith of Inverness be vertue of letters of caption raised agt. him at the instance of Wm M'Bean, burgess of Inverness, for not payment of the sumes of money therin contained, and anent his desyre to give him the enlargement of the tolbuith hall upon his oath that he wold not make his escap, the Provost having put it to the votes of the Counsell whither they wold grant him the forsaid enlargement upon his owne oath without surety or not, the Counsell be plurality of votes voted him to find surety befors they grant him the enlargement afsaid, and further appoynt him to be put in the inner tolbuith till he find surety. Quupon act.

That day the Magistrats & Counsell haweing heard & considered ane Order directed to them by the Privie Counsell to set Martine M'Martine of Letterfinlay at liberty, rining upon a petition presented to them. by him, supplicating that in regard he is altogether innocent of the crymes layd to his charge and is content to abyde a tryell before the Lords of Justiciary and to enter his person in prison wthin. the tolbooth of Edr. at any day the Counsell shall think fit to appoint, order might be granted for his liberty, and that therefore the saids Lords of Privie Counsell gave order and warrand to the Magistrats
Records of Inverness

1684. of Inverness to set the said Martine M'C Martine at liberty in regard
29 April he find sufficient caution acted in the books of Privie Counsell to
enter his person in prison wthin the tolbooth of Edr. betwixt & the
last day of Nov. next to anser to anything can be layd to his charge,
and that under the paine of five thousand merks Scots money; as
the said order dated the 27 of March last bearer. And the said
Magistrates & Counsell considering that the Lords of Privie Counsell
might have granted the said order wtout being informed that the said
M'C Martine is put in & lyes arrested for civill debts, and that the
towne might ly under the hazard of payment of the civill debt for
wch. he was incarcerat & is keiped in if they dissmit him, and on
the other hand under disobedience of the saids Lords of Privie Coun-
sell if they dismissed him not, so that they knew not qt. safely to do
theranent, and therefore the said Provest voted the Counsell what to
doe or was safe for them to be done in the said affair: the Counsell
be plurality of votes voted & determined that the Magistrats should
writ South to the Lord Chancellor & to the Kings Advocat & to
their Agent to get their information and further sense and solution
concerning their scruples to set the said M'C Martine at liberty & to
post one immediately South to that effect and not to dismisse him untill
they get ane solution & the returne of their letter from the South.
Qron act.

12 May That day the Counsell ordaines Robert Poull to muster the militia
souldiers in the Chappell Yaird of Inverness Saturday next, being the
sixteenth day of this instant, that it may be known qt. defect there
is of the souldiers & their armes that they may supplie the defects
and help & fixe qt. armes is necessary to be fixed, and to make
report therof to them the said day. Qron act.

16 May That day the Provest having caused convene the Counsell anent
the order emitte be the Lords of His Magisties Privie Counsell to
the Magistrates of Inverness and presented befor them in Counsell the
last Counsell day ordering the setting of Martine M'C Martine of Letter-
finlay at present prisoner wthin the tolbooth of Inverness at liberty,
and anent the returne to their letter direct to my Lord Chancellar
concerning their scruples to set him at liberty till they had the saids
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Lords information & for ther sense & solution theranent considering they might be under the hazard of payment of the civill debt for wch. the said M'Martine was incarcerat and keipt in, if they dismissed him, and on the other hand under disobedience of the saids Lords of Privie Counsells orders, if they dismissed him not, of the which order the tenor followes & is thus: Edr. the twentie seventh day of March 1684. The Lords of His Maties. Privie Counsell having heard & considered a petition presented by Martine M'Martine of Letterfinlay, at present prisoner in the tolbooth of Inverness by order of the Comissioners for the Peace of the Highlands there, supplicating that in reguard he is altogether innocent of the crymes layd to his charge, and is content to abyde a tryell befor the Lords of Justiciary and to enter his person in prison within the tolbooth of Edinbrugh at any day the Counsell shall think fit to appoynt, order might be granted for his liberty; Doe hereby give order & warmand to the Magistrats of Inverness to set the said Martine M'Martine, petitioner, at liberty, in reguard he hath found sufficient caution acted in the books of Privie Counsell to enter his person in prison wthin. the tolbooth of Edr. betwixt & the last day of November next to anser to anything can be layd to his charge and that under the penalty of five thousand merks Scots money in case of failzie. Extract by me (sic sub') Will. Paterson, cl.s. sti. con. Wheranent the saids Magistrats wreat to my Lord Chancellar the letter following & is thus: My Lord, We have seine ane order of His Magisties Privie Counsell for the dimission of Martine M'Martine of Letterfinlay out of His Magisties jayll at Inverness, the said act & order is founded upon ane supplication narrating his innocency of crymes layd to his charge, and in vindication therof he is content to abyde a tryell befor the Lords of Justiciary and to enter his person in prison wthin. the tolbooth of Edr. at any day the Counsell shall appoint; upon wch. supplication sua narrated it wold appear that his Majesties Counsell has granted order for his liberty, without being informed that he is put in & lyes arrested for civill debts. And my Lord we humbly conceive if his Majesties Privie Counsell either knew or were informed of his being put in be ane caption & arrested for civill debt that they wold not grant the order in such general & positive termes without further qualification or explanation, which order and conclusion as we humbly conceive being
1684 more ample then the tenor of M' Martines supplication has made us
16 May (with all deference & submission to the Counsells act as we have ever
beine found obedient therto) altogether so scrupulous that we wold not
let him out without yor. Lops. information & further sense theranent,
presumeing the said order being so generall & dissonant to the termes
of M' Martines owne supplication wold make us lyable to the hazard
of the said privat debts. Wherefore we humbly desire to know if it
be the Counsells meaning that he should be put at liberty notwithstanding
of privat debts, and if so then we not only crave pardon for
our eschape bot perswads yor. Lop. that upon sight of the order and
yor. Lops. letter he shall be forthwith put at liberty. So wishing all
happiness to yor. Lop., we rest (My Lord) Yor. Lops. most humble
servants (sic sub't) Jo. Cuthbert, Provost of Inverness; F. Fraser,
Baylie, A. Rose, Baylie, Wm Duff, Baylie, Hew Robertsone, Baylie.
Inverness 25 Apryle 1684. Direct upon the back: For my Lord
Chancellor of Scotland, These: Whereunto they received this anser:
From the Counsell Chamber, Edinbrugh, 7th May 1684. Gentlemen,
My Lord Chancellor having acquainted the Counsell that instead of
giving obedience to their act and ordinance anent M' Martine of Letter-
finlay now prisoner in yor tolbooth you had returned his Lop. a letter
which seimes in a very od maner to expresse your dissatisfaction with
what the Lords of his Maties. most honourable Privie Counsell had so
deliberately done, the Counsell could not be but surprized at yor be-
haviour in this poyn, it being very unbecoming any of his Majesties
subjects to quarrell, much more to refuse to give imedit obedience
to the Kings soveraigne imperiall authority so eminently represented
in his Privie Counsell, and therefore I am comanded by their Los. to
tell you that it is their will & pleasure that forthwith upon sight
hereof you give punctuall & all becoming obedience to the said act &
ordinance of Counsell as ye will anser at yor highest perrell;
certifieing you that if ye make any further demure in this affair
the Counsell will take notice of your former disobedience. This by
the comand of my Lords of the Counsell is synified to you by
(Gentlemen) yor most humble servant (sic sub't) Will. Paterson. Dir-
eted upon the back thus: For the Provest & Baylies of Inverness.
After reading of which order & letter theranent & returne thereto above
written in presence of the Counsell, the Provest did put it to the votes

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of the Counsell what to do in the said affair, who all in one voice
voted that the said Martine M^ Martine of Letterfinlay, should be forth-
with set at liberty and dismissed in obedience to the saids Lords of
Privie Counsell their saids orders. Wherupon the saids Magistrats
ordered him immediately to be set at liberty, which was accordingly
done and instruments taken therupon. Qrupon act.

That day the Counsell appoynt & ordaine Wm Duff, present
treasurer, to pay to Mr Jon Monro, Schoolm' of the Grammar School,
his stipend & qt. is due to him as schoolm' out of the first & readiest
of the comon good & few dueties, and to use his exact diligence to
get in the same for his pay'. Qrupon act.

That day the Counsell defers the taking of a course anent the
provying of a Schoolm' for the Grammar School till the next Coun-
sell day, yet in the meantime they nominat & appoynt Baylie Robertson
& Jon M^Intoshe to meet with Mr Jon Monro, schoolm' and to use
their endeavours to perswade him to stay and continue in his charge.
Qron act.

That day Mr Jon. Monro, schoolm' of the Grammar School, of
Inverness, made intimation to the Counsell that he wold demit his
charge after the first day of May next till which tyme he wold keip
his charge at the said school. The Counsell accepts of his dimission
(yet declaring his willingnes to stay) they declared they wold preferre
him before any other notwithstanding of his dimission, provyding he
make intimation to stay & continue in his charge befor the first of
Februar next. Qrupon act.

That day the Magistrats & Counsell did nominat and appoynt
Baylie Rose & Baylie Duff to goe with comissary Baylie to Duneane
to speak to him anent the water wark bigged be him from one syde
of the water to the other to the great lose & ditriment of the brugh
as to their fishing & timber that comes downe Loch Nesse, that he
remove the same & give passage to the fishing and timber as of old
in former tymes; and to make their report to the Counsell againe
the next Counsell day. Qron act.
That day the Counsell enact & ordaine the heretors & liverenters bewest the water of Ness next the water syde, alsweill be South the bridge as benorth the bridge, to big a bulwark from the gavill of their houses towards the water such as Robert Neilson has caused built befor his house, befor Whitsunday next, under the paine of twentie pounds Scots money to be payed be each deficient heretor, and ordaines the officers to get a double of this act to make intimation therof to such as are concerned that none pretend ignorance. Qron act.

That day the Counsell ordained Wm Duff, present treasurer, to pay to Jon. Cuthbert as tutor to David Cuthbert, late Clerk Depute, his children the bygane annualrents of four hundred & two pounds 13s. 8d. resting be the Towne to him, deducing of the saids annualrents the hundred merks contained in his discharge of so much therof given for his voluntary contribution for the bridge. Qrupon act.

That day the Magistrats & Counsell (upon good grounds and considerations) ordaine all the Innekeipers & lodgers of strangers to give up a list of all the unknown strangers whom they shall lodge hereafter be their names, surnames and designationes, to the Capn. of the Guard nightly that they may acquaint the Magistrats therof each morneing thereafter, and that under the paine of twentie pounds Scots money toties quoties; and ordaine intimation hereof to be made at the mercat croce be touck of drum that none pretend ignorance. Qron act.

That day the Magistrats & Counsell ordaine thrie qrters of a moneths stent to be imposed & exacted of the towne and territories thereof according to the last stent roll made (qrby Wm Keilloch uplifted the stent), and that for outrigging the militia souldiers of the Earle of Murrayes Company to goe to Spey-syde forment the Bogie to meit the Earle of Arroll, the Earle of Kintore, Lord Treasurer Depute & Sir George Monro of Culraine, Comissioners of Justiciary go are to keip a circuit at Elgin the 22 day of Jarri instant, and to convoy them to Elgin & to attend them there. And this to be presentlie exacted & uplifted be the said Wm Keilloch, collector nominat for that effect and to be distributed be him to the
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saids souldiers, and ordaines present intimation herof to be made at the mercat croce be touch of drum that none pretend ignorance to pay the same under the paine of qrtering & of all the bleame to ly upon the deficients. Quupon act.

That day the Provest presented in Counsell a letter direct to him be Mr. Rorie McKenzie, my Lord Advocat Depute, showing that being come to Elgin to attend the circuit and being sure that it is the interest of our brugh not only to show our respects to the Comissioners if they come the length of this brugh, but it is also his advyse, that the Magistrats and such others as we think fit to tak alongs might be at Elgin Wednesdays night for to goe out Thursday morneing to meit the Lords at Spey-syde in a distinct body be orselves and qn. we come here they may take such measures as being consistant with His Majesties interest, may conduce most to our interest, as the said letter dated the 19 Jary instant beares; and having put to the vote of the Counsell if it was fit to obey the said letter or not, they all in one voice thought fit that a certaine of their number to the number of four should be sent with the four nominat the last day, and be plurality of votes have nominat the Provest, Bailie Rose, the present Treasurer & Jon M·Intoshe to goe to the effect forsaid. Quupon act.

That day the Magistrats & Counsell having convaine anent the townes affaires, the Provest moved in Counsell whither or not they wold grant a friewill offering of thrie moneths stent to his Majestie be way of humble tender towards the maintenance of his royall government, and having put it to the votes of the Counsell, they superceided their voting and adjourned their meiting till the morne be ten aclock in respect there was not a full meiting this day. Quupon act.

That day the Counsell convaine in reference to the friewill offering of thrie moneths stent to his Matie. be way of humble tender towards the maintenence of his royall government, and the Provest having put it to the votes of the Counsell, Gildrie, heritors, trades & comalty of the brugh what to do in the said affair they
1685 craved some respite of tym to consider the matter by reason they were surprized in it and knew no precedency of other burrowes, the Counsell granted them till nyne aclock the morne to consider of the matter & give their anser theranent all of them then conveined, which were the major pars wer charged apud acta to that effect. Qrupon act.

27 Jan. That day the Magistrats & Counsell conveined anent the townes affairs, and having called & conveined the Gildrie, the heretors, trades & their visitors and comonalty twyce before, wiz: on Mononday & Tuesday last the 26 & 27 of this instant & this day the third tym, the Provest moved in Counsell to them at each of the saids meetings whither or not they wold grant a frie, voluntar offer of thrie moneths sesse to his Majestie be way of humble tender towards the maintenance of his royall government, the Gildrie, heretors, trades & comonalty craved a tym to consider of the matter by reason they were surprized in it and knew no precedency therof of other burrowes, the Counsell granted to them to consider thereof & to give their anser theranent this day by nyne aclock; the Provest having put it to the votes of the Counsell whither or not they would grant the said voluntar offer, the Counsell be plurality of votes consented to the granting thereof; and having called the Gildrie, heretors, trades & comonalty thereof, at least the major pars of them, to know their advyse & mynd in the said matter according to ane decreit of the Lords of Session, dated the day of 1664 years, ordaneing that no stents nor impositions be imposed nor exacted on the said brugh & territories therof wtout the advyse & consent of the major pars of the gildrie, heretors, trades, & comonalty, and according to ane act of Set of the Comissioners of the royall burrowes to the same effect, dated the second day of September jmvi= seventie sex years; the Provest craved their consent and votes (after declaring to them that the Counsell were for granting of the said friewill offer) some of the Gildrie & of the considerable heretors consented to the said friewill offer, but the major pars of the Gildrie, heretors & the whole trades & comonalty dis-assented & declared they were not for it. Qron act.
That day the Magistrates & Counsell conveined anent the townes 1685 affairs, and having called & conveined before them the Gildrie, the Heretors, trades & comonalty of this brugh, the Provost held furth to them the necessity for granting of the friewill offer of thrie moneths stent to the Kings Majestie be way of humble tender for the maintenance of his Royall Government, and held furth the danger of the thing if not granted, and that the great Lords Comissioners of Justiciarie keiping a circuit court at Elgin for the tym wold reach us to our greate harme if not granted; and thereafter the Provost did put it to the votes of the Counsell, Gildrie, Heretors, Trades, visitors of the Trades & Comonalty, at least the major part of them then conveined, whether or not they wold grant & consent to the said friewill offer, they all qo. then conveined who were the major part una voce consented to the grant of the said offer; and therefore the Magistrates and Counsell ordained the same to be presently collected & uplifted be William Thomson, collector nominat & appoynted be them to that effect.

That day the Magistrates & Counsell undersubscryving by this their obligatory act bind & oblige them & their successors in the said place & office, to content & pay to William Duff, Dean of Gild of Inverness, the sume of fiftie four pounds sterline money, being thrie moneths stent granted as a friewill offer to the Kings Majestie be way of humble tender for the maintenance of his Royall Government, and that to be payed be him to the receiver of the Kings revenues, and that betwixt the date hereof and the twentieth day of Februar next, who is to purchase to them the said receivers discharge thereof; and that because the said William Duff at their desyre granted his owne band at Elgin for payment of the same. Qrupon act.

That day the Provost presented in Counsell ane order emitted be the Earle of Arroll, Earle of Kintor & Sir George Monro of Culraine, Comissioners of His Majesties Privie Counsell & Justiciary within the district of Murray, requiring and comanding the Magistrates of this brugh to make up & send to their Clerk ane list of all persones who have fled out of this brugh for disloyalty & disaffectation to the government since the first of November last and likewyse to try qt. nr. of families will take & swear the Test; and to send a list of such as do refuse the same with the Test.
That day the Counsell ordaine Mr Alexr Sutherland and Mr Adam Schaw to be called here furthwith that they may be privatly examined and one of them chosen, and that he who shall be chosen may byde and continue from this tym with Mr Jon. Monro, pnt. schoolmaster of the Grammar School of Inverness, to know his methods of teaching & ruleing the said school till the first of Maii next. And the Counsell ordaine the Clerk in their name to writ immediatly to Mr Adam Schaw furthwith to repair here to the effect forsaid. Quupon act.

That day the Magistrats & Counsell ordaine ane post to be hyred to go to Edr. with the thrie moneths stent extending to 54 lib sterline money of a frie voluntar offer last imposed & collected for the Kings Majesties use, with a letter to Mr Coline M^Kenzie, writter in Edr., to deliver the same to the Cashkeiper or receiver of the Kings revenues, and to get his discharge therof to the towne with Bailife Duffs band granted for payt. of the forsaid sume. Quupon act.

That day the Magistrats & Counsell ordaine the proclamation for proclaimeing King James the 7th to be King of Scotland, England, France and Ireland, Defender of the Faith, to be proclaimed at the mercat croce the morn be two acloak in the afternoone, with all solemnities usuall and requisit: And ordaine the townes Companies to be charged to be in armes at the said proclamation & solemnitie, and bone fires to be set on the streits befor each mans doore: And ordaine intimation hereof to be made presently at the mercat croce to touck of drum and furthwith to have armes & amunition ready for the said solemnity. Quupon act.

That day the Counsell ordaine the Magistrats to meit & speak with the ministers of this brugh & to crave their advyse whom they wold have with them to examine Mr Alexr Sutherland & Mr Adam Schaw that the ablest may be elected as schoolm^ of the Grammar School, and they to report the ministers advyse to the Counsell & the Counsell to adhere to the ministers advyse & determination. Quupon act.

That day there was a letter presented in Counsell direct be the Bishop of Murray to the Magistrats of Inverness, declaring that he
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was satisfied with their election of Mr Alex Sutherland as schoolmaster of the Grammar School of this burgh. And therefore the Magistrats & Counsell admitte & ordaine the said Mr Alex Sutherland as schoolmaster of the said Grammar School to enter to his said charge the first day of Mai next to come, and thereafter to continue therat for a years tym & longer during the Counsellors pleasure & his deserving & good behaviour; and grant & allow to him all such benefices, profits, casualties & emoluments qtsomever as was due and payable to Mr Jon Monro, present schoolmaster, or his predecessors in the said place & office. Qrupon act.

That day the Counsell ordaine William Duff, their Treasurer to compt with James McLean for what expenses he expended at the proclamation of King James the 7th as King of Great Britain, France & Ireland, Defender of the Faith, and to pay him according to his accompt of the first & readiest of qt. shall be gotten in of the comon good of this burgh. Qrupon act.

That day the Counsell considering that there were many defects on the M' measons part in building of the stone bridge of Inverness, and after some conference & communing theranent they unanimously determined to draw up the articles of the saids defects, and that therafter the Magistrats should go to the bridge and take instruments therupon & for the benefite of the contract past betwixt them theranent and of the band granted to them be umqll. James Smith, M' meason and of the failzies contained in both against the representatives of M' James Smith, M' meason now on the place. Qrupon act.

That day the Counsell conveined anent the Provests letter direct to them from Edr. craving their advyse if they will have the manadgement of their place in Parliament anent prioritie of place before certaine other brughes that contests against them put to a touch at this present Parliament, it being put to the votes of the Counsell it was caried that it should ly now in debeat as formerly be way of protestation, unlesse he find ane oppen doore for him to get it done easily without debeat at small chairges. Qrupon act.

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That Day the Counsell nominat William Duff, Dean of Gild,
James Dunbar, Baillie Robertson & James M‘Lean, or any thrie of
them with the Magistrats to meit with Baillie Stewart to take ane
accompt of him of the voluntary contributiones for building the stone
bridge of Inverness & of what is payed and unpayed therof, that the
nonsolvents may be put at to pay their proportiones according to
their bonds.actus.

That day the Counsell ordaine ane month & thrie qarters of a
moneth to be imposed & stented on towne & territories & others
lyable in payment of stent towards the outrigging of the Militia
souldiours for twenty dayes loane & amunition to march to the
Kings hoast against Argyle & his army according to the Counsells
order to that effect; and that intimation hereof be made at the
mercat croce be touck of drum for payment therof according to the
last stent roll, under the paine of qrtering & all other paines
theranent.actus.

That day the Magistrats of this brugh being ordered &
commanded to furnish & provyde powder & lead to the armie that
are marching to the Kings hoast, and the merchants who have the
same fearing that they will not get payment of the pryces therof,
therefore for their securitie the Counsell by this act bind & oblige
them & their successors in the place and office to content & pay the
pryces of the powder & lead to the saids merchants ilk ane of them
proportionally according to what they shall advance in case they get
not payment therof from the publict.actus.

That day the Counsell order James M‘Lean & Jon M‘Intoshe to
receive the powder & lead from the merchants and to barrell the
same and to deliver it to my Lord Strathnaver and to purchase his
recept therupon.actus.

That day in order to the sending a Comissioner to the next
meiting of the Generall Convention of Burrowes to be holden the
first Tuesday of July next, the Provest having put it to the votes of
the Counsell whether or not they wold send a Comissioner to the
said meeting, the Counsell *una voce* voted & determined not to send any bot to take their hazard of the fyne, because the missive letter from the Convention of Burrowes was not sent to them and because of thir troublesome and dangerous tymes qn. the armies wer marching from every airth to the Kings hoast, and that their Commissioner at the last parliament is but lately come home. Grupon act.

That day the Magistrates & Counsell ordered Wm Thomson and Wm Keilloch, with the concurrence of Baillie Stewart, to take ane accompt of all the militia armes and to receive them from the souldiers and their officers that they may be keiped be the Treasurer for the use of the publict. Grupon act.

That day the Counsell ordaine James Stewart, Baillie, cash-keiper of the voluntary contributiones for building the stone bridge of Inverness to give in ane accompt of his collection of the saids contributiones and of the bandes granted for the same, & of the deficients & expenses waired out in getting in the same againe this day eight dayes that a report therof may be sent to the Privie Counsell. Grupon act.

That day the Magistrates & Counsell having required of Jon. Cuthbert, Provest of Inverness, ane accompt & report of his diligence as Commissioner at the last Parliament begun the nynth of Apryl last, did in anser therto declare & report severall things past at the said Parliament, and of his owne diligence in following his instructiones, presented in Counsell the papers following, viz. two old charters of King Wm. It. ane old charter of King James the sixth ratifieing & confirming all former charters; It. King Charles the second, his Ratification, which were the charters taken out of the steiple, and brought be him to Edr.; Item, a charter of Ratification of the present King James the 7th; Item, a protestation taken be the said Provest of Inverness as Commissioner at the said Parliament for prioritie of place at Parliament & at the meetings of the Generall Convention of the Royall Burrowes, and particularly against seven brugh interjected betwixt this brugh and Air; Item, a printed act of Parliat. obtained by the said Provest for continuation of the toll money for the stone bridge of Inverness forever after the expyring of the nyntein years first granted; All which writs (after inspection & reading of them) the Counsell ordaine to be put in the charter chist in the Kirk Steiple (the said Provest
having removed himself out of the said Counsell) the Magistrats & Counsell after mature deliberation & consideration had of the said report & being rypely advysed therwith as the same was held furth to them be word and writ did homologat, allow & approve the same & his said diligence, declaring that he has behaved himself faithfully & diligently in all things recomended to his charge & trust; and after the Provests returne the Counsell randered him thanks for his good service to the place, and ordained the four Baillies & Bailie Robertson, James Dunbar & James McLean or any four of them to be a quorum to audite his accompls of his charges & debursements at the said Parliament and to make report therof to them the next Counsell day. Qrupon act.

That day the Counsell nominat & appoynt the Provest and Baillie Fraser to speak Kenneth Mackenzie of Suddie, Capn. of the partie now quartering at Inverness, and to know if he will have the two moneths & ane half moneths stent, being the fourth terme or moyectie of the 25 moneths supplie granted to his Matie. in August 1681 years last, collected be Wm Thomson, sent south, or if he will have it keipt here till a post be sent south to get a bill for payt. therof to him. Qrupon act.

That day it was enacted & ordered be the Magistrats & Counsell of this brugh that all the voluntary contributers for building the stone bridge of Inverness within the said brugh & liberties therof, themselves, their families & posterity & their goods & comodities & their servants alsewll in landward as in brugh mentioned in James Stewart, one of the Baillies of Inverness and Cash-keiper appointed by the Lords of His Majesties honourable Privie Counsell for collecting the frie & voluntary contributiones for erecting, building & mantaineing the stone bridge over the river of Ness, his book, & who have his discharge for that effect, and who are written on the broad to be put up in the tolbooth of the said brugh, shall be exempted in all tymes coming from payt. of the toll money appoynted be acts of Parliament to be uplifted and exacted for building and mantaineing the said bridge, and ordaines acts & extracts hereof to be given out be the Clerk to all persones concerned upon their owne proper charges & expenses mentioning their names & qt. sumes they contributed, providing alwayes they produce to the Clerk the Cash-keipers discharge of their contributiones. Qrupon act.

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This act is also extended to all contributers without the shyre & within the shyre contained in the Cashkeipers roll, or his factors roll. 28 Sept. 1685

That day the Counsell order & impower the Provest, Bailife Duff, Bailife Robertson, Bailife Stewart & James Dunbar to agrie with Mr James Smith, master meason, oversier of his Magisties works in Scotland, anent the cutting of the four coats of armes, the Townes, the Laird of Mr Leod's & Provost Dunbars, and for making up the Magistrats names in place at the time of the founding of the said bridge & the Magistrats names at the time of the finishing thereof and to promise him a gowne to his wife as bounty attover his payment. Qrupon act.

That day anent the petition given in be Jon Fraser, merchant, the last Counsell day, craving ane right to be granted to him of ane peice of waist ground at the shoare of Inverness to big ane house theron for yearly payt. of a small few duety such time as the towne pleased, the Counsell (after sighting of the ground) ordained & thought fit (after putting it to the vote) that no part of the ground betwixt the shoare & the Chappleyard, nor of the greine forment it betwixt the Cherrie Dyck & the sea & the river of Ness should be set in few nor given in tack, nor no middens put on it, and that all qo. have middens on any pt. thereof remove the same within a moneths time after the date hereof under the paine of ten pounds Scots money to be payed be the party transgressor & disobedient. Qrupon act.

That day the Counsell ordaine broads to be set up within the tolbooth of Inverness with the inscription of the names of the voluntar contributers for building & maintaininge the stone bridge of Inverness, such of them who payed fiftie merks money and more, and none of their names who payed less then fiftie merks money. Qrupon act.

That day William Thomson, collector, presented in Counsell a discharge of Hugh Wallace of Englishtowne, his Magisties Cashkeiper, to the towne of the sume of sex hundred fourty eight pounds Scots money for thrie moneths of new voluntary supply humbly offered by the Magistrats, Counsell & inhabitants of this brugh to his sacred Matie. towards

1 See Minute of 8th August, 1687.
Records of Inverness

1685 the maintenance of his royall government, and that by & attover the pnt.
23 Nov. current supplie imposed be act of Parliament: which discharge the
Magistrats & Counsell ordained to be given to Alexr Duff of Drummoore
to be brought south that he may procure discharges of the said thrie
moneths & of the Whitsunday & Mertimes termes of the current
supplie. Qrupon act.

1686 That day the Magistrats & Counsell enact & ordaine that no man
4 Jan. to be made burgess & frieman to his owne trade shall pay the gilt hoise
at any tym hereafter. Qrupon act.

11 Jan. That day in order to the Counsell act dated the seventh day of
December last, appoynting a certaine number to sight the dyck of the
Chapple yaird, who declared that there is a necessity to build up the
same in several parts there of that is ruinous, the Counsell ordaine all
those that have their buiriall places in the chapple yaird next the dycks
to build & erect the same in maner following, to wit to build the wester
syde therof after the form & maner of Thomas Schivez his buiriall place
with a capstone, and to build the North East and South syde therof
after the forme & maner of Jon Lochart his buiriall place with a cap-
stone; with liberty to them to build the saids dycks higher bot no
lower: And this to be done betwixt and the first day of August next:
with certification to such as faill therin their buiriall places shall be given
to others and shall pay for every corp of theirs that shall be buried there
thrie pounds Scots money after the said first day of August. And con-
tinues former acts anent the chapple yaird in force till that day anent
the payment of a shilling sterline be rich persones & sex pence be
meanner for each corp that beis buried there: with power to the townes's
treasurer to exact & uplift the said thrie pounds after the said first day
of August next, who is ordained to build that part of the dyck that is
ruinous: excepting furth of this act such as have their buiriall places
in the body of the chapple yaird in & about the chapple & within fiftein
feet therof. Qrupon act.

15 Feb. That day Baillie Barbour & Baillie Duff presented in Counsell a
discharge dated the tenth of March jmvzs eightie thrie years granted be
the Earle of Marr to the Magistrats of Inverness and their caus for their
dimission of Alex" Kenzie of Kilcoy who was incarcerat within the tolbooth of Inverness at the said Earle of Marres instance for a debt resting to him; which discharge was read in the audience of the wholl Counsell, and after reading thereof the Provost voted the Counsell whither they were satisfied with the said discharge or not: all of them una voce voted they were satisfied therwith, but ordered that they should get a new band of freedon to warrand the towne of the arrestment layd on Kilcoy at the instance of Alex" Russell, baillie of Elgin, upon recepit of wch. the Counsell ordered Baillie Barbour & Baillie Duffs bands to be given up to them, and ordaines the said discharge to be registrat in the townes books. Qrupon act.

That day the Provost having moved & held furth in Counsell the regrant he heard made be their vassals entering to their predecessors & authors lands wtin. this towne & territories and liberties thereof holding land of the towne, regranting that howbeit they payed the duplication of their fewdueties called the double entries to the Clerk as his dues for & in place of his sailarie, yet notwithstanding the treasurer troubled them for the fewduety of the same year of their entry to their lands & made severalls pay the same: and after the matter was reasoned & fully debeat in Counsell amongst themselves, the Provost having put it to the votes of the Counsell how and to qm. the said double entries should be payed hereafter, the Counsell una voce & unanimously concluded & ordered that the double entries of all vassals holding land of the towne should be payd hereafter to the Towne Clerk in all tym comeing instead and in lieu of his sailarie as his predecessors befor him had the same, and that by and attover the ten merks money payable to him be the Treasurer yearly according to old use & wount. Qrupon act.

That day David Baillie in Kinmylies entered a complaint against Finlay Fraser, Deane of Gild of Inverness, wherof the tenour followes: Unto the Right Honourable the Lord Provost, Baillies and Counsell of the Brugh of Inverness, The Complaint of David Baillie in Kinmylies, in name & behalf of the minors of Umql. Alex" Baillie, burgess of the said Brugh, and Katherine Hepburne, his relict, upon Finlay Fraser, Deane of Gild there, Humbly means and showes—That whereas the said complainer did upon the eight day of Januar last bypass in a most greivous maner tender his complaint against the said Finlay Fraser for encroachments and wrongs done be him upon the said minors & liverentrix their
1686 lands, and for remeid therof petitioned a cognition to be appoynted as use is for rectifieing the wrongs done to them and taking away of differs betwixt them, which yor. hos. did so far approve of that upon the first day ye appoynted a competent number of honest inhabitants to passe with Baillie Robertson to the said ground and there to diognose and consider therof, and decerne therein, which was accordingly done; and the said Finlay Fraser being found to have leased the said complainers (whereby it was notourly known they had just ground to enter their complaint against him) was ordained to repair the wrongs done to them; as their verdict sub' be the Chancellar of the inquest and the said Baillie Robertson read in his audience can testifie: Yet notwithstanding the said Finlay Fraser without any respect to law or conscience, bot on the contrar, in manifest contempt of yor. authoritie, and to the great disparagement, reflection & opprobry of the persones of Inquest (who were deiply sworne to determine justly in the said matter) did upon the sixth day of this instant most imperiously, maliciously, unjustly & covetously in quite contradiction to their verdict, renue his encroachments upon the saids complainers to their no small disadvantage and opprobrie as is known to all nighbours about them.

May it therefore please yor. Hos, to take the premisses to consideration and take such effectuall course theranent as may repone the complainers to their just interest, and terrifie others to slight your authority so manifestly in all tym comeing.

Inverness, the fiftieinth day of Februar one thousand sex hundred four score sex years.

In presence of the Magistrats & Counsell.

The Counsell having considered the above written complaint, and having put it to the votes of the Counsell what they thought thereanent, find all una voce that the said Finlay Fraser committed a grosse fault in doing what he did, and therefore they appoynt him to rectifie the wrong done, and give satisfaction to the complainers & the inquest by acknowledging his fault and rectifieing the wrong done, and by enacting himself to do the same this day and never to do the like againe. Whereupon act.

That day Mr. Alexr Fraser, burgess of Inverness, entered a complaint against Finlay Fraser, Deane of Gild of Inverness, whereof the tennor
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followes: Unto the Right Honourable the Lord Provost, Baillies and Counsell of the Brugh of Inverness, the complaint of Mr Alexr Fraser, Burgess there, upon Finlay Fraser, Deane of Gild of the said Brugh, and Andrew Fraser, his son, Humbly meanes and showes, that whereas the said Mr Alexr Fraser upon the fifteinth day of Februar instant, coming out of his owne cowne yaird forgathered with the said Finlay Fraser & his said son, and after some expressiones past betwixt them anent several marches belonging to them, and particularly anent ane march stone which was ane old land march lying betwixt Kinnerres land at the west and the burrow roods belonging to the said Mr Alexr & the said Finlay and Andrew Frasers lands at the East, which the said Finlay Fraser and his servants at his command did raise & remove tymous this morning, which stone is not as yet put in its owne place, the said Finlay Fraser and his son, laying asyde all fear of God, respect to his office of Magistracy and in manifest contempt of the lawes and acts of Parliament of this Kingdom, did in a most barbarous, godlies and inhumane manner assault and fall on the said Mr Alexr, he dreading nor fearing no evil at the tym, and most furiously did beat, bruise and blood him with their hands and fists in the head, face, mouth and several other parts of his body, to the effusion of his blood in great quantitie, and in so beating and abusing him did rug, ryve and lacerat his gravat, hat and cloathes, and for ought he understood wold have murthered him if he had not been rescued be some Christian nighbours who saw the abuse and the worse evil likely to follow on.

May it therefore, please your Hos. to take the premisses to consideration and not only appoynt a cognition to passe to the said ground that the march stone this day removed may be put in its owne place, and other marches which they encroached on and abused may be rectified, but also to take such effectuall course with them for removing the land mark and for beating, abusing and bleeding of the said Mr Alexr Fraser, and for their ryotous behaviour to punish them in their persones & goods and cause them find cawtion to secure the peace, to the terror of others to commit the like in tym coming.

Inverness the fifteenth of Februar jmvies eightie sex years. In presence of the Magistrats & Counsell of Inverness.

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1686 Compeired Mr Alex Fraser and craved justice: and the said Finlay Fraser compeired and also denied the complaint, which the judges admitted to the persuers probation, who for proving therof adduced the witnesses after named, to wit: Donald Bayne, alias Fraser, and Kathrine Fraser his spouse, John Chissoleme, alias McEan Wayne, Isobelle M'Conchic tayler, & Margaret Fraser, all inhabitants be west the water of Ness, who being all sworn without objection, examined and interrogat upon the heads and articles of the said complaint, deponed in manner following: to wit, the said Donald Bayne deponed that M'Gillimichill's wife called him out, telling him that the parties, pursuer and defenders were beating one another, and at her call he came out and saw the parties together bot did not sike any stroaks betwixt them. The said Kathrine Fraser deponed that she saw the fornamed pursuer and defendr together, and saw M' Alex Fraser gravat riven and torne and his mouth bload bot saw no body do it bot Finlay Fraser & his son do it who will. David Forbess deponed that he saw all the fornamed parties struglinge and in handic grips and Finlay Fraser reding them, and saw M' Alex his gravat torne and his mouth bload, and heard M' Alex Fraser calling still for witnesses to sike how he was abused, bot saw not blowes bot heard them flyting in English wh. he understood not. John Chissoleme that he heard the great din that was betwixt them but that he could not go furth to sike them haveing very sore eyes for the tym. Isobelle Fraser deponed that she saw Andrew Fraser parting from M' Alex and saw Finlay Fraser holding the said M' Alex be the shoulders, and saw M' Alex's gravat riven and his mouth bload, and both Andrew and Master Alex's hats on the ground at the tym. Margaret Fraser deponed that she saw Master Alex & Andrew Fraser in handie grips, and M' Alex's gravat riven and his mouth bload and their hats on the ground, and that she took up one of their hats, and saw Finlay Fraser holding Master Alex be the shouders. Isobell Fraser deponed cum precedente, and withall saw them going about defending themselves. Both parties with one consent referred to Alex Fraser, servant to the said Finlay Fraser his oath & deposition the matter anent the march stone removed, who being sworn, purged of partiall consell, examined and interrogat, deponed that he being pleughing his masters land, his master then in company, the pleugh waked and lowsed the march stone, and that his master and he at his masters comand took up the stone, and
that his master removed it a little from its own place when the deponent followed the plough and that he said then to his master that it was not mowes to sturre & remove a march stone, and that his master answered him with these words: Out fellow, Mr James hath removed and taken away many a march stone.

The Magistrates and Counsell waved the matter pro loco et tempore till Andrew Fraser be cited; and ordaines the officer to charge him to compeir here the morn be two aclock in the afternoone, to which tym the court is adjourned, and holds the chargeing of the said Andrew at his fathers dwelling house (if he be at home) to be a sufficient citation.

Tuesday the sixteenth day of Februar f76vi\textsuperscript{a} eightie sex years. In presence of Jon Cuthbert, Provost of Inverness, Hugh Robertson and James Stewart, Bailiffes thereoff.

Compeired Master Alex\textsuperscript{r} Fraser and craved processe and justice against the said Andrew Fraser, who compeired als personally and adhered to the witnesses depositiones whatever they deponed. And the said Andrew Fraser referred to the said Master Alex\textsuperscript{r} Fraser's oath whither or not he strak the said Master Alex\textsuperscript{r} and whither or not he was the first aggressor, who being sworn deponed affirmative that the said Andrew strak him and was the first aggressor. The judges finds the ryot sufficiently proven, and therefore fynes the said Andrew Fraser in fiftie pounds Scots money, and ordaines him to find caution to secure the peace under the paine of five hundred merks money, and to be arrested till he fulfill this sentence. Qron act.

That day Master Alex\textsuperscript{r} Fraser, burgess of Inverness entered a complaint agt. Finlay Fraser, Deane of Gild there, whereoff the tenour followes: Unto the Right Honourable the Lord Provost, Bailiffs and Counsell of the Burgh of Inverness, the suppletion of Master Alex\textsuperscript{r} Fraser, burgess there, Humblie Sheweth, That notwithstanding of the Lawes of God, the Municipall Lawes, Acts of Parliament and Burrowes and practices of this Kingdome, the encroaching of one neighbour upon another neighbours lands, and the removing of the land mark and mearings be forbidden under the paines and penalties contained in the saids lawes & acts, yet true it is that Finlay Fraser, Deane of Gild, laying aside the fear of God and due respect and reguard to Christian neighbour
head, and in manifest contempt and slighting of the saids lawes and acts, have several years bygone encroached upon the saids supplicants lands by tilling the mearings betwixt their lands and by raising of march stones and land marks, and not satisfied with the saids former abuses, he be himself, his servants and others of his causeing, comand and bounding out, did this year at severall tymes most covertously and avaritiously encroatch upon the said supplicants land by cutting and tilling the mearings betwixt lands and raising of ane march stone which was potted betwixt the burrow roods and the lands of Kinmylies which diagnoseed the marches amongs us & our neighbours, and especially the mearing and marches of yor supplicants lands of the burrow roods, bomed with the said Finlay Fraser his lands at the North is encroached on by cutting and tilling the old mearing and comeing in upon the supplicants lands; as also the supplicant and the said Finlay Fraser have lands forntone one another and the way or rod leading to Mooretoune interjected, the said Finlay Fraser his lands lying on the East syde of the said way is castin & encroached on the said rod of intention to make the said rod to come altogether on the said supplicants lands on the west syde therof, as shall be made appear as part whereof is yet recent, and intends to continue in his avaritious encroachments if remeid be not provided in due tyme.

May it therefore please your Lo. to take the premisses to consideration and nominat and appoynt ane inquest of fiftein persones to sight the saids lands and to cognosce and determine in the said matter, and to cause rectifie the saids encroachtments and to punish him according to his merit & enact him to the terror of others to commit the like.

Inverness, the twentieth day of March Jmvi cs eightie sex years.

The Counsell nominat Castlehill, Insches, William McBeane, Alexander McBeane, James McLeane, Bailiff Hepburne, Merkinshe, John Lockhart, Donald Forbes, David McLeane, John Cuthbert, merchant, David Fowler, elder, Alexander Square, William Keilloch, Robert Rose, younger, Robert Wilson, James McIntoshe, Donald Mack Leane or fiftein of them to pass upon the Inquest, and ordained to meit the morne be thrie afternoone, and nominat Bailiff Robertson to be present to swear them. The said Master Alexr is ordained to prove his complaint in whole or in part.
Inverness, on Tuesday, the twenty-third day of March 1686

jmviæ eightie six years. In presence of Hugh Robertson, bailiff.

Convened the fiftein persones of inquest following, to wit, George Cuthbert of Castlehill, Mr William Robertson of Insches, William McBeane, Alexr McBeane, Bailiff Hepburne, James McLeane, Donald Forbes, David McLeane, David Fowler, elder, Alexr Square, William Keilloch, Robert Wilson, Donald McLeane, John Lockhart, and Robert Rose, younger, who were nominat be the Magistrats to passe upon the Cognition betwixt Master Alexr Fraser, burgess of Inverness, and Finlay Fraser, Deane of Gild there, who were solemnly sworne be the said Judge to do justice and equitie and to give their verdict according to law & conscience: and being inclosed together choosed George Cuthbert of Castlehill to be their chancellor, and imediately thereafter the parties adduced the witnesses after mentioned hinc inde, to wit, Bailiff Fraser adduces Donald McWeynish, and Thomas McEan Vic James for his part; Master Alexr Fraser adduces Thomas McYelmich & Hector Monro, both servitors to the said Bailiff Fraser; wch witnesses being also solemnly sworne to bear leall & suithfast witnessing went to the bounds, and sighted & perambulat the same; and after inspection of the ground debeatable and examination of the witnesses, the Inquest una voce be the mouth of their Chancellor determine, find and declare (after reasoning and votting of the matter among themselves) that there are encroachments hinc inde upon both sydes in cutting of the mearings: and for preventing of such deceit in tym cominge, They Decerne and ordaine that the forsaid encroached on mearings be made up by the parties as followes, that is to say the march stones are to have nyne inches square on each syde from the center and midle of the stones, and that there be thrie stones in the mearings, one at each end and one in the midle; and further decernes and ordaines the parties to do & fulfill the same betwixt and the last day of Maii under the paine of ane hundred pounds Scots money, to be paid to the partie failler and refusinge to the other partie willing to performe the same, Whereunto the said Bailiff hath interponed his authoritie. In Witness qrof the said Chancellor and Bailiff have subscrib'd this presents day, year & place foresaid. Whereupon act.

Records of Inverness

1686 That day the Counsell ordaine the inhabitants bewest the water of
5 April Ness next the river syde to big their bulwarks as they are ordained by a
former act, dated the tenth of Nov. 1684 years, and such as are liverenters
& tenants to do the same on the heritores expenses and to keip possession
of their bigging or detention of the rent till they get payment or allowance
in the rent for which this act shall be their sufficient warrand. Qrupon act.

14 June That day there was ane letter pnted in Counsell direct to them be
Mr James Smith, Mr meason, craving his sume of ane thousand pounds
of debt due to him be the towne and threttie pounds sterline money
resting to him for the four coats of armes, and after reading therof the
Counsell ordained Andrew Schaw to use all diligence to collect the
arreares of the voluntary contributiones promised for building and
mantaininge the stone bridge of Inverness, and to put the decretis
against the non-solvents of their contributions to excution that qt.
the collectors therof, at last the said threttie pounds sterline money may
be sent south with Baillie Duff. Qrupon act.

That day there was a letter pnted in Counsell direct to them be
James Fraser of Pitkellian their prisoner craving the immunitie of the
upper house of the tolbooth be reason of his sicknes till he be on the
recovery hand, the Counsell voted to grant the same. Qrupon act.

20 Sept. That day Mr David Polson, oldest law son to the deceast Robert
Polson, merchant in Inverness, Mr Alex Fraser, eldest law son to the
deeast James Fraser, burgess there, David Cuthbert and Mr Cuthbert,
second & third law sons to John Cuthbert, present Provost there,
James Stewart & Mr Wm Stewart, eldest & second law sons to James
Stewart, pnt Baillie there, David Baillie in Kinmylies only son of the
deeast William Baillie sometym Treasurer of Inverness, Farq' Mr Leane,
youngest law son to the deceast Jon Mr Leane of Davach gardoch, Alex'
Cuthbert & James Cuthbert, eldest & second law sons of the deceast
James Cuthbert, Lawranceson, sometym bailiff of Inverness, David
Fraser, second law son to Finlay Fraser, Deane of Gild of Inverness,
David Holme, second son to the deceast James Holme, burgess there,
Alex Cuthbert law son to the deceast David Cuthbert, sometym Town
Clerk of Inverness, William Fraser, skipper, law son to Rorie Fraser,
merchant there, Thomas Forbes, third law\textsuperscript{ii} son to Jon. Forbes of Culloden, William Niven, M\textsuperscript{r} of the Musick School at Inverness, Jon. 20 Sept. Cuthbert, butcher there, Andrew Duff, second law\textsuperscript{ii} son to William Duff, Baillie, now created & admitted burgesses & gild brethren of this brugh and were all solemnly sworne in the comon forme used at admission of Burgesses. Qrupon act.

That day Alex\textsuperscript{r} Taylor, skinner in Inverness, Alex\textsuperscript{r} Corbat, cuper there, Hugh Keilloch, tayler there, were created, received & admitted burgesses and friemen to their owne vocations & trades for payt. of the ordinary dues. Whereupon act.

That day the Provost presented ane letter direct be the Earle of Perth, Chancellar, at comand & in name of his Majestie's Privie Counsell, to the Provost & Baillies of Inverness, qrof. the tenor followes: Affectionat Friends, whereas his sacred Majestic hes by his royall letter dated at the Court of Windsor the twelfth of Sep\textsuperscript{r} instant signified that all electiones in Royall Burrows be suspended untill his Royall pleasure be knowne theranent: You are therefore in pursuance therof hereby expressly prohibited & discharged, as you will anser at your perrell, to elect any new Magistrats or Counsell within yor brugh for this year; and you and the pnt. Counsell are by his Majesties autie. hereby authorized to continue & exerce as Magistrats & Counsell untill his Majestie shall signifie his further pleasure. Syned at comand & in name of his Maties. Privie Counsell by, Your affectionat friend (Sic sub\textsuperscript{r}) Perth Cancell. I.P.D., Ed\textsuperscript{r} the 16 Sep\textsuperscript{r} 1686. Directed upon the back thus: For the Provost & Baillies of the Brugh of Inverness, or any one of them to be communicated to the Towne Counsell therof. These in haste. Which letter being read in Counsell, the Magistrats & Counsell declared they wold obey the same, and ordered their Clerk to keip the said letter for their warrand, and to insert the same in the Counsell books. Qrupon act.

That day Angus Mc\textsuperscript{r}Intoshe of Holme, eldest law\textsuperscript{ii} son to the deecast William Mc\textsuperscript{r}Intoshe of Holme, burgess of Inverness; Jon. Mc\textsuperscript{r}Beane in Bellinoan, only law\textsuperscript{ii} son to William Mc\textsuperscript{r}Beane, elder, burgess there; & Angus Mc\textsuperscript{r}Bean, messenger there, eldest law\textsuperscript{ii} son to the deecast Andrew Mc\textsuperscript{r}Beane, burgess there; were created, received & admitted burgesses & gild brethren of this Brugh for payment making be each of xx 345
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1686 them of five shillings Scots money in a plack purse: And William
27 Sept. Fraser, second law\textsuperscript{ii} son to the deceast Alex\textsuperscript{r} Fraser, smith burgess of
Inverness was created, received and admitted burgess & gild brother for
paying of ten merks Scots money to the Treasurer & the gilt hoise to
the Provost; as also Jon. McClacher, one of the burrow officers of
Inverness was created, received & admitted burgess & gild brother of this
brugh gratis gratia Magistratum: And all of them were solemnly
sworne in the common forme of burgesses at their admission.
Qrupon act.

What day the Magistrats & Counsell ordered William Dollas,
collector of the mortcloath money, to pay Mr Alex\textsuperscript{r} Sutherland, master
of the Gramar School of Inverness, the sume of eight score and ten
merks money for ane years sallarie & stipend due to him for teaching &
keiping the said school from the first of May jmvi\textsuperscript{es} eightie five to the
first of May jmvi\textsuperscript{es} eightic sex years, and drew bill on the said William
Dollas to that effect on the back of the said Mr Alex\textsuperscript{es} petition to the
Counsell; which sume should be discompted & allowed to the said
William Dollas at the setting of his accompts of the mortcloath money.
Qrupon act.

11 Oct. That day James Tayler, seaman, third law\textsuperscript{II} son to the deceast Jon
Tayler, merchant in Inverness, was created, received & admitted burgess
and gild brother of this brugh, and Francis Bishop, glover there, second
law\textsuperscript{II} son to Jon Bishop, carpenter burgess there, was created, received &
admitted burgess & frieman to his owne voca\textsuperscript{n} & trade for payt. of the
ordinary dues, and they were both solemnly sworne in the comon forme
of burgesses at their admission. Qrupon act.

8 Nov. That day William Stephen, eldest law\textsuperscript{II} son to William Stephen,
elder, burgess of Inverness, and David Baillie, brewe, in Castle Streit,
were created, received & admitted burgesses & gild brethren of this
brugh, the said William Stephen for five shillings in a plack purse, & the
said David Baillie for four score merks money, and they were both
solemnly sworne in the common forme of burgesses at their admission.
Qrupon act. 346
That day the Magistrates & Counsell being convened anent the ordering of the townes affairs, Baillie Duff presented in Counsell a Discharge dated the threteenth day of December last past granted be Mr James Smith, overseer of his Majesties Works in Scotland, to the Towne of the annualrent of a band of one thousand pounds Scots money granted be them to him, and of five hundred merks money payed in part of payment of the said band; which money the said Baillie Duff advanced & payed for the town be vertue of a missive letter direct to him to Edr be the Magistrates & Counsell; And therefore they ordaine Andrew Schaw as collector of the voluntary contributiones for the Bridge money to pay to the said Baillie Duff thrie hundred merks money of his collection, and ordaines Jon Barbour, their Treasurer to pay him the rest of his money advanced with the annualrent therof from Mertimas last extending in both to for which this should be their warrand. The forsaid Discharge was uplifted againe be the said bailife till he be payed. Whereupon act.

That day Samuel Hossack, only lawll son to the deceast John Hossack, glover, burgess of Inverness, was created, received & admitted burgess & gild brother of this brugh, and was solemnly sworne in comon forme used at the admission of burgesses. Qrupon act.

That day the Counsell ordaine Jon Barbour, Treasurer, with the concurrence of the Magistrats & such others as they please to tack to assist & advyse them, to cause cast downe the porch of the bridge on the East end therof, and so much of the wall about it in hight & voidness as shall be convenient for a larger new porch & a more glorious entrie, and to imploy judicious, skilfull tradsmen to contrive, build & rear up the same in a more handsome & better forme & frame then before, and to make it so void & high as shall be thought convenient, and be to the townes contentment, and to pay for the same out of Andrew Schaws collection of the arrears of the contribution money for the said bridge when the same is gotten in; for doing qrof this shall be a sufficient warrand. Qron act.

That day the Counsell ordaine one of the Bailifes to call James Williamson, shooemaker, & Robert Robertson, his author, and to interrogat & examine them upon oath if they have abstracted & concealled any of the old evidents of that house bought be the said
1687 James Williamson from the said Ro\textsuperscript{1} Robertson, and particularly to call for Grangehills right which he gave to Gilbert Robertsones predecessors, to cleare the reddendo of that house; and if they give oath therupon, the Counsell ordaine the reddendo therof to be twelve pennisyes Scots money; and this act to be the Clerk's warrand for that effect.

23 May That day Jon M\textsuperscript{c}Intoshe, lawfull son to William M\textsuperscript{c}Intoshe of Borlum, was created, received & admitted burgess & gild brother of this Brugh \textit{gratis gratia Magistratum}, and was solemnely sworne in the common forme of oath used at admission of burgesses. Qrupon act.

20 June That day the Magistrats & Counsell have nominat & ordaine Robert Barbour\textsuperscript{r} of Mulderg, ane of the Bailifes of Inverness, now at Ed\textsuperscript{r}, or in his absence Alex\textsuperscript{r} Duff of Drumoore, or Mr W\textsuperscript{m} Robertson of Insches, to be their Commissioner at the next meting of the Generall Convention of Royall Burrowes which is to be held at Ed\textsuperscript{r} the fifth day of July next, and ordaines ane Commission and instructiones to be written, sub\textsuperscript{i} & sent to them to that effect without delay. Qrupon act.

That day Robert Cuming of Relugas, merchant in Inverness, was admitted burgess and gild brother of this brugh for payt. of the gild hoise to the Provest, a gun to the Treasurer for the townes use, and the Clerks fies for his act, and was solemnely sworne in the common forme of oath used at admission of Burgesses. Qrupon act.

8 Aug. That day the wholl Consell \textit{una voce} concluded & voted that the Kings armes should be put up & set on that syde of the East port of the Bridge of Inverness facing to the bridge, and the Townes armes on the syde of the port facing to the streit & mercat croce in the highest place, and the Magistrats inscriptiones in place at the founding & finishing therof under it; the Laird of M\textsuperscript{c}Leods & Provest Dunbars coats of armes on both sydes of the inscription, M\textsuperscript{c}Leods on the right hand and Provest Dunbars on the left hand. Qrupon act.

26 Sept. That day, the Magistrats & Counsell having conveined to regulat the townes affaires tending to the comon wealth therof, the Provest caused read the letter direct a little before this tym the last year be the Earle of
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Perth, Chancellor of Scotland, at comand & in name of His Majesties Privie Counsell, to the Provest & Baillies of Inverness, dated the sixteenth day of September 1686 years, inhibiting & discharging them to elect any new Magistrats or Counsell for that year, and authorizing the Magistrats and Counsell then & now in office to continue & exerce in their said office & place untill his Majestic shall signifie his further pleasure therament; which letter is insert verbatim in the Counsell act made in this book on the 27th Sept 1686 years; and after reading thereof did put it to the votes of the Counsell whither it was safe for them to make a new election or not, or whither or not the comand of the said letter did authorize them to continue & exerce in their place & office as before untill his Majesties further pleasure, the Counsell una voce voted that it was not safe for them to make a new election and that the comand of the letter authorized them to continue & exerce in their office till his Majesties further pleasure. Qrupon act.

That day the Provest presented ane letter direct to the Provest and Bailifes of Inverness be Duke Hamiltoun, prohibiting them to elect any new Magistrats or Counsell untill his Majesties pleasure therament, qrof the tenor followes: Affectionat Friends, Whereas his most sacred Majestie has by his royall Letter, dated at the Court of Bath the eighth day of September instant signified that all electiones in Royall Burrowes be suspended untill His Majesties royall pleasure be known therament, you are therefore in pursuance therof hereby expressly prohibited & discharged as ye will anser at yor perrell to elect any new Magistrats or Counsell within the Brugh this year, and you & the present Magistrats and Counsell are by His Majesties authority hereby authorized to continue and exerce as Magistrats & Counsell untill his Majestic shall signifie his further pleasure. Signed in name and by warrant of His Maties. Privie Counsell by yor. affectionat friend. (Sic sub') Hamilton, I.P.D. Edit 16 Sepr. 1687. Direct upon the back thus: For the Provest and remanent Magistrats of the Brugh of Inverness, to be comunicated to the Counsell therof. For his Maj. Service. Which letter being read in Counsell, the Magistrats & Counsell did unanimously homologat the same and declared they wold obey it, and ordained their Clerk to keip the said Letter for their warrand and to insert the same in the Counsell books. Qrupon act.

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That day the Provost presented in Counsell a letter to be direct be the Magistrates to the Earle of Seafort, one of the Patrons of the Kirk of Inverness, in whose vice it is now to present as patron, intreating that he should not present a minister in place of Mr Angus M'Beane be his dimission without their owne consent, and after reading therof did put it to the vote whither they thought it fit to direct it forwards or not. The Counsell una voce voted to send it forwards. Qrupon act.

That day the Counsell did nominat Andrew Schaw and William Keilloch to call the common hird and to get ane accompt of him of all the persones that have kowes feiding on the liberties & commontie of Inverness, and particularly of those who have no visible way of mantaineing their bestiall, that course may be taken thereanent. Qrupon act.

That day the Counsell did nominat the Provost, Bailiff Duff, the Deane of Gild, James Dunbar & James M'Lean to go to Suddie to speak & commune with Mr Thomas Fraser, Minister there, to try if he will accept to be Minister here, and from thence to go to Chanorie to speak with the Lady Seafort theranent and to found her mynd. Qrupon act.

That day Bailiff Duff presented a letter in Counsell, direct to him be Jeane Cuming, lawll daughter of Mr David Cuming, Minister at Edinkily, vindicating herself of that scandalous report made against her be William Niven, Professor of the Musick School, and another letter direct to him be the said Mr David Cuming anent the said matter: and after reading of the saids letters in Counsell and redelivering of them to the said Bailiff Duff, and calling of the said William Niven, who compeired, and having interrogat him how he being her master & having her under his government & tutelage and being as in vice of a parent to her could have betrayed his soul & trust in offering to circumveine and cheat a child at school who was not yet come either near the age or stature of a woman; to which he made no reply: and having interrogat him whither or not he was maried with the said Jeane Cuming and had carnall copulation with her, declared affirmative that he was married with her on Halloweuen last, and that he had carnall copulation with her and that it was Mr Robert Monro, Minister at Abertarff, that married them; and that Robert Elphingstoun, goldsmith in Inverness, and Jon. Gilbert,

1 See as to irregular marriages by Monro, "Urquhart and Glenmoriston," page 363.
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schoolmaster at Pettie, were witnesses to their marriage. In consideration off the cryme it was voted in Counsell that William Niven should be keiped in sure & firme prison till they have advyse from the Privie Counsell what course to take in the said matter, and in the meanetym declares his place vaccand. The said Robert Elphingstoun compeiring and being sworne & interrogat what he knew in the said matter, deponed that he was called be William Niven to his chamber, and when he came there he went (at William Nivens desyre) upstairs and brought downe the said child under his clock and brought her into the chamber where Mr Robert Monro was, Wm Niven & Jon. Gilbert and that Mr Robert married the saids William Niven & Jean Cuming about eight aclock at night and that to the best of his knowledge he did not lie with her that night. And afterwards, the persones after named, to wit: Janet Lockhart, spouse to William Duff, one of the Bailiffs of Inverness, Margaret Ross her servant, Robert Cuming, merchant in Inverness, Andrew Duff lawson to William Duff, and Thomas Lyndsay, servant to the said William Duff, being conveined and interrogat upon the heads & articles aftermentioned, all of them deponed in maner following, viz: the said Janet Lockhart deponed that Jeane Cuming, lawdaughter to Mr David Cuming, minister at Edinkily, came home to her house (to wit the deponents house with whom she was buirded) betwixt eight & nyne clock at night on Halloweuen last, and supped with her & her children that same night, and went to bed with Magdalen Duff, the deponents daughter, and sleipe & stayed in her house, and (to the best of knowledge) went not out of the house that night after she went to bed, and saw her in her bed and helped the cloathes on her, and saw her in the morneing comeing downestaires imediately after rysing out of her bed. She deponed also that the thrie next nights therafter the said Jeane stayed up till twelve aclock at night or therabout in company with the saids Mr David Cuming her father and the said William Duff the deponents husband, Robert Cuming, Andrew Duff & Thomas Lyndsay, and therafter went to bed and sleipe with Marie Duff, the deponents daughter, & Katherine Ross, her servant, and went not out of the house these thrie nights after going to bed (to the best of her knowledge). As also deponed that the said Jeane went every day to William Niven his school as his bound schollar from the tym she came to Inverness to the first day of November instant, on which day her father brought home
1687 with him to his owne house in Edinkily. The said Margaret Ross
deponed confirmis imidiate precedenti in omnibus. The said Robert
Cuming deponed confirmis precedentibus in omnibus. The said Andrew
Duff deponed confirmis precedentibus in omnibus, and the said Thomas
Lyndsay deponed confirmis precedentibus in omnibus. Whereupon act.

12 Nov.

That day it was voted in Counsell that William Niven should get
the imunity of the Tolbooth prison in the upper house qr. James Fraser
of Pitkylean is, so that he find cawtion that he shall not make his escap
under the paine of ane thousand merks Scots money. Qrupon.

28 Nov.

That day it was voted in Counsell that some of their number should
go to the Countess of Seafort to get her letter with a presentation to be
sent to her son the Earle of Seafort to be sub\n be him as patron anent a
Minister to this place, and moved therto have nominat be plurality of
votes Bailiff Robertson and Baillie Rose to that effect. Qrupon act.

That day anent the greivance made be the heretors of the salmon
fishing on the watter of Ness regraiting that their owne fishers and others
were stealling & selling their salmon to particular persone to pack &
sell the same to their great prejudice & to the prejudice of the place:
Therefore the Magistrats & Counsell of the Brugh of Inverness have
enacted & ordained that all the meat fish of the salmon fishers be
brought to the merket place to be sold to serve the leidges for the
particular use of their privat families, and that none be allowed to pack
and sell salmon except the heretors of the salmon fishing under the
paine of being repute theft in the seller & buyer. Qrupon act.

1688 That day the Counsell did nominat the Provest, Baillie Duff, the
Deane of Gild & Insches to ryd to Mr Thomas Fraser, Minister at Suddy
& to the Lady Seafort anent the said Mr Thomas his presentation to the
Kirk of Inverness, and to get his dimission & translation from the
Bishop of Ross.

16 April That day the Provest did put it to the votes of the Counsell whither
or not it was fit to try the Lady Seafort if she will delete Mr Thomas
Fraser, Minister at Suddy, his name out of the presentation (because he
absolutely refused to accept therof) and margine another man in his
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place, the whole Counsell unanimously voted to make tryell therof and to send some of their number to her to that effect. Qrupon act. 16 Apr.

That day the Counsell una voce voted that Mr Hector M'Kenzie, Minister at Kingsusie, should be the man to whom the presentation should be given. Qrupon act.

That day the Counsell nominat Baillie Robertson & James M'Leane to speak to the Lady Seafort & to try if she will comply with the Magistrats overture anent the altering of the presentation. Qrupon act.

That day the Counsell have nominat William Duff of Dipple & James Dunbar to go to Badenoch to speak Mr Hector M'Kenzie to try if he will accept of a presentation to be Minister here. Qrupon act.

That day it was voted in Counsell that the Bridge house should be reserved for the townes use only, to wit, to be a Counsell House and chamber for the Common Clerk of the towne & for other uses necessary for the towne. Qrupon act.

That day the Magistrats & Counsell ordaine that peice of waste ground of the townes communitie beyond Altnaskiach qch sometym was set in tack to Donald Glash, shoomaker, to be rowped on Fryday come eight dayes the eleventh of May next, and ordaine present intimation to be made of the said rowp at the merket cross be touck of drum that none pretend ignorance.

That day the Magistrats & Counsell (being conveined in order to the towne's affairs) and having considered ane letter direct to them be James Dick, measson, annent their agreiement wt. him for building of the steiple of the Tolbuith of this brugh, and the Provest haweing asked the Counsells advyse therin, the Counsell una voce ordained the Magistrats to writte ane anser to the said James Dick ordaineing him to come here againe the elevinth of September nixt in order to setle wt. him to the effect forsaid, qch was done accordingly. Qron act.

That day the Magistrats & Counsell (being conveined annent the Townes affairs) and considering the countrey of the west highlands to be in a pnt. sturr and combustion by reason of the rebellion of M'Donald of Keppoch and his adherents, and for securing themselves and the whole inhabitants from the hazard incursions of the saids rebells which may
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1688. fall out through their sloth & negligence; Therefore the sds. Magistrates & Counsell for preveining therof have appointed & ordained that the pnt. twelve Companies of the guard & watch of this brugh be reducit to eight Companies considering the same to tend greatly to the safetie of the place and therefore nominat the persons following to be Captanes & Livetennants of the sds. eight Companies, their names are: William Paterson, Captane, James Thomsons, his Livetennant; William McIntoshe, Captane, George Anderson, perivigmaker, his Livetennant; Robert Rose, yor., Captane, George Duncane, his Livetennant; William Thomsons, Captane, William Hoome, his Livetennant; Donald Forbes, captane, John McIntoshe, yor., his Livetennant; Thomas Fraser, mer't, Captane, Alexr McKay, his Livetennant; John Fraser, elder, mer't, Captane, James Cowie, his Livetennant; Robert Innes, Captane, Faq'r McLean, his Livetennant; and if at any tyme hereafter (as God forbid) there should be a necessitie for a frequent convocating & calling of the whole inhabitants of this brugh, then & in that caice, the sds. Magistrates & Counsell ordaines the sds. eight to be reduceit, and therefore nominats the persones after named to be Captans & Livetennants to the sds. four Companies, they are to say: John Cuthbert, elder, mert, first Captane, William Dallas, his Livetennant; John Barbour, second Captane, William Keilloch, his Livetennant; James Dunbar, elder, mert, third Captane, David McLean his Livetennant; James McLean, mert. fourth Captane, and William Steiven his Livetennant; which four Captanes abovenamed are to have two Captans of the sds. eight Companies each of them with their Livetennants in case of necessitie as sd. is in maner aftermentioned, to witt, the sd. William Paterson & William McIntoshe wt their Livetennants for John Cuthberts Division as first Captane; the said Robert Rose, yor. & Wm Thomsons, wt. their Livetennants for John Barbours Division as second Captane; the said Donald Forbes and Thomas Fraser, wt their Livetennants for James Dunbars Division as third Captane; and the said John Fraser and Robert Innes, wt. their Livetennants for James McLeans Division, as fourth & last Captane: and for ther better observing and punctuall keeping of the guard & watch of this brugh in tyme comeing the Counsell heirby authorizes the Magistrates to exact of everie absent Captane or Livetennant ten pounds Scots money, and of everie absent soouldier five pounds Scots money forsd. for each night they shall happen to absent from thr. guard thr.

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respective tours after the knelling of the nyne hours bell nightly, and that wtout. any exemption or diminution in the least in case they be at home & in health not bedfast qn. charged & admonished be ane officer, and that the sds. Captans & Livetennants shall watch per vices nightly thr. respective toures except upon extraordinarie occassiones in qch. case both are to watch. Qron act.

That day also the Magistrates statutes & ordaines that all the Gild breitherin & burgesses of Trades wtun. this brugh shall have in all tyme comeing ane fixt fyrelock and ane sufficient sword each of them, and such other tradsmen as are not able to have the forsds. armes are hereby ordained to have ane deus ax or ane morneing starr wt. ane sufficient sword each person, and that under the paine of twentie pounds Scots money each persone that will not be furnished wt. the forsds. armes. Qron act.

That day the Magistrats & Counsell (being conveined in order to the townces affairs) they ordaine & appoint the present Magistrats with Mr Gilbert Marshall to goe & speack Provest Dunbar annent the building of the steeple of the Tolbuith of this brugh, and to knowe of him if he will advance pntly. the thrie thousand merks qch. he dotted for building therof, qch if he condiscended to doe the Counsell hereby gives full power & warrand to the sds. pnt. Magistrats to bargane & agrie wt. James Dick, measson, as they shall think most convenient, and referrs the termes of the agrement to the saids Magistrats and promises them & thr. successors in place & office to abyde therat. Qron act.

That day the Counsell nominat & appointed the Dean of Gild, Insches, James Dunbar & William Duff of Dipple wt. the pnt. Magistrats formerly nominat be the former to goe & agrie with James Dick Mr. measson, annent the building & erecting of the steeple of the tolbuith of this brugh, he being for the pnt. in towne, and that also easie a rate as they possiblie can and as they shall think most fitting & expedient to be done, and also to agrie wt. whatsomever other persones they think & judge fitte for furnishing all sorts of materials to the sd. work (iron work excepted) and to pass & subscryve contracts therupon wt. them, and whatever they shall adjudge themselves or doe therin the Counsell shall approve thereof, and binds & obliges them & ther successors in place & office to abyde therat and to frie & relieve them therof. Qron act.

1688
3 Sept.

17 Sept.

18 Sept.
1688 That day the Provost presented ane act of the Privie Counsell under the subscriptione of Sir William Patersone, clerk thereto, dated the threttinth day of September last, suspending the election of new Magistrates & Counsell of Royall Burrowes within this Kingdome untill His Matie. shall declare his further pleasure, whereof the tenor followes: Edinbrug, the threttinth day of September 1688. Whereas the King's Most Excellent Matie hath by a letter direct under his Royall hand dated at the Court at Windsore the twentie nynth day of August last by past signified to his Privy Councill here that he hath thought fitt to suspend the elections of Magistrates & Counsell of Royall Burrowes within this Kingdome untill his Matie shall declare his further pleasure, the Lords of His Maties Privy Counciill in pursuance of his Maties commands doe hereby authorize and allow the Magistrates & Counsell of the Royall Burrowes of this Kingdome formerly nominat to continue to exerce in their respective offices therin untill his maties. further pleasure be signified to them. Extr. by me Sir William Paterson of Grantone, Barronet, Clerk to his maties. Privy Councill Sic sub' Will. Paterson. Which act being read in Counsell, the Magistrates & Counsell did unanimouslie homologat the same, and declared they wold obey it, and ordered thr. Clerk to keep the said act for ther warrand and to insert the same in the Counsell books. Qron act.

15 Oct. That day the Counsell appointed & ordained the Magistrates to buy the stones of the blew bridge from Alex' Duff of Drumoore, James Dunbar, elder & James Barbour of Mulderg & uthers who pretend right thereto, and that for the use of the steeple of the tolbuith of this brugh qch is to be built of new with ane stone pricket thereon, and that at the easiest rate they possiblie can, and to passe band to them for the soume qch. they shall happine to condiscend upon for the samen; which commission the Counsell hereby obliges themselves & successors in place & office to abyde therat, and to frie & relieve the sds. Magistrates of anie ingadgement on them therfore. Qron act.

22 Oct. That day also the Magistrates & Counsell nominat & appointed Alex' Rose, late baillie & John Cuthbert, mert. to goe to the Moore of Conadge the morrow be ten acloak in the forenoon to sie the malitia men of this place detatched conforme to his Maties. proclamation therannent. Qron act.
That day also it was voted in Counsell what they judged & thought to John Cuthbert of Drakies, Provost, William Duff, Hugh Robertstone & James Stewart, Baillies, and of Samuel Cuthbert, Town Clerk, their actings & way of walking the last year from Michaelmass in eightie seven years to this day, and all other years preceding the day & date of thir presents since ther entrie & admission to ther respective offices: The Counsell unanimously declared that the sds. Magistrats & Clerk have verie regularlie, orderlie, legally & honestly officat in ther respective offices and behaved themselves as became Magistrats & Clerk, and rendered them thanks for ther good service done to the place. Qron act.
List of Provosts—1602 to 1688

1602 to 1603  William Cuthbert apparent of Auldcastlehill.
1603 to 1607  Mr. John Ross of Midleys.
1607 to 1615  John Cuthbert of Auldcastlehill.
1615 to 1616  Mr. John Ross.
1616 to 1617  John Cuthbert of Auldcastlehill.
1617 to 1618  Alexander Baillie of Dunzean (Dunain).
1618 to 1620  Mr. John Ross.
1620 to 1622  James Cuthbert of Easter Draikies.
1622 to 1623  James Cuthbert of Lochslin.
1623 to 1624  Mr. John Ross of Midleys.
1624 to 1625  Alexander Baillie of Dunain.
1625 to 1628  Duncan Forbes of Bught.
1628 to 1630  James Cuthbert of Draikies.
1630 to 1631  Andrew Fraser.
1631 to 1632  James Cuthbert of Draikies.
1632 to 1634  Duncan Forbes of Bught.
1634 to 1636  Mr. John Ross, younger.
1636 to 1637  James Cuthbert of Draikies.
1637 to 1638  James Cuthbert of Wester Draikies.
1638 to 1639  Mr. John Ross of Midleys.
1639 to 1640  James Cuthbert of Draikies.
1640 to 1643  James Ross of Merkinch.
1643 to 1645  Duncan Forbes of Culloden.
1645 to 1646  James Cuthbert of Easter Draikies.
1646 to 1651  John Forbes, iar of Culloden.
1651 to 1652  Robert Ross.
1652 to 1655  John Forbes.
1655 to 1657  Robert Ross.
1657 to 1662  Alexander Cuthbert.
1662 to 1663  Robert Rose.
1663 to 1666  Alexander Cuthbert.
1666 to 1669  Alexander Dunbar.
1669 to 1674  Alexander Cuthbert.
1674 to 1679  Alexander Dunbar.
1679 to 1680  Alexander Cuthbert.
1680 to 1683  Alexander Dunbar.
1683 to 1688  John Cuthbert of Easter Draikies.

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