CRIMINAL TRIALS
IN SCOTLAND,
FROM A.D. M.CCCC.LXXXVIII TO A.D. M.DC.XXIV,
EMBRACING THE ENTIRE
REIGNS OF JAMES IV. AND V., MARY QUEEN OF SCOTS,
AND JAMES VI.
COMPILED FROM THE ORIGINAL RECORDS AND MSS.
WITH
HISTORICAL NOTES AND ILLUSTRATIONS,
BY
ROBERT PITCAIRN, ESQ.
WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT. AND HON. F.S.A. PERTH, &C.
VOLUME FIRST—PART FIRST.
EDINBURGH:
WILLIAM TAIT, PRINCE'S STREET; AND
LONGMAN, REES, ORME, BROWN, GREEN, AND LONGMAN, LONDON.
M.DCCC.XXIII.
TO

THE RIGHT HON. THE LORD JUSTICE-CLERK,

AND TO

THE HON. THE LORDS COMMISSIONERS

OF

THE HIGH COURT OF JUSTICIARY,

THIS FIRST VOLUME

OF

A COLLECTION

OF THE EARLIEST RECORDED PROCEEDINGS BEFORE

THE

SUPREME CRIMINAL TRIBUNAL OF SCOTLAND;

COMPiled

BY THEIR LORDSHIPS' PERMISSION, AND UNDER THEIR SANCTION,

IS MOST RESPECTFULLY DEDICATED,

BY

THEIR LORDSHIPS' OBLIGED AND FAITHFUL SERVANT,

THE EDITOR.
PROSPECTUS

OF

A COLLECTION OF ANCIENT CRIMINAL TRIALS,

SELECTED FROM THE BOOKS OF ADJOURNAL OF THE HIGH COURT OF JUSTICIARY OF SCOTLAND,
AND OTHER ORIGINAL RECORDS;

BY

ROBERT PITCAIRN,
WRITER TO HIS MAJESTY'S SIGNET, F.S.A. SCOT., AND HON. F.S.A. PERTH, &C.

The importance of the Records of the High Court of Justiciary in Scotland has hitherto been very little known, excepting to the comparatively few, who have made the investigation of the Legal Antiquities of Scotland a peculiar study. The difficulty experienced in deciphering these Ancient Registers, (which are scattered over a voluminous collection of Court Books, &c., and are nearly unintelligible to a great proportion even of those educated to the profession of the Law,) and the great labour and time to be expended in examining and selecting such portions as may be useful in practice to the Lawyer, or interesting to the lovers of History, Genealogy, and Antiquities, &c. as well as for the more popular purpose of general information and entertainment; have hitherto prevented any attempt at a regularly Chronological Series of our Ancient Criminal Trials and procedure.

The only portion of these valuable Records known to the public, has been imperfectly exhibited, in Collections of Abridged Cases, by Mr Arnot, and Mr Maclaurin; and from occasional notices contained in our Institutional Writers. Mr Arnot's Abridgment of a few remarkable Cases, was professedly prepared by him to illustrate some of the more prominent features in the history, manners, customs, and superstitions of the people of Scotland; and not to exhibit an accurate or satisfactory digest of those interesting and important remains, as they are to be found in the Records. However entertaining and instructive Arnot's Compilation may be, in other respects, it gives only a partial, and, in many instances, far from a faithful transcript, even of the Trials of which he has presented a brief outline; and it may be safely said, that all have received a high colouring from his peculiar notions, both in politics and religion. Mr Maclaurin's Arguments and Decisions, on the other hand, were collected, with a view to the advancement of Jurisprudence, and (to) be useful also to many gentlemen not bred to the law, who are called upon, by the constitution, to serve as Jurymen. Owing to the nature of his plan,
he has noticed only fifteen cases which had occurred before the commencement of the eighteenth century.

The present Editor has been induced to undertake a Collection upon a more regular plan, and on a more extended scale, than have hitherto been attempted; and in this he is encouraged by the liberal sanction and countenance of the Right Honourable the Lord Justice Clerk and of the Lords Commissioners of the High Court of Justiciary, who have granted free access to all Books and Papers of the Court which it may be necessary to consult. He has also been honoured by the countenance of the Right Honourable the Lord President of the Court of Session, Baron Hume, the Keeper and Commissioners of the Society of Writers to his Majesty's Signet; and likewise of Sir Walter Scott, Baronet, the President, and Thomas Thomson, Esquire, Deputy-Clerk Register of Scotland, Vice-President of the Bannatyne Club (who, indeed, originally suggested the idea and plan of this work); by the support of the Members of that Club, of the Members of the Maitland Club, recently formed in Glasgow for similar purposes, as well as of many whose names rank high in the profession of the Law, and in the literature of the country.

The earliest portion of the Ancient Criminal Records of Scotland now extant, commences so far back as 7th Nov. 1493, in the sixth year of the reign of King James IV.; and although at that remote period, and during the subsequent reigns of King James V. and Queen Mary, the memorials to be obtained are unfortunately brief, yet notices do frequently occur, both highly characteristic of the state of society, and illustrative of the history, jurisprudence, literature, institutions, language, manners, customs, and superstitions of those periods.

In the meantime, it has been arranged, that the Part to be first published, shall consist of a portion of the many interesting and important proceedings and Trials which occurred during the reign of King James VI.; and, after that Volume is concluded, Selections from the earlier portion of the Record will next be printed. By adopting this order of publication, an opportunity will be afforded, for more minutely investigating and illustrating the most ancient volumes of the Record; and, if the Collection be favourably received, and other circumstances permit, it is in contemplation to extend it to the commencement of the last Reign. Copious Indices, Tables of the Justiciars of Scotland, a Glossary of obscure Law terms, and an Appendix containing illustrations, selected from the Records of Privy Council, the Privy Seal, and the Treasurer's Books of Scotland, and from other original documents, will accompany or be interspersed with the Collection.
It is proposed, that this work shall be published in Parts, consisting of not less than the third part of a Volume each, as speedily as may be consistent with strict accuracy, and with the Editor's professional engagements. The impression, which is to be limited, will be executed by Messrs. Ballantyne & Company, in their best manner, from a new fount of types, upon paper manufactured expressly for the use of this work, by Messrs. Dickinson & Company of London.

The First Part will be ready for delivery to Subscribers, early in the month of May next. Such progress has been made by the Editor in arranging the materials collected by him during a period of several years, that the remaining Parts will be published at regular intervals, until the Collection is completed.

The price of each Part, which shall contain two hundred pages of letter-press, not to exceed Fifteen shillings to Subscribers.

Subscriptions will be received by the Publishers, William Tait, 78, Prince's Street, and John Stevenson, 87, Prince's Street, to either of whom, or any of the Booksellers in Edinburgh, London, and Dublin, and in the principal towns throughout the United Kingdom, the names of Subscribers are requested to be forwarded, as early as convenient, so as to regulate the extent of the impression.

General Register House,
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IN PRESENTING to the Public the First Part of the ensuing Collection of Criminal Trials, the Editor begs leave to acknowledge, with gratitude, the distinguished encouragement with which he has been honoured, from the first outset of the work, and without which he could not have persevered in so laborious a task, with any degree of satisfaction or confidence.

The compilation of this work was projected for the purpose of giving publicity to the most important portions of the Ancient Records of the Supreme Criminal Tribunal of Scotland, and of placing beyond the risk of destruction, the most interesting of the Causes Celebres of that Court; materials of great value alike to the historian and the lawyer, and possessing no ordinary attractions for almost every class of readers. It therefore becomes necessary that all such Selections be exhibited with scrupulous accuracy and fidelity, which alone can stamp authenticity and value on any publication of this description.

To account for the apparent meagreness of the Part now published, it may be stated, that many of the public Records of Scotland during the minority of King James VI. are imperfect, and have perhaps been wilfully destroyed; for, besides the disturbed state of the country, and other obvious causes, which might satisfactorily account for the loss of volumes of Registers, there is but too good reason to conjecture, that portions of the National Records were, in some instances, purposely suppressed by one or other of the prevailing factions. This circumstance has induced the Editor to be more copious in his extracts than he would otherwise have been; as every gleaning may elucidate some historical point, or illustrate some features of national character, customs and manners, hitherto but imperfectly known.
At this period, the original 'Books of Adjournal,' properly so called, must have been carelessly kept; and the Clerk has recorded the proceedings of the Court in a very brief and unsatisfactory manner. In many instances, the 'Minute Books' alone have been preserved, from which the proper Record of the Court was usually framed, aided by the 'Dittays,' evidence of witnesses, and other productions. To the Editor it therefore seemed imperative to preserve all notices of any importance, even though they should be brief. The subsequent portions of the Record are much more perfect, and they greatly increase in interest as it advances.

With regard to the antiquity of the language, which must at first sight prove somewhat embarrassing, it may be remarked, that after the accession of King James VI. to the English Crown, it gradually assimilates itself to the dialect then used in England. In no case has the ancient orthography been altered, with the exception of the contractions, the retaining of which would have been useless, as well as extremely perplexing to a general reader.

The earliest existing Record of Justiciary, during the minority of King James VI., is preceded by this curious memorandum: 'Nota. Fra the hinderend of August, 1568, to the secund day of Marche, in the same yere, na Dyettis of Justiciarie haldin, be resoun of the peft and Regentis being in Inglande.'

General Register House,
1st May, 1829.
The Editor has been enabled to offer to the Public, the Second Part of the Criminal Trials, which occurred before the High Court of Justiciary, during the Reign of King James VI., sooner than he had anticipated; and it is hoped, that this Livraison will prove greatly superior, in interest, to the Part already published, which embraces merely the earlier and more defective portion of the Records, in that King's minority.

After this time, the proceedings of the Supreme Criminal Tribunal of Scotland merely begin to assume a more regular form, and the Record to exhibit a pretty accurate abstract of the objections to the relevancy of the Indictments, and to mark many of the other peculiarities observable in the forms and pleadings before this Court.

It is proper to notice here, that it has been the settled plan of the present Collection, to give a scrupulously faithful view of the whole of the proceedings which took place in each of the Cases selected, in the precise form in which these occur in the Books of Adjournal; excepting in various minute particulars, indispensably necessary to be adopted, for the sake of unity and of more lucid arrangement. No modern 'Reports,' it is conceived, however accurately they might be framed, could convey, whether to the Lawyer or the general enquirer, so clearly and so forcibly, the many peculiarities which are connected with these ancient proceedings; and at the same time indicate the gradual steps, by which our present system and forms have been modelled. When these are very prolix or uninteresting, they shall no doubt be curtailed; but this shall be done with a
sparing hand, and in such a manner, as clearly to point out each of such departures from the Record.

Owing to an embarrassing hiatus in 'the Books of Adjournal,' arising through the loss of at least one large Volume of the Records of the Court of Justiciary, (from October 1591 to May 1596,) the Editor deemed it incumbent on him, to make pretty extensive researches into other Public Records of Scotland, of the same period. But, perhaps, in his anxiety to render this Collection as perfect as his opportunities and ability permit, he may have incurred the censure of some, whose pursuits do not usually lead them into such investigations. He trusts, however, that the space occupied by these illustrations of National History will not be grudged, and that the extracts he has made may be generally acceptable.

At the suggestion of some of his friends, the Editor has prepared, in illustration of this and the former Part, a Fac-simile plate, containing a few exact specimens of the MSS. from which the present Selections have been formed. Should these be generally considered as interesting, occasional Fac-similes of Royal Letters, &c. will be delivered, with each succeeding Fasciculus of this work.

General Register House,

1st July, 1829.
Since the publication of the former Part of this work, the Editor has arranged and greatly enlarged a Collection of Original Papers, formed by him during the last two years, illustrative of the mysterious and hitherto inexplicable History of the Conspiracy of John Earl of Gowrie and his brother, against King James VI.; which will be found to embrace a body of valuable and authentic information, on every point connected with the transaction; and a great portion of which is entirely new to the public, having been recovered from numerous Records, contemporary MSS. and similar original sources.

So much has been written, and conjectured, on that remarkable event, that, in presenting to the public, for the first time, correct transcripts of the various Criminal proceedings which were instituted after the Conspiracy, it appeared to be the duty of the Editor, to accompany them with a Collection of such authentic Documents as are still preserved; and for that purpose, to use every exertion, in investigating the public Records, and all the repositories of MSS. to which he had access. The result has been highly satisfactory; and it is hoped, that, from the discoveries now made, unquestionable materials are provided for elucidating this hitherto dark passage of Scottish History.

The Editor is of opinion, that the publication of these Papers, in their original form, is more in unison with the spirit of the present work, than had he drawn up a fresh Narrative or Dissertation, accompanied by proofs and illustrations. He has accordingly adopted this plan, so as to leave the reader to draw the obvious conclusion from the evidence now afforded. In every instance, the sources from which each of the Papers has been procured are carefully noted; as it is essential, in matters of historical importance, to observe the minutest accuracy.

A concise and popular Account of Gowrie's Conspiracy has recently been published, in Constable's Miscellany, Vol. XLIII., by the Reverend Mr Parker.
LAWSON, M.A.; to which reference may be made for a clear outline and detail of the leading facts. The reader will also find much valuable information in Mr Morison’s ingenious and able paper, in the Transactions of the Literary and Antiquarian Society of Perth; where he has incontestably proved the reality of the Conspiracy against King James VI., even from the facts then published; having brought to the examination of the subject an impartial and unbiased mind, with a perfect knowledge of the localities of the scene. The Editor would particularly refer the enquirer to Mr Morison’s ‘Summary of the Evidence on the Gowrie Conspiracy, with Plans of Gowrie House,’ as a valuable companion in examining the history of this remarkable event.

The other portions of this Number will, it is hoped, be found superior in interest to the preceding Parts.

It was intended that this Part should have been accompanied by a facsimile Plate of the signatures of the principal persons mentioned in the History of this Conspiracy, taken from Original Autographs; but circumstances prevent this, until the publication of the next livraison. Another Plate, also, containing a fac-simile of the Letters of Robert Logan of Restalrig, recently discovered among the Warrants of Parliament, is in the course of being prepared. Both will be delivered with the ensuing Part, as early in January next as possible.

The Editor has again the pleasure of acknowledging the kindness of Charles Kirkpatrick Sharpe, Esquire, who has liberally presented a curious Engraving, executed by himself, very closely resembling the original Wood-cuts in the curious Tract, reprinted at Part II., page 213, ‘Newes From Scotland, declaring the damnable life of Doctor Fian, a notable Sorcerer,’ &c. The binder is desired to insert this Plate in Volume I. to face page 213.

GENERAL REGISTER HOUSE,
12th October, 1829.
The Collections relative to the Conspiracy of John Earl of Gowrie, and his brother, are concluded in the present Part. If the Editor has indulged in too copious Illustrations of this very remarkable historical event, he has been led into the error by the discovery of many important original documents, which, as he humbly conceives they tend to establish, beyond a doubt, the truth of this much controverted point of History, he deemed it his duty to present to the public, in this work.

Instead of attempting to sum up the evidence now laid before the Public, taken in connexion with the numerous Histories, Accounts, and Theories, already in print, the Editor leaves it to the reader to draw his own conclusions. He will consider his labours amply repaid, should the future Historian be thereby led to a clearer view of the origin, and progress, of the rash and ill-advised plot of these misguided but highly talented young Noblemen, and of the fatal catastrophe which so speedily overwhelmed them, in the premature execution of their mad attempt.

The natural restlessness, and irritability, of King James, and the very peculiar circumstances in which, on his return to the capital, after the tragical issue of the Conspiracy, he found himself placed, seem to have induced him to endeavour, to the utmost of his power, to counteract the almost unparalleled attempt made by the Ministers of Edinburgh; who greedily availed themselves of this opportunity, to inflame the public mind, and to turn the tide of popular feeling in
favour of Gowrie, who was universally idolized by the Presbyterian party, as
their future leader, against the strenuous efforts then making, by James and the
Court, for the permanent restoration of Episcopacy.

The steps taken by the King, for this purpose, were most injudicious; and they
certainly proved the very means of spreading the disbelief of the Royal Narrative
more widely. To this cause alone, indeed, may be attributed the scepticism
which then prevailed, and which has so generally, even down to these times,
occupied the public mind. His Majesty's advisers, by indiscreetly attempting to
prove too much, and to leave no circumstance unexplained, afforded plausible
grounds, for the deepest suspicions of the correctness of the whole statement.
James, when too late, found this to be the case, and experienced, to his cost, the
sagacity of Domitian's bitter reflection, as recorded by Suetonius, "conditionem
Principum miserrimam aiebat, quibus de Conjuratione comperta non crederetur,
nisi occisis?"

The noted distich, which Calderwood, in his MS. Church History, states to
have existed in his times, and which, he says, was painted above an ancient
Chimney-piece in the Castle of Ruthven, (now called Hunting Tower), may per-
haps be considered as worthy of memory.

Vera diu latitant, sed, longo temporis usu,
Emergent tandem que latuere diu.

A Fac-simile Plate of the commencement, termination, and subscriptions, of
three of the Letters of Robert Logan of Restalrig, which occur at Vol.
II., page 322, accompanies this Part.

General Register House,
25th January, 1830.
The present Part of this Work will, it is hoped, prove more generally attractive, being of more diversified interest, than any of the preceding portions; and the Editor believes he does not promise too much, when he adds, that the subsequent Parts must equally surpass the present, as well in point of curiosity as in historical importance.

After the accession of King James VI to the English throne, the Judicial proceedings in Scotland were necessarily conducted with greater minuteness, and were recorded with stricter accuracy, than formerly; for the various public functionaries, in every department, were liable to be frequently called upon for full reports of individual Cases; either to gratify his Majesty's craving for whatever was new and curious, or to enable him to judge of the expediency of pardoning or condemning the unhappy persons whose fate must needs be sealed by the unenviable exercise of his royal prerogative. To this circumstance, then, it may perhaps be attributed, that the Records of the Supreme Criminal Tribunal of Scotland, begin to be kept with greater cleanness, and their authority and value to be proportionally enhanced.

In Cases of peculiar importance, the Editor has always been anxious to afford all the elucidation within the limited range of his reading and observation, by laying before the reader such illustrations as appeared to him necessary to the better understanding of those Trials; and especially, to put the reader in possession of Original and contemporaneous Papers, which generally afford the clearest and best explanation of the many remarkable events which so frequently occur in the course of this Work. He trusts that many of the Documents now for the first time presented to the public, from sources not generally accessible, may be deemed worthy the attention of the lover of History.
It is much to be regretted, that the tragical story of the Murder of Sir Thomas Kennedy of Culzean, knight, Tutor of Cassillis, &c. by the Mures of Auchindrane, which is now rendered imperishable by the pen of the greatest living writer, could not be inserted in the present Part, owing to the chronological arrangement of the book. The Editor did not, in the meantime, consider himself at liberty to publish that most extraordinary Trial as a separate volume; but, having his materials for Part VI in considerable forwardness, he is ready to publish that Fasciculus at a much earlier date than previously notified, should such be the desire of the public.

The present Series of Trials, during the reign of King James VI, will be completed in four additional Parts, making in all nine Parts, or three large Volumes. Owing to the difficulty of collecting the requisite materials, the publication of the leading trials which occurred in the reigns of King James IV, King James V, and Queen Mary, shall be deferred till after Part VIII is circulated. Should the Editor's health, and his professional engagements, then permit, a new Series of Trials, modelled into the shape of Reports, and in a more modern form than the present, will be commenced. The lengthened pleadings, &c. during, and subsequent to, the reign of Charles I, entirely preclude the idea of continuing the work in the original form; which, however useful and interesting such a mode of editing a book of this class may prove, during the earlier period of the history and practice of our Criminal Tribunals, would be cumbrous and useless at a more recent date, when there could be no excuse for continuing the obsolete, and now almost forgotten style of these pleadings, which could yield no pleasure, and but little additional information, to the general reader.

General Register House,
12th April, 1830.
THE EDITOR has the satisfaction of presenting the present PART rather earlier than he had anticipated.

Since the last *Fasciculus* was circulated, he has been favoured with communications from several individuals, who have taken an interest in the progress of this Work, suggesting various improvements; but he is chiefly indebted to the Public Press, for numerous practical hints, of which, in preparing this portion of the Collection, he has amply availed himself.

Amongst other alterations of the original plan, the prefixing of Introductory Notices to leading and remarkable Cases, on a more extended plan than the Editor had at first deemed advisable, has now been adopted. The difficulty of collecting authentic materials for explaining and illustrating such obscure and long-forgotten events, has necessarily occasioned great additional research and expense; and had he not previously made pretty extensive inquiries relative to some of these Trials, and especially, the extremely interesting one of Mure of Auchindrayne, this Part must have been delayed for some months longer.

In what manner these intended improvements have been executed, it does not become the Editor to judge. He sincerely wishes that this very arduous task had fallen into abler hands; but still has the pleasure of reflecting, that he has spared neither time nor labour in his endeavours to make the Work as complete as its proposed limits admit. Those who have had the greatest experience in carrying on researches of this description, will be the readiest to make all liberal and proper allowances, for such unavoidable defects as must be expected to accompany inquiries, in their nature so very extended and obscure.
The very remarkable Case of the Mures of Auchindrayne is one of such interest, that it may perhaps be fairly considered as altogether unparalleled in the annals of crime. That Trial, and the illustrative matter accompanying it, have necessarily occupied a large portion of this livraison; but the Editor hopes it will prove as generally interesting, as the plots and crimes of these extraordinary men are unequalled.

In the course of his researches for elucidating the facts and events attending that Case, (which have been actively prosecuted during the last three years,) the Editor fortunately discovered, among the valuable MSS. belonging to the Faculty of Advocates, Edinburgh, an Historical and Genealogical Account of the principal Families of the Name of Kennedy. This History illustrates, not only the lives and characters of the actors in that shocking tragedy, but the deadly Feuds then prevalent in Carrick, to an extent which could scarcely have been anticipated. Had the information to be obtained from these singular Memoirs been made use of in this Collection, it would have encroached too much upon the limits now assigned to it, and caused the suppression of other interesting Trials. The Editor therefore has, by the liberal permission of the Curators of the Advocates' Library, preferred publishing the History of the Kennedies as a separate work;—and, with this view, has, for a considerable time past, been engaged in preparing it. A limited impression only has been struck off; and it is expected to be completed before the first of August next.

It is trusted, that, upon the whole, this Part will be found much more generally attractive than any of the preceding; as it abounds in historical incidents, and in Trials of deep and universal interest.

General Register House,
19th July, 1830.
In the period embraced by the present Part, the principal Trials, of peculiar interest, which occurred before the High Court of Justiciary, were those against the Roman Catholics and Jesuits, for hearing and celebration of the Mass, for maintaining the Supremacy of the Pope, for declining the King's authority, and for devising treasonable Plots against the person of his Majesty, &c.

The Rebellion of the Earl of Orkney, and his son, also occupied a prominent portion of the Criminal proceedings during this time; and the Editor has amassed a considerable collection of historical materials, illustrative of that remarkable treason; all of which are now, for the first time, laid before the public, being taken from original and authentic documents.

Another Rebellion in the Western Islands of Scotland was likewise suppressed within this time, relative to which the reader will also find that suitable illustrations have been given.

Besides these leading Trials, a number of very remarkable Cases occur in this Part for Murder, Fire-raising, Perjury, Slaughter and Houghing of Oxen and Sheep, &c., Piracy, Incest, Oppression, Witchcraft, Poisoning, Subornation of Witnesses, Uttering 'treasonable, blasphemous, and damnable speeches' against the King, Fire-raising in Coal-pits, Hamesucken, Mutilation and Demembration, Egyptians or Gipsies abiding within the realm, &c.

It is trusted that the present Number may be considered as important and interesting as any of those forming the preceding Volumes.

General Register House,
25th October, 1830.
The present Part closes this Collection of the leading Trials which occurred before the High Court of Justiciary, during the eventful reign of King James VI.

Part VIII. contains numerous Cases of considerable interest and novelty, and throws much light on various public transactions, and also on many of the private occurrences of the period immediately preceding the demise of that monarch. There are, however, so many remarkable Trials contained in it, that it would encroach too much on the limits of a brief notice, to recapitulate a few of the leading Cases.

Having collected a great mass of materials, in the course of preparing the present work for publication, the Editor has selected from them a number of original Papers, believing that they would be esteemed a suitable accompaniment to this concluding Volume. He has, therefore, printed them in an Appendix, which will be found materially to illustrate many of the preceding Trials. Among others, he has been so fortunate as to have discovered the only documents which remained to clear up the extraordinary Trial of Mr Thomas Ross, a poor Clergyman of a very respectable family, but a maniac, who was mercilessly put to death, under form of Law, by the special warrant of King James VI, for writing a Pasquil against the Scottish Nation. This pasquinade, it may here be remarked, was neither printed nor in anywise circulated by the author, but was simply affixed to the door of St Mary’s Church, Oxford; from which it was almost instantly taken down by a student, and delivered to the Vice Chancellor, who transmitted it, without delay, to Court.
The remainder of the Appendix will be delivered with the Introductory Part, which embraces the Criminal procedure during the reigns of King James IV, King James V, and Queen Mary.

The Editor does not, at present, expect to finish that arduous undertaking until the month of November or December, 1831. It is his intention to prepare accurate Indexes, which will be delivered, along with Title-pages, &c. for the whole work. When concluded, the Collection will form three large Volumes.

In reply to several enquiries, the Editor begs to notify, that he purposes to close this Collection of Trials with Part IX.

General Register House,
15th December, 1830.
The concluding portion of the present Collection has occupied the anxious attention of the Editor, for a period of above twelve months beyond the time he had been led to anticipate, when the Ninth Part was published.

Fortunately, the Editor had, during the progress of this Work, amassed a great variety of materials from authentic sources, illustrative of many important events connected with the history of the reigns of King James V. and Mary Queen of Scots; which eventually have proved of much use, in elucidating the Criminal proceedings of these reigns. Besides availing himself of these, however, he found it necessary to consult many of the public Records, the MSS. in the Library of the Faculty of Advocates, and other Collections of original documents, which required a considerable expenditure of time, besides much minute, laborious, and persevering research.

The result of these investigations is now laid before the Public; and it is perhaps not too much for the Editor to hope, that, in the view of rendering this work as complete as possible, the Subscribers may concur with him in thinking, that the additional time, thus expended, has not been altogether unprofitably employed.

In fulfilment of the proposal made at the commencement of this arduous undertaking, a very copious and elaborate General Index is now given along with this Part, which will be found to comprehend all that is practically useful to those who are likely to consult this Collection, whether for general reading and information, or for purposes of legal, historical, antiquarian, or genealogical investigation.

Owing to the interest excited by the large Collections made by the Editor, and the body of evidence which has been published in some of the former Parts of this work, in reference to Gowry’s Conspiracy, he has deemed it his duty to render the whole still clearer and more generally acceptable, by endeavouring to procure accurate Plans of the scene of that remarkable transaction. This he has fortunately been able successfully to accomplish, and that, too, from the most authentic source of information; as his friend Mr David Morison, Secretary to the Literary and Antiquarian Society of Perth, had occasion, a few years ago,
to get drawings and ground-plans made, from surveys and sketches taken on the spot, previous to the pulling down of Gowry House, in the year 1807, to make way for the Prison and County Buildings, in Perth. These Plans accompany Mr Morison’s ingenious Dissertation, which has been published in that Society’s Transactions. The ultimate views of the Ruthvens and their associates, in embarking in so hazardous a plot, will likely for ever remain as inexplicable a mystery as hitherto; but whatever may be considered by the future historian to have been the probable schemes of these rash youths, it is perhaps not arrogating too much to affirm, that the field of enquiry may now be considered as greatly narrowed; and that the circumstances, as well as the truth and reality of that Conspiracy, may henceforth be considered as matters of historical certainty.

To the politeness of Francis Grant, Esquire, S.A., the Editor is indebted for the use of the accompanying valuable engraving of Gowry House, which was carefully prepared, under his own inspection, from the only authentic sketch of that memorable place which is known to exist.

With regard to the contents of this Supplementary Part, there will be found, in addition to many curious and valuable Trials of a miscellaneous description, a considerable accession of original historical materials, illustrative of the progress of the Reformation of Religion in Scotland; a very important Appendix to the reign of King James V., compiled with the strictest care from the valuable Records of the Privy Seal, and the Accounts of the Lord High Treasurer of Scotland; proceedings against the Papists, Jesuits, &c.; and numerous original and interesting Documents relative to the Murders of David Riccio and King Henry Darnley, &c., many of which are now for the first time laid before the public.

Owing to the manner originally adopted in publishing this work, it has been found necessary to divide the First Volume into Two Parts. Particular directions for the Binder are printed on the back of the prefixed Title, to prevent the possibility of mistakes being committed in the arrangement of the Book into separate Volumes.

General Register House,
25th March, 1833.
PREFACE.

The Editor has at length the satisfaction of having brought the present Collection of the earliest Criminal Proceedings in Scotland, of which authentic memorials are now preserved, to a conclusion. This task has occupied several years of laborious exertion, which, it must be admitted, has been severer than might at first have been anticipated; but, when the difficulties he had to grapple with, and the repulsive materials from which these volumes have been compiled, are candidly considered, it will readily be allowed that the undertaking required no ordinary exertion of application and perseverance.

It has all along been the Editor's anxious study to furnish the Public with a copious selection from these ancient Records, (the earliest, perhaps, as well as the most remarkable, in this department, of which any country in Europe can now boast,) in a scrupulously faithful and accurate manner, without using even the slightest liberty with the phraseology or structure of the original text. His editorial labours, therefore, have been confined chiefly to the selection of the most remarkable Cases, and the addition of such collateral historical
and antiquarian illustrations as the nature of the subject seemed to
demand, or his more important professional exertions, which, during
the whole of this period, also happen to have been of a severe and
laborious description, allowed him to make.

The present work was first suggested by the late lamented Sir
Walter Scott, whose attachment to the early history, literature,
and antiquities of his native country are so universally known
and appreciated, that his name may now be said to be indissolubly
identified with them. The idea and plan of such a work as the
present had, many years ago, occurred to that truly great man;
and, at one period, he had himself contemplated the publication of
the most remarkable of the ancient Criminal Cases of Scotland,
combining the facts of each with all the correlative circumstances,
worked up into a popular and narrative form. From this undertak-
ing, however, he was diverted by his numerous avocations and
literary engagements, but chiefly from the consideration that many
years must necessarily have been consumed in acquiring all the
requisite stock of materials and information, before he could com-
merce the composition of such a work. Both previous to, and
shortly after the institution of his favourite literary Association, the
Bannatyne Club, he encouraged the Editor to attempt the publica-
tion of the present Collection; but, being diffident of his adequacy
to so important and extensive an undertaking as had at first been
contemplated by Sir Walter Scott, it was proposed by the Editor
that he should, in the first place, carefully investigate the Records
and MSS. belonging to the Court, and make pretty extensive Selections from the earlier portion of the reign of King James VI., in the
manner that appeared to him likely to be the most accurate, and, at
the same time, the most practically useful.

These Selections were accordingly made and subjected to the crit-
cical examination of Sir Walter Scott and of Thomas Thomson, Esq.,
Deputy Clerk Register of Scotland, now his successor as President of
the Bannatyne Club, together with the outlines of the plan which
seemed to be best calculated to make the proposed Collection as
useful as possible, as a work of reference. With a few modifications,
these learned individuals concurred in advising the publication of the
work, in the form in which it is now found. The patronage of the
Lord Justice-Clerk and the Lords Commissioners of the High
Court of Justiciary, the Lord President of the Court of Session,
the Lord Chief Commissioner of the Jury Court, Baron Hume,
and many other eminent individuals, whose names rank highest in the
profession of the Law, as well as in the literature of this country, was
liberally and readily granted in furtherance of the work.

The Bannatyne and Maitland Clubs, also, and many other lite-
rary and Antiquarian friends, having subscribed to the projected pub-
lication, the Editor felt that he could not, in gratitude, any longer
decline undertaking the remaining risk and responsibility, great
though they, from the outset, appeared to him to be. It was clear to
all, however, that no adequate compensation could reasonably be ex-
pected for the expenditure of time and labour, and the large pecuniary
advances which must necessarily be involved in the undertaking of so
very extensive an engagement, unless many of the members of the
principal Legal Bodies should come forward in support of the Editor,
after the publication of the preliminary Parts of his projected work. This hope, unfortunately, has not hitherto been realized.

These explanations appear to the Editor to be in some measure called for, in consequence of his having been frequently and freely censured by many of his friends, as if he had rashly and unadvisedly incurred so very heavy a responsibility, and as if he had wilfully sacrificed so many years to intense application on pursuits so little likely to yield a corresponding return for the labour and expense bestowed. Without farther intruding on the reader's patience these personal concerns, he trusts he has shown satisfactorily, that he had the best grounds for expecting a more favourable result. In the face of at least the extreme probability of suffering considerable pecuniary loss, after the time when the first two or three Parts were published, he is conscious that he has in no wise shrunk from the fulfilment of any part of the obligations under which he conceived and felt himself to lie towards those who so liberally and disinterestedly came forward to support the present work, but has steadfastly brought it to a termination, under circumstances of considerable difficulty and discouragement.

It belongs to his subscribers and to the public to judge in what manner he has succeeded in redeeming his pledge, in faithfully laying before them these remarkable relics; and whatever disappointment he may unintentionally have occasioned, in the discharge of his difficult task as an impartial Editor, it will, he trusts, be imputed to no lack of zeal or industry on his part. In the course of any voluminous work of a historical or antiquarian cast, and especially one of the nature of the present, which embraces so wide and va-
ried a range, it must naturally be expected that an Editor, notwithstanding the exercise of the utmost care and vigilance, must, in many instances, fall short in affording satisfactory elucidations of obscure historical events, local or provincial occurrences, and other incidents of a minute description, of long forgotten superstitions, and similar vestiges of former ages. The reader's indulgence is requested in all such instances. Even those whose previous studies and habits have not rendered the difficulty of conducting investigations of this description quite familiar, will, on reflection, perceive, that much patient industry must be exercised in ascertaining and settling even one solitary fact, or a single obscure or controverted point.

The grave nature of a work conducted on the plan of the present, it may be farther noticed, entirely precluded the possibility of reducing any portion of it into a "popular" form, so as in any manner to compete, in point of interest, with works of fiction, or the lighter and more fascinating literature of the day. Such a work may indeed still be considered as a desideratum; but, in the Editor's humble opinion, it would require to be executed by a master-mind, such as his who suggested this publication. The merit of a Collection on the present plan appears to be, that the reader should be presented with all the facts, circumstances, and details, in the graphic and masculine language of the times when they actually occurred. All the requisite materials are thus afforded for arriving at a sound opinion as to the real complexion and merits of the case—and it only remains farther for an Editor to put the reader in possession of such contemporaneous documents and State Papers, &c., from authentic sources, as may tend to throw additional light on the original, though frequently
obscure and quaint. Prefatory notices to the various remarkable Trials, and copious explanatory foot-notes, were likewise found to be necessary to aid the modern reader towards the better understanding of these Records; which, being expressed in the vernacular and now almost forgotten, Scottish of centuries long gone by, evidently appeared to stand in need of occasional glosses.

It is, perhaps, hardly to be expected that the circulation of a work so quaint and antiquated as the present should be general or widely extended. The language alone is apt to deter many from patiently gleaning views of the state of society and manners of these periods, which are very imperfectly known or understood; indeed to many they are only familiar through the medium of works of fiction and romance. But to the lawyer, the historian, the antiquary, and the genealogist, especially, this compilation will be found to be of considerable practical utility, as it abounds with ample materials for the prosecution of their favourite studies; while, at the same time, the more general reader will at every turn meet with varied portraiture of national manners, customs, and the superstitions of bygone ages, which might in vain be searched for elsewhere.

The reader will find in the Appendices to the several reigns, and also scattered over the whole Collection, valuable Selections from the various Public Records, and especially from those of the Privy Council, Great Seal, Privy Seal, Lord High Treasurer's Accounts, &c., in which are contained very important historical materials. The Editor has also deemed it proper to present a considerable body of State Papers, Original Letters, and similar illustrative documents,
PREFACE.

 procured from various sources, which, as will be observed, have uniformly been specified.

 It would be as presumptuous, as it seems uncalled for, to attempt an historical account of the origin and progress of the Criminal Tribunals of Scotland. These have already been so fully and satisfactorily treated of by Baron Hume and by the other Institutional writers, that any attempt to offer new or additional remarks were equally vain and fruitless.

 On the suggestion of several friends, the binder has been directed to preserve the annexed Notices, which were originally prefixed to the various Parts of this work, for the purpose of exhibiting the order and manner of publication, as well as to account for the anomaly of postponing the printing of those Criminal proceedings which occurred during the earlier reigns of King James IV. and V., and Mary Queen of Scots, till the conclusion of the series.

 To render consultation of the work as easy as possible by readers of every class, a very copious General Index has been constructed with great care and labour, and at a considerable additional expense.

 General Register House, 25th March, 1833.
CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

The earliest Volumes of the Criminal Records of Scotland, now extant, are the two ancient MSS. still preserved in the Library of the Faculty of Advocates, Edinburgh. It is probable they had been acquired by the Curators of that excellent institution, by purchase, at the sale of some Collector of the last century, into whose possession they must have found their way by very improper means, at a period when such documents were considered of no importance.

Although these Volumes chiefly consist of the proceedings of the Justice-aires of Lauder, Jedburgh, Selkirk, Peebles, Edinburgh, Dumfries, Kirkcudbright, Air, and Wigton, yet as they abound in numerous particulars, highly illustrative of the history, manners, and habits of those portions of Scotland during the reign of King James IV, the Editor has considered it necessary to give at large every remarkable Case which occurs in them.

It may be noticed here, once for all, that the Books of Adjournal and Minute Books of the Supreme Criminal Tribunal of Scotland, as well as the Records of the Justice-aires, &c. at these remote periods, were kept in an obscure forensic Latin. This circumstance, added to the well-known difficulty of deciphering the ordinary MSS. of these centuries, and the fact of the Books now preserved being generally mere scrolls and memoranda, written with many contractions, and evidently during the hurry of the Court proceedings, have hitherto rendered the task of examining them, and presenting the public with the more important cases, a labour of a peculiarly irksome and repulsive kind. Fortunately, however, entries have in many instances been made in the forcible vernacular of the period, and original Warrants and Letters have also been recorded, or have been found, after diligent search, among the loose papers belonging to the Court. Many of these are alike curious as specimens of our language, and valuable as historical documents.

VOL. I.
After deliberate consideration, it has been deemed proper, and most likely to be acceptable to the great bulk of readers, to give a close technical translation of such portions of the Records as are conceived in Latin, excepting where very remarkable phrases or terms are made use of; but in all such cases the original expressions are given in foot-notes. In every instance, where the vernacular is employed, or where quotations are necessarily given, the same scrupulous fidelity has been observed as in the subsequent parts of this work.

*In Parlamento excellentissimi Principis ac domini nostri metuendissimi domini Jacobi IV Dei gracia Regis Scotorum Illustriissimi, tento et inchoato apud Edinburghe, die Lune sexto die mensis Octobris, anno domini 1488.*

Per Commissarios subscript. viz. Colium Comitem de Ergile, Dominum Campbele et Lorne, Cancellarium Scoie; Patricium Dominum Halis, Magistri Hospicii suprmi domini nostri Regis; Robertum Dominum Lile, Magnus Juliciarum Scoie; Alexandrum Hume de codem Magnum Camerarium Scoie; Willelmum Knollis Preceptorem de Torshchin, Thesaurarium, militem, et multis alios Commissarios in hac parte.

**High Treason — Intercourning with the English, &c. — Fighting against the King at the Field of Stirling.**

[In consequence of the loss of the early Volumes of the Books of Adjournal, it becomes necessary, in order to render the present Collection as complete as possible, to investigate from other authentic sources the proceedings which took place immediately after the accession of King James IV. Fortunately the Records of Parliament, of the Great and Privy Seals, and the Books of the High Treasurer of Scotland, afford some notices of the steps which were taken against the partisans of the deceased King James III. These shall be given here at length; but as the leading circumstances connected with them must of course be minutely discussed in Mr. Tytler’s correct and impartial History of Scotland, it is only further necessary to lay before the reader such documents as do not fall within the plan of that learned gentleman’s truly valuable work.

James Stewart, first Earl of Buchan, whose sobriquet was Hardy James, was the brother uterine of King James II. He married Margaret, the heiress of Sir Alexander Ogilvy of Anchertoun, by whom he got that barony and the heritable sherifship of the county of Forfar. On the fall of Lord Boyd, in 1471, he was made Lord High Chamberlain of Scotland; and, in 1473, went as ambassador to France. He was made Warden of the East Marches on his return. Having participated in the Field of Stirling, he became obnoxious to the vengeance of the successful party; but he had the good policy to submit and sue for his Majesty’s clemency, which he obtained, and was received into his favour. Although he was subsequently charged with having entered into a conspiracy with John Ramsay, Lord Bothwell, and Sir Thomas Tod, in 1491, to deliver his Prince into the hands of King Henry VIII, the circumstance is rather unlikely, for he was no party to the Inden-
tate. It rather seems to have been a ruse on their part, to induce Henry to give credit to their plot, and to advance the money required by them. This nobleman died before Feb. 6, 1499-1500, when his son is styled Alexander Earl of Buchan.\textsuperscript{3}

Owing to the historical importance of this and the following cases, they are given here in their original form, divested only of the usual contractions, which are extremely perplexing to an ordinary reader.]

Oct. 6.—Quo die, \textit{Jacobo comite Buchanie sepe vocato, per summonnacionem regiam et tenorem eiuiudem sub testimonio Magni Sigilli regii desuper directam ad respondend. dicto domino nostro Regi, in prelenti Parlamento, super certis proctoriis actionibus in dicta summonnicione contentis, et per tenorem eiuiudem: Quo Jacobo Comite Buchanie, fil sepe vocat. et non comparente, domini commissarii continuarunt dictam cauam summonnicionis ad crastinum, ad decimam horam cum continuacione dierum, in eadem forma et effectu ut nunc eft, absque preudicio parciuum.}\textsuperscript{3}

Oct. 7.—Continuat ur ad crastinum, ut supra.

\begin{quote}
\textit{Coram nobilibus Domini Colino Comite de Ergile, Domino Camp-}
\textit{bele et Lorne, Cancellario Scocie, Laurencio Domino Oliphant,}
\textit{Johanne Domino Drummond, Roberto Domino Lile, Andrea}
\textit{Domino Gray et Johanne Domino Glammis, Commisionariis Parlia-}
\textit{menti et Justiciariis, &c.}
\end{quote}

Oct. 8, (\textit{die Mercurii.})—Continuat ur ad crastinum, in eadem forma ut nunc eft, absque preudicio partium.

\begin{quote}
\textit{Per supremum dominum nostrum Regem in propria persona.}
\end{quote}

Oct. 9, (\textit{die Joviis.})—Quo die, \textit{Jacobus Comes Buchanie cepit se ad}

\begin{quote}
Remissionem dominii nostri Regis ante dicti, pro proctoriis aggressu in regnum Anglie Regi eiuiudem: Ac pro proctoriis communicatione et laboracione cum preffato REGE ANGLIE, pro importacione certorum Anglicorum ad diuersionem regni et ligiorum Scocie, et pro invicione et cauacione dicti Regis Anglie in propria persona cum suis armis et copia viorum in regnum Scocie adeunisse: Et pro proctoriis arte parte et confilio datis et exhibitis Andree Episcopo Morauien, Alexandro Domino Forbes, Johanni Domino Bothuile, Johanni Rois de Montgrenane, Johanni Murray de Tuchadam, Stephano Lokart de Cleghorne, et Jacobo Hommill Icifori, in Fabricacione commisionis et certorum Munimentorum Regi Anglie per Johannis Dominum Bothuile et Henricum Wyot Anglicanum delatorum, ad frangend. pacem et treugas per quondam patrem suprmi dominii nostri Regis et Parlamentum et Regem Anglie unitas,
\end{quote}

\textsuperscript{1} See Notice prefixed to the Forfeiture of \textit{Lord Bothwell}, Oct. 9, 1488. \textsuperscript{2} The following characteristic entry occurs in the High Treasurer's accounts:—1502-3, Feb. 17. \textsuperscript{3} \textit{Item to ye King to put in pe candii, at the hving of Erle of Buquhanis fone, xiiij l.} It is probable that the King had become god-father or sponsor for the child. \textsuperscript{4} At the second diet \textit{the King is present in person, with a great concourse of Lords spiritual and temporal.} See \textit{Acta Parl. II.} 198, &c.
CRIMINAL TRIALS. A.D. 1488.


High Treason — Fighting against the King at ' the Field of Stirling,' &c.

[SIR JOHN RAMSAY, (of Balmain, Trarinesane, &c.) LORD BOTHWELL, was the only one of the favourites of KING JAMES III who escaped being put to death at the fatal affair of Lander, in July 1482, by clinging closely to the King's person, and leaping behind him on his horse. He had been repeatedly Ambassador to the Court of England; and ultimately fell a victim to his personal attachment to his sovereign. Immediately after his forfeiture, the whole of his estates were conferred on Patrick Lord Hales, who was a few days afterwards created Earl of Bothwell, Oct. 17, 1486. The forfeited Lord fled to England, where he appears to have occupied himself in planning a fatal scheme of revenge against KING JAMES IV; while he at the same time expected to obtain the favour of the English King, and again to rise to still more distinguished eminence.]
1 Jac. IV.

CRIMINAL TRIALS.

On April 16 and 17, 1491, Indentures were entered into between King Henry VII of England and John Lord Bothwell and Sir Thomas Tod, ('of Sareschaw,' knight, of the realm of Scotland, as well for and in name of themselfe and aile of dyers other named in the said Indentures on the other partie,' declaring that 'the right honourable Lord James Earl of Bouhan,' and the said Sir Thomas, shall take, bringe, and deliver into the said King of England the King of Scotland now reigning, and his brother the Duke of Roos, or at the left the said King of Scotland.' King Henry agreed to lend to the said Sir Thomas, as well for the Earl of Buchan as for himself, L266, 13s. 4d. Sterling, to be repaid before Michaelmas next; and Sir Thomas to leave his son and heir in pledge, for the sure fulfillment of their engagements. This remarkable document was signed at Greenwich, Apr. 17, 1491.—Rymer's Foeder., XII. 440.

That infamous project, however, they were unable to perpetrate. Through the influence of King Henry, no doubt, and James's generous and forgiving disposition, he got leave to return to Scotland, where he was afterwards known as Sir John Ramsay of Trairineane. Even then, his perfidious spirit was not subdued by the lenity shown him; for Mr Pinkerton gives two Letters from him to Henry VII., dated Sept. 8 and . . . 1496, in which he subscribes himself 'Jhone L. Bothvalle,' giving a minute detail of the Scottish King's proceedings relative to Perkin Warbeck, &c. He acted the part of a spy to Henry VII., with so much cunning as to deceive the Scottish King and his Court; and on Apr. 18, 1497, he as length obtained a formal Remission and Letters of Rehabilitation, under the Great Seal.* His title and estates, however, were never restored to him. Notwithstanding all this perfidy, he had the address to get Charters to a variety of lands in Forfarshire, Ayrshire, Wigton, and Kincardine; and on May 13, 1510, he had a Charter erecting them into a free Barony called Balmain. He died anno 1515.

There seems little else worthy of notice regarding this ungrateful courtier. The Summons of course gives a false colouring to the original facts, by representing all the transactions of the late King's adherents as Treason, whereas, it is obvious, that Treason was alone justly chargeable against the Prince and his followers.]

(Oct. 9.)—Eodem die comparuit in judicio Carrick Signifer, vicemomes in hac parte, et prefentavit quandam Summoncionem region sub testimonio Magni Sigilli regii fibi direct. super funnmonicione JOHANNIS DOMINI BOTHUILE coram prefato domino nostris Rege et tribus regni fui Statibus ibidem congregatis; cuius Summonciones tenor sequitur et eft tallis.

Summoncicio Forisfacture Johannis Domini Bothuiile.

JACOBUS De gratia Rex Scotorum. Vicecomiti et balliuis suis de Lanark, necnon Lyone Regi Armorum, Rothiffany, Ross, Sowdoune, Marchmond, Heraldis; Vincorne, Ormonde, Carriek, Bute, Montrose, Signiferis; Hectori Meldrum, Willemo Campbele, Clauigeris; Symoni Sperdour, Johanni Keyre, Donaldo Malynnny, et Georgeo Schaw, Curforibus, et eorum cuilibet, conjunctim et diuifim, vicecomitibus noftris in hac parte, faltem. Mandamus vos et precipimus quatenus funnmonetatis, legittime et peremptorius, coram teftibus, JOHANNEM

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1 Buchan. See Notice to Oct. 6, 1488. 2 A curious and interesting instance of James's pietie and forgiving spirit may be seen from the Lord High Treasurer's Books:—Feb. 22, 1505-6. 3 Tram to ex Kingis offerand to Sir Thomis Todde finals sic trans (Mass) allis. It is likely from this notice that Todd had only died recently before that date. 4 Mus. Brit. Vespasian, c. xvi. pp. 152 and 154. 5 Pinkerton's Hist. II. 438, 442. 6 Reg. Mag. Sig. XIII. 218. See also same Record, XIII. 352, 353, 419, and XV. 200. 7 Continued from Oct. 8.
DOMINUM Bothuile, personaliter apprehensum, si eius prefenciam commodae habere poteritis, aliasquin apud Castrum de Bothuile, et ad crucem fori burgi nostri de Lanark, per publicam proclamacionem, ita quod huius summuncio ad eius noticam verificimiliter peruenire poterit; quod compareat personaliter coram nobis in notro proximo Parliamento, tenendo apud Edinburghe, die Mercurij, octauo die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis, in prefato notro Parliamento, pro prodictoris seductione et ductione quondam JACOBI (III) REGIS SCOTORUM, patris nostrorum defeuncti, contra commune bonum rempublicam et Regni nostrorum, faciendo eum opprimere fuos Preliatos, Barones, burgenfes et ligeos, per communem vendicionem et empiuem Jusficio, ad eorum finalem destructionem; vigore cuius, mercatores alienigenae, ad regnum nostrum aduenien. erant omnino distructi et depredati, sic quod nulli al(ieni?) pro refectione regni non audebant dictum regnum intrare: AC pro prodictoris arte, parte, conilio et affitione datis et exhibitis JACOBO COMITI BUCHANIE, in prodictoris aggressu et passaggio in regno Anglie: ET pro prodictoris communicacione et laboracione cum prefato REGIS ANGLIE, pro importacione certorum Anglicorum ad destructionem regni nostrorum et legiorum nostrorum: ET pro prodictoria arte et parte cum dicta Comite Buchanie, in caufacione et infigacione dicti Regis Anglie, in quantum in eo fuit, ad intrand. dictum regnum nostrum, in propria persona, cum armis et copia virorum, pro destructione nostra et ligeorum nostrorum: AC pro prodictoris ingressu et passaggio in Anglia, per ipsum Johannem factis, diuersis vicibus: ET pro prodictoris arte, parte, conilio et affitione datis et exhibitis ANDREE EPISCOPO MORAVIEN., JACOBO COMITI BUCHANIE, ALEXANDRO DOMINO FORBES, in Fabricacione cuiuiflam Commiffionis et certorum Munimentorum REGI ANGLIE, per vos Johannem et HENRICUM WYOT, Anglicanum, delatorum, ad infringend. pacem et treugas per dictum quondam patrem nostrum et Parliamentum eius et Regem Anglie initias, contra commune bonum et rem publicam, et ad perpetuam destructionem regni; virtute cuius, guerra super vna parte regni nostri proclamata, et diuersi ligei illius partis depredati, occifi, et incendium passi sunt: ET pro prodictoris delacione dicte Commiffionis et Munimentorum ad Regem Anglie, ad perpetuam subjectionem regni nostri obedientie Regis Anglie: ET pro prodictoris arte, parte et conilio Fabricacionis cuiufdam Commiffionis, et eiusdem missionis COMITI NORTHUMBRIE et DOMINO WILLEMÒ TYLDA, Anglicano, militi, continen. quod ipsi virtute dicte Commiffionis et potestatis darent Remissiones omnibus Scotis partem Anglicorum contra nos et fideles legios nostros capientibus: ET pro prodictoris arte, parte, et conilio datis et exhibitis dictis perfunis, in cauando dictum quondam patrem nostrum diuerae Appunctuatione et Concordias, subscriptione manuiali dicti quondam patris nostri subscript., nobis tunc
Principi, pro communi pace et tranquillitate regni premiff. frangere et ab eisdem refilire, que diuerfis vicibus erant promiffa et per vos et (quemlibet) vetrum fracta et non obseruata; racione cuius fractionis, Comites de Huntle, Erole, Marchell et Dominus de Glammis eius opinionem reliquerunt, et ad locas propria accederunt: Et pro proditoriis arte, parte, et confilio datis et exhibitis dictis perfonis, in confulendo predictum quondam patrem nostrum ad exeund. Cafrum de Edinburghce cum armis et copia virorum, post diuerfa Appunctamenta per ipsum apud Blaknes et alibi condita per ipsum fracta, ad inuadend. nos eius filium, tunc Principem, apud Struelin: Et super aliis quam pluribus criminiibus et proditoriis transgressionibus per ipsum Johannem contra nos et regnum nostrum inique perpetratis, juri parend. : INTIMAN. dicto Johanni, quod fiue dictis die et loco cum continuacione dierum comparuit flue non, nos nichioluminus in premisfis, Justicia mediante, procedemus: Et presentes literas debite execut. et indorfaciones earundem reddite latori: Et vos qui presentes executi fueritis fitis ibidem dicto die, coram nobis, portam. vobis cum Summonicionis vestre testimoniun in scriptis, pro dimiffis eui ipfos testes. Ad quod faciendum vos et vetrum cuilibet in hac parte, conjunctim et diuifim, plenariam committimus potestatem. DATUM sub testimonio Magnus Sigilli nostri APUD EDINBURGHE secundo die mensis Augufl, anno regni nostri primo.

Poft cuiusquidem Summonicionis lecturam, idem vicecomes prombat in presenti Parliamento dictam Summonicionem legittime executam, per indorfaciones suam et certos testes in eadem indentacione contentos, in judicio, ad hoc inibi per ipsum producent et juratos, videlicet, Johannem Hamitoulne de Wodhall et Patricium Hammiltoun; cuius indorfacionis sic est tenor.

Indorfaciones sive Executiones Summonicionis Fortisfacture.

The vij day of the month of Augufl, the serge of God 3°.liii. XXXVij. 3eris, I Carrik, Pursewant, personali palt to the cheif chemin of Bothule, and pare sumonode JOHNE LORD BOTHULE to compare before our feuernare lorde, personaly, in his Parliament to be heldin at Edinburghe, the vij day of October next tocum, with continuacione of data, to anfuere to his hienes upon all the poynsis and articlis and crime of Treffoune content in tir our feuernare lordis lettres: Before thir Witenes, Johne of Hamiltoun, Patric of Hamiltounne, Johne Baxtare, and James Echifoun. And pane, one the morn, the vij day of Augufl, I the said CARRIK, Pursewant, palt to the merit corfe of Lanark, and pare, be oppin proclamacione, sumonode and warnit the said JOHNE LORD BOTHULE to compare, personaly, before our feuernare lorde in his Parliament forfaId, to anfuere to his hienes to all the poynsis, articlis and crime of Treffoune content in tir our feuernare lordis lettres, and esfrir thir tenor of thir semmyn: Before thir Witenes, George Aitkynoun, William Forlter, bailyes of Lanark, Thomas Were, and Johnse Mowate, with otheris diuerse. In witen hereof I have set to my Signet.

Quo JOHANNE DOMINO BOTHULE fepe vocato, vigore predicte Summoniconis et per tenorem eisdem, ad respondendum dicto domino nostro Regi, in presenti Parliament, super omnibus proditoriis actionibus in dicta Summoniconis sive Executiones Summonicionis Fortisfacture.

1 Mansiou-house, chief dwelling.  O. Fr. chefines, (chef mes, i.e. chef maifon.)
CRIMINAL TRIALS

A.D. 1488.

cionem contentis, et non comEMALE, legitime tempore diei expectato, ordine et procefsu, continuance dicte Summioniconis, per Dominos, Barones et Burgorum Commiffarios superinscription, hunc uique Juridice procedi, vifis et Intellectis, Colinus Comes de Ergile Dominus Campbele et Lorne, Cancellarius dominj noftri Regis, et eius nomine, de fuo exprefio mandato, requifuit et pecit a dictis Dominis, Baronibus et Burgorum Commiffariis, fua fenfiamenta et Decreia Parliamenti, penes procefsulm dicti Johannis Domini Bothuile, fi ipfi fuit culpabilis in proditionis accionibus pronominatis in dicta Summioniconis contentis: Quibus Dominis, Baronibus et Burgorum Commiffariis regni fui flatubus deligenter et mature suiuis inuenuerunt, et vnusquisque pro feipfi deliberauit, quod dicit Dominus Bothuile fuit culpabilis in omnibus proditionis actionibus in dicta Summioniconis contentis, excepto tempore de Blaknes. Et ideo datum fuit pro judicio fiue Laudo Foriffacture, per os Alexandri Demphtar Judicatoris Parliamenti, in modo et forma frequent in vlgari.

Judicium fefe Laudo Foriffacture.

This Court of Parliament fchemwis for law, and I gif for Dome, that fiorla-

mekele as it is fundin be fentiment of Parliament, that John Lord Bothuile
does committ and done Treffoune agane our fouerane lord the King and his
realme, in all the poyntis and articlis abouve written, content in the Summondis
maid pairappone, except the tyne of the Blaknes: That pairfore he has Fofalt
to our fouerane lord the King his lif, landes, office, gudis movable and vnmov-
able, and vther his poiffessionis pat he haid within the realme of Scotlände,
cuermare to remane with oure faid fouerane lord, his airis and fucceffouris, for
his Treffoune and offence. And that I gif for Dome.

[Coram Rege personaliter ibidem sedente.]

High Treason — Field of Stirling, &c.

[John Roos or Ross of Moatgrogan was Advocate to James III. Warrant was granted, Jul. 2, 1488, for his apprehension, and he was at the same time summoned for the traitorous pursuit of the
Prince (James IV) to beyond the Bridge of Stirling, and for there making Burnings, ' bertiachips,' and slaughters, on Jun. 18, being the day preceding the Battle of Sauchie. The Castle of Keir, to
which the Prince had retired, was at the same time burnt by the King's adherents, with the Place of
Airth, &c.]

There seems to be nothing additional worthy of mention, as to the Lord Advocate's case, excepting
that he does not appear to have been restored to the King's confidence. His estates were conferred
on Patrick Hume of Fastcastle; and James Henderson of Fordell succeeded to his important office
of Lord Advocate.]

Oct. 14, (die Martis.)—Quo die comparuit in Judicio Cabrik Signifer,
vicecomes in hac parte, et prefentavit quandam Summoniconem regiam, sub tef-

1 On Oct. 14, the Parliament confirmed a grant of the Lordships of Bothuill and Creichswon to
Patrick Lord Haltis, Master of the Household; and on Oct. 17, they were erected into the Earlism
of Bothuill, &c. * See Reg. Mag. Sig. XII. 64.—Tref. Accounts.
* This case had been
continued from time to time, from Oct. 6 preceding.
timonio Magnj Sigilli regij fibi directam, super Summonicione JOHANNIS ROSS DE MONTGRENANE, coram prefato domino nostro Rege et tribus regni fui statubus ibidem congregatis; cuius Summonicionis tenor sequitur et est talis.

**Summonicio Forisfacture contra Johanne Rois de Montgrenane.**

JACOBUS del gracia Rex Scotorum, Vicecomitibus et Ballinis suis de Are, necnon Lyonj Regi Armorum, Roothay, Ross, Snawdoun, Merchmonde, Heraldis; Vincorne, Ormonde, Carrick, Montrofe, Signfullis; Hectori Meldrum, Willelmo Campbele, Clawigeris; Symoni Spardoure, Donaldoi Malemy et Georgio Schaw, Curforibus, vicecomitisibus nostris in hac parte; salutem. Mandamus nobis et precimus, quatenus summoneteatis, legitime et peremptorie, coram teftibus, JOHANNEM ROSS DE MONTGRENANE peronaliter apprehendam, quia praefencia commendam habere poteritis, aliquin apud Montgrena et locum fuis habitationis, et ad cruceam fori burgi notri de Are, et ad cruceam fori burgi notri de Irwin, per publicam proclamationem; ita quod hujusmodi Summonicio ad eius notificatione perusimile peruenire poteris, quod compareat personaliter coram nobis, in nofro proximo Parliamentio, tenendo apud Edinburghe, die Iouis, nono die mensis Octobris proxime futuro, cum continuacione dierum, ad respondend. nobis in prefato nofro Parliamentio pro fuis proditoriis arte, parte, confilio et affieltencia data et exhibitis JACOBO COMITI BUCHANIE, Stephano Lokhert de Cleeborne, et Thome Forthingham de Powry in extraportacione et duccione quondam patris noftri cum armis et copia virorum apud Blaknes, pro noftra et noftrorum finali disfractione, attento quod nos eo tempore prout omnium alio extimumus parati perimpiere Appuunctamenta per ipsum nobis misita, promiit, et subcriptione eius manuibus subscrip., confilio eius fracta, prorupta et ipreta, quamobrem Comites de Hunte, Erole, Mersheull et Dominus Glammis eum dictum Johanne Ross d e eius opinionem reliquerunt, et ad loca propri res redierunt: Et pro proditoriis arte, parte, confilio et affieltencia data et exhibitis dictis perfonis, in preparamento et araymiento campi bellici contra nos apud Blaknes, in quo nouter appuunctationum existit; Et pro compilacione Appuunctamentorum prius premijorum, dictus Jacobus Comes Buchanan, Willelmus Domina Rothen, Thomas Forthingham de Powry, Willelmus Murray de Tulybardia dabasur side-inflores et obdite: Ac pro proditoriis arte, parte, confilio et affieltencia data et exhibitis dictis perfonis pro prorumpend. dicta Appuunctamenta, pro communi tranquilitate pace et concordia regni inuit, postquam dictus quondam pater nofter ad castrum de Edinburghe peruent: Et pro proditoriis arte, parte, confilio et affieltencia data et exhibitis dictis perfonis et Andree Episcopo Moravia. in missione et delinacione Johannis Domini Bothule in regno Anglie ad Regem einfem, pro proditoriis importatione iphus et ligeorum fuorum ad disfractionem noftram et legiorum nofrorum et Corone regni Socie jubicationem perpetuum legiarcie et obedientia dicti Regis Anglie: Et pro proditoriis arte, parte, confilio et affieltencia data et exhibitis dictis perfonis, in confulendo dictam quondam patrem noftram ad eexund. Castrum de Edinburghe, cum armis et copia virorum, ad inaudend. nos, tum existentem Principem, apud Strielin: Et pro proditoriis fugacione et profecutione noftra perfone extra pontem de Strielin, ibi Incendia, depredaciones et occasiones facion.: NACNON pro proditoriis arte, parte, confilio et affieltencia data et exhibitis dictis perfonis, in faciendo patrem noftran contra nos eeregere, ad disfractionem noftra perfone, in preparamento et araymiento campi bellici, apud Strielin, vucidma die mensis Juniij viijimi elapi, post diuerfas Concordias et Appuunctamentar inter nos et patrem noftran inuit, ad que femper eramus, prout tunc prompti, genuss flexis, inter bella optimis perimpiere, et confilio suo fracta et perturbata; cuius confilio, cum alia, in inicio belll dictus quondam pater nofter campum reliquis, et in manus villum perIonarum incidit, et occisus fuit: INScript, pro proditoriis arte, parte et confilio Occisio eiusdem, fuis proditoriis confilio, duceanse, et gubernacione: Et super alias quampluribus criminibus et proditoriis transgressionibus, per ipsum JOHANNEM ROSS contra nos et regnum noftram inique perpetrato, jurij parend: INTIMANDO dicto Johanni, quod fines dictis die et loco cum continuacione dierum comparuerit siue non,
nos nichilominus in premiis, judicia mediante, procederemus. Et praeuentes litteras debites executas et Indorfaciones earundem reditio litteris : Et vos qui praeuentes executi fueritis sibi idem dicto dis coram nobis, portantes vobis rationem summicionis vestræ testimonii et novina testimonii in scriptis pro premiis seu ippos testis : AD quod faciendum vobis et vestrum cautelab in hac parte coniunctis et disiunctis plenariam commissimur potestatem. DATUM sub testimonio Maguig Sigilli nostri, apud Edinburghe, fecundo die mensis Julii, anno regni nostri primo.

Post cuiusquidem summicionis lecturam, idem vicecomes probauit dictam summicionem legittime executam, per suam indorfacionem, et certos testes in eadem indorfacione contentos, ad hoc inibi in judicio productos et juratos, videlicet Nigellum Campbele, Hugonem Flemyn, Walterum Kide, Thomam Young, Johannem Montgomery et Robertum Fergusihill de cedem ; cuius indorfacionis tenor sequitur.

Indorfaciones sive Executiones Summicionis Forisfacture.

The xiiij day of the moneth of August, the zere of God (In lxxvij zeres, I CARIK, Purfewant, and fherein in jat parte, personaly paft to je Chemis of Montgrenane, and jare summond, chargeit and warnit Johne je Ros of Montgrenane to compere before our fourane lord in his Parlament to be beldin at Edinburghe the ix day of the moneth of October next to cum, with continuacione of dais, to anfuer to his hienes apone all je points, articulis and crimey of Treffounne content in our fourane lordis lettres : Before jir Witenes, William Campbele, Hew Flemyn, Thomas goung, and Walter Kid, with vtheris diuerfis. The iijvm day, I je said CARIK paft to je merkat corfe of Irwin, and jare be oppin proclaimedion summond je said Johne the Ros of Montgrenane to compere before our fourane lord je faldis day and place, to anfuer to his hienes apone the poynis and articulis content in je lettres : Before jir Witenes, Johne of Montgomery brojer to the Lord of Montgomery, Johne of Montgomery of Giffyn, Robert of Fergusihill of jat like, and Johne of Fergusihill, with vtheris diuerfis. The xvin day of je moneth of August, I CARIK, Purfewant, paft to the merkat corfe of Are, and jare be oppin proclaimedion summond and chargeit je said Johne the Ros to compere before our fourane lordes, at day and place aboune writis, to anfuer to all poynis and articulis content in jir lettres : Before thir Witenes, Johne Campbele of Schankiitoune, Fergus Fergushoune of Kilkerane, Andro Bulby alderman of Are, James Campbele of je Brownside, with vtheris diuerfis. In witness hereof I haue fet to my Signet.

Quo Johanne Ros fis fepe vocatus, per dictum Summicionem et tenorem eiusdem, ad respondend. dicto dominio nostro Regi in prefenti Parliamento, super proditoriis actionibus in dicta Summicione contentis, et non compar. legitimo tempore diei expectato, ordine et procedu continuacionem dicte Summicionis per Dominos, Barones, et Burgorurn commissarios huc uique juridice procedi, visis et intellectis, Colinus Comes de Ergile, &c. Cancellarius dicti domini nostri Regis et eius nomine, de suo expresso mandato, requiuit et pecit a dictis Dominis, Baronibus et Burgorum Commisaruis sua seniamenta et Decreta Parliamenti, penes procedu dicte Summicionis, fi dictus Johanne Ros de Montgrenane fuit culpabili in proditoriis actionibus prenominatis, et in dicta Summicione contentis : Quibus Dominis, Baronibus et Burgorum Commisaruis deligenter et mature auifatis, inuenerunt, et vnufquisque pro feipso, deliberauerunt, quod dictus JOHANNE ROSS fuit culpabili in omnibus proditoriis actionibus
prenominatis in dicta Summonicione contentis, exceptis factis apud Abirdene: Et
ideo datum fuit pro Judicio fiue Laudo Forisfacture, per os Alexandri Dempflar
Judicatoris Parliamenti, in modo et forma sequen. in wlgari.

Judicium super Laudum Forisfacture.

This Court of Parliament schewis for law, and I gif for Dome, that forfamekle
as it is fundin be senfiment of Parliament, that John the Ross of Mont-
grenane has committ and done Treffounye agane oure fouerane lorde ye King
and his Realme, in the pointis and articlis abone writtin, contenit in ye Sum-
mondis maid pairapone, except ye wyrkingis maid at Abirdene, That pairfore
ye said John ye Ross has forfalt to our fouerane lorde ye King, his lif, landis,
offis, gudis movable and vnmovable, and all vtheris his posseffionis quhatfum-
euer he haid within ye realme of Scotlande, euermare to remane with our said
fouerane lorde, his aires and successouris, for his Treffounye and offence. And hy
I gif for DOME.

High Treason.

Eodem die, Cuthberto Murray de Cropley sepe vocato, per Sum-
monicionem regiam et tenorem eiusdem sub testimonio Magnij Sigilli regii de-
per directo, ad respondend. personali dicto domino nostro Regi, in presenti
Parliamento, super certis proditoribus actionibus in dicta summonicione contentis;
et non comparend. continuatur ad craitum videlicet decimum quinimum mensis
octantia Octobris, cum continuacione dierum, in eadem forma ut nunc eft, ab-
que prejudio parcium.

Regulations for the due Administration of Justice.

[One of the earliest public Acts of the first Parliament of King James V, throws much valuable
light on the energy and vigour recommended and enforced by the advisers of the young King, whose
personal activity and zeal in the discharge of all the functions of the royal office are well known
and acknowledged. It is preceded by the following brief resolution, which, as is generally allowed, he
fulfilled even to the letter. This is avivit and condedit, anent the furthe putting of justice throw all the
Realm, that our fouerane lord shall ride in proper persounes about to all his Ayriss: And pat his
Justice fall pass with his hienes, to minifter justice, as beis thocht expedient to him and his Coun-
sale for the tyme.

As the future proceedings frequently refer to the discharge of the important duties intrusted to the
Lords and Barons named, it has been considered necessary to lay before the reader the particulars,
which as usual are concisely stated.]

Oct. 17.—Anent the stanching of Thift, Reff, and vtheris innormitie,
throw all ye realme, thir Lordis vnder writtin has maid faihte and gevin par

1 This case was continued from time to time; but, from the imperfect state of the Records, it does
not appear whether he was forfeited or not. The probability is that he was not, otherwise so much
delay would not have been granted him. ² Acta Parl: 1488, cap. 9. ³ Ib. cap. 8.
bodily aithis to our fouerane lord, in this his Parliament, that pai and ilkane of thame fall diligently, withe all cure and befinace, ferche and feik quhar ony Sic trespassflouris ar fundin or knawin within par boundis, and tak þame and justifie þame, or mak þame be send to our fouerane lord to be justifit: And pai fall haue pouere of our fouerane lord, vnder his quhite walx, to tak and punys the sайдis trespassflouris but favouris, according to justice: And als, to gif þame pouere to caufe vtheris finale Lardis within par boundis to mak faith elik wife, and to rise and assift to þame in the takyn of þe sайдis trespassflouris.

BARONS appointed to search for and punish trespassers.

THE LORD HALIS and ALEXANDER HUME for the MERE, LOUDIANE, þe Wardis of HADINOTOUNE, LINLITHGOW and LAUDERDALE.

THE LORD HALIS for KIRKUDBRYCH and WICOUNE.

THE EARL OF ANGUSE for the scherifdoms of ROXBURGH, SELKIRK, PEBLIS, LANARK.

THE said EARL and the LORD MAXWELL for DRUMPHEER.

THE LORD KENNEDY for CARRIE.

THE SHERIFF OF Ayr for Ayr.

THE LARD OF CRAIG for KIL.

THE LORD OF MONTGOMERIE for CUNYNGHAME.

THE EARL OF LEUKNAY, the LORD LILE, MATHEW STEWART, for RENFREW, THE MONE-LAND, LENNOX, BOTHWIL, GLASGOW, KILBRIDE, APANDALE.

And the forsaid LORDIS and the LORD OF MONTGOMERIE for DUNBARTNE, THE LEUKNAY, BUTE, and ARGAY.

THE SHERIFF OF STERUILLAN and JAMES OF SCHAW for STERUILLANCHE.

ARCHIBALD EDMANSTOUNE for MENTEITHE and STRATHHEATHERNAY.

THE CHANCELLOR, the MAISTRE of EGNILE, for EGNILE, þe half of LORNE, KINBANE, KINTyre and COWALE.

DUNCANE CAMPBELL, NEILE STEWART and EWNIE CAMPBELL, for DISCHER, TOWRE, GLENURGAL, RANNOCH, APANIDE, GLENLYOUNE, GLENFALLCHIE.

THE EARL OF ATHOLE and ALEXANDER ROBERTSOUNE for ATHOLE.

THE LORDS DRUMMONDE for STRATHIENE, BUCHEQUEDERE, and DUNBLANE.

THE LORD OLIPHANT for þe Lawlande of þe scherifdom of PERTHE, STRATHBEARN, and the bishoprick of DUNDELNE.

THE LORD GRAY, the LORD GLEAMYS, the MAISTRE of CRAUFURDE for ANGUSE, His land and Law land; and to sit with þe justicis of the Regality, &c.

THE EARL MARCIALL for the MERNIS.

THE EARL of HUNTLIE, the EARL of EROE, the LORD of INVERRUGY fra the Monthe northe fra Inverneffie, in . . . . .

THE SHERIFF of FIFE and þe LORDS LINDSEAY for þe scherifdom of FIFE.

Forfeiture of the Earl of Lennox, his son the Master of Lennox, and Lord Lyle, recalled.

[Shortly after the coronation of James IV, the leaders of the party who had unsuccessfully opposed him while Prince, at the Field of Stirling, precipitately organized a Conspiracy against him,}
under the pretence of revenging the late King's death. For this purpose they hoisted the bloody shirt of James III as their standard, and appealed to the sympathies of the people. The attempt appears to have been premature, and proved abortive; for John Earl of Lennox, and Robert Lord Lyle, the Earl Marischall, Lords Forbes and Crichtoun, with the Master of Huntley, &c. were totally overthrown, in the month of October 1489, near Touch, at the Talla Moss, being about sixteen miles from the town of Stirling. The King, however, with singular leniency, speedily restored them to his favour, and spared their estates.

Reference may be made to Mr Tyler's valuable Historical work for a full account of all these transactions, which are likewise related by Buchanan, Lesley, &c. which last authority states, that 'ane greit nombre of the Lennox men wer flame, and findry of the Barronis, sic as the Lords (Lairds) of Kilcrouicht and utheris, tane and bangit thairfoir.' Sir James Balfour informs us, that this 'Laird of Kilcreuch' was 'Chieff of the Galbraiths.'

It has been thought that the reader would prefer to have before him the King's warrant for recalling the Forfeitures which had been taken place. The Act of Parliament itself may be seen in the new and valuable Edition of the Acts of the Parliaments of Scotland, printed under the care of Thomas Thomson, Esquire, the present Deputy Clerk Register.

Jun. 26, 1489.—Preceptum Regis pro extraccione processus Comitis de Leuenaz, Roberti Domini Lile, et Mathej Stewart. Rex,

Clerk of our Registre. Wit 3e, that sforlamekle as it is now fundin and declarit be the thre eftatis in this oure Parliament, that pe Procefs of Forfaltour led apone oure coungifs John Erle of Leuenax, Lord Dernely, Matho Stewart his fone and apperand are, Robert Lord Lile, in our Parliament haldin laft of before, in our burghe of Edinburghe, is fundin and declarit of nane avale, as pe Act of Parliament maid now pairapone proportis: It is oure Will, and we charge 50w, that 3e herfore, incontinent eftir the ficht of pir our lettriz, tak furthe pe faid procefs of Forfaltour of 3our bukis of Parliament, and deliuer pe famynynto pe faid John, Matho, and Robert, and distroy pe famyny procefs, in sic wife, pat it be neuer sene in tymne tocum. And this one na wife 3e lef vndone: Halding pir our lettriz subfcriuikt with our hande for 3our werrande. Writtin at Edinburghe, the vj day of Februare, the 3ere of God J".lxxix.3eris, and of our regne the secunde 3ere.

[James R.]

Diletco clerico nostro Magistro Ricardo Murehede, Decano Glasguen. Clerico Rotulorum nostrarum et Registri ac Confilij, &c.

\[1\] Tyler's Hist. of Scotland, IV. 345, &c.  
\[2\] Bannatyne Club's Edit. 4to, 1830, p. 60.  
\[3\] The want of the Criminal Records prevents us from ascertaining who those persons were.  
\[4\] Annales, I. 215.  
\[5\] This was done by Act of Parl. Feb. 5, 1469-70. Vid. Acta Parl. II. 217.
CRIMINAL TRIALS.

A.D. 1493.

CURIA SUPREMI DOMINI NOBIS REGIS, (TENTA APUD) BURGUM DE LAUDIR, DICE
JOVIS, EPTIMO DIE MENSIS NOVEMBRIS, ANNO MILLEFEMTO) QUADRIGENTESIMO
NONOGENIMO TERCIO, CORAM NOBILIBUS DOMINIS (ROBERTO DOMINO LYLE
ET LAUREN)TIO DOMINO OLIPHANT, JUSTICIARIUS SUPREMI DOMINI REGIS,
EX (PARTE AUSRALLI AQUE DE) FORTHE.

LETTERS OF GENERAL REMISSION,

GRANTED BY KING JAMES IV. TO THE INHABITANTS OF BERWICKSHIRE,
THE MERSE, AND LAUDERDALE.

JAMES, be the grace of God King of Scottis, to all and syndrie oure
Justicis, . . . . . . . Justice clerkis, Crounaris, and thare deputis, and utheris
oure officiariis, liegis, and subditis, (quhome it) efferis, quhais knawliege thir oure
lettres sal cum, greting. For famekil as We grantit, of before, generale Remi-
ッション to all and syndri oure liegis and subditis, inhabitant the bounds of the
Skerefdome of Berwic, the Merf, and Lawdirdale, for all crime and actionis
committit be thame, in ony tyme bigane, before the day of oure Coronatioune :
And as 3it, ane pairt of oure liegis has nocht rafite thare Remiissionis therepoune :
We heiroir, of our speciale grace and favouris, has Respectit, Remitit, and
Forgevin, and be oure Lette speciale Respectis, Remittis, and Forjevis for
evirmare, all and syndri oure liegis and subditis, inhabitant the bounds of oure
Skerefdome of BERUSIC, THE MERSE, AND LAWDIRDALE, of quhat estate, dege,
and conditione thail be of, to be unattachit, unarrestit, unperfisit, unfolowit, ony
maner of way, in all tyme to cum, be ony of our officiariis, liegis, or subditis for-
faideis, for ony crime, offendis, refis, herfichpis, flauteris, birnyngis, murthir,
tresonis, or uthir trejspiais quhatsumevir, committit or done ony maner of way,
before the date of oure Coronatioune forfaide, be ony of our liegis or subditis
forfaide. QUHAIRFOR, We charge straitlie and commandis 3ou, all and findrie
oure liegis and subditis forfaide, that none of 3ou tak upoun hand, to attach,
arrest, perfl, or folow ony maner of way, ony of our liegis or subditis forfaide,
for ony crime of trefoune, offendis, or trejspiais quhatsumevir, committit or done
be thame, or ony of thaim, in tyme bigane, before the day of our Coronatioune
forfaide, in ony tyme to cum. As 3e wil anfuer to us therepoune, and undir
all the hieft payne, charge, and offens that 3e or ony ane of 3ou may commit or
inryn' agane our Majesté riall, in this presfent; dischageing 3ou and ilk ane of
3ou of 3our officis in that pairt, be thir oure Letres: GENVIN undir oure Privé
Sele, at Dingvale, the xxiiij day of October, the 3ere of God Ix. iiiij. nynty thre
3eris, and of our regne the 3ext 3ere.

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1 The words within parentheses are supplied from similar entries. The commencement of the volume
is much decayed and destroyed by damp, &c.
2 Whom it concerns; to whose knowledge, &c.
3 Resipted.
4 Literally run into; incur.
5 Royal.
Slaughter.

Nov. 9. (dies Sabbati; viz. tercia dies Itineris.)— Thomas Bròune, in Langtoone, convicted of art and part of the slaughter of vmq Thomas Achin-foone.—BÈHEADED. — James Bròune in Langtoone was put to the horn, &c. for the same crime; and his cautioner, William Amere, son of Robert A. in Todrìk, was americated in L. 20 for his non-appearance.—(Nov. 12.) ROBERT DOUGAL in Langtoone was BÈHEADED for the same slaughter.

Hamesucken.—Stouthreif.

Nov. 12.—WILLIAM COKBURNE, son and heir of the Laird of Langtoone, and nine others, permitted to compound for art and part of the forethought felony and 'Hamesfukin' done to Robert Sleich, his wife and children, at the Place of Oxinden: And also, for Stouthreif of a bonnet and 'quhyngare' from the said Robert, at the same time.

Killing Hares in forbidden time.

WILLIAM COKBURNE, son and heir of the Laird of Langtoone, came in the King's will for flaying of Hares, during the forbidden time.

Stouthreif from the Laird of Spottiswood, &c.

Nov. 13.—SYMON FURDE in Toftis, and Thomas Furde of Litil Harlaw, and fix others, came in the King's will, for forethought felony and ' Hamesfukin' done to James Spottiswode of that Ilk, George and Adam Spottiswode, at the Place of Spottiswode: And also, for art and part of the Stouthreif of three lances from the said perfons, at the same time.—The Master of Hume and George Hume of Wetherburne became cautioners for the satisfaction of the King and parties. (Americated L 4 each.)

Slaughter—Forethought Felony.

JAMES SPOTTISWODE, junior, Adam S. and Thomas Wod, got a Remifion for art and part of the cruel Slaughter of vmq Thomas Burne, in the town of Blythe: And also, for art and part of the forethought felony done to Alexander Hog.—The Laird of Spottiswood became surety for satisfying the parties.

1 SATURDAY or Sabbath, the Jews' day of rest. SUNDAY is universally translated in ancient documents, especially legal writings, dies Sodis or dies Dominica. Want of attention to this circumstance has led to frequent errors and misstatements. 2 MEMO. Quod de bonis Thome Bròune datur in elinoinsa uxori et prolibus, ij. vaccas, le rov...cornum, cum ustenfilibus domino Regi pertinent.' This case took place on the same day with the preceding. 4 This fine was probably to the King. The parties would not be so easily dealt with. It may be taken for granted that all entries of similar 'smercements' and fines, in the Record, were merely to the Crown, in modum penae, without reference to the 'affrithment' or compensation to be made to the private party, which was matter of private negotiation or of reference to arbiters mutually chosen.
CRIMINAL TRIALS.

Felony done to the Laird of Blyth.

James Spottiswode, junior, and Robert Steill came in the King’s will for the forethought felony done to James Weddale of Blyth. The Laird of Spottiswood became cautioner to satisfy the parties. Americated L.3 for each.

Forethought Felony.

Nov. 14, (sexta dies Itineris.)—The Laird of Spottiswode, Adam and James, his sons, and George, his brother, came in the King’s will for the forethought felony done to William Knox and Cuthbert Forster, at Ryeculche. The Laird became surety to satisfy the King and parties. Each americated in L.2.

‘Affictio juvenis, pro Interfectione in octennio commissa.’

[The following case of a boy of eight years of age being punished by public flogging at the parish church of Legerwood, until blood should be drawn from him, is so remarkable, that the Editor has deemed it best to give the precise words of the Record, the force of which would be much weakened by any translation. In all similar instances, wherein the ordinary technical phraseology of the Books of Adjournal has been departed from, he has uniformly followed the same rule.]

Nov. 14.—Quo die Thomas Gothrasone juvenis in judicio fatetetur Interfectionem Johannis Smythe, filij Thome Smy: Quapropter ordinatur per Justiciaryum, Vicecomes Dominus de Corby ad hoc juratus, asligere eundem Thomam, pro hujusmodi Interfectione, apud Ecclesiam de Ligertwode, in cujus parochia dict. Interfectio fuit commissa, in die solemnii, ubi ad effusioem sanguinis; quia dictus Thomas Gothrafoune commisit dictam Interfectionem in octennio, et in hac etate non poterat ad mortem pro crimine justificari.’

CURIA Itineris Justiciarie de Jedworth, inchoata die Lune, Nov. 17, 1493.

Intercommuning with the English.

Nov. 19, (die Martis, tercia die Itineris.)—Walter Talzour, ‘Baro de Haffindene,’ permitted to compound for Intercommuning with the English.—The Laird of Bucluche became surety for the entry of the said Walter, at the next Justice-aire.

Treasonably being with the Duke of Albany.

Thomas Turnebule, in Gaithouscot, produced a Remission for his treasonably being with Alexander formerly Duke of Albany;¹ and specially, at the Burgh-Mure of Edinburgh.

¹ Brother of King James III, and uncle to King James IV; and who treasonably conspired against his brother. After having escaped from Edinburgh Castle, in 1479, he fled to France, and was for-
Intercommuning with Archibald Armstrong.
Walter Robsone, in Harden, came in the King's Will for Intercom- 
muning with Archibald Armstrong, being at the horn for the Slaughter of the 
Laird of Eldmure.—Walter Ker became surety.

Treasonably being with the Duke of Albany, &c.
Ralph Anysele produced a Remission for his being treasonably with 
Alexander formerly Duke of Albany; and also with Richard Reid, Englishman, 
before the date of his Remission: Also, for art and part of the treasonable 
Stouthreif and ' Hereship' made at the Place of Spittale of xxiiiij oxen and cows, 
and vj herdes and maris, with goods and utensils worth x** li.,' from the tenants: 
thereof.—Andrew Ker of Farnyhirst became surety.

Bringing in the English of Tyndale.
Symon Young, in Rouchele, produced a Remission for art and part of 
the theftuous and treasonable inbringing of the Englishmen of Tyndale to the 
The 'Hereship' of Thomas Leipdene and Mathew Michelfoun, dwelling in Hun- 
dolce.—Andrew Ker of Farnyhirst became surety to satisfy the parties.

Intercommuning with the Thieves of Levyn.
Nov. 20.—Walter Scott of Edshaw permitted to compound with the 
Treasurer for his treasonably Intercommuning with the Thieves and Traitors 
of Levyn.

Treasonably being with the Duke of Albany.
Patrick Mow produced a Remission for his treasonably being with 
Alexander formerly Duke of Albany.

Forthought Felony — Stouthreif.
William Tayt in Cesfurde-manys, and Robert Burne his cousin-ger- 
man, came in the King's Will for art and part of the forthought felony done to 
Thomas Young, by way of Murder, at the ford of Cale: And also, for Stouthreif 
of a herne, a saddle, a bow, with a fatchel and purse, and 20 l. being in the faid 
purse.—Sir Robert Ker, knyght, became surety. Each amerciated in 40 l.

* * *

feted, Oct. 4 of that year. In 1482 he went to England, swore fealty to King Edward IV, and 
assumed the Title of King of Scotland. The King, his brother, shortly afterwards forgave him; but 
he soon more proved a traitor; and, after having given up the Castle of Dunbar to the English, again 
retired to England. On Jul. 22, 1484, he was routed at Lochmaben; but escaped to France, leaving 
the Earl of Douglas, &c. prisoners. He was a second time forfeited, Oct. 1, 1497, and his estates 
were finally annexed to the Crown. This turbulent Prince was killed at a tournament in Paris, in 1485.

1 Ten score, L200.  
2 See Mar. 2, 1404-5.  
3 Cum pera et loculo. Peru usually 
denotes a pock, budget, or bag for provisions, &c.

† c
Slaughter — Stoutbreif.

John Murray, (residing) with Walter Ker in Cesfurde, produced a Remission for art and part of the Slaughter of William Auchinleck: Item, for the Stoutbreif of five eins of white woollen cloth from David Wodes man, during the time of the Rebellion of Alexander Duke of Albany.

Treason — Intercommuning with the Duke of Albany — Taking Prisoner and exacting Ransom, &c.

Adam Kirktoone, in Craigne-myline, produced a Remission for treasonable outputting and inputting, and common Theft, common Releat and common Treason, before the date thereof: Item, for his treasonably being with Alexander late Duke of Albany: Item, for the treasonable carrying off of a shoe-maker in Jedwortho1 to the English; and causing him to be redeemed for L.40.—Dand2 Ker of Farnyhirft became surety to satisfy the party.

Bringing in the English and Plundering Minto, &c.

William Grymyslaw, at the Kirk of Haffindene, permitted to compound for art and part of the treasonable bringing in of the English of Tynedale to the 'Herechip' of 100 cows and oxen, 100 sheep, 20 horses and mares, and sundry utensils, furth of Myno: Item, for his treasonably Intercommuning with the Thieves of Levyn.—Walter Scot of Howpallot became surety for satisfying the parties.

Concealing 'pas-pennys' found in Minto-Kirk.

Nov. 21.—John Sinclare in Myno, and four others, came in the King's Will for treasonably concealing and Stoutbreif of x°° °°' pas-pennys' pertaining to the King, found in the Kirk of Myno.—The Laird of Bethroule and William Langlandis became their sureties.

'Herechip' of Harehede—Resetting Traitors of Leben.

Walter Scot of Howpallot allowed to compound for treasonably bringing in William Scot, called Gyde, John his brother, and other Traitors of Levyn, to the 'Herechip' of Harehede: Item, for theftuoufly and treasonably Refetting of Henry Scot, and other Traitors of Levyn: Item, for the treason-
ABLE STOUTHREIF OF FORTY OXEM AND COWES, AND TWO HUNDRED SHEEP, FROM THE TENANTS OF HARHEDE, AT THE SAME TIME.—ROBERT SCOT OF QHUITCHESTER BECAME SURETY FOR HIS ENTRY AT THE NEXT JUICE-AIREE.

STOUTHREIF—SLAUGHTER—COMMON THEFT.

PETER HALL, IN NEWBIGGIN, PRODUCED A REMISSION FOR THEFTFULLY CONCEALING OF A TARGET (SHEILD) MADE OF TANNED HIDE, AND A FASHBOARD, FROM JOHN HALL AND EDMUND HALL, FURTH OF NEWBIGGIN: Item, FOR ART AND PART OF THE SLAUGHTER OF JOHN HENRIQUEIN IN LINTOOLE: Item, FOR STEALING SIX EWE'S FROM THOMAS HENRIQUEIN, DWELLING IN JED-FOREFT: Item, FOR THE SLAUGHTER OF THE SAID THOMAS: AND FOR COMMON THEFT, BEFORE THE DATE OF HIS REMISSION.—DAVID ANYFL BECAME SURETY TO SATISFY THE PARTIES.

[JOHN LORD DRUMMOND, DEPUTY AND LIEUTENANT OF JOHN LORD GLAMIS, AND ROBERT LORD LILE, JUSTICIARS ON THE SOUTH PARTS OF THE FORTH.]

BURNING OF MYNTO—SHEEP-STEALING, &C.

Feb. 26, 1594-5, (secunda dies Itineris.)—GILBERT SCHEVILIE, IN BETHRUAL, PRODUCED A REMISSION FOR BURNING OF MYNTO: Item, FOR BEING ART AND PART WITH ALEXANDER LAKE DUKE OF ALBANY: Item, FOR STEALING FOURTEEN SHEEP, 30 WIS, (EWE'S,) &C. &C.—THE LAIRD OF BEDROUZE BECAME HIS CAUTIONER.

SLAUGHTER, &C.

JAMES PILMURIE, IN EDNAM, PRODUCED A REMISSION FOR THEFTFULLY WRAFTING OF THE GOODS OF GEORGE SMYTHE, AT THE TIME HE LAY WITH HIS WIFE: Item, FOR THE SLAUGHTER OF ALAN GLAIFGW.—RALPH KER BECAME SURETY TO SATISFY THE PARTIES.

REASONABLY BRINGING IN THE THIEVES OF LEVEN, &C.


1 'Unius tergoia corticati.' 2 Ovium in 30 wis. 3 At the end of the proceedings of this Aire, there is the following entry: 'Summa tota exstincta Itineris, Vs. iii. xlv lib. xviiij f. iiiij d. (L575, 18s. 4d.) 4 In Adultery, 'tempore quo concubui cum uxore eis.' There are numerous entries to the same effect, both in the Criminal Records and in the Register of the Privy Seal, where Remissions frequently occur for this offence. 5 Five score.
Slaughter of Sir George Farniaw, chaplain.

ROGER LANGLANDIS, Sir Robert Ker, kn., and John Rutherfurd of Edgarstoune, often called to enter Roger Langland to underly the law for the Slaughter of Sir George Farniaw, chaplain, under the pain of L.20, for which they had become bound to the Sheriff of Roxburgh, as they confessed in judgement; and not appearing, they were americated in the said sum: And it was ordained, that the said Roger shall be denounced Rebel at the horn; and all his goods to be efechated to the King.

Slaughter.

THOMAS RUTHERFURD, son of Nicholas R., denounced Rebel, and all his goods ordained to be efechated, for not underlying the law for the Slaughter of Duthac Rutherfurd.—John R. of Edgarstoune, his cauterion, americated L.40 for his non-appearance.

Theft.—Stouthreif—Bringing in the Thieves of Leben, &c.

Mar. 2, (quarta dies Itineris.)—ALEXANDER TURNBULE, son of Andrew of Dridane, produced a Remission for the theftuous Reft of Adam Howatstoun and Robert Jakson in the Thiefs committed by them; and specially, in the Theft of fix ewes ("sewes") from James Ker, furth of Fastheucie: Item, for art and part of treafonably bringing in the Thieves and Traitors of Levyn upon Thomas Myddilmaff, in Piore; and Slaughter of his wife, and two fiouns, called Ninian and John: Item, for art and part of the treafonable Stouthreif, from the said Thomas Myddilmaff, at the fame time, of xj horfes and mares, price 100 merks; xliij oxen and cows, price L.88, &c.—(the specification is so remarkable that the remainder of the charge is given in the original terms of the Record)—

'ij le fandis armorum,' precium L.20; xi lib. auri et argenti; 'fib coeliariun argenteorum,' precium 6 marc.; una magna duodena vaforum flanearum,' precium L.7; 'fib togarum vironum,' precium L.8; xj togarum fubuncularum feminearum,' precium L.22; xij flammearum,' precium L.12; v caducarum,' precium L.10; v arcium,' precium 50 f.; xj lancearum; 'vij bipenium,' precium L.2, 10 f.; 2 annulorum aureorum," precium L.5; iij le tykis de fiddirbeddis, precium L.5; xxij parium linthianium," precium L.11; xxij coeptorium de le worfet," precium L.10; xvij lodicium," precium L.6; xx trinaclium," precium

1 Suits of mail or armour. 2 Gold and silver coin. 3 Silver spoon. 4 A great dozens of tin or pewter flagons or vessels. 5 Men's gowns. 6 Women's kirtles. 7 Scarf or veils. 8 Generally understood to be blankets or coverlets; but in this instance the term seems to be figuratively used for a sort of shield or target. 9 Hand-bows. 10 Lances. 11 Halberts or Pole-axes. 12 Jeddart-flaffa. 13 Gold rings. 14 Pairs of linen sheets. 15 Blankets; worsted coverlets. 16 Sheets. 17 Perhaps crinaclium, hair-pins, or brooches. The Editor never met with this word before, and he does not find it in Dunsge or the other Glossaries.
7 Jac. IV. CRIMINAL TRIALS.

20 f.; a gladiorum, 4.5.; unius dace corej frimiti, 3.; oceaream cellarum 4. et aliorum bonorum utenfilium, precium L.5.; quinque capparum Flandrie, 4.; precium L.2., 10 f.; duarum telarum panni gerflj, 4. precium L.10.; trium telarum panni linej, 4. precium L.3.; v boxarum, precium L.2, 10 f.; quatuor le cafferis, precium 26 f. 8d.; quinque duplji camentorum bitmiti, 4. precium L.2, 10 f.; trium ulnarum panni Anglicani, 4. precium L.3.; trium maniitergiorum, 4. precium 6 f.—Robert Scot of Quhitchetger became surety to satisfy the parties.

Forethought felony—Wounding—Stouthrief.

Davie Tait, brother of William in Ceufumans, came in will, for art and part of the forethought felony done to Thomas Young, and cruelly Wounding him, at Call, 10. under silence of night; and for Stouthrief from him, at the same time, of his horse, sadddle, bow, pair of spurs, 'quihinseare,' purse, and xx f. of silver therein.—The said William became surety to satisfy the King and party.

Curia Itineris Justiciarie de Liddalisdale, inchoata Mar. 2, 1494-5.
The Earl of Bothwell and the Laird of Hallrule amerciated, &c.

William Elwaid.—Patrick Earl of Bothvile and Lord of Liddalisdale, and George Turnbule of Hall-Rule, Captain of Hermitage, called as lawful sureties of the said William, as they received him in Indenture from the Coroner; 19 and not compearing, they were amerciated in x1.—On the same day, they were also amerciated for the non-appearance of eighty-five others, Elwaldis, Armstrangis, Wighames, Crofares, viz. to the extent of L.850; among the rest appear Archibald Armbrang, Cole Wighame, &c.

Slaughter—Intercommuning with a Rebel.

Mar. 3, (quinta dies Itineris.)—Robert Scot of Quhitchetger permitted to compound for the Slaughter of Adam Craufurde: And for Refetting, supplying, and Intercommuning with Alexander Jardine, being at the horn.—The Laird of Buckcluche become surety to satisfy the parties.

1 Swords. 2 One daker of tanned hides. A daker of hides consists of ten skins. 3 Riding greaves or boots. 4 Flanders caps. 5 Webs of grey (worsted) cloth. 6 Webs of linen cloth. 7 The Editor can form no idea of the nature of these articles. There must surely have been some extraordinary mistake on the part of the transcriber, in copying the items from the Ditay. 8 Three else of English cloth. 9 Handkerchiefs. 10 See Nov. 20, 1499. 11 Aula de Roule. 12 A cox. 13 ′ Viz. tercia Martij Carnispruuij,′ (in Lent.)
CRIMINAL TRIALS.  A.D. 1494-5.

LIDDALINDALE.

Resetting a Rebel.—Slaughter of the Laird of Elmere.

ELIZABETH THOMSOUNE, in Corrifheuche, permitted to compound for Resetting Joishe Glenquhin, being at the horn for the Slaughter of the Laird of Elmere.

Expenses of the Aire of Jedworth.¹

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
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<td>Summa Totalis extractus de Jedworth, (Exceptis bonis ecastis)</td>
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<tr>
<td>Item, pro expensis Domini Justiciarii, tempore Itineris,</td>
<td>xiliij li.</td>
</tr>
<tr>
<td>Item, pro expensis Domini Thesaurarii, et Abbatis de Dunfermling compostorum,</td>
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<td>Item, pro expensis Domini Camerarii compositoris,</td>
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<td>[Summa Expensarum, xiliij li.]</td>
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<tr>
<td>Item, pro hospitio Domini Justiciarii,</td>
<td>xxvij f. vii d.</td>
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<tr>
<td>Item, pro hospitio Domini Thesaurarii,</td>
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<td>Item, pro hospitio Domini Abbatis de Dunfermling,</td>
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<tr>
<td>Item Fratibus de Roxburgh, in elemofina Regis,</td>
<td>xI f.</td>
</tr>
<tr>
<td>Item, pro arma Domus Affisle,</td>
<td>xx f.</td>
</tr>
</tbody>
</table>

[Summa hospitiorum, vij li. vj f. viij d.]

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summa totalis Extractus, expensis deductis,</td>
<td>I insisted. lxxiij li. xiliij li. iili d.</td>
</tr>
</tbody>
</table>

(Viv. xxxiiij li. except. Liddalindale.)

Bona, profentia Itineris de Jedworth.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Math Gothrafone, in Mow,</td>
<td>j cow, vij gait.</td>
</tr>
<tr>
<td>Jok Wricht, in Luytoune,</td>
<td>j mero, j pot.</td>
</tr>
<tr>
<td>David Wricht, in Luytoune, brothir to Dik Wrycht,</td>
<td>j cow, j nag.</td>
</tr>
<tr>
<td>John Turnbule, Sande Turnbale brothir of Bellentyn, callit blind John,</td>
<td>iij ky.</td>
</tr>
<tr>
<td>John Turnbale, callit Cyf, in Netirh Bonecheillir,</td>
<td>iij ky.</td>
</tr>
</tbody>
</table>

[Curia Itineris Justiciarie de Selkirk, inchoata die Mercurij, quarto die mensis Martij, 1594-(5.) Coram Johanne Domino Drummonde, deputato et Locum-tenente Johannis Domini Glammys, et Roberti Domini Lile, Justiciariorum f. d. n. Regis, ex parte australi aqua de Forthe.]

Sheep and Horse-stealing.

Mar. 5.—DAVID TURNBULE, son of the Laird of Qubithope, in Ernheucht, produced a Remiffion for art and part of the Stouthrieft of xiliij ewes ('zowis') from Ninian Murray, furth of Kerhop: Item, for Stealing a white horie furth of Innerlethan, from Thomas Foreft, &c.—Walter Scot of Tulche-law became surety for forfifying the parties.

¹ Reference may be made to the Appendix to this reign, for many interesting notices connected with the Justice-aires. ² L.1583. ³ The Compositors for each Aire were formerly appointed by the Privy Council.
Stouthreif from the Tower of Howpaslot, &c.

James Turnbule, brother of the Laird of Qhithop, produced a Remission for art and part of the Thift of xviij ewes furth of Bowhill, from Robert Bladene, in company with Walter Dalgleich: Item, for art and part of the Stouthreif of iron windows, doors, and ‘crukis’ furth of the Tower of Howpaslot, pertaining to the Laird thereof. — The Laird of Qhithop became surety to satisfy parties.

Burning the Place of Fastheuch—‘Herschip’ of Hangitschaw, &c.

Andrew Turnbule, ‘calvus’ (bald), produced a Remission for art and part of Burning of the Place of Fastheuch, and Stouthreif of certain horses, cattle, and other goods furth thereof: Item, for the theftuous Refetting of the Traitors of Levyn, coming with them to the Place of Hangitschaw; and for Stouthreif of eight horses, and goods and utensils therefrom, to the value of £ 1. — The Laird of Qhithop became surety to satisfy the parties.

Resetting Traitors of Leben, &c.—Oppression—Intercommuning with the English—Slaughter, &c.

Mar. 5.—John Scot of Dalloriane allowed to compound for art and part of the Refetting of John Rede and John Scot (Scot-Stow, in Tusche-law) in his theftuous deeds; and specially, the time that the said John (Scot)-Stow stole a ‘drift’ (dove) of sheep from Thomas Johnstone, furth of Qhithop: Item, for theftuous and treaftable Refetting Hector Armstrong, a traitor of Levyn, in his theftuous deeds and treasons, &c. &c. Item, for common Oppreffeion of the lieges, in taking and plundering them of their horses and goods, by his own authority: Item, for Intercommuning with the English, in treaftable manner: Item, for common Refet of the Thieves of Liddalidlaide, Elkdale, and Ewifdale: Item, for Slaughter of one called Colthride, &c. &c.—Robert Scot of Qhuitchefter became surety to satisfy the parties.

Horse-stealing from the Earl of Angus’s Servants, &c.

Mar. 6.—Adam Scot, in Auldinnichop, suffered to compound for Stealing two horses from the servants of the Earl of Angus, coming to Heremitage: Item, for the theftuous and treaftable Refetting of the Traitors of Levyn in their Thefts and Treafonable Deeds, &c. &c.—Walter Scott of Howpa slot become surety to satisfy the parties.

1 ‘Femifrarum ferresum’; perhaps the phrase may denote stanches, or rather the strong iron frame-work built or soldered into the solid masonry, beyond the casement. It was not usual to glaze iron work.
2 Item, for.
3 Walter Scot.
4 There is a long catalogue of similar crimes of no interest.
CRIMINAL TRIALS

William Clerke, at the Kirk of Ettrick, produced a Remission for the Slaughter of Robert Hay, Gilbert Cockburne, Thomas Lovel, and Gilbert Ker-michel. — David Pringle of Torwoodlee became surety to satisfy the parties.

Precept in favour of Sir Thomas Turnbule.

Justice, It is our will, and for certane considerationis movyn us, We charge you, that no charge noch, nor compel our lovit knycht, Sir Thomas Turnbule, to fynd fouerte, in our Justice air, for satisfactioune of party, for any actione that he may be accuift of, commitit before our Coro-natione. And that Precept be you fene and understandin, delwer to famyn againe to be bera. Gevin undir our signet, at Linlithgow, the xxv day of Februarie, and of oure regne the sevint yere.

[JAMES R.]

Bond by Walter Scott of Bukcleuiche.

The following document is given here, as a specimen of the forms of such writings at this early period. They are only occasionally inserted at length in the Record, in remarkable cases, and in many instances contain the signatures of the parties.

Apud Edinburghe, Maij xviiiij. 1498.—In presence of the Lordis of Counfale, Walter Scot of Bukcleuiche is becumyn plege and soirte for his entre of Georg Yount, takyn by Rinseane of Rupefurde, Hew of Douglace, and pare complicis, furthe of Mynty toune; contentit in a Bill of complaynt gevyn in be his fate Walter, that he fall entrir his saide Georg Yount, in his next Justice-are of Jedworthie, the thrid day of his famyn, till undirly his law, apone his actionis and crimez til be imput be his saide Rinsean and Hew, and pare complicis; undir his pain of xli li.

[Curia Itineris Jusliciarie de Peblis, inchoata die Lune, xij die mensis Novembris, 1498, coram Johanne Domino Drummond.]

Nov. 15, (quarta dies Itineris.)—John Twedy of Drummelzare and five others came in the King's Will for art and part of the Oppressioon done to Oswald Portewis and Jonet Flemyn his spoufe, in ejecting them furth of their fet in Urir Kingildurris. — The said John became surety to the King and parties. Each fined in five merks.

Barbarous Oppression, &c.

Nov. 16.—Alexander Scott, in Hoptoune, allowed to compound for Oppressioon done to Andrew Talzour, in riding his mare to death: Item, for

1 ' Apud Ecclesiam Forsfrtv (vis. de Ettrick.)
Oppression done to Thomas Elphinstoun, in striking his cow till she died: Item, for Oppression done to a child of the Laird of Adamlande, in striking him till he could not rise: Item, for forethought felony done to Thomas Elphinstoun, in Manniflande, and hurting him.—William Bel, in Peblis, became surety to satisfy the parties.

Stealing out of the Kirk of Innerleithen.

David Tait, son of Roger Tait, produced a Precept of Remission for art and part of the Stealing of a golden signet (seal), a gold ring, two silver girdles, nine veils of lawne, holland-claith, and other goods, to the value of xx li., from John Turnbule, brother of the Vicar of Innerleithan, furth of the Kirk of Innerleithan: Item, for art and part of the Theft of xij merks of gold and silver from Sir William Jurdane, furth of the said Kirk.—David Tait of Pryn became surety to satisfy the parties.

Stoutheart.

James Huntare and Gilbert Huntare, sons of the Laird of Polmude, convicted of art and part of the Stoutheart of half a 'fudder' of hay from Thomas Frefal and his brothers, furth of Nethir Myngeane.—Walter Huntare, son and heir apparent of the Laird of Polmude, became surety to satisfy the King and party, viz. each of them v li.

Resenting a Traitor — Fire-raising.

Nov. 18, (dies Sabbati, sexta dies Itineris.)—Thomas Middilmaist of Greveftoun produced a Respite for Resenting of James Elwalde and his accomplices, during the time the said persons committed Fire-raising and Burning of a 'Pele' in Bothil, together with goods and utensils to the value of iij li., belonging to William Hair: And for being art and part of the said Burning of the Place and goodsforefaid, being in the hands of our lord the King for the time, by reason of Ward.—Sir John Hay of Snaide, kn., Sheriff of Peblis, became surety.

Stoutheart of the Earl of Angus's lance.

Sir William Cockburne of Scirling, knight, came into the King's will for art and part of the Stoutheart of a lance from a certain man of the Earl
of Angus; which had been his own lance, and was previously stolen by the said man from his servant, the same day.

**Slaughter.**

**Edward Cokburne** produced a Remission for the Slaughter of Roger Twedy, in company with the Laird of Henyrlande. — William Cokburne of Henyrlande became surety to satisfy the parties.

**Slaughter — Stoutreif — Mutilation during Parliament.**

**Sir William Cokburne** of Scaling, kn', James his brother, and John Pattonioun, in Kingidurris, produced a Remission for art and part of the Slaughter of Walter Twedy, son of John Twedy of Drava, in Pehlis: *Item*, for art and part of Stoutreif of a sword and shield from the said Walter, at the same time: *Item*, the said William and James, for forethought felony done to Andrew Twedy, within the town of Edinburgh, during the time of Parliament; and for Mutilating him. — Sir William became surety to satisfy the parties.

**Burning of Cobantoune — Slaughter, &c.**

**Nov. 19.** — **William Murray** of Newhall produced a Remission for art and part of the treasonable inbringing of John Douglas, Traitor, furth of England, the time he committed Fire-raiuing, Burning, and 'Hereschp' upon the town and lands of Covantoune; extending in damages to the value of *xxvi*’ merks and upwards, about thirty years last bypast: *Item*, of art and part of the Slaughter of William Boware, at the same time. — John Earl of Morton became cautions to satisfy parties. — The said William was americated in *xi l.* as cautions for his own appearance, and *xi l.* for the appearance of Alexander, John, Thomas, and William, his sons, all of them having failed to enter.

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**Stouthreif — Cattle-stealing.**

*(Iter Justiciar de Edinburghe, Feb. 26, 1501-2.)* — **William Tait,** alias *Foule-thoumrys.* — David Pringil, in Tynneis, became surety to Mr Richard Laufoun for his entry at the next aire of Pehlis, to underly the law for art and part of the Stouthreif of *xxvj* oxen from William Murray, furth of the lands of Halis, in Lothian, under the pain of *xli.*

1 2000 merks.  
2 ' [text obscured]'.  
3 There is nothing worthy of being noted of the proceedings of this Aire, which was of short duration.
[Iter Justiciarie de Jedwrotie, inchoata die Lune, ultimo die Octobris, 1502, coram Andrea Domino Gray, Justiciarie, f. d. n. Regis, ex par t australi aquae de Forthe.]

Adultery, &c.

Nov. 4, (dies Veneris, tercia dies Itineris.)—James Davidsone, in Sprountoun, produced a Remission for the theftuous wafting of the goods of John Cordonar, during the time he lay (in Adultery) with the said John's wife. —William Cranstoun of that Ilk became surety to satisfy the parties.

The Laird of Cavers ameriliated, &c.

Nov. 6, (dies Sabbati.)—Robert Scott, son of John Scot, in Dalloaine, called Bellit Robin.—William Douglas of Caveris, surety for the said Robin, was ameriliated for his not entering to underly the law. —Scot to enter next air.

Stouthreif of Oxen and Horses.

Walter Scot of Edischaw produced a Remission for art and part of the Stouthreif of viij oxen from Robert Laudir: Item, for the Stouthreif of iiiij horefs and fundry other goods from him at the same time.—John Scot of Valis became surety for the satisfaction of the parties.

Slaughter.

Richard Jak, junior, in Auld Roxburgh, convicted of art and part of the cruel Slaughter of Thomas Dun.—Beheaded.

Horse and Sheep-stealing — Burning of Hirdmanstoun, &c.

David Scot, called Lady, in Stirkshawis, produced a Remission for art and part of the Theft of a horefe, price xl l., and fundry householde goods, value xl l., from John Spedane furth of Blakhalche: Item, for art and part of the Theft of xi sheep ("wederis") from John Spedane and Andrew Michelson furth of Blakhalche: Item, for art and part of the treasonable in-bringing of the Robfonis, Doods, and Charlis, Englishmen, to the Burning of Hirdmanstoun, belonging to Adam Ruthirfurdre: And for art and part of the Stouthreif of v horefs and mares, price xx l., from the said Adam at the same time: And for the Burning of certaine corns, extending to ij bolls, price of each boll 3s. The losis futfained in Burning the houfes of Hirdmanstoun extending to x l.:

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1 John Colthird, in Ruthirfurdre, was the same day convicted of art and part of the cruel Slaughter of John Jaksone and James Jakson, and beheaded.
2 There is no mention made of the nature of his crime.
3 See Nov. 9 and 10, 1502.
4 It is likely there must be an error in the Record here, or that the fire had been very partial, and confined to a small part of the barns or other offices.
Criminal Trials. A.D. 1502.

Jedworth.

Item, for art and part of the treasonable in-bringing of Archibald Armefrang, Ninian Armefrang, David Turnbull of Bonecheftir, and other Traitors of Levin and Liddalshdale, to the Burning of the places of Thomas Young, Thomas his son, William Johnstone, and Symon Leich in Cragend of Mynto; and for the Burning of seven horses belonging to them, at the same time; the losse sustained in Burning the forefaid Houles, and goods therein, being to the value of xli. Item, for art and part of the treasonable in-bringing of the said Traitors to the 'Hereschip' and Stouthreif of xvij oxen and cows, iiiij horses and mares, from the said Tenants of Mynto, ij cows from Margaret Urd, ij mares from Gilbert Johnstone, j mare from Symon Leiche, together with sundry other goods to the value of xli., plundered from the said Tenants at the same time.—William Turnbull of Mynto became surety to satisfy the parties.

Slaughter.

Nov. 7.—George Turnbull, in Wyndis, and twenty others of the name of Turnbull, (among others Blew John.) Alan Davidstone, tawbonaire,1 George Turnbull of Hawroull, Mark Ker of Dolphinftoune, Thomas Turnbull of Bethroull, &c., were americated in xli. for each of these persons failing to enter and underly the law for art and part of the cruel slaughter of Robert Oliuer.

Stealing Horses, Cattle, and Sheep — Resetting Rebels, &c.

[This portion of the Register of the Justice-airy of Jedburgh affords numerous instances of the activity of the family of the Oliveris in Stryndis, who appear to have made the most of the recent Michaelmas moon, the Goddess of the Borderers in their 'Herschips' and forays! The most interesting and curious of these entries are those which follow, though other Murders, Stouthreifs, and 'Herschips,' to a considerable extent, are also recorded.]

David Oliver in Stryndis, called David na gud Preiß, produced a Remission for art and part of the Theft of xij oxen and cows from Sir David Hume, kn., furth of Lawmer-mur: Item, for art and part with Thomas and Andrew Grymiiaiw in their theftous deeds; and for Reseting them at the time they were at the horn: Item, for art and part of the Theft of a mare from John Douglas, furth of Jedworth: Item, for art and part of the Theft of two horses and a mare, price of each viij merks, from William Pary, John Jamelone and Bellowe Ruffel, furth of Nefbit: Item, for art and part of the Theft of xx sheep, price of each vj l. from George Dowglas furth of Trowis.—Andrew Ker of Farnyhiirst became surety to satisfy the parties.

Sheep-stealing.

Robert Oliuer in Stryndis and David Oliuer there, produced a Re-

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1 Player on the tambour, tabbron, or tabberne; a kind of drum.
mission for art and part of the Theft of xxxvj ewes (’ 30wis,’) xi sheep, and xxv sheepe, from William Ker furth of Dernewik-mure.—Andrew Ker of Farnyhirft became furtey for to satisfy the parties.

Sheep and Cattle-stealing — Slaughthour.

Robert, John (brother of Ingram), and David Oliuer in Stryndis allowed to compound, by virtue of a Remission, for art and part of the Stouthreif of iij sheep from the Tenants of Jedworthex, Rowcastell, Langtoune, and Bethroull: Item, the said Robert and John for art and part of the Theft of vij oxen and cows from Philip Ormifouthoune, furth of Maxtoune: Item, the said Robert for art and part of the cruel Slaughtoure of John Moffet: Item, for art and part of the Stouthreif of xxxij oxen and cows, ij’ 30wis’ and ’ wedderis,’ iv horflis and mares, and fundry other goods to the value of xi li., from John and Robert Barrifsader, furth of Kellhop: Item, for art and part of the cruel Slaughtoure of Robert Brig, at the same time: Item, for Tresacen of old and new. —Mark Ker of Dolfinhountoune became furtey for John Oliver, to satisfy the parties; and Andrew Ker of Farnyhirft for the others.

Stealing Horses and Cattle — Stouthreif, &c.

Long John Oliuer, Little John O., and David O. in Stryndis, were allowed to compound, by virtue of Remission, for Stouthreif of vj oxen, price of each xxx f., &c. ’ Uniis equis,’ precijum x marc.; uniis olle, precijum xxxij f.; alterius, precijum xvij f.; uniis toge de Rowane-tanne, precijum iij li.; uniis le kirtill de braid red, precijum iij li.; alterius subuncile, le kirtle, braid rede, precijum iij li.; uniis toge bronej, precijum xl f.; iv flamearum, precijum xxx f.; ij parium linthiamini, precijum xx f.; ij lodicum, precijum x f.; uniis le covering, precijum v f.; quinque ulnarem panij, le/fmale quhite, precijum xx f.; ij le farkis, precijum x f.; uniis deploidos, precijum xxx f.; uniis paris galligrantur de cariffay, precijum x f.; et aliarum rerum utenfilium ad valorem vij li.; a Martino Wode extra Quhitefelde: Et pro arte et parte Oppreffionis facte dicto Martino eodem tempore.'—Mark Ker (of Dolfinhountoune) and Andrew Ker of Farnyhirft became furteies.

Intercommuning, &c. with the Duke of Albany.

Nov. 8.—Robert Anisle (near Dolfinhountoune ?) produced a Remission

1 The rest of the enumeration is so curious, that it is proper to give it in the words of the Record.
2 A mare.
3 A pot.
4 A gown of Rouen tawny, (of orange colour.)
5 Of broad red cloth.
6 A brown gown.
7 Veils or scarfs.
8 Linen sheets.
9 Bed-sheets.
10 & Elms of small (narrow) white cloth.
11 Shirts.
12 A doublet, quadro vestis duplex.
13 A pair of kersey golligriftiss, ’ thankis,’ or hose.
for art and part with Alexander Stewart, formerly Duke of Albany, in his treasonable deeds, 'Hereschips,' and Stoutreifs.

**Stouthreif — Slaughter, &c.**

Robert Oliuer, in Lufruthir, Robert O., brother's son of David, James Oliuer, burgeis, and Robert Walche in Mervynnis-law, produced a Remission for art and part of the Stouthreif of ij' sheep, price 100 merks, xxix cattle, price three score merks, four horfes, price xij l, and fundry other goods and utenfils, value xx l. from John and Adam Barnisfader, furth of Kelhop: *Item,* for art and part of the cruel Slaughter of Robert Brig and Adam Barnisfader at the same time.—Ralph Ker of Prymfyloche became surety for satisfying the parties.

**Stouthreif — Sheep and Cattle-stealing.**

Ralph Anisle, near Dolfinhoutone, produced a Remission for art and part of the Stouthreif of I' sheep, x oxen and cows, from John Smyth, furth of Glengelt.—Mark Ker of Dolfinhoutone surety to satisfy the parties.

**Stouthreif in Company with the Armstrangis — Fire-raising, &c.**

Hector Laudir, in Clerklandis, produced a Remission for art and part of the Stouthreif of xl cattle from John Scot furth of Hodurn House, in company with the Armstrangis: *Item,* for art and part of the Burning of the Place of Quhirslaide, &c. &c.—John Scot in Walis became surety to satisfy the parties.—Robert Scot of Stirkshaws also became his surety, for being art and part of the Stouthreif of three score ' showis' from John Thomfone furth of Hertberne, &c. &c.

**Sentence of Death against the Oliers.**

A Dome, in full of borowis; gevin apone pe Oliueris, as followis,

This Court schawis for law, That forfamekill as Robert Oliuer in pe Stryndis, Dauid Oliuer par, Martine Oliuer par, and Mathow Oliuer par, has committit diverfe Reifes, Herechips, Slauchtaris, and Stouthis; for pe quhilks pei have takin peame till oure overane lordis Remiiffoun, and has refuit to fynde sufficient fouerteis for saftisaftionne of partieis, as law will, after pe forme of law: That parfore the Sherief of Roxburcht, fall tak the saidis Robert, Dauid, Martine and Mathou, ande put peame in prefone and fure keping, as he will anfuer, for pe space of fourty days; at the ifche of pe quhilk terme ande ende of xl dais, pe saidis fouerteis being unfundin, as said is; pat pe saidis Robert, Dauid,

1 Ewes.  2 Caution, surety.  3 Expiry, termination.
Martine and Mathow be had to pe Gallowe and HANGIT quhill pai be dede.
And pat I gise for dome.

REM. pat pe saidis Robert Oliner, David Oliner, Martine Oliner, ande Mathou Oliner war deli-
verit to pe said Sherif, incontinent eftir pe said dome, to be kepit and demanit as said is, eftir pe
forme of pe Dome foresaid.

**Slaughter — Stouthref — Taking Ransom, &c.**

**John Faulo,** in Litildene, produced a Remiss for art and part of the
cruel Slaughter of David Henrisone, at the Kirk of Maxtoune: *Item,* for art and
part of the Stouthreif of xx oxen and cows, v horfes and mares, and Ie sheep,
from Alan, John, and William Henrisone, furth of Murhoulaw, in company with
Thomas Grymiflaw and his accomplices, the King’s Rebels and at the horn.—
George Fawlo of Wellis became surety to satisfy the parties.—He also produced an-
other Remiss for art and part of the treasonable taking of Thomas, John, Alan,
and Thomas Henrisone, junior, furth of Murhoulaw, in company with the King’s
Rebels, viz. the Ruthirfurdis, and carrying them to Christopher Milburne and
Bertholomew Myilurne, English-men, and detaining them there for the space
of three months: *And* for art and part of redeeming them, viz. ‘ranfomyng’ at
the rate of xx l. Scotch money: *Item,* for art and part of the Stouthreif of four
score oxen and cows, ij sheep, from the said Thomas, &c., furth of the Place of
Murhoulaw, price of each cow ij merks, price of each ox ij merks, price of each
sheep iii l., &c. &c.—Walter Haliburton became surety to satisfy the parties
for the ‘ranfomyng’ of the said persons; and Alexander Lord Hume, for the
said goods.

**Bringing in the Traitors of Levin — Hereschyf of Syntoune.**

Nov. 9.—**David Scot,** called Lady,1 produced a Remiss for art and
part of the treasonable inbringing of the Armstrangis, Traitors of Levin, to the
‘Hereschyf’ and Stouthreif of nine score oxen and cows, xx horfes and mares,
and sundry other things to the value of xi merks, from the Tenants of Syntoune.
—He became surety, of consent, to satisfy the parties.

**Slaughter — Stouthref of Cattle, &c.**

**James Gray** in Fawlihope, and William Dun in Quhitmer, produced a
Remiss for art and part of the cruel Slaughter of Anthony Tayt: *Item,* for
art and part of the Stouthreif of iv horfes from the said Anthony, at the same
time: *Item,* for art and part of the Theft of eight score of sheep from George
Tait, furth of Pyrne, and xi sheep furth of Gaithope, &c. &c. : *Item,* of a horfè

1 For farther notices of this worthy, see Nov. 6 and 10, 1502.
and eighty sheep from William Cleghorne: *Item*, of eight score and six *hoggis* from George Tayt and his Tenants, furth of Pyrne and Sithop: *Item*, xviij *gaty* from John Cleghorne: And other goods to the value of xi l. —James Ker of Linton became surety to satisfy parties.

**Slaughter — Resettling 'Hob the King,' and 'Dand the man,' &c.**

William Ker in Quihtmere, James Elwande there, and Alexander Gray in Grenhede, produced a Remission for art and part of the cruel Slaughter of John Furde, in the town of Selkirk. Ralph Ker of Prymsidloche became surety to satisfy the parties.—Patrik Gray, with Ker and Elwalde, produced a Refitpe for Reflettting the sons of William Elwalde, ' Hob 'pe King,' and 'Dand 'pe man,' in their treasonable deeds; and specially, in the Theft of nine score of sheep furth of Tweddale and Laudirdale. —James Ker of Linton surety to satisfy parties.

**Concealing 'Paize Penneis.'**

Robert Lofthous in Lyndene, Conuicted of concealing certain 'paize penneis' to the value of x merks, on his own Confession. —Banished furth of Scotland. To remove within xi days, under pain of 'tynful' of his life.

**Oppression — Stouthreif — Convocation, &c.**

Nov. 10, (dies Jovis.) —Adam Douglas, and Robert, Henry, Symone, and George D. in Swynfyle, his brothers, permitted to compound for art and part of the Oppreffion done to William Colville of Ravinnifrag, Robert Boyd, and John Kennedy, in taking and detaining them upon Levin, and destroyling ij hores belonging to the faid persons, at the same time: *Item*, for art and part of the Stouthreif of a sword, a shield, a purfe, and x l. therein, from the faid William Colville at the same time: *Item*, for Convocation of the lieges, and coming upon Sir William Colville of Uchitre, in Hordane, willing to slay him on forethought felony.—Ralph Ker of Prymsidloche, surety to satisfy the parties.

**Oppression done to the Laird of Uchtire.**

Robert and Henry Douglas, brothers, permitted to compound for

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1 Sheep of one year old. 2 Goats. 3 Elwalde. 4 A familiar Border abbreviation for Robert, not Helen. 5 Andrew. 6 Now Loftus. 7 See Note to Nov. 21, 1493. 8 Loss. 9 A district of Lancashire, then infamous for its *'Traitoris' and 'lymmaris,' who made numerous raids and forays every year on the least protected parts of the Scottish Borders. To do justice to the Borders of the Scottish side, they were to the full as active as their Southern neighbours, and frequently penetrated as far as the heart of Yorkshire, and the adjacent counties. 10 *Unijs Man:ципи,* which generally denotes a deed of conveyance, or title-deed. In the present instance, it may be figuratively put for some sort of purse or scrip. It is more probable, however, that the word has been erroneously transcribed from the Ditty by the clerk, in place of *marupij,* (or *mariusj,* as it was sometimes written,) a purse. 11 Harden.
art and part of the Oppression done to Sir William Colvile of Uchiltre, in occupying, labouring, and manuring his lands of Farnefyde and Hardane, and taking and keeping his House or Pele, in Hardene, without any Lease or title of law. Item, for the Theft of iij oxen from the said Sir William Colvile, furth of Syntlawis.—Ralph Ker of Prymfydloche became surety to satisfy the parties.

Reset — Intercommuning with the Armstrangis, &c.

Adam Scot, in Hawchesferis, produced a Remission for art and part of the theftuous Restetting of six score sheep stolen by the Laird of Mynto from George Ruthirfurde, furth of Langnewtoune and Sandyftanis: Item, for Restetting, supplying and intercommuning with Archibald and Ninian Armfrang, William Scot, and their accomplices, the Kingis Rebels.

Hersehip of Syntoun — Slaughter, &c.

David Scot, (callit) Lady, produced a Remission, for art and part of the treffionable in-bringing of the 'Armstrangis,' to the 'Hersehip' and Stouthreif of nine score of oxen and cows, xx horses and mares, and other goods and gear, to the value of x merks, from the Tenants of Syntoun: Item, for art and part of the cruel Slaughter of George Newtoun and George Caveris, at the same tyme.—He became surety, with consent of party.

Sheep-stealing — Stouthreif, &c.

David Scot, (callit) Lady, produced a Remission for art and part of the Stealing of three-score sheep ('wederis'), price of each vj l. viij d., from Ralph Ker, furth of Bradmedowis: Item, for art and part of the Stouthreif of vj oxen and cows, and other goods and geir to the value of x merks, from William Atkin, and John his son, furth of Hanyng.—William Turnbull of Mynto became surety to satisfy the parties,

Oppression done to the Laird of Uchiltre.


See Nov. 18, 1498, Note.  a See Nov. 6, 1502, &c.  b Remission.  c It was not unusual to call two or more sons by the favourite family name, which often occasions much confusion and embarrassment to genealogists, in preparing family histories.  d Remittitur per Higem.  e Remission.  f These words are on the margin of the Record.

† E
CRIMINAL TRIALS.

The Master of Angus amerced, &c.
Nov. 12, (dies Sabbath) — Davidson, alias Grace behind him. George, Master of Angus, often called to enter Davidstone, alias Grace behind him, 'prout recepit eum in Portuferio, et in defectu executionis fui in amerciamentum eft primum Iter. — Amerciat x li.'

Burning the Place of Riddale, &c.
Nov. 14, (dies Lune) — David Turnbull of (in?) Toftis, allowed to compound under a Remission for Refetting, supplying, and intercommuning with Robert Turnbull, called Muriale, the Kingis Rebel, and at his horn ; and specially, at the time of the Burning of the Place of the Laird of Riddale, and Stouthrief of twenty-four score of sheep, two cows, and sundry other goods and utenisles ; the los of sustained in the Burning of the said Place, and ' Herechib' of the foresaid goods and utenisles, from the said Laird of Riddale, extending to 200 merks : And also, of the Slaughter of a black horfe at the same time, price x l., pertaining to Robert Scot : Item, for art and part, along with the said Robert Turnbull and his accomplices, at the time of the Burning of the said Place, and ' Herechib' of the foresaid goods. — John Turnbull of Toftis became surety to satisfy the parties.

Resetting Richard Armstrong, &c.
Patrik Scot, son of Adam in Hardwodhill, produced a Remission, for Refetting Richard Armtfrang, called Skaw, in his Thefts: and specially, in staling 200 sheep from David Hoppringill, furth of Fechane, in company with Alexander Scot. — Walter Scot of Howpallot, and Robert Scot of Stirkchawis, became sureties to satisfy the parties.

Stouthreif.—In-bringing Sir John Musgrave, Englishman, &c.
Adam Turnbull, in Hornihole, now in Chalmerlane-Newtoune, produced a Remission for art and part of the Stouthreif of four-score sheep, (‘wedderis,’) from Ralph Ker and William Wode, furth of Bradmedowis: Item, for art and part of the treaisonable in-bringing of Sir John Musgrave, Englishman, and for Intercommuning with him at the said time, in treasonable manner, &c. &c. : Item, for art and part of the Stouthreif of eight score sheep (‘3owis’ and ‘wedderis,’) furth of Hundalifhop, &c. : Item, five score sheep from William Turn-

1 L. B. Portiforium. This signifies he received him in Porteous, or roll. Porteous, portess, portheuse, or portase, generally denoted a Breviary or Mass-book, from its being portable; but it was of old chiefly used, in Scotland, to signify a Roll of Ditays or criminal Indictments, which was given up by the Justice Clerk at each Aire to the Coroner, that the parties might be duly cited. The term is still used in practice, and ‘the Porteous-Roll’ is to this day regularly made up for each Circuit.
2 The catalogue of crime which follows is of no interest, being petty Thefts of sheep, &c.
boll, furth of Aikwode, &c.: Item, three score sheep (‘zowis’ and ‘wedderis,’) from the Abbot of Kelso and Ralph Ker, furth of Calderselis: Item, of art and part of the treasonable in-bringing of Archibald and Ninian Armbrang, to the Stouthrei of ten score oxen and cows, and four score horses and mares from James Newtoune, furth of Syntoune.—The said James became furety, &c. Item, for art and part of the Stouthrei of xvij oxen and cows, price of each 2 merks, a doublet, a sword, and xi f., two horses, price of each 5 merks, xi sheep (‘wedderis,’) price v f. vj d., three score sheep, price of each v f. vj d., from John Quhite, furth of the Hospital of St Leonard, near Pevlis, at sundry times. —Walter Scot of Howpaffot became furety to satisfy the parties.

Burning of Selkirk—‘Hereschep,’ &c.

Adam Turnbull, in Hornishole, now in Chalmurane-Newtoune, produced a Remission for art and part of the treasonable in-bringing of Sir John Musgrave, Englishman, to the Burning of Selkirk and ‘Hereschep,’ and Stouthrei of goods therein, to the value of 1000 merks, from the Inhabitants and tenants of the said town.—George Turnbull of Hawrull and Bertholemew Turnbull in Rowflet, became fureties to satisfy the parties.

Stouthrei—Horse-stealing—Resetting, &c.

Nicholas Ruthifurde produced a Remission for art and part of the Stouthrei of two horses from the Priorés of Haddingtoun: Item, for the Stouthrei of a ‘caldrone’ from the wife of Richard Ruthifurte: Item, of a cow from Lawrence Pile: Item, for Stealing 5 horses from the Earl of Huntlie: Item, for Stealing a horse from Thomas Hall.—John Ruthifurde of Hundole, and Thomas his brother, became fureties to satisfy parties.—He also produced a Remission for himself and Thomas R. in Grange, for Resetting, supppling, and Intercommuning with the Ruthifurde, the Kingis rebels.

Stealing Horses from the Army at Norhame.

Nicholas Ruthifurde, in Hindole, produced a Remission for art and part of the Theft of five horses from the Kingis Army of Norhame.—John Ruthifurde (of Hundole?) became furety to satisfy the parties.

‘Hereschep’ of Fastheuche and Hangingschaw, &c.

Philip Turnbull, in Quithop, and David Turnbull, in Carlingpule, produced a Remission for art and part of the treasonable In-bringing of the Thieves and Traitors of Levin to the ‘Hereschep’ and Stouthrei of the goods being in Fastheuche and Hangingschaw, belonging to John Murray, &c. &c.

1 ‘Unius deploidis; q. d. duplex vestis.’  
2 ‘Unius cacobi, le caldrone.’
RESTING THE ‘ARMSTRANGIS’ AND THE SON OF THE LAIRD OF TUSCHELAW.

Patrick Turnbull, in Walchope, produced a Remission for Refetting, Supplying, and Intercommuning with Archibald and Ninian Armstrangis, and William Scot, son of David Scot of Tuschelew,1 in their Stouthreifs, Slaughters, Burnings, and other crimes committed by them.

SLAUGHTER—BURNING OF BERNEHILL—‘HERESHIP’ OF MERECLEUGHE

—RESTING BEBEBS, &C.

Peter Turnbull, in Boncheftir, produced a Remission for art and part of the cruel Slaughter of James Ruthirfurd, son of Adam, at the Kirk of Hawick: Item, for art and part of forfying of the treasonable Burning of the Place of Bernehill, and also of twelve score bolls of oats, six score bolls of bear,6 and sixty bolls of wheat, pertaining to George Ruthirfurde of Langnewtoune: Item, for art and part of the ‘Herechip’ of xxv oxen, xxvij cows, xvi ‘young nolt’;7 and three score sheep, from the said George: Item, for art and part of the Burning of iij horses, viij mares, and sundry other goods, to the value of xx l., at the time of the Burning of Bernhill, pertaining to the said George: Item, for art and part of Stouthreef of xi oxen and cows, v horses and mares from John Grymmiflaw, furth of the Place of Camys, in company with the King’s Rebels, viz. being Turnbullis, and at the horn, for art and part of the cruel Slaughter of James Ruthirfurde: Item, for art and part of the treasonable In-bringing of sundry English to the ‘Herechip’ of Merch-cluche and Stouthreif of iv horses and sundry goods and gear from Robert Laudir, furth of Mercluche: Item, for art and part of taking the said Robert at the same time, and detaining him in Bewcaftill, in England, until he redeemed himself: Item, for art and part of the Stouthreif of eight score and fix sheep (‘hoggis’),8 from George Tait and his Tenants, furth of Fichop: Item, for art and part of Stouthreif of xvij goats, and sundry goods and utensils, from John Cleghorne, to the value of xli. furth of Lethanehoip: Item, for art and part of the Theft of xi sheep (‘zowis’),9 from Williamie Cleghorne, furth of Lethanehope: Item, for art and part of the Burning of xxvj bolls of bear and xii bolls of oats, pertaining to George Ruthirfurde of Langnewtoune, in his Place of Sandyflanis, in company with John Turnbull of Mynto and his accomplices: Item, for art and part of the Stouthreif of twenty four score sheep from the said George Ruthirfurde, furth of the said Place of Sandyflanis: Item, for Refetting, Supplying, and intercommuning with Mark Turnbull and John Turnbull, the Kingis Rebels.—Adam Turnbull of Bullirwell surety to satisfy parties.

1 For the fate of a future Laird of Tuschelew, and that of the celebrated Johnnie Armstrang, see May 16 and 18, 1590.
2 Barley.
3 Young cattle.
4 Ransomed.
5 A year-old sheep, before losing its first fleece.
6 Ewe.
Burning and 'Hereschip' of Borthuickserils.

Nov. 15, (diee Martis.)—Ewmund Armstrang,1 in Liddalirstale, and George and Hector, his brothers, there, commaered by the King's command, and were accused of art and part of the Burning and 'Hereschip' of Borthuickserils, viz. iij sheep, iij oxen and cows, xx hories and mares, and fundry goods and utenfils, to the value of i merks, from Mark Ker of Dolphingstoun and the Tenants thereof.—They found Hector and George Armstrangis, brothers, as their fureties for satisfying the parties.

Stealing a Stallion from the Earl of Levenax.

George Armstrang, brother of Hector, in Liddalirstale, commaered, and was accused of art and part, along with one called Douglas, in his 'Thefts; and specially, in the Theft of a brown curflour, price xxx 'Angel Nobilis,' from the Earl of Levenax, furth of Edinburghe.—He found Hector, his brother, cautioner to satisfy parties.

Murillege—Plundering the Kirk of Jedworth.

Robert Ruthifurde, in Todlaw, produced a Remiffion for art and part of the Theft of cufheis of filk,7 sheets, linen cloths, 'fuftiane,' 'scarfs,' and other clothes, furth of the Kirk of Jedworth.—Robert Turnbull of Blindhalche became fureties to satisfy parties.

Forethought Felony, &c.

Alexander Wyndis of that Ilk, convicted of the forethought felony done to Philip Faula, on S' Mary's day: Item, of art and part of the forethought felony done to the said Philip, in riding to Branshame.—Robert Scot americatiad x l for his non-appearance to underly the law.

Stouthreif and Hereschip of Oxen, Horses, &c.

Walter Turnbull, in Branshame, produced a Remiffion for art and part of the Stouthreif of eight score and eight oxen and cows from Patrick Murray and John Murray, furth of Carterhalche: Item, for art and part of the 'Hereschip' of fundry goods and utenfils, to the value of three score merks, from the saif Patrick and John, furth of Carterhalche: Item, for art and part of the 'spuigzie' of ij hories, price xl l, from the saif John, furth of Carterhalche, in company with the Traitors of Levin.—George Turnbull of Hawroull and Robert Scot of Stirkshawis, became fureties to satisfy the parties.'

1 See May 18, 1580, &c. ² 300. ³ 60; three score. ⁴ Stallion. ⁵ Probably cusions, on which to place their Mass-books, &c. ⁶ Or surplices; 'surnacorum.' ⁷ Summa Totalis hujus Extractus (viz. Itineris Jufliciarie de Jedworth), iij V ev alij li. (d. 2541.)
CRIMINAL TRIALS.  A.D. 1502.

SELKIRK.

CURIAS ITINERIS IUSTICIARIE, INCOHATA APUD BURGUM DE SELKIRK, DIE IOVIS, xxviij die mensis NOVEMBRIIS, 1502; CORAM ANDREA DOMINO GRAY, JUSTICIARIO, &C.

Sheep-stealing—Stouthreif.

Nov. 28, (die Veneris.)—WALTER SCOT, son of Walter Scot of Edschaw, permitted to compound, under a Remissfon, for art and part of the Theft of four score sheep, price of each 5s., from William Ker, furth of Zare, &c.; Item, for art and part of the Theft of three score sheep, from Robert Broune and John Turnbull, furth of Selkirk, &c.; Item, for common Theft and Treacon.—James Scot, in Afskirk, surety to satisfy parties.—He was likewise permitted to compound, under another Remissfon, for art and part of the Theft of three score sheep, from the Abbot of Kelso and Ralph Ker, furth of Caldschelis. Robert Scoth of Stirkshawis became surety to satisfy parties.—He was also allowed to compound, under a third Remissfon, for art and part of the Stouthreif of four score sheep (‘wedderis’) from Ralph Ker, furth of Braidmedowis, &c.—Surety the same as above.

Violent occupation of the Lands of Thirlestane.

Nov. 30, (die Sabbati.)—WILLIAM SCOT, in Thirlestane, came in the King’s Will for art and part of breaking the King’s Protection upon Sir Patrick Crechtoun of Cranstoun-Riddale, in occupying and labouring his fét or aedelation of Thirlestane, without a leafe, from the said Patrick.—Walter Scot of Buccleuch surety to the King and party.¹

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CURIAS ITINERIS IUSTICIARIE, INCOHATA APUD BURGUM DE PEBLIS, DIE LUNE, xxi die mensis NOVEMBRIIS, 1502.

THE LAIRD OF HORN-E-HUNTERIS-LANDIS.

THE LAIRD OF HORN-E-HUNTERIS-LANDIS being often called for suit and presence due for the said landis, and not comppearing, was amercliated in defect of suit.²

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CURIAS ITINERIS IUSTICIARIE, TENTA IN PRETORIO BURGI DE EDINBURGHE, DIE SABBATI, QVARTO DIE MENSIS FEBRVAIRIIS, 1502-3, CORAM ANDREA DOMINO GRAY, JUSTICIARIO, &C.

¹ 'Summa totalis hujus Extractus, Isti li.' ² 'Summa totalis hujus Extractus, Iij li.' There were no cases of any interest; but a number of persons were fined for not giving suit and presence, among whom the instance which is noticed is the only remarkable one.
Slaughter of Edward Huntare of Polmude.

Feb. 4.—GILBERT TWEDY, John Beres, and Andrew Chancellor.—
John Twedy of Drummeigear, Walter Twedy in Hawmyris, and William
Twedy there, became sureties conjunctly and severally for the entry of the said
Gilbert, &c. at the next Aire of Peblis, on the second day thereof, before the said
Justiciar, to underly the law for art and part of the cruel Slaughter of Edward
Huntare of Polmude, under the pain of 1's merks for the said Gilbert, x l. for the
said John, and x l. for the said Andrew.—The said Laird of Drummeigear
declared in Judgement before the said Justiciar, that he had carried the said
Gilbert, &c. to the Tolbooth of Stirling, afterwards to the Tolbooth of Peblis,
and like wise to the Tolbooth of Edinburge, to underly the law for art and part
of the cruel Slaughter of Edward Huntare of Polmude; and that they were
prepared to underly the law, where and when it shold pleae our soveraign
lord the King, for the same Slaughter: And that the dilating of the said matter
should not tend to their hurt. Upon which he askd an act of Court.

Slaughter.

GEORGE DIKISONE, in Peblis, declared in judgement that he had for-
merly entered in the Tolbooth of Edinburge, afterwards in Peblis, and again
in Edinburge, to underly the law for art and part of the cruel Slaughter of
Symon Dikisone: And protested, that the dilating of this matter shold not
tend to his prejudice; and that he was ready to underly the law, when and
where it shold pleae our soveraign lord the King: And thereupon asked an
Act of Court.

CURIA Itineris Justiciaric, inchoata apud Drumfreis, die Martis, Aug. 13,
1504, coram ANDREA DOMINO GHAY, Justiciario.

Slaughter of a Chaplain.

Aug. 15, (tercia die Itineris.)—ROBERT GRESOUNE, in Drumfreis,
produced a Precept of Remission for art and part of the cruel Slaughter of Sir
John M'brair, Chaplain, in the Town of Drumfreis.—William Douglas of Drum-
langrig became surety to satisfy parties.

Burning the Town of Dumfries.

Aug. 17.—GILBERT THOMESONE, convicted of the theftuous taking
of merchandize from the merchants of Drumfreis, at the time of the burning
thereof: Item, for art and part of the theftuous taking and concealing of xiv
sheep furth of Schellop: Item, of Common Theft, and common Resit of Theft.
—HANGED.
Treason — Intercommuning with the Thieves of Eskdale.

ADAM BAY, Convicted of art and part with the King's Rebels, at the horn, being of 'Eskdale' (Eskdale), in their Thefts and Treasonable deeds: And for favoring, supplying and assisting them in their Thefts: And of common Treason, of new.—HANGED.

Intercommuning with the 'Armstrongis' on 'Skir-Thurisday.'

THOMAS SCOT in Prefit-diskis came in will for Intercommuning with the Armstrongis, the King's rebels, being at his horn, on Thursday called 'Skir-Thurisdai,' in the year 1504.—Sir Adam Murray, kn', became surety to the King.

Destroying the Woods of Lochmabane, &c.

JAMES MONSE, near Lochmabane, came in the King's Will for destroying the Woods of Lochmabane, Bukrig, Heichrig, Rammerkalis, and Rowkellpark.—Gavin Murray, brother of the Laird of Cokpule, became surety to the King and party, iiiij li.

Intercommuning with the Duke of Albany.

ROBERT RAMSAY, in Rammerkalis, produced a Remission for being with Alexander late Duke of Albany, in his 'Hereschips' and evil deeds.

Salmon-Fishing in Close time.

JOHN PATTONSOUN, in Taisholme, convicted of Fishing (Salmon) in the water of Annand, during the prohibited time, was americated in v l.—William Jarding, called 'braid-fuerd,' surety to the King and party.

Slaughter of the Laird of Dunwedy.

JOHN JARDING, in Sibbalb-besyde, produced a Remission from the King, for art and part of the cruel Slaughter of Thomas Dunwedy of that Ilk, at his Place of Dunwedy.—ROBERT BRIG, living with Alexander Jarding, also pro-

1 Skir-Thurisdai. (Munday-Thurisdai of the English Church,) the Thursday before Good Friday. It is also called Holy Thurisdai, which is the proper derivation of the term, from E. skire and A. S. faire, clean, pure. It was instituted in commemoration of the washing of the disciples' feet by our Saviour: and some have thought the English term thence originates, i.e. dies Mandati, 'Mandatum novum de robis,' &c.: But it rather seems to take its name from the Mounds, i.e. hand-baskets, in which the provisions, alms, and offerings to the poor were carried. This name appears to be the same with that now known as Mounsey. It is a singular coincidence that Dr Mounsey, who sprung from the lowest origin in the vicinity of Lochmabane, lived to become proprietor of the estate of Rammerscales, &c. here described.
2 The Lairds of the family of Dunwiddie were, unhappily, like many others in these unsettled times, subjected to the violence of their neighbours. Only eight years afterwards, (about 1512,) 'The Laird Dunwiddie was dayne in Edinburgh by two perfores, who escapsh by taking the Sanctuarie of Holyroodhouse, a faufaird much respecte in thos days.'—Anderson's MS. Hist. Adv. Library. Sir James Balfour adds, 'by the Jardans.'—Annales. I. 235.
Slaughter of the Laird of Mouswald.

THOMAS BELL of Curre.—The Laird of Cufetmylck being often called to enter Thomas Bell of Curre to underly the law for art and part of the cruel Slaughter of the Laird of Mouswald, under the pain of 1l., was amerced for his non-appearance. The said Thomas denounced at the horn.—STEPHEN JOHNSTOUNE was also denounced Rebel for not appearing to underly the law for the same crime; and William Purdum portioner of Myddilbe was amerced, as his surety, in xxl.

Stouthreif of Horses, &c.

ROBERT DUNWEDY, son of the Laird of Dunwedny, and Gavin Johnstoune, were admitted to our sovereign lord the King's composition, for art and part of the Stouthreif of four horses price xxl., two candlesticks, one goblet, with sundry other goods worth xxl., from Bartholomew Glendunwyne, in company with the Laird of Johnstoune and his accomplices.—Sir Thomas Kirkpatrick of Clobarne, knl, became surety for the said Robert; and Adam Johnstoune of that Ilk became surety for the said Gavin, to satisfy parties.

Resetting a Common Thief.

NICHOLAS DUNWEDY, in Dunwedny, called Gait-fut,1 Convicted of Resetting Adam Corry, common Theif, in his theftuous deeds.—HANGED.2

Special License, Respite, and Protection to the Tenants, &c. of the Archbishop of Glasgow, until his Return from Rome.

'The following document will on all accounts be deemed interesting. It is thus entitled in the Record, ' Hae et vera copia Respectuosioris Episcopi Glasguen, &c.' Notices of a very great many 'Specialle Respuytis' of this description are to be found in the Register of the Privy Seal, but comparatively few are engrossed at length in the Register. The purpose of obtaining such Licenses was, not only that they should serve the individuals concerned as passports in foreign countries, but that they and their vassals might be fully protected in their persons and properties, until a reasonable time after their return to Scotland, (usually forty days.) This device effectually prevented them from being pursued criminally and put to the horn during their absence, and also operated as a bar to judgments passing against them by default in civil cases.

Notices of some similar Protections are preserved in the Appendix to the Trials during this and subsequent reigns.]

Aug. 28.—Specialle Respuyt in favor of the ' men, kin, tenentis,' Summa totalis hujus Extractus, (viz. Itineria de Drumfreis,) I° viijlxxvij l. (L. 1887.)

1 Goat foot. 2 ' Summa totalis hujus Extractus, (viz. Itineria de Drumfreis,) I° viijlxxvij l.'

† F

VOL. I.
factouris and servandis* of Robert Archbishopp of Glasgowe; and especially for the slaughter of umquhile Thomas Ruthirfurde within the Abbey of Jedworthe.

JAMES be the Grace of God King of Scottis. To all and findri oure Wardanis, Lordis of Counsale and Seissoun, Justises, SHERiffs, Chalmersanis, Justice-Clerkis, Crownaris, and pair deputis, Provestis and baillies of borowis, and all upiris our officers, leegis and subditis, spirituall and temporall, qhosome it effectis; to quhais knawe the thir oure Lettres sal cum, greting. WIT YE, that forfamekle as aine maift reverende faider in Gode, and our traift consaileur, ROBERT ARCHIBISHOP OF GLASGW and Commendator of oure Abbey of Jedworthe, is now, of oure Speciale Licence, benevolence, and fredome, to paids to PE COURT OF ROME, in certane materis and chargis of ouris: And for PE fulfilling of his Peigramage and upiris errandis he has pair ado, WE have pairfore takin PE said maift reverende faider his Metropolitane Kirk of Glafgw, PE Dene, Cheptour, Vicaris-generalis and Chanonis of the same, PE said Abbey of Jedworthe and convent pairof, and all and findri PE Kirkis, landis, rentis, possefitionis, tendis,1 fructis, revenus, possefionis, privilegis, rychtis, fredomis, castellis, towris, fortalicis, maner placis, grangis, wordis, lowis,2 fichingis, orchatis, medois, and al vhir proffetsis and dowetis3 quhatfumevir pertenyng pairto; his Denis, Chalmersanis, firmaouris, factouris, procuratoris, intromettouris, his men, tenandis, ande servandis, pair takis, malingis, cornis, catell, and all and findri pair guids, movabill and unmovabill, spirituall ande temporall, quhatfumevery pair be, within our realme; undir our speicale protectioun, mentenans, defene, fuple ande faifgarde. AND atoure,4 We have RESPONSE, ande be PE our Lettres, in PE laiw and by PE laiw, speicale Respunits, all actionis, caufis and querelis quhatfumevir, belonging ws or any upir perfone or perfonis, movit, or to be movit, angnis PE said maift Reverend faider, his men, kyne, tenentis, frendis, familiaris, factouris and servandis: And speiciale, aine Reverend faider in Gode, and our traift consaileur, ANDRO BISHOP OF MURRAY, aine Reverende faider ANDRO ABBOt OF CULROSE, his Abbey and convent, Andro Blacader of pat ilk, Schirris John Forman of Ruthirfurde, Baldrede Blacader, knychtis; Adam Blacader, John Heryot, Charlis Blacader, Schir Johne Scherare archdene of Rosé, Master Archibalde Layng vicare of Colmonel, Thomas Kennedy of Bargany his fermour, Jonet Layng his fitter, Schir George Akinhede, Schir William Wilkinffone, Schir Robert his broipir, David Congiltoune, Malcum Blair, Dame Elizabeth Edmonstoun lady of Tullyallane, Patrik Blacader hir fone and airc, Johne Maxwell of Nethir Pollock, Johne Maxwel his fone, Alane Stewart of Cardonalde, Patrik Colquhyn of PE Glene, David Brofes5 of Clakmannane, kny; Johne Naper of Merchaniistoun, Eufame Formane, Thome Huntar, William Manderftoun in

1 Teinda, tythes.  2 Lachys, lakes.  3 Duties.  4 Moreover.  5 Brois, Bruce.
Hertfide, Patrik Bigholme, Patrik Heriot, George Heriot his brod, Johne Cockburne, Johne Bully, George Douglace of Bone-Jedworth, Andro Douglas, Johne Douglas, Robert Douglas, William Douglas, Maiter Stevin Douglas, David Fortho of pe Dikis, Johne Douglae in Jedworth, Margaret Blacader lady of Carnschallo, Johne Maxwel hir fone and aire, Johne Ralstoune of pat ilk, Johne Maxwel of Aikinhede, Schir Johne Rankin Vicare of Girwane, Maiter Johne Blacader Perfone of Kirkpatrik-Flemynge, Schir Patrik Blacader Perfone of Ranpatrik, David Douglace in Jedworth, James Douglace in Vulstoune, Maiter Thomas Murhede Perfone of Lyne, Schir Andro Marchell his fermour, Robert Blacader fone and apperand aire to Andro Blacader of pat ilk, George Hume of pe Spote, James Weir, Hew Weire his fone, Hew Weire elder, William Huchonfone, Thom Huchonfone his fone, Thome Smyth, Andro Clerford, Johne Young, Stevin Lythgow, John Grahame, Lowen Cadzeu, Thomas Tuedy, Johne Huchonfone, Peter Loky, Johne Twedy of Drummelzeare, Marc Trumbill, Adam Trumbill of Philophauche, William his fone and apperande aire, James Turnbule in Kirkhop, James Trumbill in Gargonno, Robert Murhede, Johne Adamfoune, Robert Scot in Hanyng; and all and findrie utheris his men, kyne, tenentis, factouris and servandis, alfe weil at ar noch spcefit as spcefit, pair benefecies, landis, takis, malings, rentis, posseeinonis and gudis, to cef and rest fra pe day of pe paffing of pe fad maist Reverend fader furthe of oure realme, quhill his retornyne and comyne agane in pe fame, and fourti dais paireftir. And mare-atoure, we have Exemit, and be pir our letteris, spcialie Exemis al pe perfonis abone expremit, alfe weil noch nemmit as namyt, fra al comperence to Justice-airis, Chalmorlanis-airis, Wardane-couris, Sessionis, Sherep-couris, and al uthir Courtis, for all pe time abone wrtitn. And inlikwise, We have Respuyt, and be pir pretentis in pe law and by pe law, spcialie Respuyt al pe forsefaisis perfonis and all utheris, alfe weile noch nemmit as nemmit, quhilkis ar or fa lappin any tym to cum, induryn pis outh Respuyt, to be indictat, attetchit or accusit for pe slauchir of umquhile Thomas Ruthirfurde, committit and done within our Abyb of Jedworth; or for art and part, affiitence, rede, counsail or being in pe fame, remanyng, or way-paffing with pe slaier or slaiers, or for lying furthe and non-entre to our lawis fore pe fame; or for gadering and convocation of our liegis, pe fad tym, or peireftir; and for al cryme, actioun, and caufe pat may be input to outh, or any of thame tharthrou; exceppand outh yf pat flew the fad Thomas with pair handis, to be unattachit, unarreftit, uncallit, unconvenit, unsummonit, unchalhangit, unvexit or trublit, in pe law, or by pe law, in pair perfonis, par borowis, landis, and gudis quhatfumevir, for oure unlawis of

1 Perhaps for Lowrie; Laurence.  
2 As well those that (or who).  
3 Until.  
4 Furthermore.  
5 Exempted.  
6 Excepting, saving.  
7 Cautions, sureties.
non-comperence to owr lawis, or ony uthir maner of way for þe said slauchtir, and actionis foresaid, or any part or pont ¹ pairof, as said is. And alfo, Replicis and continuis þe puttin of pane, and ilkane of þaun to our horne, for non comperence to underlie our lawis for þe said slauchtir, or ony pont of þe premiissis, induring all þe tym of þis our specialle Repuyt. Quharfor, We charge straitly, and commandis all and findri ouris officiiris, liegis, and subditis foresaidis, þat nane of ȝou tak apoune hande, til do or attempe ony thing incontare, or breking of þis our speciallic Licenço, protectiouné, and repuyt, for all the tymne abone expremiit, under all þe heat pane,² charge, and offence, þat ȝe and ilkane of ȝou may committ and irrine,³ agenis our maiest, in þat part: Thir oure Letteris, fra þe day of þe paffing of þe said maift Reverend fader furthe of our realme, quhil his retornyne and cumyn agane within þe famyn, and fourty dais þaireftir to indure, as said is: Providing allvais, þat þis our Repuyt, nor exemp- tiouné, fal nocht extende to na crymis, quhillis failbe committit eftir þe dait of þe famyn. Gevin undir our Prevay Sele, at Drumfreis, þe xxvij day of August, þe þere of Gode ane Thoufandé five hundrete and foure þeres, and of our reigne þe xvij ȝere. And nochtwitfandind þis oure Repuyt, We wil þat all þe perfonis contenit in þe famyn, except þai þat paffé with þe said maift Reverend fadir, in propir perfone, fal anfüer to al partis apoune dettis, in quhat Court þai be convenit, except oure aune propir dettis.

James R.

Treason — Wounding (Slaughter?) of the Laird of Craganis.

[John Master of Montgomery (or of Eglinton, as he is styled in the Peerages) was the second, and then surviving son, of Hugh third Lord Montgomery, a distinguished nobleman, who had been a strenuous supporter of the Prince at the Field of Stirling, and for his services was afterwards created Earl of Eglinton. The crime for which the Master was here summoned, was for the Wounding of William Cuninghame of Craigneds. The Master of Eglinton was killed on the streets of Edin- burgh, April 28, 1520, in the memorable Feud between James first Earl of Arran and Archibald, fourth Earl of Angus, best known by the sobriquet of Carse the Causeway.

The authority for the nature of the crime for which the Master was charged, is the following brief notices from Sir James Balfour’s treatise, ¹ De jure Praelectionis Nobilium Scottiae, ² Item, I find that John, Maifter of Montgomerie, is summoned to underlay the law and cenfur of Tresfone, for the wounding of William Cuninghame of Craganis.]

Jan. 20, 1505-6.—Quo die, Johanne Magistro Montgomery, sepe vocato per literas Summonicionis domini nostri Regis, ad respondend. super certis prodictorijs accionibus in dicta Summonicione contentis; et non comparen. continuatur ad diem Martis, tertium diem mensis Februarii proximo futuri, cum continuacione dierum et horarum.⁴

¹ Point. ² Highest pain. ³ Literally in-run, incur. ⁴ Carmichael’s Tracts, p. 89.

¹ Acta Parl. II. 262.
High Treason.

(Jan. 20.)—Quo die, DONALDO MAKRAHAD BANE, sēpe vocato per litteras Summoncionis domini nōstrī Regis ad respondēnd. super certis proditorij actionibus in dicta Summoncionis contentis; et non comparēn. continuātur ad diem Martis, tertium diem mensis Februarij proximo futuri, cum continuātione dierum et horarum.

High Treason—Assisting Donald of the Isles, &c.—Fire-raising and 'Hereschips' in Badenoch.

[As the various Feuds, Treasons, &c. connected with the Isles fail to be treated of at large in Mr. Gregory's History of the Hebrides, it is unnecessary to enter on the subject in this place. It may, however, be proper to remark, generally, that Macleod and Donald Ia's fathers married two sisters. The former married Lady Katherine Campbell, in 1498, and the latter (Angus Macdonnel, natural son and heir of entail of John Earl of Ross and Lord of the Isles), Lady Mary Campbell, the seventh and fifth daughters of Colin first Earl of Argyll. In the Appendix to the Trials which occurred during the reign of King James IV, the reader will find many interesting notices in relation to this and other similar cases.]

Feb. 3.—TORCULANE (TORQUILL) MAKCloIDE OF THE LEWIS.—The quhillk day, in Parliament, fittande oure fouerane lorde THE KING, his thre Eftatis the famyne tym gaderit, Johnne Ogilby, Scheref-deput of Inuernes, pre- fent ane letter of Summondis vnder pe quhit walx and testimoniale of pe Gret Sele, of pe quhillk pe tenour followis, with pe tenour of pe executioun pe pairof execute be pe saide scheref-deput.

Summonicio Forisfacture Torculani Makcloide de Lewis.

JACOBUS Dei gratia Rex Scotorum: Vicecomiti et ballivis fuis de Inuernes; necon dilectis nostris Bute, Ormonde, Signiferis; Daudid Tempilmane, Duncanaro Riche, Jacobo Mufchete, Ricardo Broune, Johanni Coupare, Nuncijs, et eorum cuilibet conjunctim et diuifam, vicecomitiibus nostris in hac parte, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremtorie coram testibus, TORCULUM McCloIDE DE LEWIS, personaliter, fi eius prefenciam commodē habere poteritis, fin autem apud fuum proprium locum habitacionis, fi ad eundem tutus pateat accessus, ve alioquin apud Crucem foralem Burgi nostri de Inuernes per publicam proclamationem, fi quod dictæ Summoncionis notitia ad eius aures deuenire poterit, quod compareat personaliter coram nobis feu nostro Justiciario, in nostro proximo Parliamentō, tenend. in pretorio Burgi nostri de Edinburghhe tercio die mensis Februarij proximo futuro, fi dies illa juridica fuerit, alioquin proxima die juredicā inde sequente, hora caufārum, cum continuātione dierum, ad respondend. nobis feu dicto Justiciario, pro proditorijs arte, parte, et assistentia factis et exhibitibus DONALDO YLA, baftardo filio quondam

1 Acta Part. II. 262. No farther notice of this case occurs.

Indorjatio sive Executio dicte Summonicionis.

THE xxiiiij day of ye moneth of December, the 3ere of God Jn.V. and v seris, I JOHNE OGILBY Scherif-deput of Invernes, paft with thir our fouerane lordis lettres, and foych Torculane Mak cladhe of ye Lewis, and becaufe I cuth nocht apprehende him perfonaly, nor pair was na fure paff age to me till his duellinge place, I paft to ye merkat corce of ye Burgh of Invernes at xj hours befor swane, and pair be oppin proclamatione maid at ye merkat croce, I summonde, varnit and chargin the faide Torclain Makcloid of ye Lewis to compere befor our fouerane lorde ye King or his Jufitice in ye tolbuth of Edinburghe, ye thrid day of Februar nixt tocum, in ye hour of caufe, with continuacione of dais, to anfuere to our fouerane lord or his Jufitice, for ye trefonabil art, parte and affitans takin and done with DONALD ILA, baftarde fone to Angus of ye Ilis, baftarde, takand pair with him and
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Inaudde our fouerane lordis liegis of pe Ilis and distroyeand thaim, to pe effect pat pe said Donalde fuld be Lorde of pe Ilis; and apone pe punctis and articulis in ir our fouerane lordis lettres, and eftir pe forme of pe famyn; and pis I did befor pir Witnes, Johe of Chalmer, Robert Innes, Alexander Michelfone, John Auchenlek Alderman of Inuernes, John Cuthbert, John Vaus, Bailies of pe said burgh, James Donaldone, Alexander Anderfon, Henry Auchenlek, . . . . Paterfone, John of Rushifurde, Sir William Paterfone Perfone of Balliekan, and Sir Jo . . . . . . ke Chaplane and Notar public, with operis dinerfe; and for pe mare vitefulling of pis execution I have affixit my signet to pir pretext.

The quhilk execucione was provit be pe faide Scheref-deput and his twa witnes, pat is to say, Johe of Ruthurfurde and Alexander Patonefone. The quhilk citacioune, Summondes and execucione beande rede and lauchfully previt, as said is, pe said Torcule Makcloid beande oft tymes callit and nocht compert, lauchfull tym of day biddin, the ordour and proceffe of pe faide Summondis at lentht fene, harde and vnderfandande, and lauchfully procedit; in pe name and behalf of our fouerane lorde, Maister James Henrifone, Adoucat to his hienes, askit and inquirit, in his name and autorite and of his speciale commande, at pe Lordis, Baronis, and Commiffariris of Burrovis, thare warde and cenfiment of Parliament, gif the faide Torcule M'cloide hade committit and done Tresfome till our fouerane lorde and his realme, in pe punctis and articulis abone wright: THE quhilkis Lordis and Estatis beande anfit, ripelye wardit and delierit, pat pe faide Torcule Maccloide has committit and done opin and manifeft Tresfoune, in thir punctis efter folloving, contenit in pe faide Summondis, That is to say, for the treffonable art, part and affistence gevin and done be him to Donalde Yla, baftarde fone of vmquhile Angufte of pe Ilis, alsua baftarde fone of vmquhile Johne Lord of pe Ilis, be Infurrectione and takand his part,3 to pe intent that pe faide Donalde fuld tak apone him pe KINGIS propirte, and to be LORD OF THE ILIS: AND for pe treffonable deliering of pe said Donalde to Lauchlane Makkane of Dowert, to pe intent forfaide. AND for pe treffonable witholding of him fra his hienes, and non deliering of him in contrar pe commande of his diuerfe Lettres directe to him pairapone. AND for pe treffonable Reving4 and withhaldin of his hienes Lettres fra his Officiarie of Armez, callit Gilpatrik Cor, quhilk exeute pe famyn apon the xxvij daye of October laft bypafi: And for pe treffonable (making of) Ligis and Bandis5 with our fouerane lordis Rebellis, in treffonable wife, as is contenit in pe Summondis befor expremit. And thairefter it was gevin for Dome, be pe mouthe of Johe Jardin, Dempftar of Parliament for pe tym, in forme and maner as efter followis:

Dome or Sentence of Forfeiture.

This Court of Parliament schawis for law, and I gif for Dome, that Torcule Makcloide of the Lewis has committit and done Tresfome agane our fouerane lorde and his realme, in pe speciale pointis of Tresfonis and crimez forfaidis,

1 The following words are deleted from the Record. 3 Taking by violence. 4 Leagues and Bonda, binding the parties to mutual assistance in all their quarrels, &c.
contenet in the summondis; for the quhilkis he has forfalt till our fourane lorde his life, his landis, his gudis, offices, and all vther his polisfionis quhatsumeir he had within pe Realme of Scotlande or Ylis, euermar to remane with our fourane lorde, his aieris and suessfoueris, for his treffonable offfence: And that I gif for DOME.

Slaughter of a Messenger at Arms — Convocation, &c.

(Feb. 3.) — JOHN LINDISSAY OF WAUCHOP, &c. — Robert Lorde Crechtoune of pe Sanquhare, Scheref principall of Drumfrequ, presentit ane Lettrir of Summondis vnder pe quhile walx et testimoniiale of pe Grete Sele; of pe quhilk the tenour followis, with pe tenour of pe executione pairof, execut be pe said Scheref principale.

Summonicio Forisacture Johannis Lindissay de Wauchop.

JACOBUS Dei gratia Rex Scotorum: Vicecomiti et Balianus suis de Drumfrequ, salutem. Mandamus vobis et precipimus, quatenus summoneatis legitime et peremptorie coram testibus, JOHANNEM LINDISSAY DE WAUCHOP, personaliter, si eius prefenciam commode habere poteritis, fin autem apud locum sue habitacionis, fi ad eundem tutus pateat accessus, aloquin per publicam proclamationem apud Crucem fori Burgi nostri de Drumfrequ, quod compareat personaliter, coram nobis seu nostro Justiciar, in nostro Parliamento tenend, in pretorio Burgi nostri de Edinburghe, tercio die mensis Octobris proximofuturi, fi dies illa Juridica fuerit, aloquin proxima die Juridica inde sequens, hora caufarum cum continuacione dierum, ad respondend. nobis seu dicto nostro Justiciar, super proditorijs arte et parte crudelis Interfectionis quondam Bertholomei Glendinwyne, Officirij et Vicecomitis nostri in hac parte, et quondam Simonis Glendynwyne in fratriis in sua committia, in executione fuj officij Vicecomitis nostri in hac parte, no trafoque literas habens, ad diffringendum et namandum terciar partem terrarum de Wauchop, quondam Mergrete, sponde quondam Johannis Lindissay, patris ipsius Johannis pertinens: ET pro fui proditorijs arte et parte Conuocationis et congregationis nonrorum liegiorum, pro commiffione hujufnodi Homicidii super predictis Bertholomeo nostro Vicecomite et officiaris et Symone, in executione dicti officij Vicecomitis nostri in hac parte: ET pro fui proditoria confectione Ligarium seu Obligationum, cum nonris subditis, et ligeis contra

1 Mar. 6, 1507-8. Charter by James IV. at Edinburgh, granted 'ODONI (y) MACKEY in Strathnaverne, pro fidelis et gratuito servicio Regis impensa, sc impotorum in restitutione et invasione Rebellen Regis impendingo,' &c. of the lands of Ascott and Ladochqigie, in the shire of 'Inverryd,' pertaining to the King, in consequence of the forfeiture of Torquill Mackur, formerly of Lewis, for his lifetime, with power to let the same, &c. Reg. Mag. Sig. XIV. 464. 2 In Sir James Balfour's Treatise, 'De jure Praelectionis Nobilium Scotorum,' he remarks, 'In the period of October, in anno 1505, John Lidkayf of Wauchope ves forfaltis for the cruel Slaughter of one Bartholomus Glendinning, Meffinger, and Simon his brother, quha ver poynding the lands or three parts of the lands, at the instance of Margaret umquhill spoufe to John his father.' Cormiciphe's Tracts, p. 89.
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nosc et nostrum regnum, in quantum in eo est, omnino usurpando: Ac committendo super nostræ veræ ligeæ Depredaciones, Rapinas, et Incendias, predicto modo, infra vicecomitatæ nostræ de Drumfrese et Roxburh, aliquæ regni nostri partes, in quæm magnum nostræ autoritatis detrimentum, et predictorum ligeorum nostrorum dispensionem et grauamen: Inaudendo regnum nostrum hostili et bellico modis: Et super aliæ in premisso fieri obiciendis et proponendis remansuris, et jure parituris: Intiman. dicto Johanni quod fiue dictis die et loco cum continuatione dierum comparuerit fiue non, nos nichilominus, aut dictus nostræ Justiciarius in premisso, justicia mediante, procedemus et procedet: Et vos qui presentes executi fueritis sitis ibidem dicto die, habem. vobiscum Summoncionis vestre testimonium et hoc breve. DATUM sub testimonio Magni Sigilli nostri Apud Linlithgow, viceisimo die mensis Junij, anno Regnij nostri decimo septimo.

Indorsatio fve Executio prefate Summoncionis.

The sevin day of pe moneth of Julij, the 3er of God I.*v. & v. jaria, 1, Robert Lord Crichton of the Saquhar, Scherref principal of Drumsfreis, paft to pe merkat croce of Drumsfreis with pir our fournane lordis Lettres, and at pe command of pe famyn, be opin proclamacione, summonde Johne Lindsay of Wauschop, to comple perfonaly before our fournane lord and his lordes Justice at Edinburgh, or qhar it fal happen paum to be for pe tym, the third day of October nixt to cum, in pe hour of casle, with continuatione of days, to anfure to our fournane lord or his Justice, apone all punctus and articulis contenit in pir our fournane lordis Lettres, and etur pe tenour of pe famyn. And this I did befor thir Vitnes, Robert Dalzell, William Cowynghame, James Carrutheris, Robert Makhrae, Eduarde Crichtone, Nichol Nelfone, David Glaver, and Johne Barbour: And for pe mare vittessions hereof, I haf set to my signet, 3ere, day, and place forfaid.

In name and behalf of our fournane lord, Maister James Henrisoun, Advo- cate till (his) hienes, akit and inquirit, in his name and authorite, and of his speciale commande, at the Lordis, Barouns, and Commissaries of Burrowis, thare warde and cenfent of Parliament, geif the faid Johne Lindsay had committit and donne Trefonqe till our fournane lordes and his Realme, in pe pointis and artilliss abone writtin? The qubilk Lordis and Eftatis, beande avifit riplie, wardit and deluerit, that pe fad Johne Lindsayssay has committit and donne opin and manifest (Trefonqe) in thir pointis etfur following, contenit in the fad Summonsi; that is to say, in pe cruel Slauchtie of vnpunlie Bertilmow Glen-dinnowing, our fournane lordis Officier and Scherref in jat part, and of Symone Glen-dinnowing, his broder, being in his cumpany, in pe executeone of his office, in pe disfringeing of (the) thirrd part of pe landis of Wauschop, perteting to Mer-grete, the fpoufe of vnpunlie Johne Lindsayssay, his fader: And for the trefsonabill Convocatione and gadderine of our fournane lordis liegis, for the committing of the Slauchter of pe faidis Birtilmow and Symone, officieris and Schereffis for- faide: And for the trefsonabill makin of Liges and Bandis, with diuerse our
fouerane lordis vntrew liegis, committande upone our fouerane lordis liegis Reffis, Spulgsis, Hereschippis, and Rafiande fire, in tressfonabill wiffe, within pe scherestomes of Drumfref and Roxburgh, and Invaidande his realme and liegis in maner of batale and tressfonabill wiffe: As is content in pe saide Summondis maid pair-uppone.—And pairefirt it was gevin for Dume, be the mouthe of Johnde Jar-
dane, Dempstar of Parliament for the tyme, in forme and maner as eftir follows.

DUME.—This Courte of Parliament schawis for law, and I geife for Dume, that Johnde Lindislay of Wauchop has committit and done Tressfone agane our fouerane lord and his realme, in pe speciale points and crimez forsefde, content in pe fade Summondis; for the quhilkis he has Forfalt till our fouerane lorde his life, his landis, his gudis, his officis, and all yper his posseffionis quhatfumeur he hade within pe Realme of Scotlauce, euermare to remane with our fouerane lorde, his airis, and succeflouris for his fade tressfonabill (crimes) forefde: And pat I gese for Dume.

High Treason.

[John Oig] Macgilliegoun or Maclean of Lochbuy was the son of Hector, and grandson of John Macgilliegoun of Lochbuy, who lived in the reigns of King James II and III. John Oig married a daughter of Macdouall of Lorn, and was connected with the Macleods of Herries and Lewis, among which families there had been repeated intermarriages. The Indictment is not preserved; but it may pretty safely be inferred that his crime consisted in being art and part with Torquil Macleod and others, in attempting to set up the Bastard Donald de Yla as Lord of the Isles. This case was frequently continued; and owing to the deficiency of the Records, it does not appear whether or not it was insisted on. The probability, however, is, that he was restored to the King's favour. Among other notices which occur in the High Treasurer's books, there is expended, Jan. 21, 1506-7, as follows.—* Item, to Maklane of Lochboy, liij lib.*

Maclean, with his two eldest sons, are known to have been * killed in a family Feud betwixt them and the Macleans of Dowart.* For the particulars of these Feuds, &c., the reader is referred to Mr Gregory's work before noticed.

Feb. 6.—Quo die, Johanne Maklane de Lochboy, sepe vocato per Literas Summonicionis Domini nostri Regis ad respondendum super certis Proditoriis accionibus in dicta Summunicione contentis; et non comparren continuatur ad diem Martis, tertium diem mensis Februrarij proximo futuri, cum continuacione dierum et horarum.

Curia Justiciarie, in pretorio burgi de Edinburghe, die Martis, xv die Februarij, 1507, coram Andrea domino Ayandale, Jusfitiario.

Stouthref by way of ' Mummyn.'

Feb. 15, 1507-8—Eduard Symsonne convicted of art and part of the

1 Young John.
4 Douglas's Baronage, p. 370.
Stouthreif, by way of "mummyng,"[1] under silence of night, of certain sums of money, extending to fix score merks, or thereby, from Sir Donald Moffet, Chaplain, furth of his chamber, near the Kirk of Craggy.—HANGED.

[Andreas dominus Avandle, et Alexander Laudir, Prepošt us de Edinburghe, Jusliciarii et Locum tenentes deputati Andree domino Gray, Jusliciarii Generalis.]

Slaughter and Hereschip at the Place of Innermefane, &c.

Jun. 16, 1508, (die Veneris.)—Donald Mole Makalester, convicted of art and part of the cruel Slaughter of John Ruffell, Patrik Weddale, and sundry other persons at Innermefane, and of the "Hereschip" of their goods furth of the said Place at the same time: Item, of art and part of the Stouthreif of sundry oxen and cows from Persone M'Martyne, in Kintyre: Item, of common Stouthreif and common Oppression of the lieges.—HANGED.

Stouthreif by way of "Mummyng."

Adam Mure, Convicted of art and part of Stouthreif, by way of "Mummyng,"[2] having his face muffled, under silence of night, of a certain sum of money from Sir Donald Moffett, Chaplain, furth of his chamber, near the Kirk of Cragy: Item, of art and part of the Stouthreif of two horfes from William Wallace, furth of Drumboy.—HANGED.

[Alexander Comes de Huntlie, Juslicarius.]

Theft—Reseting Thieves and Traitors, &c.

Oct. 9, (die Lune.)—Cuthbert Lauder, of Todrik, Convicted of art and part of the Theft and concealment of two horfes from Alexander Turnbull, furth of Braide: Item, of the theftuous Reseting of Alexander Cranfoune, common Thief, in his Thefts; and of art and part with him therein: Item, of the theftuous Reseting of William Oliver, common Thief, in his Thefts: and of art and part with him therein: Item, of supplying and Intercommuning with Symon Turnbull and Robert Turnbull, the King's Rebels, and being at his horn; and of art and part with the said Rebels in their Thefts and Treaonable deeds; and of the Treafon done to the King and his kingdom on that account: Item, of Common Theft and Common Refet of Theft: Item, of common ouputting and

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1 During the festivities of the New-Year, it was customary for parties to go about in disguise, accompanied by music. They were freely allowed to enter houses and exhibit their Mummers or drolleries, dancing and singing, &c. These morrice-dances have long since ceased in Scotland; and even the last vestiges of these "Mummers," the Gisards of Edinburgh, and a few other places, have nearly expired. The facilities which these licentious festivities afforded to commit robberies, induced a severer measure of punishment, in cases of delinquencies of this dishonourable sort, whilst murderers, &c. were allowed to compound for their atrocious crimes. 2 Parson. 2 See Feb. 15, 1507-8.
inputting in theftuous and treasonable manner: Item, of common treason with the saides Robert and Symon, the King's Rebels.---Drawn and Hanged, and all their goods, moveable and immoveable, lands and possessions, escheated to the King.

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CUBIA ITINERIS JUSTICIARIE DE KIRKCUDBRICHIT, ANDREAS DOMINUS GRAY, JUSTICIARUS, &c.

Oppressing Lady Cardines, &c.

Oct. 14, (die Sabati.)—NINIAN McCulloch of Cardines came in the King's will for art and part of the infraction of two Protections, granted in favour of Elizabeth Levinsox, in the occupying and labouring her third (terce lands) of the Lands of Cardines.---He was also admitted to compound for art and part of the Oppression done to the said Elizabeth, in 'Reiving' from her 1500 '30wis, wedderis,' and younger sheep, pertaining to her by reason of her half, through the decease of unq James McCulloch of Cardines; and of the Stouthreif thereof: Item, for the 'Spuitzie' of the lands pertaining to the said Elizabeth, by reason of her terce and conjunct Infeftment of the lands and barony of Cardines and Kirkmabreck; and Stouthreif of her rents: Item, for Oppression done to the said Elizabeth, in breaking up the doors of her barn, within the said lands; and for the Stouthreif of her corns and household goods, extending to x1 l.—The said Ninian became surety to satisfy the parties.

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Oppressing the Lieges.

Oct. (16 ?)—MARTIN BURNET, in St John's Clauchan, Convicted of common Oppression of the lieges, in the execution of his office.---Remitted by the Lords.

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Common Theft and Pickery.

[From markings on the margin of the Record, it appears that the Sentence originally recorded against this infrm old Highlander had been 'Suspen'; which marking was afterwards deleted, and 'Submersus' substituted; and finally, the latter was struck out, and 'Bannitus' inserted, through the clemency, no doubt, of his Judge or the King. It may be interesting to remark here, that the punishment of death inflicted upon females, at this early period, and for more than two Centuries afterwards, was, universally, drowning; and in cases of very heinous crimes, burning at the stake. It was deemed highly indecent and shocking to expose females to any other mode of execution than these, until the 'Maiden' was invented, when females of rank were sometimes beheaded. Owing to the helpless infirmity of this old man, it seems to have been considered an act of humanity to put him to death by drowning; but it is probable that the King, who was noted for kindness to the aged and infirm, had ordered his sentence to be commuted to 'Bannishment.'

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There is added to this entry, 'Nota, quod omnes praescript. commiss. post datam eas Remitted.'

* * * Probable as a Messenger-at-arms. ' *' Re* per dominus.' It may be Remitted.
Micheell Dow' M'Algersche, convicted of Common Theft and 'Pikry.'—Banished forth of the Sherifflome, because he was aged and decrepid, and was only convicted of (Stealing) 'sheveis, tedderis, huikis, and fascis.'—And to remove from the Shire, within eight days; and never to return, under the pain of death.

Slaughter of the Laird of Dalzell, &c.

Nov. 18, (die Jovis, quarta die Itineris.)—David Glendunwell.—The Laird of Garrules' often called to enter the said David, as he became surety for his entry, under the pain of x 1 l. to the King's officer, for art and part of the Slaughter of William Dalzell of that Ilk and John Carmichell; and not appearing, he was americat in the said sum. The said David was denounced Rebel at the horn, and all his goods were excheated to the King.

Tearing the King's Letters, &c.

Ninian M'Culloche of Cardines.—John Murray of Cokuple and Alexander M'Culloch of Myrtoone became sureties for the entry of the said Ninian, along with himself, under the pain of 200 merks, to underly the law for treasonably taking and tearing the King's Letters, and for other crimes imputed to him; and not comparring, they were americated in the foresaid sum.

Oppressing the Laird of Caly.

John Gordone, of Lochinver, produced a Signature of Remission for art and part of the Oppession done to Mr William Levinox of Caly, in detention of the lands of Pluntoone and Trun3eartoune wafe, &c.

Oppression — Hurting.

John Gordone, of Lochinver, and Helius Gordoun, in the parifh of Kirkpatrick, produced a Signature of Remission for art and part of the forethought felony and Oppression done to . . . . Makadam, in the parifh of Kollis, servvant of the Laird of Gaitgirthe, and hurting him: And the said John, for Common Opprision of the lieges.—The Laird of Lochinvar surety.'

1 Neger, 'Dum,' or black. 2 Pickry, petty theft. 3 Sheaves, rollers, (halteres, or ropes,) books and sacks (bags.) 4 Gairlies. 5 See the Notes from the Privy Seal Record, appended to this reign.—5 In September, or chairby, there was a great fray betwix the Lord Maxwell and the Lord Crighton of Sanchar, where the Lord Crighton was chased with his companie from Drumfreis, and the Laird of Dallyell and young Lasde Crauchley, with dyerlie vives, were flayn. —Anderson's MS. Hist. Adv. Library. 6 Sir James Balfour also notices this Feud in these termes: 'This yeare, at Drumfreis, ther was a grate feight betwix the Lords Maxwel and Sanquhar and ther frindis and followars; quberin the Lord Sanquhar was onthrown, and maney of his frindis killed.'—Annales, II. 231.

6 Elias? 7 At this period a considerable
Killing Salmon in Close-time.

JOHNE GORDONE, of Crago, Convicted of art and part of the slaying of Salmon in prohibited time, in the water of Wtr. Amerciated.—The Laird of Lochinvar became surety to the King and party.

Oppressing the Abbot of Dundrean's Officer, &c.

Oct. 19.—JOHN MAGGIE (McGIHIE), of Plomtoune, Convicted of art and part of Convocation of the lieges, in company with the Laird of Bomby, during the time of the Court, at the Standaende-flane, in Drumdran, held by the said Laird, in the year 1504: Item, of art and part of the Opprission done to Sir William Schanks, Monk, casting him down from his horse during the time of the said Court: And of art and part of the Opprission done to Andrew Denis, Officer of the Abbot of Drumdran, taking and detaining him against his will, until the conclusion of the said Court. Fined vj merks.—The Laird of Bomby, and the said James for himself, conjunctly and severally, became surety to the King and party. ' Iij li.'

ALAN and JOHN MARCLELANE, in Kirkcudbrycht, were fined x merks each for the same crime.—PETER MUR, of Balmagachane, William Levinax, younger of Caly, Alexander Porter, brother of the Laird of Lag, Peter Levingfoune, and nine others, were likewise fined iij merks each, excepting Peter Mur, who was delivered gratis to the Sheriff.—The Laird of Bomby became surety, along with themselves, to the King and party.

Oppression — Killing Salmon — Burning a Wood, &c.

WILLIAM LEVINOX, younger of Caly, admitted to compound, by virtue of a Remission, for his forethought felony and Oppression, done to Thomas Mageiche at the Kirk of Girtoone, coming upon him in warlike manner, and besieging him in the foresaid Kirk, in the year 1504: Item, for the Slaughter of ' rede-flache' (Salmon) in the prohibited time, in the water of Fleit: Item, for the theftuous depredation of the Wood of Rowfkithe, and for Burning thereof.—The Laird of Bomby surety to satisfy parties.

Stouthreif of Gasmony Wine — Opposition.

JOHN MARCLELANE, in Kirkcudbrycht, convicted of art and part of the Stouthreif of two ' hoghdeis' of Gasmony wine from Patrick Forster;* and of the Oppression done to the said John at the same time.—The Laird of Bomby surety for the King and party.

Number of Cases occur against dependents of the Laird of Lochinvar, for Acts of Oppression and Assault. He generally appears as caustic. None of these are of any interest, saving in the instances which have been selected. 1 ' Iij li.' is marked on the Record. 1 See p. * 55.
Oppressing Sir Gavin Kennedy, knight.

Oct. 21, (die Saboti.)—DAVID KENNIDY, of Cragneile, Thomas Makgernory, and Robert Park, Convicted of art and part of the Oppreffion done to Sir Gavin Kenydy, kn., by putting plough in his lands of Cumftoune; and for ploughing thereof, without any Leave from the said Sir Gavin: Item, for art and part of the Oppreffion done to a servant of the said Sir Gavin, called Macrorre, and hurting him at the fame time. They were fined, viz. the said David in x merks, and the other two in v merks each.—David Kennide of . . . . furety to the King and party.

Stouthreif of Gascony Wine — Forging the King's Letters — Cattle-stealing — Oppression, &c.

[As the following Case is the only one where the proceedings of an Assise, at so early a period, are fully detailed, the Editor has thought it proper to insert the original entry, in the precise terms in which it is made in the Record. This is likewise one of the few instances, which the Editor has met with, of sixe persons sitting on an Assise. Assises generally consisted of eleven, thirteen, fifteen, or more persons; but, excepting in a very few cases, they appear, from the earliest period, to have had an odd number. The purpose of this regulation obviously was, that, in the event of an equality of votes, for acquitting, or for finding the panel guilty, there might always be a decided majority; it being altogether inconsistent with the origin and nature of an Assise, that the Chancellor should be allowed the privilege of a casting Vote.

The case itself is rather remarkable, and more pains than usual have, evidently, been bestowed on the framing of the entry of the proceedings in the Record.]

Assisa electa super Dominum de Bombay et criminibus fibi impositis.

Schir Gavane Kennedy, The Larde of Dalbaty, David Sinclar,
The Larde of Gaitgirthe, Robert Langmur, Schir Alex. McCulloch,
The Larde of Cardinis, Johanne Crechtoune of Hartwode, Johanne Murhede of Bulles,
David Craufurd of pe Kerle, George Langmur, Johanne Slowane of Garroche.

Quoquidem Assisa, deligenter et mature avifati, deliberaverunt super nonnullis de criminibus eodem Willemo impositis, ut sequitur. WILEMUS MAKCLELANE de Bombay Convictus fuit de arte et parte rapine duarum le hogheds vini Gasconie a Patricio Forstair, in Kirkcubrycht; et de Oppreffione facta eodem, eodem tempore: Item, de arte et parte proditoris fimilionis unius Litere f. d. n. Regis, capiendo Signetum ab una antiqua Litera, et affigendo Signetum uni Literae pro relaxacione ANDREE DOMINI HERES a cornu Regis: Item, de arte et parte rapine certorum boun a Patricio Harpar de M'ilquhade, extra Bardrochate: Item, de arte et parte precogitata ficionie et Oppreffionis facte Patricii Makcelane de Myddilthride, venien. super eum et volen. eum interficere, ex antiqua malicia: Item, de arte et parte rapine auri et argenti, extenden, ad xx li. et ultra, pertinen. quondam D. Johanni Afthennane, Capellano, in A.D. 1507, ultimo elapto: Item, de parte Oppreffionis facte D. Willemo
(Schankis) Monocho,1 prostermando five prejiciando eum extra fiuum equum, tempore detencionis Curie per ipsum Will. tente apud le Standande-stane in Dundranane, contra voluntatem Abbatis: Item, de parte Opprissionis facta Andree Denis, officiario dicti Abbatis, tenendo eundem ad serviendo. in dicta Curia, contra ejus voluntatem, usque ad finem dictae Curie: Item, de arte et parte Opprissionis factae Ville de Kirkcubricht et comunitati ejusdem, in empi-cione vini et diversorum bonorum et merchandicarum, venien. ad dictam Vil-lam et Portum de Kirkcubricht, antequam Villa et comunitas deservite fuerunt, et contra voluntatem comunitatis; quequidem merchandicia, vinum et alia bona, suftinere debuerunt dictam Villam et comunitatem: Item, de comuni Opprissionis dictis Ville et comunitati ea occasione facta: Item, de comuni Opprissiones legiorum domini nostri Regis de aliis modis. 

Super quibus criminibus, et multis aliis criminibus de quibus Amissa minime determinarunt, licet in Indictamentis continebatur, et desuper dictus Will. ex-tilit accusat, Dominus Justiciarius, cum consensu et aulimento Domini-orum Compositorum, fratum Assessorum, Respectuert eundem Willelmum usque ad diem crafitnun ejus accuracionis sequen. sub plegiacione iij° marc.2—Et in dicta die craftina, Plegius dicti Will., ob non introitum ejusdem, in hujusmodi summe amerecitus est.3

CURIA Itineris (de Wigtoune,) inchoata die Lune, xxij Octobris, 1508, coram Andrea domino Gray, Justiciario f. d. n. Regis, ex Australi-aque de Forthe.

Burning of Drumkey and Ardwell.

Oct. 24, (die Martis)—GILCHRIST BARBOUR MARKINE produced a Signature of Remission for art and part of the Fire-raifing and Burning of Drumkey and Ardwell, in company with the Laird of Garthlane.—Sir Alex-ander Makcullochse surety to satisfy parties.

CURIA Itineris (de Aire,) inchoata die Lune, penult. Octobris, 1508, coram Andrea domino Gray, &c.

Feud between the Mures and Cunynghames.

Nov. 5, (die Veneris, quarta dies Itineris)—PATRICK BOYDE, brother to the Laird of Rowalloun, Neill Smyth, in Gardrum, and twenty-five others, Convicted of art and part of Convocation of the lieges against the Act of Par-

1 See Oct. 19, 1508.  
2 3000 merks.  
3 Summa totalis hujus Extractus iij°iij° iij li. vj f. viij d. (L5089, 6s. 8d.)
Oppressing the Young Laird of Busby, &c.

James Mur, brother of the Laird of Rowalloun, convicted of art and part of the foresaid felony and Oppression done to John Mowat, junior, Laird of Busby, and Andrew Stevinstoune in the Town of Stewartoun, in company with the Laird of Rowalloun. Fined 1s.—The Laird of Rowalloun furety to the King and party.

Convocation — Oppressing Lady Cunynghamhead, &c.

Robert Cunyngham of Cunynghamhead, convicted of art and part of Convocation of the lieges against the Act of Parliament, coming to the Kirk of Stewartoun, in Convocation, against John Mur of Rowallane and his men, for the Office of Parish Clerk of the said Kirk, in the year 1508: Item, of art and part of the Oppression done to Elizabeth Ross Lady Cunynghamhead, in occupying and manuring her third part of the lands of Cunynghamhead and Bonnay; and of thereby breaking the King's Protection (i.e. 'saufrage') upon her, in the year 1508: Item, of art and part of the Oppression done to the Abbot and Convent of the Monastery of Kilwyrning, and to Hew Earl of Eglintoun, their tenant, in the 'spulzie' of the Teind- sheaves of the lands of Myddytoun, in the parish of Perthoun, and of breaking the 'saufrage' of our sovereign lord the King upon the said Earl of Eglintoun, in the year 1508.

Convocation against the Laird of Rowallan.

Thomas Wallace in Clonfich, convicted of art and part of Convocation of the lieges against John Mur of Rowalloun and his men, &c. Fined according to the will of the Lords.—Robert Cunyngham of Cunynghamhead furety to the King and party.

Oppressing Lady Crechdow — ' Spulzie,' &c.

Nov. 5. (die Sabati, quinta die Itineris)—John Schaw of Haly, William Schaw dwelling with him, and eight others, were permitted to compound for art and part of the Oppression done to Margaret Mongumry Lady Crechdow,
coming to her Place, about the feast of 'Mydfummer,' casting her goods furth of her house; and for the 'spuileig' of sundry of her goods at the same time, striking her servants; and for breaking of our sovereign lord the King's 'faukgarde.' Item, of Oppression done to the said Margaret, in ejecting her furth of her house and Place of Garclauchie, casting down a stack of hay and destroying it, and also casting down a stack of bear,' containing seventy 'thraifs,' and thereby damaging the grain: Item, of shutting up her 'gudis,' viz. sixty-five 'foumes' furth of her said third part, shutting them up without 'pindande' them in a 'pyndfaile.' Item, of breaking his Bond of caution to keep the peace towards the said Margaret, by casting a stone out of a window, and breaking the said Margaret's head, and 'felling' her: Item, for common Oppression of the King's lieges.—David Craufurd of Kerfe furtey to satisfy the party.

Slaughter.

John Schaw of Kerfe produced a Remission for art and part of Slaughter of John Boyde with a stone.—David Craufurd of Kerfe furtey to satisfy parties.

Throwing down the Place of Burnfoot—Hamesurken, &c.

John Schaw of Kerfe admitted to compound for art and part of the forethought felony done to Duncan Fergusoun, young Laird of Kilkerne, in coming to his Place of Burnefute, and throwing down and breaking into the house of the said Place; and for (forcibly) keeping the lands of Burn-fute wafe, for the space of one year: Item, for the forethought felony done to Andrew Maknacht, and for 'Hamfukkin,' coming to his Place and 'stabbit' his . . . . . . . . , with 'quingingais' and sWORDS: Item, for the forethought felony and Oppression done to John Boyde, wishing to flay him at the time of the Slaughter of umq' M'ilhenze.—David Craufurd of Kerfe furtey to satisfy parties.

Hinder the sitting of the Baille Court of Carrick.

David Craufurde of Kerse, David C. younger, John Craufurde 'proctor,' Thomas Galbraith, David Campbell of Clovingall, Peter Rankin of Schelde, William his son, Albert Carthkert, Alan Carthker of Drumrowane,

1 A kind of barley. 2 A thraifs, or thraifie, generally consists of twenty-four sheaves, including two flockes, or shocks, of any kind of grain. 3 Live stock. 4 A foul of grass seems to have been various in different parts of the country; e.g. as much as one cow or five (sometimes eight or ten) sheep can pasture. 5 Luckily, the Clerk of Court had been posed in rendering this and many other articles into the usual Law Latin, by which means the vernacular is occasionally introduced. 6 'Pindande,' the stock in a 'pyndfaile,' is what might still be properly called 'penning' them in a pin-fold. It has no relation to 'poining' or straining the stock, as might at first glance appear. 7 The words of the Record are forcible: 'proiciendo unam lapidem extra quantum fines trerae et caput ipsius Margarete fringendo—et, in vulgar, 'felde hir.' "Obiterated in Record. 8 See the preceding case. 9 Sic. Cathcart.
Criminal Trials

Efpaine Craufurde, and James Barbour, came in the King's will for art and part of Convocation of the lieges, coming to the Court of the Bailiary of Carrick, on occasion whereof the Bailie, 1 on account of the 'inconvenientis' which might arise by serving the Brieve of the Laird of Kilhenye, 2 refused the said Brieve; and thereby, for impeding the said Bailie from holding his Court.—John Schaw of Kerfe surety to satisfy parties and the King. (David Craufurde of Kerfe was americiated 5l., and each of the others 40s.)

Oppression — Samesucken — Casting a Boy into the Fire.

Nov. 6.—Cuthbert Robison in Auchintebir, convicted of art and part of the Oppression done to Arthur Farlie, at his own house, striking him, and casting his son in the fire—Sir David Kenydy surety to the king and party. (He was fined five merks.)

Spulzie — Oppressing the old Lady Home, &c.

Nov. 10.—Hew Earl of Eglintoun produced a Remission for art and part of the 'Spulzie' of xij horfes, 'butis, spurris, suerdis,' and other goods from Arthur Boyde, and other servantis of the old Lady of Home, at the time of the wounding of the said Arthur: Item, for art and part of the Convocation of the lieges to the number of sixty persons, and the Oppression done to the old Lady of Home, in spulzie of xxiiij cows furth of Gallovny: Item, for the Oppression done to the said Arthur, coming upon him and hurting him, and taking him to the Place of Eftwode; and detaining him therein, in prifon.—The Earl became surety to satisfy the parties.

Spulzie.

Nov. 11, (die Veneris, ultimo die Itineris.)—John Hammyltoun in Bargany, produced a Remission for art and part of the 'spulzie' 'certarum menfarum Irlandie cilanidarum correorum,' corn, bear, 3 pots and pans, 4 from men dwelling in Cregforgenlie: Item, for art and part of the 'spulzie' of four horfes, eight cows, and four oxen from John Thomfoune, furth of his lands of Knockmingloche.—Alexander Kenydy, young Laird of Bargany, became surety to satisfy the parties.

1 Hew Earl of Eglintoun. 2 Reference may be made to the History of the Kennedies, Edin. Quarto, 1850, in illustration of this and all matters connected with the history of Carrick, and of the numerous feuds which unhappily abounded there, until a pretty recent date. 3 A kind of barley. 4 Patellas. 5 Carrick-Fergus. 6 Summa totantis Extractus, I psiij-bxxix b. (L. 3460.)
CRIMINAL TRIALS.

A.D. 1508.

EDINBURGH.

CURIA JUSTICIARIE DE EDINBURGHE, inchoata die Lune, xve die mensis Novembris, 1508, coram ANDREA DOMINO GRAY, &c.

Slaughter — Felony done to Sir William Scott, jun. knight.

Nov. 25.—JOHN BIKERTOUNE of Caskie, and Archibald his brother, Convicted of art and part of the cruel Slaughter of David Scot, near the Kirk of Stramyglo: Item, the said John of art and part of the forethought felony done to Sir William Scot, junior, kn', and his accomplices, at the same time.—WARED in the Castle, by the Justiciar.

[ALEXANDER COMES DE HUNTLIR ET ARCHIBALDUS COMES DE EROML, JUSTICIARIUS.]

Transporting Cattle to England — Slaughter — Burning the Place and Mill of Newby, &c.

Jan. 26, 1508-9, (die Veneris.)—WILLIAM CARRUTHERS in Clonhede, Convicted of treafonable outputting of five score and five cows and oxen from the Laird of Newby and his Tenants, in company with Andrew Johnetoun and the Traitors of Levin: Item, of art and part of the Slaughter of Robert Hude at the same time: Item, of art and part of the outputting of xi cows and oxen to the parts of England, and also of other xi cows and oxen at another time, from the said Laird of Newby and his Tenants: Item, of art and part of the Slaughter of an infant of two years old at the same time, in company with the said Andrew, &c.: Item, of the treafonable Burning of the Place and Mylne of Newby, in company foresaid: Item, of common Trafsion, common Theft, Refet of Theft and of Traitors.—SENTENCE. To be drawn and HANGED: And that he shall forfeit all his lands and goods, moveable and immoveable, &c.

Slaughter of the Laird of Glendinning, &c.

PATRICK DUNWEDY, in Elkdale, Convicted of art and part of the Slaughter of the Laird of Glendunwin; and of treasonably going furth of Scotland to the parts of England; and of treasonably remaining in England: Item, of common Theft, and common outputting and inputting of goods, between the kingdoms of Scotland and England.—HANGED, and all his goods escheated as above.

Rape of the Earl of Lavinax’s Daughter.

Feb. 13.—JOHN FLEMYNG, son to the Laird of Boghall.—John Lord Flemyn, often called (as furety) to enter the said John to underly the law for art and part of the Rape or Ravishment of Margaret Stewart, daughter of

1 Transporting the cattle to England. This crime was at all times visited with very heavy punishment; for, during the wars with England, the Southern provinces were at any rate drained of provinces, owing to the necessity of keeping considerable forces on the Borders, to watch against sudden invasion, &c. The frequent famines in Scotland rendered such regulations expedient at all times, but more especially during the time of war.
23 Jac. IV. CRIMINAL TRIALS.

Mathew Earl of Levinax; and for all action which could be imputed to him by reason of the said Ravishment, and intromission with her at the time thereof: And not compearing, the said Lord was fined in the penalty of 500 merks.—John Flemyn was denounced Rebel at the King’s horn, &c.

[Andreas dominus Gray Justiciarius Generalis.]

Slaughter.

Sep. 1, 1509, (die Sabbiti)—Patrick McClellane of Gillestoune, Alexander Legait, Thomas McClellan in Wigtoun, John M’Lyn miller, and James M’Culloche, were denounced Rebels, and put to the horn by public proclamation, &c., as fugitives from the law, for art and part of the cruel Slaughter of George Frere; and for not entering to underly the law, for the said Slaughter, and other crimes to be imputed to him. And this was done by Warrant of the King, under his sign-manual, following:

Rex,

M[est*] James Henrisoun, We charge you sat incontinent after ye fycht of jis Precep, sat ye put Patryk Maklawle and his complices to be put to our horne, after ye tenor of our down gyfth upon hime, in to our towbythst of Edynbrycht: And ye jis ye lif nocht ondon, as ye wyl anfure to us.

JAMES (R).

Sep. 3, (die Lune).—They were of new denounced Rebels at the market crofs of Edinburgh, &c.

‘Hereschip’—Fire-raising—Slaughter of the Lairds of Sintoun, Fentoun of that Ilk, &c.

Nov. 19.—Andrew Crossar, convicted of art and part of the Slaughter of Robert Scot of Sintoun: Item, of the treasonable inbringing of Englifhmen, and Traitors of Levin to the ‘Hereschip’ and Burning of Blindhauche: Item, of art and part of the Slaughter of Adam Turnbull of Chalmerlane-Newtoune, and Adam Turnbule, called Gabirlenzeis; and of in-bringing of Traitors and Englifhmen to the said crimes: Item, for the treasonable in-bringing of Englifhmen and Traitors to the ‘Hereschip’ done upon Alexander and James Chalmr: Item, of art and part of the cruel Slaughter of John Fentoun of that Ilk: Item, of art and part of the Theft of a grey horse, and fundry other goods, from

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1 Lady Margaret Stewart, eldest daughter of Mathew 2d Earl of Lennox, got a charter from John second Lord Fleming, her husband, of the lands of Biggar and Thankertoun, Mar. 12, 1508-9, Reg. Mag. Sig. xx, 90. They were soon afterwards divorced, (perhaps the marriage was never regularly solemnized), for she resigned the lands in his favour, Oct. 29, 1516, and was then designd, ‘elias reputata fynjic dicit Joanna.’ She afterwards married Alexander Douglas of Maus; and Lord Fleming married, for his third wife, Agnes Somerville. His first wife was Eufanian, fifth daughter of David Lord Drummond. Lord Fleming was Great Chamberlain of Scotland, Ambassador to France, &c., and was assassinated, while hawking, by John Tweedie of Drummetzie, Nov. 1, 1528.—See this Collection, Aug. 18, 1525, Apr. 7, 1529, &c.

* Ritson explains ‘Gaberlenzie’ to be ‘a scullis,’ that hange on the side, or loins,’ and hence the word came to denote an itinerant beggar, tinker, &c. who carries a wallet.
Thomas Bell in Baginw: Item, of common Treafon, common Refet of Theft, common Theft, common outputting and inputting within the kingdoms of Scotland and England, in treasonable manner.—Drawn and Hanged.


Slaughter.

Alexander Lekprevik, junior of that Ilk, Alexander Cuningham, John Alanfoun, and John Lindefay, Convicted of art and part of the cruel Slaughter of George Hammiltoun, committed upon forethought felony.—Beheaded.

Assisa elect. et jurat. super eiusmod personis.


Johnne,
I pray you passe to my Lorde, saide haife ye bukis with you, anentis ye unlawis pertainis to ye Lorde of Lekprevik and his complicis, and put it forth of ye bukis with his avife: And bring me word as ye do; for my Lorde Eglintoun will not endure quhill he haf your actis dufroit.—Item, ye fall discharge yeir unlawis, because ye have componit with my lord Thesaur, and he has gevin commande.

[Robertus Dominus Erjkin, Justiciarie deputatus.]

Slaughter.

Nov. 24, (die Saboti).—Hugh Wallace.—Cuthbert Earl of Glencarne, often called to enter Hugh Wallace to underly the law, for art and part of the Slaughter of vmq" George Hammyltoun, under the pain of lxxx li, and not compearing, was americated in the said fum: The said Hugh denounced at the horne, and all his goods escheated.

Hugh Lindefay, Andrew Hart, Alexander Robertfon, Robert Wight, and Robert Bar. The Laird of Dunrod americated in the sums of ij" marc, lxxx li., lxxx li., lxxx li., for the non-appearance of these persons for the same Slaughter.—Hugh, Earl of Eglintoun, was also americated in four sums of lxxx li., each for non-appearance of Alexander Dalgleische, John Craund, John Lekprevik, and Paul Blakfurd.—And Alexander Lindefay, Younger of Corf- basket, in lxxx li. for non-appearance of David Anderfoun, alias Davidsoune,

1 Base?
2 What you do; or, perhaps, as soon as you do so.
for the said Slaughter. All the above persons were denounced Rebels and put
to the horn, and all their goods escheated.

Paxm. pat my Lord Thesaurar sende for John Lanydoun, and gart him bring pe bulk our to
my Lord (Bishop) of Abirdris fall; ande gaif him command, befor my Lord of Abirdene, to put
out pe wnlaws above writin, becaus he bad componit with pame for pe wnlaws; and bad him tak
one memoriall of Maier Thomas Difjoun, pat he had commandit, &c.

**Messenger deprived for Failing in the discharge of his Duty.**
Oct. 17, 1510.—John Cowpar, Meffinger,*

Apud Edinburgh, Oct. xviij, 1510.—The quhilk day, pe Justice and Lordis
of Counfale Ordanis pat oure fowerane lordis armys be takin fra John Cowpar,
fumtyme Meffinger to our saide fowerane lord; and he to be deprivit, ande nevir
to ber armys for all pe dayis of his life, in exempli of uthiris: Because it is
undirftandin and considerit be pe saidis Lordis, that he has faltit richt gretumlie
in the executioun of his office, in dyuerse actionis; and specially, for his hie
contemptioun done, quhare he was warnit in judgement, pe xviij day of October
instant, to haue comperit pis day before paime; he beande oftymes callit and
non comperand: That pairfore, he sialbe put in prefounde, but delay; and bare
to remane unto pe tymes pat our fowerane lord have declarit and schawin his
mynd pairintill. And for pe fulfilling hereof, the saidis Lordis has gevin scharp
commande and charge to Lyoun King of Armys.

[Andreas dominus Gray, Justiciarius Generalis.]

**Taking a Bribe to acquit a Murderer.**
Nov. 4, (die Lune.)—Patrick Agnew, Sheriff of Wigton, came in
the King's will, for art and part of Usurping his authority, without Commision
for that effect, by putting Thomas Porter to the knowledge of an Affire, and
accuing him, 'per coloratam justificatam,' for the Slaughter of John M'myane,
committed by the said Thomas: And for taking 'feyis' and money to purge
the said Thomas of the said Slaughter, he being guilty thereof. And 'per
coloratam justificatam,' purging him of the said crime.—Fined v merks.

**Slaughter.**
Gilbert M'Arthur, Convicted of art and part of the Slaughter of
umq' John Edgar.—Beheaded.

**Intercommuning with the English, &c. &c.**
John Neilsonun, alias Suppit-out, Convicted of art and part of the

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1 Sent.  2 Over.  3 See Dec. 6, 1510.  4 The Blazon or arms borne officially by each Messenger 'at arms,' inferring at the same time deprivation and degradation from his office.  5 Without.  6 It is doubtful whether 'by a coloured judgment,' or 'under colour of justice' is meant to be expressed here. Perhaps the phrase may imply, getting up a mock trial, in defraud of justice.
Theft and concealment of three horses (‘naggis’) furth of Fischuk, in company with fundry Englishmen, Item, of his treasonably being and remaining in the kingdom of England, without a Licence from the King or Guardian (of the Marches): Item, of Intercommuning with the English, in thestuous and treasonable manner: Item, of treasonable inbringing of fundry Englishmen, at various times, within the Kingdom of Scotland, to ‘Spuilgies,’ ‘Hereischippis,’ Fire-raffings, Slaughters, Thefts, &c.—DRAWN and HANGED.

Cattle-Stealing.

Nov. 6.—Patrik M’Clellane of Giltoone, Convicted of art and part of the Stouthreif of xx oxen from Patrick Agnew, Sheriff of Wigtoune, and his servants, under silence of night.—BEHEADED.

Proclamation for regulating the Proceedings of the Justice-Aire of Jedburgh.

[The following Document (which is given literally as it appears on the face of the Record) is highly interesting, being so minutely illustrative of the form of procedure before the Justiciars, at the Aires held throughout the Kingdom. Although apparently framed for the Aire of Jedburgh, there seems no doubt that this Proclamation was Circular, and addressed to every district of Scotland, and was probably adopted by all the Sheriffs and Baron-Bailes, in their Courts.

The occasional occurrence of such Papers as the present, which have evidently been preserved by mere accident, tends to impress the mind of the enquirer with the conviction that, however brief and disjointed the early Records of the Courts of Justiciary confessedly are, their proceedings must have been conducted with the strictest regard to form and solemnity.

It would appear that one of the practical uses of keeping any Record, beyond a mere list of the Cases which occurred at the Justice-Aires, was to enable the Clerks of Court to settle their Accounts for the fines and amercements, &c. with the Lord High Treasurer, to whom they were answerable for all such sums. Beyond this there seems, originally, to have been no intention of keeping a regular record of the official proceedings of the Court, excepting the preservation of an accurate roll of those who were defaulters, or who had been put to the horn, or came in the King’s will for offences committed by them. This circumstance sufficiently accounts for the brief manner in which all the entries are made in the early Books of Adjournment, at a time, too, when little importance was attached to the preservation of minute evidence, or of the details of procedure in each individual case.

As all the Dittoes, confessions, and depositions were doubtless preserved, along with the Interlocutors of the Justiciars, the documents produced, and the Verdicts of the Assizes, &c. the Clerks of Justiciary could readily furnish Extracts and Acts of Court, when required. In the absence of these materials, however, we have now very imperfect ideas of the precise details which took place in particular Trials. Hence the peculiar value of such documents as the following Proclamation, which has fortunately been preserved. It may be worthy of notice, that the King himself was present during the whole of this Aire, which indeed he bound himself to do in every instance by one of the earliest of the Acts of his Parliament, which was passed immediately after the period of his Coronation.]

‘We Command and charge, in our Soverane Lorde THE KINGIS name, and

1 The other crimes of this individual, who was nicknamed Suppit-out, i.e. Swept out, (soppit,) are not necessary to be specified, being of no interest.
his Justice, here now present, pat na maner of personis tak upon hande to inuaid ane ane uthir, for alde sfeide\textsuperscript{1} or new, now cumand to pis present Aire, or paibre paire\textsuperscript{2}, and induring pe tyme pairof, under pe pane of dede: And pat na maner of perluene or personis beir wapinis,\textsuperscript{3} except kniffis, at pairof belitis, bot alane\textsuperscript{4} our Soverane lordis Houhalde, the Justice, Contable, Marshell, Compositouris, pairof men and houhalde, Shereff, Cronaris, and pairof deputis, under pe pane of echeting of pe Wapinis, and punising of pe personis beraris pairof, as efferis. And certifising all personis, pat na alde Signitouris of Remiisounis, wantande pe Grett Sele, or Remiisounis nocht ordourlie procedit be pe Selis; pat is to say, firft be pe Signet, fyne\textsuperscript{5} pe Privé Sele, and pe Grett Sele, falbe admittit; with certificatioun, quha enteris uthirwayis, pai fall nocht be admittit. And pat all personis, plegis\textsuperscript{6} for ony personis duelling within pis herefindome, quhilk hes committit ony Slauchtur within pis herefindome or without, or dilatit for art and part pairof, and als all plegis for ony personis duelling out-with pis herefindome, quhilk hes committit Slauchtur within pis herefindome, or dilatit for art and part pairof, pat pai enter pe personis pat pai ar plegis for, now, in pis present Aird, till\textsuperscript{7} underlie pe law, under pe panis pat pai ar bundin\textsuperscript{8} for pair entré (sic as pe Slauchtur of Sir William Colwile of Uchiltré, John Carmichell, and pe Larde of Dalzell.) Becaufe pai ar warnit lauchfullie for pe entre of pe personis, be pe Proclamatione of pe Aire, and summoning and warning of all plegis to enter pe personis pat pai ar plegis for pair entre, as laid is. And pat na victualis be faulde of derrer price na' pai war viij dais befor pe cuming of the Kingis grace to pis toune and pis present Aire, undir pane of echetin of pe vittalis, and punissing of pe personis sellaris pairof; and pat vittalis be brocht to pe market for reddy money. And pat na lugeing nor flabillis be fett or takin be ony personis, of derrer price nai pai war fett and takin at utheris Justice Airis obefore; and quha sa dois, it falbe dittye to Justice-Aire. And attoure, caffis\textsuperscript{9} and adnnullis all Contractis and promittis of takin and fettin of houfis of derrer price nai pai war wont to be fett, in uthir Justice-Airis hail in pis burghe of Jedworth of befor.'

Thir are pe punctis\textsuperscript{10} of pe ditte to be inquirit.

In the first, giff\textsuperscript{11} they kene\textsuperscript{12} ony Trefoune to pe Kingis personis or pe realme?
Item, giff paiar be ony Slauchtri or Murthur?
Item, giff paiar be ony flyer-raifying or Byrnynge within pe realme?
Item, giff paiar be ony Revifing of women?
Item, giff paiar be ony Thift?
Item, gif pair be ony Reif?
Item, gif pair be ony Reflet of Thift?
Item, gif pair be ony Outputaris or Inbringaris of wtheris mennis gudis?
Item, gif pair be ony scorthocht fćelinis or Opprefforris of pe KINGIS leigis, be onywais?
Item, gif pair be ony Reflettis, fupleis, or intercommonis with pe KINGIS Rebellis?
Item, gif pair be ony Culzouris, nycht-walkaris, or Sornaris?
Item, gif pair be ony Wichecrift or Sofflary wfyt in pe realme?
Item, gif pair be ony Convocatione or gadering of our foverane lordis liegis?
Item, gif pair be ony pat flais rede-fīshe in forbodin tyme, or fmoltis in mill-dammis?
Item, gif pair be ony diftrevaris or pelaris of grene wode?
Item, gif pair be ony slayaris of deyr, be ftaling, within wthir Lordis parkis?
Item, gif pair be ony pat manteinis opin tresfpaflouris?
Item, gif pat ony wfs fralfe-mettis, meforis, or wechtis?
Item, gif pair be ony pat takis Thift-but?
Item, gif pair be ony ftrikaris of fralfe mony?
Item, gif ony perfoune bringis hame pufioun, and quhow pat wfe it?
Item, gif ony paffis in Inglind, without pe Kingis Licenfe, in tyme of weire?
Item, gif pair be ony Goldfīnyth pat makis fhalfe mextioune?
Item, gif pair be ony Ligis or Bandis maid within burghe? or gif ony burges ridis or routis with ony Lorde or Larde, to landward? or gif he be bundin to ony Larde in manrent?
Item, gif ony fĕlis halkis or bundis?
Item, gif pair be ony brekaris of orchattis or doucattis, or zardis?
Item, gif pair be ony trew brekaris, or ony pat fettis upone affurance with Inglifinen, in tyme of weir?
Item, gif pair be ony pat fĕlis wthir mennis pitis out of pair ftankis?
Item, gif pair be ony diftroyaris of ubthir garis?
Item, gif pair be ony Mutulatioun or difembriring of ony perfoune?
Item, gif pair be ony pat lysis with wthir mennis wifs, and diftros pair gudis?
Item, gif pair be ony hurdis fundyne wndir pe erde?

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1 From the verb, to Culpe, to caajole. A cheat or swindler.  2 Who took free quarters, and spoiled the poor and defencedees.  3 Witchcraft or sorcery.  4 Salmon.  5 The young fry of salmon.  6 Such as 'elwands' - measures of length.  7 Measures of capacity.  8 Weights.  9 Theft-boat.  10 Poison.  11 Mixture of metals; alloy.  12 Leagues or Bonds.  13 Dovecota.  14 Gardens.  15 Truce-breakers.  16 Peats; tart. It is likely, however, from the 'fankis' or ponds being mentioned, that the word ought to have been written pece or pețis, for pikes.  17 This is likely to have been cunninggaris, rabbit warrens, but improperly transcribed.  18 Hoards or pêtes found under ground.
23 Jac. IV. CRIMINAL TRIALS.

Item, giff pair be onyflaaris of baris in swaw?
Item, giff pair be ony within burghes pat purchesse lordship, in oppresioun of his nychtboris, or to pley with pame at bare? ¹
Item, giff pair be ony malt-makaris pat fellis malt ane put to pe mark . . . . .? ²
Item, giff pair be ony persooun pat has (fals or fenzeit?) money of pe realme?
Item, giff ony persone brekis money without pe Kings Licence?
Item, giff pe Merchandis bringis hayme bulzeoun, accordin to pe Acts of Parliament, and giff pe cuftumaris and curzeouris dois pair diligence pairto, according to pe faidis Acts of Parliament?
Item, anentis Cordynaris, giff pair fellis fhone and butis and pantounis . . . . . .³
pat is contenit in pe actis of Parliament, pat is to fay, a pair of mennis . . . . . . ⁴
full fhone for xij d.; a pair of double full fhone xvij d.; a pair of . . . . . . . ⁵
ij f.; a pair of butis vij f.; wemen and childoris fhone for viij d. pe pair, and utheris geir accordin to pair pricis.
Item, giff Berkaries fellis pair ledder, according to pe faidis pricis?
Item, giff ony Baxtaries' makis ony conventionis and gaderingis, and brekis pe affis . . . . . . ⁶ to paem be pe Officers of pe toune; or istalis pe toune and baikis nocht eftir pe pricis pat is gevin; or ells haldis abak ande fulfills nacht pe famyn?
Item, giff pair be ony Masterfull beggaris?
Item, giff pair be ony nichbouris within burghes pat usfurpis agane ⁷ pe Officeris maide in burghes?
Item, giff ony malt-makaris of Leithe, Ediburghes or uthir placis, fellis pair malt, unput to pe mercat of pe burghes. And giff pair tak mair pane a boll of beir for a chalder making?
And giff pair be ony pat pakis, or pelis, or housis wol, skin, hidis, outwith pe hede-burghes, fik as Leithe, and uther unfré Portis and placis; or takis away pe gudis, uncuftunyt?

CURIA Jusiciariz de Jedburgh, inchoata die Martis, Novembris xvii,
1510, coram Andrea domino Gray, Jusiciariz f. d. n. Regis ex parte
Australi aquae de Forthe.

[The chief incident connected with this Aire, which the Editor recollects, is the remarkable occurrence related by Bishop Lesley,¹ who quaintly informs us, that 'THE KINo raid furth of Edinburgh, the viij of November one the nycht, weill accompanecit, to the Watter of Roulle; quhair be tuik divers brokin men, and brocht them to Jeduard; ² of quhich som was justifeit;³ And the principallis of the

¹ Pleas or litigate at the bar. ⁶ This evidently ought to have been 'oneput (or unput) to ye market.' ² If they sell shoes, boots, or pantous (jotens,) at mair or at gairer price than is contained, &c. ⁷ 'Singill' soled shoes. ³ Barkers, tannurs. ⁸ Leather. ⁹ Bakers. ⁴ The same set to them, &c. ⁵ Against. ¹¹ The Original Scottish copy printed by the Bannatyne Club, quarto, 1830, p. 81. ¹² Jedburgh. ¹³ Executed.
trubllis cum in lynyng claythis, with nakitt fordis in their handis, and wydddis about their neckis, and pat thame in the Kingis will; quha was send to divers Castells in Ward, with findrie utheris of that cuntrey men, alfo, Qhaisir throughout, the Bourdouris was in greiter quietnes thairfer. The King thairfra paffit to Perth, qubair Justice-Airis was haldin the reft of that winter.—Sir James Balfour contents himself with remarking, generally, that the King this 3eire, 1511, applays himself quholy to the suppreffing of Rebellis, and the administrasons of justice one robres, outlawes, and such lyke."

**Lady Bucleuch amerciated.**

Nov. 19.—Belde' Robin Scot.—The Lady of Bucleuch came called as lawful surity of Belde Robin Scot, as the received him in Indenture from the Coroner; and not compearing, was amerciated the fourth day of the Aire. The said Robert denounced at the horn, and his goods escheated.

**Slaughter.**

William Ker in Quhittmere, and James his brother.—Andrew Ker, son of Ralph Ker of Primfylshoch, often called to enter the said William to underly the law for art and part of the Slaughter of John Broune, under the pain of 100 merks; and not compearing, was amerciated in the said sum: And failing the goods of the said Andrew, that the said Ralph shall be distrained, because he bound himself to make his son sufficient for the said amerciaiment. The said William denounced at the horn, and his goods escheated to the King.

**Slaughter of Sir William Colville of Uchilir, knight.**

Nov. 20, (die Mercurij, quarto die Itineris.)—George Haliburton, Mark Ker of Dolphinfoun often called to enter the said George to underly the law, for art and part of the Slaughter of (Sir) William Colvile of Uchilir (km), and Richard Ruthurfurde, under the pain of 100 merks; and not compearing, was amerciated in the said sum. The said George denounced at the horn, and his goods escheated to the King.

**Slaughter of the Laird of Falahill.**

Nov. 22, (die Venusis, quinta die Itineris.)—Andrew Ker of Gate-

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1 Linen clothes. 2 Halters; literally *suities*, which were sometimes employed for hanging the Border Thieves, at an early period. 3 The following interesting illustration of this humiliating practice is perhaps the most extraordinary which can now be cited: 26th Oct. 1629, Robert Arbroche, and Makregoun, ane grant lyme, quha haid bene anis or twyll forgewin and remittit be his Maiestie for his oppreffion, wponge houpe of amendment, sit he continewit fill in his knawrrie: And after thair wes mek il learning maid for him in the Hielandis, and all his freindis chargit to apprehend, come in to Perth this day, being Tysday, une preaching day after fermen, and fell down on his knees, and one tow (rope) about his neck, and offerit his foules to the point to the Chancellor of Scotland, quha refuse Pitt to accept of it, and commandit the Bailies to ward him: Lyckeas thay infantlie wardit him, and patt baiit his feitt on the gado, quhais he remanit.—Mercer and Fleming’s MS. Chronicle, Adv. Library. 4 Annales, I. 284. 5 Bald-headed. 6 Elizabeth, daughter of Walter Ker of Calisford, and reliet of Philip Rutherford, younger, of that ilk. 7 There is no indication of his crime.
Slaughter of the Laird of Falahill.

Thomas Scot, brother of Philip Scot of Airdchaw.—William Scot in Hawik, George Scot in Goldelandis, and David Scot in Quhithaunche, often called to enter the said Thomas to underly the law, for art and part of the Slaughter of John Murray of Faulohill, under the pain of 100 merks; and not compearing, they were amerciated in the said sum. And failing the goods of the said sureties, if insufficient for the amount of the said amerciament, that the goods of William Scot in Fynwik, and John Scot of Hanyng, shall be distrained, because they obliged themselves to make the foresaid sureties sufficient.—Thomas Scot was denounced at the horn, and all his moveable goods escheated to the King.

Burning of Branxholm and Ancrum — Intercommuning with English Traitors, the Armstrangis, &c.

Nov. 24, (die Saboti, sexta dies Iterinis.)—John Dalglese produced a Signature of Remission for art and part of the Theft of xvij cows and oxen from John Scot: Item, for the traitorous Intercommuning with Symon Turnbull and his accomplices, Englishmen, in treasonable manner: Item, for Refetting of William Dalglese, common Thief, in his Thefts; and specially during the time of the Theft of eighty sheep from Thomas Murray: Item, for treasonable inbringing of Black John Rouclefche¹ and his accomplices, traitors of Leven, to the Burning of Branxham; and 'Herechip' of horses, oxen, grain, and other goods, extending to 'vj' markis:' And for the treasonable Intercommuning with the said Traitors, in their treasonable deeds: Item, for Intercommuning with 'the Armstrangis' at the time of the Burning of Ancrum, and at other times: Item, for Theft and concealing xx oxen and cows from John Scot, furth of Northhous: Item, for Refetting the said Rebels, at the time of the Theft of four horses from Philip Faulo and his neighbours, furth of Quhiteshefter-holme: Item, for Refetting William Dalgless and Symon Dalgless, Thieves and Traitors of Levin, in their Thefts and treasonable deeds: Item, for common Treason, common Theft, and common Refet of Theft, before the date of his Remission.—And because he could not find sureties to satisfy the parties, judgment was given that he should be Warded by the Sheriff forty days—and if he could not find sureties in the mean time, that he should be HANGED.

¹ Roughcliffe, or Rowcliffe?
Intercommuning with a Rebel.
Robert Dalgleis, in Howdane, produced a Remission for Retfitting, suppiling, and Intercommuning with John Davidisone.

Resettling Thieves and Rebels.
Thomas Dalgleis, in Braidhauche, produced a Signature of Remission for art and part of the thestuous Retfitting of Symon Dalgleis and his accomplices, the time of the Theft of five horses from David Hoppringle of Tynnes, price of one of them xx merks, and of the rest of them xil merks: Item, for the thestuous Retfitting of Walter Dalgleis and his accomplices, the time of the Theft of xvij oxen from the said David, furth of Bochill. — Judgment was given that he should be Warded as above — and if he could not find surety in the mean time, that he should be Hanged.

S Herschip of the Laird of Cruikstoun, &c.
Thomas and William Dalglese, in Braidhauche, produced a Signature of Remission for art and part of the Stouthreif and 'Herschip' done upon the Laird of Cruikstoun and his tenants, and Stouthreif from them of lxij oxen and cows, xiliij horses, and heifers, and household goods, to the value of 'xl markis.' — Judgment given as above.

Horse and Cattle Stealing — Stouthreif — 'Herschip.'
Robert Haw (Hall?) in Heveyde produced a Reprieve for art and part of the Theft of four horses and heifers, and household goods to the value of fifty 'markis,' from William Jackfoun, furth of Ruthirfurde: Item, for art and part of the Theft and concealment of a horfe, value xx l. from Adam Edgar, furth of Baffindene: Item, of a faddle, 'le bridill, cadurse,' a pare of splentis, a fuerde, a bukler, price ten 'markis': Item, 'vnius fabuncule,' unius toge, 'lodi-cum lintheaminum,' and other household goods to the value of ten merks, from the said Adam, furth of his house, at the same time: Item, for the Theft and concealment of two oxen from Thomas Johnenfoun and Dougal Wilfoun: Item, of the Theft of a cow and eleven 'hoggis' from the Laird of Boyne-Jedworth and Sir Henry Vallas, &c. &c.: Item, of the Stouthreif of five horses and heifers, gold and silver, and household goods to the value of ij merks, from William Jackfoun, &c. &c.: Item, of art and part of the 'Herschip' of a horfe, household goods, and a 'bag-pipe,' price 20 merks, from George Weyr: Item,

1 Bowhill? 8 Heavyside. 2 It is doubtful what this word is intended to mean. It primarily signifies a coverlet, and is supposed to apply to a sort of shield or target. 4 A woman's kirtle. 5 Gown. 6 Linen sheets. 7 Sheep of a year old, before shearing their first fleece. 8 What follows is of no interest.
of Refletting, supplying, and intercommuning with the King’s Rebels, being at
the horn, &c. &c.: Item, of theftuously breaking the house of William Ruther-
furde, in Nether Chetto.—And because he could not find sureties to satisfy parties,
Sentence was pronounced, that he should be Warded by the Sheriff for forty
days—and if, in the mean time, he did not find sureties, that he should be Hanged.

Deforring a Messenger — Oppression, &c.
Dec. 6, (die Iovis, xxii die Itineris.)—Alison Cuthbert, in Ednem,
James Tynkler, and fifty-five others residing there, Convicted of Deforcement
and disobedience, done to John Couper’s Messenger at Arms, Sheriff in that part,
coming to the lands of Ednem with the King’s Letters, for poinding James
Edmonstoun of Ednem, for a certain sum of money due to Jonet Edmeftoun:
And when the said sheriff in that part had disrained sheep and oxen for the
said sum, the foresaid persons came in warlike manner, to the number of two
hundred persons, and deforced the said sheriff: Item, for Oppression done to the
said Jonet, and Adam Home her spouse, in hindering them from labouring and
manuring her lands of Ednem, and thereby breaking the King’s Letters of Pro-
tection.—Sentence. That the foresaid persons shall be put in sure prisoners for
the space of a year and a day—and their lives to be at the King’s will; and all
their moveable goods to be escheated to the King.

Treason — Art and part with the Duke of Albany.
Dec. 9, (die Saboti, vltima die Itineris.)—John Murray, alias Blak
Johnne, permitted to compound for art and part with Alexander Duke of Albany,
in his treasonable deeds.—David Hoppringill and Mr John Murray became sure-
ties to satisfy the parties.3

 CURIA ITINERIS JUSCIARIE DE SELKIRK, TENTA DIE LUNE, IX DECEMBRIS, 1510,
coram ANDREA DOMINO GRAY, JUSCIARIO, &c.

Destroying the Woods in Ettrick-forest.
Dec. 11, (die Mercurij, tertia die Itineris.)—Walter Scot of How-
paflot, the Laird of Cranstoune, and thirty-four others, Convicted of
destroying the Woods of Ettrick-Forest. Each of them fined ‘iij li.’
A great many similar Cases occur for destroying the Woods in Ettrick
Forest, and on the Water of Borthwick, at this time; for which offence
many of the leading proprietors were convicted, such as the Hoppringills of
Smallham, Tynnes and Torwoodlee, Ker of gare, John Murray (the Sheriff), &c.

3 See Oct. 17, 1510. * Viz. xvi. 5 ‘Summa totalis hujus Extractus, l. V. xxvij ii.’
(L. 1527.)
The Aire terminated on Dec. xiv, die Saboti, being the sixth day of the Aire, but there are no entries of any importance.

Curia Itineris Justiciarie de Peblis, tenta die Saboti, xiiij Decembris, 1510,
coram ALEXANDRO GUTHRIE de eodem, milite, Justiciario deputato Andree
domi Gray, &c.

Sluaghter of a Common Thief.

Dec. 18, (die Jovis, v die Itineris.)—GEORGE TUEDY delated of art and
part of the Sluaghter of William Young; and being accused thereof, the foreaid
Justice depute, with the counsel and advice of the Lords then sitting as Assisitors
to him, because it clearly appeared that the said William had been and was a
common Thief, as was proved by fundry of the King’s Letters, under his signet
and subscription-manual, for taking the said William, &c., and that he had been
in the commisision of Theft and crimes: Therefore, the said George was
acquitted of the crime of the foreaid Sluaghter; and command was given to
the Justice Clerk, that the said George should never, thereafter, be taken or
indicted for the same.

Curia Itineris Justiciarie de Edinburghe, coram ANDREAS DOMINO GRAVE,
Justiciario, inchoat. die Saboti, viij Februarij, 1510-(11.)

Sluaghter.

Feb. 11, (die Mercurij, iv die Itineris.)—GILBERT CAMEROUN produced
a Signature (of Remission) for art and part of the Sluaghter of John Flemyn of
Torbedo: Item, of the Stouthref of a iword, a ‘bukler, a bonet,’ and a French
crown from him, at the same time.—John Murhede, in Bathcat, and Thomas
Douglas, in the said parish, became sureties to satisfy the parties.

Persury — Wilful Error on Assise.

Feb. 12, (die Jovis.)—ALEXANDER BERTOUNE, Robert Lumly, and
xv others, Assisors, Convicted by a Great Assise (Grand Jury) of Wilful Error
and rafh iwearinning, finding John Laufoun, George Corntoun, Florence Corntoun,
Edmund Cokburne, and Andrew Atkin, quit and free of the disturbance done
to John M’ferland; and finding the said John M’ferland to be convicted and

1 The ‘summa totalis’ is not inserted. 2 SUMMA totalis, Extractas, 19 vij h. xxv. f viij d.
(L.156, 16a. Bd.) 3 Quittes et immunes de perturba feu perturbacions facta. These words
are usually rendered ‘disturbance’ in the old Records. The crime was probably mutual Assault,
arsing out of Feud between the Laird and the townsmen of Dumbarton.
4 Probably Sir John Maclaran of that Ik, or of Arrochar, who, according to Douglas’s Baronage, was killed at the Battle
of Floddden, and, as is understood, was knighted on the eve of the battle.
guilty of disturbance done to the said John Laufoun and his accomplices, as is fully contained in the Roll of the Constabulary Court; by favor and partial means.—Sentence. That all their moveables, as well cattle as other goods, shall be fetched to the King: And that they shall be imprisoned for year and day, and farther, at the King’s Will: And that they shall be perpetually infamous and perjured.

Oppressing the Laird of Niddry Marishal.—Battery pendente lite.

Feb. 19, (die Jovis, st die Itineris.)—SYMON PRESTOUNE of that Ilk, and John Littill, his man, came in the King’s Will for art and part of the Oppression and forethought felony done to Archibald Wauchope of Nudry-Marischell and his men, making Convocation on Aug. 5, 1495, with warlike arms, to the number of sixty persons, and hindering him from coming to his own Place (of Niddry) from the Kirk of Penneuck; before judgment was pronounced between the said parties by the Lords of Council.—The Laird of Prestoun became surety to the King and party, for himself and the said John. (Fined x l. and v l.)

Oppressing the Laird of Bass, &c.

Feb. 25, (die Mercurij, xx die Itineris.)—THOMAS DCSOUNE, at the Monastery of Hethingtoun, Luke Hepburne, and William Bracanrig, there, came in the King’s will, for art and part of the Oppression done to Robert Lauder of Baile, coming under silence of night to the lands of Quhitcastell, and casting down the House built there by the said Robert.—The said Thomas, &c., and Patrick Hepburne of Beyntoun, became sureties to satisfy the King and party. (Amerciated xv merks.)

CURIA ITINERIS JUSTICIARIV, INCHOATA DIE LUNE, XX DIE MENSES OCTOBRES, 1511, CORAM ANDREA DOMINO GRAY, JUSTICIARIO, &C.

Treasonably taking the Castle of Lochdoun, &c.

Oct. 30, (die Mercurij, viiij die Itineris.)—WILLIAM CRAUFURDE, son of William Craufurde of Lefnorys, admitted to compound for art and part of the treasonable taking of the King’s Castle of Lochdoun from Sir David Kennedy, kn’, (Captain thereof,) and ‘Hereschip’ and Oppression done to the said David, in ‘Hereschip’ of the said Castle: And for Restitting, supplying, and

1 This Aire lasted nineteen days, and terminated on Monday, Mar. 3. ‘Summa totalis hujus extractus, viijxxxvij li. iij f. iij d.’ (L.739, Ss. 4d.)
2 Haddington.
3 In this and all other similar instances where the americiation is marked, it is a fine to the King. The composition with the party was a matter of private settlement or reference.

† K
Intercommuning with the King's Rebels, being at the horn, viz. David Craufurde (of Kerfe) John Schaw (of Keris) and the 'Crechtounis.'—The Laird of Gaitgirth became surety to satisfy the parties.

Treasonably taking the Castle of Lochdoun.

ALAN CARTHART of Clowlynan, John Craufurde of Drongane, and five others, were admitted to compound for the treasonable taking of the Castle of Lochdoun, as above.—Alexander Kennydy, young Laird of Bargany, surety, &c.

Cruel Oppression — Stouthrei, &c.

Nov. 4. (xii die Itineris.)—HEW EARL OF EGLINTOUNE, Thomas Montgumrey in Kilbride, John Montfoide, younger of that Ilk, and seven others, admitted to compound for art and part of Convocation of the lieges, and for art and part of the forethought felony and Oppression done to John Scot, burgess of Irvin; and of Stouthrei of pots and 'pannis, plattis, and pewdir wechsel,' from the said John, furth of his house, extending to xx l.: Item, for the forethought felony and Oppression done to the said John and his wife, coming to his house, and cruelly striking his wife with 'bauche straikis,' at the time of the Stouthrei of the said goods: Item, for forethought felony and Oppression done to the said John, taking him into the Tolbooth of Irvin, and conducting him to the lodging of the said Laird (of Montfoide?), and detaining him there for the space of six hours against his will; and then conducting him to the said Tolbooth as a Thief, and putting the said John in the 'stokkis,' and incarcerating him therein: And for the Oppression done to the said John's wife, at the said Tolbooth, tearing her hair, cruelly striking her, and pulling out her hair in great quantities.—The said Earl and the Laird of Montfoide became sureties, conjunctly and severally, renouncing the benefit of division, to satisfy the parties.

CURIA ITINERIS JUSTICIARIE DE WIGTOUNE, inchoata die Saboti, viij Novembris, 1511, coram ANDREAE DOmino GRAY, JUSTICIARIO, &c.

THE CORONER OF WIGTON TO PRODUCE DEFCERRE IN COURT, &c.

Nov. 14.—'PE JUSTICE commandit Archebalde M'Culloch, Crownar, to bring in jugement to morne' Henry Nelefon, Johne Tait, William Nelefon, till vnderly pe law for pe Deforling of our fouuerane lordis Officier, 'vnder pe pane of punifying of him with fidelike punitioun as thai said be pvnift.'

1 Persons of no note. 2 Several other Cases occur at this Aire for the same crime; but the parties were of no consequence. 3 Pewter vessels. 4 The Aire terminated Nov. 6. xiiij. die Itineris. 5 Summa totalis Extractus, viij'xxviij l. vj f. viij d.' (L.26, 6s. 8d.) 6 To bring into Court to-morrow. 7 Messenger at arms.
Slaughter.

Nov. 18, (die Mercurij, nona die Itineris.)—Nevin M’kello and Patrick M’kincrofche. ‘Med. pat pe Scheref-deput, Mungo Murray, at pe command of pe Jutice, relaxt Nevin M’kello and Patrik M’kincrofche fra pe proces of pe horne, and gaif pam pe wand of pece, for pe Slauchtir of Alisoun M’gill-haffis dochter.’

Curia Itineris Justiciarie de Kirkcudbright, inchoata die Veneris, xx Nov. 1511, coram Andrea domino Gray, Justiciario.

Theft from the Abbot of Dunblane.

Nov. 23, (die Sabati, ij die Itineris.)—John Story, in Dundranane, admitted to compound for art and part of the Theft of 300 merks and a gold chain from the Abbot of Dunblane: Item, for art and part with Edwar Story, common Thief, in his Thefts; and specially, the time of the Theft of a box from the said Abbot: Item, for treasonably going out of the kingdom, and remaining in England: Item, for common Theft and common Refet of Theft. The Laird of Bomby became surety to satisfy the parties.

Oppression—Striking a Sheriff or Messenger, &c.

Nov. 27, (die Jovis, v die Itineris.)—Master William Levinax of Caly produced a Signature of Remission for being art and part of the forethought felony and Oppreッション done by him to Roger Gordoun of Garlarg, the King’s Sheriff in that part, having the King’s Letters in his hands to summon the said Mr William, at the instance of John Gordoun of Lochinvar, striking the said Sheriff in that part with a staff, and drawing his ‘quinzeare’ upon him: And of art and part the contempt and treason thereby done to our sovereign lord the King: And of theftuously destroying the Woods belonging to the Laird of Lochinvar. The said Mr William, and William, his son and heir apparent, became sureties to satisfy the parties.

‘Raid of Drumfrese, at Lames-evyn’—Slaughter.

Nov. 29.—The qubik day, Johnne Lorde Maxwell oblift him, pat betuix pis and Candilmes nixt to cum, pat he fal plie my lorde Secreter and his clerk for pair feis of pe Selis and writingis undir pe Signet, of all pe personis being at pe Raid of Drumfrese at Lames-evyn, and Slauchtir committit at pat tyme; betuix pis and Candilmes nixt to cum, &c. And pis to be extendit in pe
Criminall Trials.

John Symontoun of that Ilk.—Robert Menzies of that Ilk, John Tuedy of Drummelgar, James Lokart of Le, and Richard Browne of Cultermanis, were often called to enter the said John, to underly the law for art and part of treasonably fabricating and making False money within the kingdom; as they became sureties, conjunctly and severally, under the pain of 1000 merks, renouncing the benefit of division: And not compearing, they were americated in the said sum.

William Inglis of Langlandhill.—Robert Menzies of that Ilk often called as surety to enter the said William, to underly the law, for art and part of treasonably making the said false money, under the pain of 100 l. And not compearing, he was americated in the said sum.

[Andreas Dominus Gray, Jusiciarius.]

(Jul. 23.)—The Lairds of Symontoun and Langlandhill were respited for three months, from Jun. viiiij, for the above crime.

Rex,

we grant and give full Licens and fredome, be pircour lettres, to John Symontoun of that Ilk and William Inglis of Langlandhill, how beand wondir accusatian of crime of Tresfon for false Money, to analy, fell, and wod fist pair landis, heretage, and gudis, in all or in part, to quhatsumeser perfonis, as they fall think expedient, to furnis expense for puttin of pair airis in pair landis and heretage, and outridding of foundis about to ws be pair airis for composition, and doing of pair whir meidfull erandi; and to pafe at large quhere p'ai pleife within our realme, without ony arrest or accusatia for p'false crime, for p'space of Thre monethis; to mak penny of pair landis and gudis, as said is. And alse, we gif licens to all our liegis to by' or tak in wod fist fr'a pair fisias John and William, or ather of p'ame, pair landis or gudis; and will and grantis p'false alianciou and felling pair fisias na caufe of recogniou nor forfaitour of pair landis, nor dangir nor skayth nayris to p'byaris nor sellaris, nochtwithstanding p'ai stand now wondir accusatia of p'false crime of Tresfon. And alse, gif p'fais John and William plelis to put pair onnis and apperand airis in se of pair landis, We fall rennane refignations pairof, in favour of pair airis, or gif Confirmationis appoun a pair awin Charteris, fafar as is halding of W's, in p'sickerel forme p'can be derisit. Attours, We, of our speciall favouris and grace, Remittias and Dischargeis, for ws and our successeouris, in favour of p'faidis airis, all proces of forfaitour and of our home, quhilk, be rigour of law, micht be led apone

1 Cancellarius, vis. Alexander Stewart, Archibishop of Saint Andrews, natural son of King James IV by Margaret Boyd. He was slain at Flodden. 2 Le, in Lanarkshire. 3 Annalsis. 4 Wadest. ** Heirs. * Owlog. 1 Purchase; buy. * Give. * So far. 10 Surest; assurest. 11 Moreover.
Feud between the Maxwells and the Crichtons — Slaughter of the Laird of Kirkpatrick, while at the Horn, &c.

There seems to be no doubt that the deadly Feud and Slaughter, which form the subject of the following solemn proceedings, arose out of the Battle between the Maxwells and Crichtouns on the Sands of Dumfries, in the month of July, 1508. These families were indisputably the most powerful Barons of that day, and had long been at enmity with each other. The vigorous measures adopted by King James IV had for a considerable time restrained them from proceeding to personal hostilities, but at length they suddenly broke out into open violence, having apparently challenged each other to the field, to decide their quarrel by force of arms. Bishop Leslie gives a short but striking account of this affair, which it is thought proper to quote here.—

Thair was a gret gadding of the xxx day of Julij, betwix the Lord Maxwell and the Lord Crichtoun of Sanquhar, quhair the Lord Crichtoun was chaffit with his company fra Drumfries, and the Laird of Dollyell and the young (Laird) of Crauchlay flane, with divers utheris, qua actresses thair apperit greit deidly feid and bludhde; but the King tuk sic ordour, partlie be justice and partlie be aggrgement, that the hole caufe was faudanlye quyeted and flanchit.  

Robert, third Lord Maxwell, fell at the fatal Field of Flodden. On the other hand, his antagonist, Robert, second Lord Crichton of Sanquhar, ancestor to the Earls of Dumfries, survived many years. His son, William, the third Lord Crichton of Sanquhar, was stabbed to death in the house of the Governor of Scotland, the Duke of Chatelherault, by the Lord Sempill; and his great grandson, Robert, the sixth Lord, was executed at Great Palace Yard, Westminster, Jan. 29, 1612, for being accessory to the far-famed Murder of John Turner, a Fencing-master, who had thrust out one of his eyes, while they were practising together, with his foil.  

Sir William Douglas of Drumlanrig, one of the parties more immediately concerned in the present case, was likewise a very powerful Baron, being an ancestor of the noble house of Queensberry. He married Elizabeth, daughter of Sir John Gordon of Lochinvar, and fell at Flodden, Sep. 9, 1513.  

So great a sensation did this case make, that it was evidently the immediate cause of the subsequent 'Act anent the Refet of Rebellie,' &c., to which the reader is particularly referred.
ANENT the Supplicatione gevin in to þe KINGIS hienes be WILLIAM DOUGLAS of DRUMLANRIG, desiring þat þe actioun of cryme imput to him and other his men and frendis, for þe Slauchtir of umquhill ROBERT CRECHTOUNE of KIRKPATRICK, fuuld be put to þe deliuerance of þe Lords of Counfale; quether, gif þe saide actioun fuuld be put til ane Affisle, considering, þat þe said umquhill Robert was at our overan lords horne, and his Rebell þe tym of his slauchter? Like as, at maire lenthe, is contenit in þe said supplicatione. And in likewithe, anent þe Complain gevin in be ROBERT LORD CRECHTOUN OE ÞE SANQUHAR,1 and þe kyn and frendis of þe said umquhill Robert, defyrand, þat þe said actioun of cryme of þe said Slauchtir fuuld be put to þe knawlege of ane Affisle, and na feninnet2 nor deliverance to be maide be þe Lords of Counfale pairvpoune. THE LORDIS OF COUNSALE forsaide, in presence of þe KINGIS hienes, þe resonis and allegations of bate þe said partijis, fene, herde, and undirstanding Decretis and Deliveris, þat þe criminale actioun of þe sais Slauchtir, contenit in our overan lords Lettres and Complante, fuuld be put to þe knawlege of ane Affisle, befor þe KINGIS grace, or his Justice, criminale: And als, deliveris, þat our Sovereane lorde may inquire and spere3 at his Counfale, quhere it pleis his hienes, and cause be discusfit be his Counfale, quhethir gif þe said umquhill Robert Crechtoone was at his horne or not, the Lettres of Reipett for aucht dais, granit be our overan lorde to þe saide umquhill Robert, and þe Relaxatoune of him fra þe horne, inducing þat tym; and als, þe Lettres of þe denuncing of þe said umquhill Robert, gevin of new be þE KINGIS grace pairrefit, to denunche him of new þE KINGIS Rebell, þe said viij dais being past, and uthir aucth dais pairrefit following; at lenth the fene, herde, and considerit, þE LORDIS forsaide, FINDIS and DELIVERIS, þat þe saide umquhill Robert was þE KINGIS REBELL, and at his horne, þe time of his Slauchtir.

The forsaid Lord Crechtoone, and þe Larde Drumnarrie, ar baiðhe content, þat þE LORDIS OF COUNSALE forsaide be apoun þis Affisle.

1 The reader is referred to the Appendix for numerous illustrations of this and many other Trials, which occur in the course of the present Collection.  * Verdict.  * Ask.
25 JAC. IV.
EDINBURGH.

[Coram. s. d. n. Rege et Andrea domino Gray, ejus Justiciar].

Sep. 27, (die Lune.)—The Court of Justiciary, in the Case between
Robert Lord Crecourt and his men, on the one part, and William
Douglas of Drumlanrig and his accomplices on the other part, was con-
tinued till tomorrow, without prejudice of parties.

[Alexander Lauder, Justiciar deputatus.]

Sep. 28, (die Martis.)—Continued to Thursday next, and it was publicly
proclaimed, that none of the Affes of the Lords elected thereon shall retire from
the town, until the said day, and deliverance (of their Verdict.)

Sep. 30.—The Lords declared as follows, having been first sworn upon
the Affes, in the present cause, and thereafter elected by the King to give counsel
to him as aforesaid.

MAGNA ASSISA.

Archibald, Earl of Angus, &c. (viz. the others above named, excepting those marked thus *,
they being twenty-one in all.)

VERDICT of the Affes, and Judgment following thereon.

Anent þe accütioune maide apoun William Douglas of Drumlanrig,
Johny Fergusson of Craigdarroch, Thomas Fergusson his fone, and þair complices, for art and pair of þe Slauchtir and Murthe of unq Robert
Crchoune of Kirkpatrik, and cryme of Treffone and Lofe-maiesté, allegit apon
þe said William, John and Thomas, and þair complices; þe Lordis Forsaide,
Findis and Deliveris, and confalis þe Kingis hienes, þat þe said allegit crimes
be na Dittay: And þat Lettres be writtin of Discharge; and Inhibitoune be gevin
direct to Justice and Justice Clerk, be our fouerane Lordes, and till all uthers
officialis, þat none of þame tak in Dittay, attache, arrest, or accuse þe said
William Douglas, or his complices forsaide, for þe saide actioun, and na crime be imput to þame foraipoun, becaufa it was funde obofore be þe said Lordis, þat þe said unq Robert, þe tym he was slane, was oure fouerane lordis Rebell,
and at his horne, and for uthir resonoable cause, moving þe saide Lordis; except Fergy Fergusoun and Robin Fergusoun, to quham þis declaratioun and
consall fall nocht extende, and pain to be punisit, as is contenit in þe decret and
deliverance, be certane of þe said Lordis forapaune.

SEDERUNT, ultimo die Septembris, anno domini I. V. xij.

James Archibifiechope of Glasg, Alexander Lauder of Blyth, (koy,') Master Patrik Panthere, Secretar
Andro Bifchope of Murray, Proveit of Edinburghe, till our fouerane Lorde,
David Bifchope of Galloway, Master Gavane Dumbair, Archi- Master Robert Formane, Dene of
Andro Bifchope of Carnes, dene of Sanct Androis, Glasg,
George Bifchope of þe Ilis, Master Gavane Douglas, Proveit Master James Henrioun, Justice
Archibald Earl of Angus, &c. of Sanct Gelis Kirk of Ed', Clerk.
John Priour of Sanct Androis,

1 The remainder of the Great Assize last mentioned followes, excepting William Keyth of Inverrug.
Act anent 'the Resset of Rebellis, and Personis being at our soverane lordis horne.'

The Lordis, Prelatis, (and) Baronis abone written, with avise of pe Kingis hienes, hes Statut and Ordanit, pat because of pe Resset of Rebellis, and perfonis being at our Touverane Lordis Horne, is gretlie vft within this realme, in contrare his Lawis and dierfe Statutis maid be his hienes and his progenitouris; and be pe said Lawis and Statutis, nocht alaney' pe said Rebellis and perfonis, being at je horne, fuld be punift and juftifi't to je deid, bot als well pe reslettaris, supplearis, and mauntinaris of pam. And, it is thocht rycht odious and hevy to oure soverane lorde and his Lordis fairfaidis, pat ony reflet, supple, favour, intercommonyn or affiltsane fuld be gevin to the saidis Rebellis; and quha pat reslettis, supplis, or intercommonis with pam to be punift to je rigoure, according to pe Lawes and Statutis made obefore. And gif ony perfonis happens to committ Slauchter apone pe said Rebellis and perfonis being at je horne, pe tym of pe takin or apprehending of pam, fulbe na punct of Dittay; bot pe flaaris of pam to be revardit and thankit forfore. And gif ony perfone takis or apprehends ony perfone Rebell or fugitive, at pe kingis horne, and brings pe fumyn to his hienes or his Justice, pat perfone, Rebell or at pe horne, till' have na Remissiou of pe Kingis hienes, without speciale consent of pe perfonis takaris of him; and to be revardit be pe Kingis grace, be pe gevin of pe half of pe vnlaw of pe perfone fugitive, or at pe horne, or his plegis was unlawit or amerciat obefore, or be pe gevin of pe half of his echet gudis, or uper pait pairof as fulbe thocht (juft) be pe Kingis hienes. And as to pe revarding or gevin of Remissiou of pe Remissiou of pe space of thre zeris next to cum, to pe quhil kyme pe Kingis grace of his benevolence hes consentit; and pe remanent of his Statut till undue perpetuall, or quhill it be uperwaits divitt be pe King, his Gret Counfale, or be pe Parliament. Item, in liweshe it is Statut and Ordanit, pat in tym to cum, anent perfonis Rebellis, and being at pe horne, and beis takin and apprehendit be ony of our soverane lordis legis, and kepit xxiiij houris eftir pat he be takin, and pe takaris or apprehendaris of him haiffland him in fure keping, oujer 4 in Caftell, his strench, or oujer fure place; or quhar pe takaris or apprehendaris ar maliters of pover, quharthrow pe said Rebell or fugitive at pe Kingis horne may nocht evade and eefcape, and pat be noturly' knaviv or vndirftand, it fall nocht be lafull to pe kepar, apprehendar, or taker of him, nor to na uper private perfone to fla him, bot bring him to pe law to be juftifiit be pe lawis of pe realme. And gif it happened pat ony perfone, Rebell or fugitive at pe horne, be flane after pe said twenty foure houris, he beande in firmance'

1 Only. 2 Executed, after legal trial. 3 To. 4 Either. 5 Force. 6 Notoriously, publicly known or understood. 7 Sure custody; imprisoned.
or sure keping, as said is, p'f slaaris of hym, uperways na in forme of justice and ordour of law, be p'f KINGIS Justice, or uperis havande pover of his helenes or his Justice, pat p'ai be reput and haldin as men-slaaris, exceptande, gif any piersons, kyn, or frendis of p'f said pierfome being Rebell, or at p'f horne, wald reif p'f said Rebell or pierfome being at p'f horne, quharthrou he may noch be surely brocht to p'f KINGIS helenes or his Justice; and in pat case, he may be lefully slane but acustabone.

[Matheus Comes de Lennox, et Alexander Lauder de Blyth, miles, Jusiciarii deputati Andree Domini Gray.]

Attempting to free a Prisoner from Dunbar Castle.

Nov. 5.—Eugenius McGrume, dwelling with William Lauchlan and Andrew Williamfoun, dwelling with Alister Roresfoun, Convicted of art and part of the treasonable making of Bond and League with Muirmory Muirwane, in Arroche, and one called Duncanfoun, and fundry others in Lochabir and Clanquhattle, for the treasonable taking and abduction of Ferquhard Meyntische furth of the CASTLE OF DUNBAR, the said Ferquhard being in the said Castle, in prison and ward; and of coming to the said Castle to the said Ferquhard, for taking and carrying the said Ferquhard furth thereof.—HANGED.

[CURIA JUSCIARIIE, TENTA APUD BURGUM DE EDINBURGHE, DIE VENERIS, NOV. ZII, 1512, CORAM GEORGE DOMINO SETOUN, DEPUTATO ANDREE DOMINI GRAY, JUSCIARIIE EX PARTE AUSTRALI AQUE DE FORTHE.]

Slaughter of the Laird of Gerstoun.

JOHN DEKESOUNE, in Gerstoune, and John, his son, convicted of art and part of the Slaughter of George Myddimaft of Gerstoune, committed on forethought and culpable felony.—BEHEADED.

ASSISA.

[Andreas dominus Gray, Jusiciarius.]

Murder.

Nov. 23.—HUGH and ARCHIBALD Powok, and Charles Patonsoun,
convicted of art and part of the Slaughter of David Rede, by way of Murder; and for their being at the horn for the said Slaughter.—BEHEADED.

ASSISA.¹

The Laerde of Houtoun, The Laerde of GerweFwode, The Laerde of Dunlope,
The Laerde of Kilbirny, The Laerde of Dalzell,¹ The Laerde of Caldwell,
John Nefet of Dalzell, William Dunlope, Adam Mailwin,
The Laerde of Comkeyth, George Cockburn, Patrik Hepburn,
Bartlimo Dalzell, James Biffit,

[Willielmus Comes Errolie et Alexander Lauder² Prepoistus de Edinburghe, Justiciarij Deputati.]

Slaughter of the Laird of Corsintoun.

[The following Case is of a kind which, unhappily, was but too frequent in the district where the Slaughter took place, and, indeed, prevailed over a large portion of Scotland. The reader is referred to The Historie of the Kennedyis,³ for illustrations of a similar nature; which curious fragment the Editor has recently published, being anxious to preserve from the risk of destruction by fire, &c. so remarkable a memorial of the History of a populous and powerful district of this country, at so very remote period.

Having enquired into the subject of the Slaughter of the Laird of Corsintoun, little more information can now be obtained than what is contained in the following interesting paper, which has been recovered from the valuable Register of the Privy Seal.⁴

GENERAL REMISSION to the Lairds of Lefnoris and Skellingtoun, &c. for the Slaughter of the Laird of Corsintoun.

JAMES, be the grace of God, King of Scottis. To all and findry our Sche-
reflis, Justice Clerkis, Crownaris, and pair deputis, and all veris our officiaris,
liegis, and subditis quhom it offeris, (to) qhais knawleige pIr our Letteris fall
cum, greting. WIT 3e, ψat, Scouramkele as Andro Campbell, ane of pe principall
committaris of pe Slaughter of vmquhile Patrik Dunfer of Corsintoun,
committit at pe Kirk of Cumnok, wes takin and justitjit¹ for pe fummn; and
Duncane Campbell and John Stille, altua committaris of pe said Slaughter, ar
fugitii fra our lawsis, and put to our horne pairfor; and pe remanent of pe
perfonis speicy dilatit of art and part of pe said Slaughter has opENTIT our
Remissioun for pe fummn: ANd become pe said Slaughter was committit at
THE KIRK, one Sunday, pe tyme of Mes, quhenne pe parrochinaris war gadderit,
and ane grete multitude of paire ar dilatit of art and part pairef, WE haue, of
our speciale grace, REMITIT, and be pIr our Letterez frely Remittis, to Wil-
liame Crawfurdf of Lefnoris, Alexander Campbell of Skellingtoun,
parrochinaris of pe said Kirk, and generaly to all pe remanent of pe parrochinaris

¹ This is one of the few instances where the Assise consisted of fourteen or any other even number, which was commonly avoided, in case of an equal number of Assises voting; for the Chancellor had no casting vote. ² Robert (or William) Dalzell of that Ilk? See note to Ap. 5, 1613. ³ Sir Alexander Lauder of Blyth, knight. ⁴ Quarto, Edin. 1831, with illustrations and Notes by the Editor. ⁵ Reg. Secr. Sig., Vol. VI. ⁶ Executed; put to death after legal trial.
parof, and vtheris our liegis, being par asemblit pe tymne of pe committing of pe said Slauchter, all actione and cryme pe may be imput to paim, or ony of paim, for pe said Slauchter, art or part parof, and all thing pe may ony wife follow pairopon alanerly: And dífchargis paim and ilkane of paim for euer, be þir oure Lettre, except pe principale committaris of pe said Slauchter, fugitife and at oure horne for þe fàmmyn, and pe vthir perfonis, quhilkis war in speciale dilatit of art and part parof, and has opetenit our Remiffion þairupounne, as said is. QUHAREFORE We charge, frstly, and commandis ȝow, all and findry our Jufticis, Scherifis, Juftice Clerkis, Crownaris, and par deputis, and all vtheris our officiaris, legis, and subditis forefaisidis, þat nane of ȝow tak aponoun hand to reaiff in Dittay, arreft, acuife, follow, truble, perfew, or proceid aganis pe said William Crawfurid, Alexander Cambell, or ony vtheris our liegis, except before exceptit, for pe said Slauchter, art or part parof, or ony thing þat may follow þairoponne in our Juftice-aris, or ony vtheris wayis, or to do ony thing incontrare þis our Generale Remiffione be ony maner of way in tymne cumynge; vnder all pe hiest pane, charge, and offens þat þe and ilkane of ȝow may committ and inrin' aganis our Maiestie, in þat part, discharging ȝow all our officiaris forfaiddis, prefent and tocum, and ȝour deputis of ȝour officiaris' for ever, be þir our Lettre of Generale Remit, quhilkis We will hau þe ftreth and effect of our Remiffione, fícik as and þe fàmmyn war gevin to þaim all speciell nemmit þairin be our Lettre vndir our Grete Sele, without ony impediment, renocatoune, or agane-calling quhatsumuair. GEVIN vndir our Priue Sele, at Edinburghe, þe fèvin day of Januar, þe ȝere of God I'Ve.xij jeres, and of oure regne þe xxv þere.

[JAMES R.]

It seems quite unnecessary to add any thing farther to this Case, the parties concerned being so well known.

Dec. 6.—ROBERT CAMBELL of Schankitoone denounced Rebel and put to the horn, and all his goods escheated, for not underlying the law for the Slaughter of Patrick Dunbar of Corfintoune.3—John Stewart of Torboltoone, cautioner for his entry, was americated in 100l.; and because his goods were not distrainable, the goods of the Sheriff of Aire to be distrained therefor, because he took the said John as surety foreaid.

GEORGE and JOHN CAMBELL, brothers of the said Robert, also denounced, &c., as above; and the Sheriff of Air's goods to be distrained for 200 merks of americation.—ANDREW BOMBY is also denounced, and the Laird of Schanki- tooun americated 40l. as his cautioner.—JOHN CAMBELL, Parish Clerk of Cunnok, repligated by the Arch bifhop of Glasgow's Commiffary (Mr Richard Boithville) to his Regality.

1 Incur; literally run into.
2 Offices?
3 See also Dec. 9, 1512.
CRIMINAL TRIALS.

Murder in Edinburgh Castle — Breaking Ward, &c.
Dec. 7, (die Martis.)—ANDREW ADAMESOUNE, alias Weymis, convicted of art and part of the Murder and Slaughter of Thomas Peblis, in the Castle of Edinburgh: Item, of the Theft of xxvj l. and a silver merk, at the same time: Item, for treasonably breaking his prison in the said Castle, and going forth of Ward.—BEHEADED. His head to be put upon the West Port, and his hands and feet fixed upon the Posts of the four Burghs nearest to Edinburgh.

[Jacobus Comes de Arane Dominus Hammyltoune, Justiciarius deputatus specialiter constitut.]

Slaughter of the Laird of Corsintoun.
Dec. 9, (die Jois.)—JAMES CAMPBELL of Clewis denounced Rebel, &c. for the Slaughter of Patrick Dunbar of Corsintoun.1—George Campbell of Cefnok, surety for the said James, was amerced 200 merks.

ANDREW CAMPBELL in Strade, Andrew C. in Wodhead, and William Craufurde, were also denounced, &c.; and George Campbell of Watterhede, Mathew C. in Trinzean, George C. of Cefnok, and George Craufurde of Beaux, their sureties, were amerced 200 merks for each of them. The following Warrant is engrossed in the Record.

REX,

CLERK of our Justiciary. It is our will, and we charge 50w, pat se desife, and draw forth of our Adjornall, George Campbell of Cefnok, George Craufurde of Beaux, and Matho Campbell, quhillis or unlawit as pledis for se non-entre of William Crawford, fone to William Craufurde of Lefnoris,2 James Campbell, Andro Campbell in Strade, and Andro Campbel in Wodhede, dilatat of se Slachter of wom3 Patric Dunbar of Corsintoun. And alius, pat se draw furthe of our said buke all wer perfouns pat ar undir panis for se said Slachter, and pare fouertieis, and pat se desife pain pairof, becaus se haif maid compoission with se pairof. For se quhillik caus, we REMIT, forgervis, and dichargis se fornemmit perfouns and pare fouertieis of se said unlawis and panis be pir presentis, subscrivit with our hande, AT EDINBURGH, pe vij day of Januare, and of our regne pe xxv sere.

JAMES R.

[Alexander Lauder de Blyth, miles, Justiciarius deputatus]

Oppression — Wounding — Breaking a Safe-conduct.
Jan. 8, 1512-13.—HENRY BEG, Englishman, dwelling in Bervik, and Richard Barro, Englishman, his servant, Convicted of art and part of the Oppression done to Alexander Angus of Hoprig: And of the cruel Hurting and Wounding of him, under silence of night, by way of Murder; and of the concealing thereof: And of breaking the King’s Safe-conduct granted to the said Henry, by committing the foresaid Hurting and Wounding.

1 See Dec. 6, 1512.
2 Discharge, free, acquit. This word frequently occurs in Warrants, &c. of the same period.
3 He is also stated to be brother of George Craufurde of Beaux.
25 Jac. IV.
CRIMINAL TRIALS.

ASSIS.

James Edmoustoun of Ednem, Henry Congiltoun of that Ilk, Thomas Louranstoun of that Ilk,
Alexander Mounbray of Cammo, George Lile of Stannepeth, William Newtoun of that Ilk.¹

[Patricius Crechtoune de Craignston-Riddale, Justiciar deputatus.]

Slaughter.

Mar. 8, (die Martis.)—Charles Murray was denounced Rebel and put to the horn, for not underlying the law for being art and part of the cruel Slaughter of Alexander Biglande.—John Lindsay, formerly of Wauchope, now of Barclay, americated 100 merks for not entering the said Charles, as he had found surety to the Steward of Kirkcudbright, for that effect.

Adjuncta ab Affīō.

William M'Cellan of Bonny, William Sinclair of Auchinfrank, Richard Carnis of Barnbauchill,
Thomas Tait of Barnbaruch, Ninian Glendunwyne of Parton, Patrick Forster.²

Wounding in the King's Chamber.

Mar. 11.—John Makbrak denounced at the King's horn, for not entering to underly the law for art and part of Wounding Thomas Drummond, in the King's Chamber. (On the margin,) 'Ita denunciatio fuit de speciali mandato domini nostri Regis.'

[Archibaldus Comes de Ergile, Jacobus Comes de Mortoun, Georgius
Dominus de Setoun, et Alexander Lauder de Blyth, miles, Prepositus de
Edinburghe, Justiciarii deputati, Andree Domini Gray, Justiciarii specialiter coniuncti.]

Slaughter of Dalzell of that Ilk, &c.—Feud between Lords
Maxwell and Crepechtoun of Lanquhar.³

Apr. 5, 1513, (die Martis.)—Robert Graham of Gillebfe denounced Rebel and put to the horn, and all his goods to be escheated; and James Johnестoun of that Ilk, his surety, americated 100l. for his not entering to underly the law for the Slaughter and striking of William Dalzell of that Ilk,⁴ John Carmichell, young Laird of Carmichell, John Weyr, John Lokky, and Robert Bertoune; according to the form of a Decreet Arbitral.⁴

Thomas Johnestoun of Gartno, William Johnestoun young Laird of Gartno,
David J. brother of John in Bartycupane, Adam Scot of Tufchelew, and James

¹ Nine other persons of no rank are also specified. ⁴ See Sep. ² Six others of no note. ⁴ Either there must be a mistake in this Record of Justiciary or in the Poerages, as to the Christian name of this person. Wood states, that Robert Dalzell of Dalzell was killed at Dumfreis, in a skirmish between Lords Maxwell and Crichton, 30th July, 1508; and that Robert of D. was witness to a Charter in 1511.—Wood's Peerage, I, 311. See also Nov. 18, 1508. ⁵ This entry is very obscurely expressed. It does not appear from it which of these parties were struck, and which of them were slain; or whether they were all struck and slain.
CRIMINAL TRIALS.  
EDINBURGH.

Johnstoun of Skare, were also denounced Rebels, &c. for the same crime; and 
the Laird of Johnstoun, their surety, amerced in 100 merks for each of them.  
—John Johnstoun of Wamfray was amerced 40l. for not entering Edward 
Moffet of Hewick, who was likewise denounced, &c.

James alias Jak Baty, Andrew his brother, Ronald Graham at the Water 
of Corry, and Patrick son of Walter Graham, were denounced Rebels, &c. for 
the same crimes. John Maxwell called France, Officer1 of Lord Maxwell, 
was proved to be sick, and Lord Maxwell became surety for his entry, at the 
next Justice-aire of Dumfriese, under the pain of 100 merks.

Slaughter of stray Oxen.

George McCulloche, son of Archibald, Symon Makcubin, and Andrew 
Akynnan, were denounced Rebels, &c. for not appearing to underly the law for 
art and part of the Slaughter of nine oxen, straying upon the lands of Glenlufe.

Slaughter.

George Johnstoun of Auchinf Cork, and William, called Foule-durrie, 
were denounced Rebels, &c. for art and part of the Slaughter of Iwe Corry, 
servant of Sir Alexander Kirkpatrick, kn. —James Johnstoun of that Ilk, his 
surety, was amerced in 200 merks, for their not entering to underly the law.

[Alexander Lauder de Blyth, miles, Justiciarius Deputatus.]

Slaughter of the young Laird of Attiquane.

Apr. 9, (die Sabbati.)—Thomas Kennedy of Bargany, 2 Alexander 2 and 
John his sons, Rolland his brother, Thomas Fergusoun brother of the Laird of 
Kilkerane, John Colvile son of William, and fix others, were ordained to be 
denounced Rebels, and all their moveables to be efecheated, for their not entering 
to underly the law, for art and part of the cruel Slaughter of George Kennedy, 
son and heir apparent of George Kennedy of Attiquane.—Execution of horning 
delayed till Friday nixt, with consent of George K. of Attequyn. David Earl 
of Caflillis became surety.

[Andreas Dominus Gray, Justiciarius, &c.]

Apr. 20, (die Mercurij.)—David Craufurde of Kerse, and Thomas Corry 
of Keldwode, amerced 100l. for not entering the Laird of Bargany, who was 
pot to the horne along with the others.

1 A Herald or Pursuivant. The Wardens of the Marches, and many of the greater Barons, had 
Heralds in their train, who were made use of on all solemn occasions, and especially at marriages, 
feasts, and funerals, &c. France was the name of this Officer, in like manner as Albany, March-
mont, &c. of the Royal Heralds. 
2 He is styled his 'son and heir apparent' in a subsequent entry.
[David Comes de Caßhillis, Justiciarius deputatus.]

Sheep and Cattle Stealing.

Apr. 26.—Richard Pott, in Eskaill, convicted of art and part of the Theft and concealment of four cows, from George Purwas and Roger Hunter, furth of Carterhope: Item, of the Theft of 30 sheep from the Tenants of Carterhope: Item, of the Theft of 16 sheep from the said Tenants: Item, of the Theft of 50 sheep from the Laird of Hallfchawis: Item, for Common Theft.—HANGED.

Nomina Assise.

Dominus de Amisfide, Dominus de Maneritoune, Dominus de Damhoy,
Dominus de Tallo, Dominus de Keldwode, Dominus de Corsfurd,
Dominus de Gerwifwode, Willelmus Ker de gair, Dominus de Kirk,*

[Georgius Dominus Setoun, Justiciarius Deputatus.]

Common Theft and Reset of Theft.

May 25.—Edward Johnstoun, son of John in Crukitmone, and John Reid, (dwelling) with Mathew Graham, convicted of Common Theft and Common Reset of Theft.—HANGED.

Nomina Assise.

Rogerus Kirkpatrik de Knok, Robertus Neilson de Madinpap, Willelmus Colvile de Ravinnif-
Willelmus Cunyngham de Cra- Dominus de Bennifyde, crag,
 ganis, Ricardus Carisle.

Slaughter of the Laird of Greifston.

May 31.—William Dekesoun, son of John Dekesoun, convicted of art and part of the Slaughter of George Myddilmeat of Greifston, committed by the said William, John his father, and John his brother, upon forethought and culpable felony: Item, for being at the horn for the said Slaughter.—BEHEADED.

Assise.

Thomas Lowis of Menner, Gilbert Berde of Poffo, Thomas Wyly of Bonytoune,
Nnian Paterfoum of Cavehills, John Elphfontoun of Hendirfoun, James Levingftoun of Girlwode,
John Cavehill of Foulage, William Were of Newton, John Carmichell, Cap† of Cranfurde.

[Archibaldus Comes de Erglie, Justiciarius, † in hac parte.]

Common Theft and Treason.

Jun. 4.—Andrew Story and Thomas Gilfeppi convicted of common Theft and common Treason; and George Walch of common Theft.—HANGED.

1 Laird. 2 The others are Mr James Gifferde and five tenants. 3 This is not unlikely 4 Bemerryd' (Haig), but it is very indistinctly written. Seven others (tenants) were on this Assise. 5 See Nov. 12, 1512. 6 He is called 'of Greffloun' in the former Trial. 6 Six others, in Pechis, Sc., but of no note. These lists of Assisors have been inserted in the present Collection from the importance of preserving the names. In many instances the occurrence of an Assise of Barons has been the sole cause of selecting the case.
CRIMINAL TRIALS.

ASSISA.
Andrew Ker of Fernihirth, Mark Ker of Dophilinfloune, Robert Turnbull of Blindhauche.
Andrew M'Dowell of Garthlane, Walter Scot of Linfar, John Craufurde of Drongane,
John Tusedy of Drummelyer, Walter Scot of Howpailto, John Charteris of Anisfeildes,
Thomas Craufoune, Ralph Ker, John Charteris, his uncle.

[ Alexander Lauder de Blyth, miles, Justiciarius deputatus. ]

SLAUGHTER.

Jun. 28, (die Martis.)—MALCOM DRUMMONDE and his accomplices, dilated of art and part of the Slaughter of Gilfillan Crechton.

ABSENTES AB ASSISA.
Andrew Murray of Abircarn, Robert Moutoum of Culquoy, Patrick Scot of Munze,
John Moncreiff of that Ilk, Robert Barclay of Stercoy, John Crechton of Blakburne,
David Chalmer of Strathy, John Kynnard of Incheftere, Andrew Monorgan of that Ilk,
Andrew Currie of Logymegill, Patrick Butter of Gormok, Neill Ramsay of Bambi,
Hector Bruce of Cofilnandie, William Edmonstoun of Duntrethe, James Rois, son of the Laird of
Robert Boyd of Pescindye, Thomas Spens of Kinpindy, Craigy,

STOUTHREIF of PIRED Goods.

Jun. 30.—ANDREW MYLAR, in Kingorn, amerciated for not entering to underly the law for art and part of Stouthreif and plundering of the goods and ships 'harried' and taken by Thomas Chalmer and his men, belonging to the Merchants of Crailfuond and Rufto.

[ CURIA Itineris Justiciarie de Wigtoune. ]

STOUTHREIF — ' Hereschip' — Reset, &c.

Jul. (die Martis et die Itineris.)—DUGALL and PATRICK MAKCELNOCHQUHEN convicted of art and part of the 'Hereschip' of four 'thrait' of corn, and four 'car-follis' and 'carris' from William Makdowell, furth of Arnechene in Carrik: Item, of art and part of the forethought felony done to Thomas Kennydy, and Hurting him: Item, the said Dugall of art and part of the Theft of a cow from Little Allan M'ge, furth of Herrenwood: Item, for his Refetting, supplyng, and intercommuning with Thomas Kailane and James M'Alexander, Rebels, and at the horn, &c. &c.—HANGED.

1 Andrew Charteris was also on the Assise.
2 The first of this ancient family was Neilus de Ramsay, who flourished 1226. This Neil was served heir to his grandfather, Sept. 5, 1507.—Ivv. of Barony, 552. In the Appendix of Extracts from the Privy Seal Records, he is called Neillie.
3 They were, as usual, fined L.10 each. 
4 Rostock, in the Duchy of Mecklenburg, and Strelinland, in Pomerania.
5 There is reason to apprehend that some mistake has occurred in rebinding the Volume in which these entries are contained; and that the date of this Aire was probably about the year 1510. No dates are mentioned by which this blunder can be thoroughly rectifie.
6 Several others were Hanged for similar crimes; and many convicted in killing of 'reisfjöke' (salmon) in close time.
26 Jac. IV.

CRIMINAL TRIALS.

Wigtoun.

Oppressing Sir David Kennedy of Lefwalt, &c.

(De Martis iij die Itineris.—Patrick Mur, in Wigtoun, and Nicholas Freisle, and Thomas Mur, dwelling with him, allowed to compound for art and part of the Convocation of the lieges, and for the forsoothed felony done to Sir David Kenydy of Lefwalt, kn', coming upon him whilst he was preparing himself to hold his Court upon his heritage of Lefwalt, Monybrig, and Balquhony, in warlike manner, with invasive arms, and hindering him from holding his Court: Item, for art and part of the 'Hereschip' of cloaks and other goods from the servands of the said Sir David, at the same time: Item, of the breaking of the Acts of Parliament, in riding and going furth of Burgh in Convocation, in 'routinge;' in company with the Sheriff (of Wigtoun): Item, for contempt done to the King, in taking one called Lang M'ke furth of the 'flokiks,' wherein he had been placed by Symon M'Critlin, Sheriff-depute, for Hurting a Spaniard.—Sir Alexander M'culloch became surety to satisfy the parties.

The said Patrick also compounded for 'Hereschip' and Oppression done to Andrew Mure, in 'Hereschip' of his goods bequeathed to him by his father: Item, of five oxen from John Makklym: Item, of forsoothed felony done to Symon M'Critline, in Wigtoun, by chacing him with a drawn 'quingeare:' Item, for 'Hereschip' of a grey horse from Alexander Boide: Item, of five score sheep and upwards from Andrew Dunbar, furth of Dorry in Mochrum: Item, for Common Oppression of the lieges: Item, for art and part of the 'Hereschip' and Oppression done to Archibald Mure, Tutor to Margaret Mure, in 'Hereschip' of ten score bolls of victual from him, furth of Kikrane and Killegown, price of the boll iiiij. c., and twenty score 'thrafs' of fodder, price ij d. (each.)—Sir Alexander Makculloch became surety to satisfy the parties.

Oppression — 'Hereschip,' &c.

Patrick Agnew, Sheriff of Wigtoun, and Alexander Makmechane, dwelling with him, permitted to compound for the Oppression done to Thomas Makkell and Roger M'crochat, in causing them to build his dikes' with their 'petis;' and to plough and harrow' his lands, in the years 1504, 1505, 1506, 1507, and 1508; and for common Oppression thereby done to them: Item, for the same Oppressions done to James Kennyde, Mariota Makkevin, &c.: Item, for the Oppression done to the said persons, in plundering each of them of a 'fwayne' yearly, during the said years.—The Laird of Lochinver became surety to satisfy the parties.

He also found the same surety to compound for the 'Hereschip' of a 'jument' (i. e. ox used for tillage) from John Makrowat, in the Forest of Buchan: Item,

1 Turf fences or divisions. 8 Peats, turfs. 16 Acre et harpicae. Sixteen others.  

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† M
for the Oppression done to Thomas M'Call, William, in taking and harrying from him ten bolls of barley.

He, together with George Cruikshank and Thomas Mure, in Wigtown, also compounded for art and part of the Oppression done to Thomas Kennydy in Wigtoun, in Hereship from him of a young riding horse; and for striking the said Thomas Kennedy.

Oppressing the Lairds of Ardwell and Lefwalt, &c.

Nevin Agnew allowed to compound for art and part of the forethought felony and Oppression done to Archibald M'culloch of Ardwell and William Adair of Kingate, coming upon them in warlike manner, wiling to slay them, at their own Places: Item, for the Stouthreif of a horse from John M'Nesfe: Item, for the Stouthreif of an ox from Gilbert Adair, furth of Athquak: Item, for the Stouthreif of an ox from Jokin M'culloch, furth of Auchquork: Item, for the Oppression done to Sir David Kennedy of Lefwalt, in cauing his hay out of his barn in Calzoacht: Item, for the breaking of the King's Protection upon him: Item, for the Stouthreif of certain ' tymmer' of two houses, with the windows and doors thereof: Item, for the Stouthreif of an ox from Thomas Bell: Item, for Common Oppression of the lieges; and specially, of the Tenants of Lefwalt.—The Sheriff (Patrick Agnew) became surety to satisfy the parties.

Stouthreif — Oppression — 'Hereship.'

Patrick Mure and Nicholas Fresale permitted to compound for Stouthreif and Oppression done to James Portar of Lag, and Archibald Mure, in the ' Hireship' of ten score bolls of wheat, price of each boll iiij l.: Item, the said Patrick, for Oppression done to William M'Cellane Laird of Bomby, by occupying, and labouring and manuring the Crofts of the said William, near Wigtoune, for two years past; and for the 'spuileinge' of iiij l. of annual rent of certain lands pertaining to him, for the said space: Item, of the 'spuileinge' of the farms and profits of the said lands from the said William for the foresaid space, extending yearly to xx bolls of beare: Item, for the Oppression done to Andrew Dunbar, in occupying of his fit of Denry, in the barony of Myrton.—Sir Alexander M'culloch became surety to satisfy the parties.

Oppression — Hamesuchin — Stouthreif, &c.

Thomas Mure, 'talsour,' in Wigtoune, allowed to compound for the

1 A familiar nickname, on the Borders, for John, as Jock is now. Wilkin was, in like manner, often used for William; Dand, or Dando, for Andrew; Hob, for Robert; Hab or Habbie for Halbert, &c.  
2 Viz. granted to Sir David.  
3 Timber; wood-work.  
4 Fraser. He and his brother Thomas, 'in Wigtoune,' compounded for the stouthreif of a jument, or ox used for tillage, furth of the barn of Skellore.  
5 Frumenti,' which was uniformly used to denote the grain from which the finest loaves were made.  
6 Barley.
forethought felony done to Duncan Makke, drawing his sword, and willing to slay him: Item, for the Oppression and 'Hamfukkin' done to Christiane Gib-soune, striking her and breaking up her doors: Item, for forethought felony and Oppression done to a Merchant of St Andrews, drawing his sword, coming upon him, and putting him to flight: Item, for the theftuous breaking up and opening the cellar of Rankin Mur, and taking therefrom victual and other goods: Item, for the Stoutherif of a cow from M'keyn, furth of Kerowoltok: Item, for common Oppression of the liesges, common 'Brigancie,' and in taking and 'reiving' from them malt, corn, and other goods.—Sir Alexander M'culloch became surety to satisfy the parties.

Preventing a Court from being held, &c.

Patrick Agnew, Sheriff of Wigtoune, Nevin Agnew, John Adair, Alexander M'mychin, George Crukchank, Thomas Portar, and Patrick Agnew, servant of the said Sheriff, convicted of art and part of Convocation of the liesges with warlike arms, 'jakkis and splentis,' contrary to the Acts of Parliament, and of the Oppression done to Sir David Kennydy, kn', coming to Leiwalt, and hindering him from holding his Court.—Each of them fined x merks, and the Sheriff became surety for himself and the others.

Oppression — House-breaking — Stoutherif.

Patrick Mure, in Wigtoune, permitted to compound for art and part of the Oppression done to Betoun M'kewin, spouse of Gilbert M'ke, in casting her goods furth of her 'mailing:' Item, for the Oppression done to Mr Richard Akinhede, Vicar of Wigtoune, breaking up the doors of his chamber, and keeping him furth-thereof: Item, for common Oppression of the liesges.—Alexander M'culloch of Mertoun became surety to satisfy the parties.

Thomas Mure, his servant, Nicholas and Thomas Fresale, in Wigtoune, compounded for the above crime, and for casting the said Mr Richard's servant and his goods, over his stair: Item, the said Thomas and Nicholas for stealing a grey horse.

Stoutherif — Oppression — 'Brigancie.'

Thomas Fresale allowed to compound for the forethought felony done to (John) M'ke, merchant in Wigtoune, and Hurting him: Item, of the Stoutherif of his 'quhin3care,' at the same time: Item, of common Oppression of the liesges, by way of common 'Brigancie.'—Sir Alexander M'culloch of Myrtoune became surety to satisfy the parties.

1 Fr. Briganderie, equivalent to what we term Highway Robbery, &c.  "Affedationem."
Criminal Trials.

Slaughter — Stouthreif — Mutilation.

Patrick Agnew, George and George Cruikshank produced a Remission for art and part of the Slaughter of Patrick M'ke, and Thomas M'ke: Item, for the Stouthreif of seven cows from John M'ke of Myrtoune: Item, for the forethought felony done to the said John and his men, and for wounding him. — The Sheriff became surety.

They, along with Alexander Makmechan, produced another Remission for the Mutilation of umq" John Makke of Myrtoune of his thumb: Item, for the Slaughter of umq" Patrick and Thomas Makke: Item, for the Stouthreif of 7 cows, with their calves, from the said John. — The Sheriff of Wigtoune surety.

Cattle-stealing.

Patrick Agnew, Sheriff of Wigtoun,' compound for art and part of the Stouthreif of four cows from Thomas Cunyngham, in Carrik. — The Laird of Orchertoune became surety to satisfy the parties.

Stouthreif by an Adulterer.

John Makter, formerly in Carrik, now in Pennygham, convicted of the Stouthreif of the goods of Patrick M'Culzen the time he lay (in Adultery) with Christian M'cord his wife. — Banished furth of the shire of Wigtoune, and to depart within eight days.

Stouthreif and Barking of Wood.

John Maklumphare, in Kirkmerin, dwelling with the Abbot of Saulefet, convicted of Stouthreif of the Wood of Garthlon, and of the barking thereof. — Others were amerciated iij l. each for the same crime, committed in the woods of Barrinrane, Glenfiche, and Crochre.

Intercommuning with Rebels.

John Makcosken, in Innermellane, convicted of Intercommuning with Thomas M'clellane and Neill Neleboun, Rebels, and at the horn. Fined xx merks. — The Laird of Garthlon became surety to the King.

Slaughter.

Thomas Portar, convicted of art and part of the cruel Slaughter of John Makmyane. — Beheaded.

1 The conduct of the Sheriff of Wigtoun, as exhibited in this and the preceding cases, affords a melancholy picture of the state of society at that period. The hereditary Judge, and highest legal functionary in the district, appears to have vied with the most desperate of the Border thieves in the commission of all sorts of crimes; expecting, doubtless, that his high office and influence would sufficiently protect him from merited punishment for his odious oppressions. 2 Remittitur quia pauper.
Oppression — Stouthreif — Convocation.

(Die Jovis, in die Itineris.)—Gilchrist Makkinze, in Killas, permitted to compound for art and part of the forethought felony and 'Hamefukkin,' done to one Mcarberie, dochter, spoile of Andrew Mylbride, and striking her: Item, for the Stouthreif of vj cows and oxen furth of Kirkm'brek, from the Tenants of the Laird of Ardwell: Item, for the Oppression done to Duncan Mcullane in holding goods and his wife from his society and company: Item, for forethought felony done to Andrew Mcullocht of Ardwell, and searching for him for his slaughter: Item, for Convocation of the lieges in great numbers, contrary to the Acts of Parliament, and for the forethought felony and Oppression done to Sir David Kennyd'kn'1, drawing his sword and wilting to slay him: Item, of common Oppression of the lieges, by common 'brigancie' and otherwife.—The Laird of Killufler'1 became surety to satisfy the parties.

Oppressing the Burgh of Wigtoun — Hamesuckin.

Dominick McCellane and Symon Makcriftin, allowed to compound for art and part of Convocation of the lieges, and going forth of Burgh in convocation 4 to the Place of Myrtoun: Item, for the Stouthreif of certain oxen, horses, and sheep, from John M'ke of Myrtoun, at that time: Item, for the Stouthreif of bear'4 and oats from the said John, furth of his barn, and destoying the door of the said barn.

The said Symon was also permitted to compound for art and part of the forethought felony, Oppression, and 'Hamefukkin' done to John Kels, coming upon him, wishing to slay him: Item, for the Oppression done to M'calvin-dochter, wife of . . . Acarsane, and cruelly striking and beating her: Item, for common Oppression done to the neighbours of Wigtoun, arresting and troubling them at the Courts, because they would not be his men: Item, for breaking of the Acts of Parliament, because he is the Laird of Bomby's man.2

The said Dominick allowed to compound for Stouthreif of two oxen from Thomas Makke, furth of Torbous; and for the forethought felony and Oppression done to him and his brother, at the said time, wishing to slay them.

They were both likewise permitted to compound for Oppression done to the Community of Wigtoune, in taking the best merchandise coming in ships to the said Burgh, and keeping thereof in their cellars: Item, for Oppression done to the said neighbours, in gathering the profits of the Town and 'burroldis,' and common liberty of the said Burgh and community.

1 Mc'ullocht of Killaisor? 2 In another part of the Record there is added this translation, "le routling." 3 Barley. 4 Vicinus, usually translated 'nichbouris,' i.e. inhabitants, townsmen. 5 Ex eo quod est vir Domini de Bomby.
Stouthreif — Oppression — 'Brigancie.'

DUNCAN M'KE, in Wigtoune, permitted to compound for art and part of the forethought felony done to John Murhede, in Wigtoune, and putting him to flight (for his Slaughter): Item, of the Stouthreif of a 'brew cauldron' from John M'ke, in Librek, furth of his house; and for forethought felony done to him sundry times, wishing to slay him; and for the breaking of the King's (Letters of) Protection: Item, for the forethought felony done to Symon Mcrittin, in Wigtoun, coming upon him for his slaughter: Item, for common Oppression of the lieges, and specially of the Tenants of Librek, by way of common 'Brigancie:' Item, for art and part of the Oppression done to John M'ke, in Librek, in casting down the 'dike' of his bear-croft.—The Laird of Lochinver became surety to satisfy the parties.

Demembration — Breaking Lawburrows.

THOMAS MAKDOWELL, son of Rolland in Quhitherne, Ethl Robisoun, and Robert Ashennay there, allowed to compound for art and part of the forethought felony and Oppression done to Johnne Makke, in Librek, coming upon him in the town of Quhitherne, and cruelly wounding him: Item, for the Mutilation of the said John, and demembering him of an eye: Item, of breaking the Lawburrows formerly found between the said parties.—AND the said Robert, for art and part of the Oppression done to John Makke, in Librek, in occupying and manuring two merklands of his fett in Libreck, extending yearly to lxxx bolls of meal and xx bolls of bear, in profits: Item, for breaking the King's Protection.

Stouthreif from the Bishop of Galloway, &c.

PATRICK WAUS, of Erfalk, and William Grahame, living with him, were allowed to compound for the Stouthreif of six silver 'taffes' or drinking cups from the lord Bishop of Galloway, near Wigtoune: Item, for the Stouthreif of certain oxen and cows from the executors of Mr Alexander Wauf: Item, for the Oppression done to the Bishop of Galloway, in 'hochin' his oxen: Item, the said Patrick, for art and part of the Oppression done to John Mc'ilwyan, in Quhitherne, in the detention of his croft, called Our Lady croft, for the space of xij years, after he had bought the same from M'calphin-dochter; the annual loss thereby arising extending to five merks.—Item, the said Patrick, for art

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1 Barley-field. 2 'Taffarum argenti.' 3 'Candidus.' This person was DAVID ARNOT, son of John Arnot of that Ilk, by Katherine Melvil, daughter of the Laird of Carnbee, in Fife. He was successively Archdean of Lothian, Provost of Bothwell, and Abbot of Cambuskenneth; from which Abbey he was translated to the See of Galloway, in 1509, on the advancement of James Bethane to the Archdiocese of Glasgow. In a few years afterwards he got the Abbey of Tungland in commendam. His title was 'David Candidus Canis Regifrons Capella Struilingens, Episcopus.'

4 Houghing, hamstringing. 5 A piece of cultivated land adjoining to the dwellinghouse.
and part of Convocation of the lieges: Item, for the forethought felony and Oppression done to Sir David Kennedy, knt, coming upon him at his lands of Lefwalt, at the time of his holding his Court, and hindering him from holding the same: Item, for the Stouthrief of certain dealks and other goods from the servants of the said Laird, at the same time.—The Laird of Torhous became furyty, along with the said Patrick.

Burning of the Place of Dunskie.
Duncan MaKe produced a Respite for his being art and part of Burning the Place of Dunskie:—The Laird of Lochinver became furyty.

Oppression—Preventing a Court from being held.
Ninian Edgar, young Laird of Creaken; Thomas Waus, brother of the Prior; George Mc'cullocht, young Laird of Durchedery; Patrick Murray, young Laird of Brochtoun; the Laird of Killafter-Mc'cullocht; Wichtred M'dowell of Mondork, and twenty others, descried as living with the Sheriff and the Abbot of Saulset, &c., came in the King's Will, for art and part of Convocation of the lieges, and of art and part of the forethought Oppression done to Sir David Kennedy, and hindering him from holding his Court at Lefwalt—The Sheriff of Wigtoun, Duncan Makke, in Wigtoun, and Nevin Wigtoun, became furyties for the young Laird of Creaken; Alexander Gordoun of Auchcrow for the Lairds of Ardwell and Corfwel; and the Laird of Garthlone for the Laird of Mondork and Thomas Acoltane, &c.

Riding furth of Burgh in routing.
Alexander Ahannay, brother of the Laird of Sorby and burgess of Wigtoun, came in will for art and part of the above Convocation, &c.: Item, for riding furth of burgh in warlike manner in 'routing,' and for thereby breaking the Acts of Parliament.—Thomas A., in Capirnache, Fergus M'dowell, young Laird of Derregill, and seven others, also came in will for the same crime.

The Lairds of Mochrum and Bordland fined.
John Dunbar, of Mochrum, and Patrick Hammyltoun, of Bordland, americated xll. each, for not appearing to underly the law for all crimes to be imputed to them.

Slaughter.
Patrick Mc'clelane, of Gilestoune, and Andrew and John Mc'clelane,

1 See the Appendix to this reign, for various illustrations of this treasonable crime.

2 Of Whithern, George Vause?

* Of Followers, servants, and retainers.
&c., denounced Rebels, and their cautioners americiated 100l. for each, for their not entering to underly the law for the Slaughter of Robert Mur.

Stouthreif — Cattle and Horse-stealing, &c.

John Makke, of Myrtton, allowed to compound for art and part of the Stouthreif of xij oxen from Adam M'Nele, furth of Librek: Item, for the Stouthreif of a horse from William Kennydy: Item, for the Stouthreif of certain goods of Donald M'gillis: Item, for common Oppreffion of the lieges dwelling in Pennigham. He also produced a Repite for art and part of the Burning of the Place of Drumkay. — Sir Gawin Kennydy became surety to satisfy the parties.

Oppression — Stouthreif, &c.

Andrew Dunbar allowed to compound for art and part of the common Oppreffion done to Walter M'culloch, in his farms, in the year 1505; taking three cows from the said Walter's mother, to remove from his farm of Corfidochquhan, and for not removing therefrom, but hindering her servants from labouring her farms: Item, for the Oppreffion done to the said Walter, in occupying the houfes of the said farm for the space of four years last past, and destroying her crops (and flock), viz. to the value of six score bolls of bear and oats, fifteen score of sheep, and forty cows and 'queys.' Item, for Oppreffion done to the said Walter, in taking his horses and riding them to Kirk and market where he pleased, and killing one of them: Item, for the Stouthreif of the 'tymmer' of two of his houfes, within the said Walter's lands of Corfidochquhan: Item, for forethought felony done to the said Walter and his 'hird,' called Patrick M'crache, coming upon the said Patrick on the road towards the Kirk, chasen him, and breaking the King's Protection granted to the said Walter: Item, for the forethought felony done to the 'plewmen' of the said Walter, coming upon them in warlike manner with a 'lance-flaf,' and putting them to flight; and for hindering them from ploughing the said land: Item, for the Oppreffion done to John M'gillhosc'h, coming upon him, and chasen him: Item, for common Oppreffion of the lieges, by feizing their 'beftial' and otherwise. — John Dunbar of Mochrum became surety to satisfy the parties.

Oppressing the Sacrist and Subdean of the Chapel Royal.

Patrick Murheido came in will for the Oppreffion done to the Sacrist and Subdean of the Chapel Royal, in the 'fpuilgie' of the Teind sheaves of Stow.

1 Herd; shepherd. 2 Ploughmen. 3 Now called Mucklehose, or Maclehose. 4 'Animalia.' 5 Summa hujus Extractus, ix:*xxix li. (L.378.)
APPENDIX,
ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE
REIGN OF KING JAMES IV.

I. ILLUSTRATIONS SELECTED FROM THE REGISTER OF THE PRIVY SEAL OF SCOTLAND.

The historical value of the Public Records of Scotland has long been universally admitted; but comparatively few are qualified, and still fewer are inclined, to undergo the extreme drudgery of wading through a mass of ancient MS. volumes in quest of original and authentic information. The task which the Editor had imposed upon himself seemed to demand of him greater exertions than could reasonably be expected of any author whose opportunities were less limited. In this view, and to redeem his pledge, he has carefully examined the entire Records of the Privy Seal, and the Accounts of the Lord High Treasurer, so far as they embrace the period of these early reigns; and without enlarging on the obvious value of the new materials thus collected, he now begs to lay before the reader the result of an anxious and careful scrutiny. In accomplishing this desirable object, the limits of this work have necessarily been considerably encroached on, but it is hoped no one will deem the labour mispent, or the additional space thus occupied misemployed. The Editor only grudges that he could avail himself, in this work, of so small a portion of the information which these invaluable Registers afford.

The reader is once more referred to Mr Tytler's truly valuable Historical work, in illustration of such passages as do not occur in the ordinary Histories of Scotland.

Jul. 2, 1488.—Refpite to Patrik of Dunbar, sone and apperand are to Patrik Dunbar of Kinaquihanquare, Ferguas M'bowell, Johnne M., and Johnne Smythe, for art and parte of pe Slaughtcr of vnquhile Patrik Macintosh of M'Calloch: For ix yeris to come to indure.

Oct. 19.—Precept of Remissions to Hughoun Wallace of Smisloume for arte and parte of pe Macht of certane gudis out of pe Barony of Erdloume, apoune Walter and Mychel Makmyllane, &c., unto pe day of oure sourene lorde Proclama[nione, maid at Lanark; jat is to say, pe xxix day of August, precedent pe date jairof.

1 It is to be understood that all the Remissions in the Privy Seal Record which are quoted in these extracts, were merely Farcxews. The Remission was, in one sense, incomplete, until it had passed the Seals.
CRIMINAL TRIALS. A.D. 1495.

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Oct. 19.—Remissoun to Huchoun Wallace, broder to Johne Wallace of Cragy, "in eadem forma et de eadem data."

Jan. 28, 1488-9.—William Menteth of Kers, Archibald of Menteth, his broder, Alex. M., for thaim, their kyn, and freinds on the ta parte, and Robert Broiss of Arte, Alexander, Lucas, and Robert Broiss, for thaim and brether, kyne, and freinds on the tother parte, bound themselves to abide by the Sentence of the Lordes of Council, "tuiching pe making of amendis for pe Slauchter of umquhile John, the Broiss of Arte, and tuiching pe making of amitie, lof, and tendernis to be hald betuix the pairties, in tyme to come." ¹

Jan. 27, 1491.—Remissoun to Johne Tempiloun for pe thistlewise swipputin and away-takin of pe guids of umquhile George Cambele of Lowdoun, the Scharf of Arte, pe tympe he was Stewart to the said Scharf; and specialy, pe tympe pat pe said Scharf was feyk, and for all crime, actione, and accasation pat may be impyt, etc. (Apud Acre.)

Dec. 7, 1492.—Remissoun to William Cumynng, ² for art and part of the counsel and assisance afforded by him to Alexander Lord Gordon, in preparing the Field of Bunkie against the King; and for all other crimes preceding this date, "proditoria Tradiciones in perseonam Regis, Muthuro, Raptu mulierum, communem furto, et actione regia contra eundem Wilielmum proponenda, penes quondam boxen, aurum, argentum et jocialis in eadem contenta, et alia jocialis, excepta." ³ (Apud Aberdene.)

Nov. 9, 1493.—Remissoun to Willame Gordoun, sonne to George Erle of Huntley, for the Slauchter of umquhile Robert Stewart, etc.

Jan. 23, 1493-4.—Remissoun to Eduard Tait, for the thistlewife brekting of the Wick of Rentbran, and takin away of certane gudis, gold and silver, fra Sir Wilisme Jordane, etc.⁴

Feb. 15.—Remissoun to John Herring, in Berclay, for pe Reise of certane baliks ⁵ owt of Dundraname; and binding pe men kepand pain, etc. (Apud Kirkheadbrighe.)

Apr. 27, 1494.—Remissoun said to Alexander Lord Gordon for pe Striving of pe Place of Ardenbraghe, in Orkney; and for all actione and cryme may be impyt to him tharsor, etc. befor pe xij day of December, 1492, Muthurie and Revifiching of women exceptit. (Apud Aberdene.)

Jul. 6.—Remissoun to John Forster of Nobe, Henry his broder, and Johnie Lethane, for art and part of pe Slauchter of Will of Dundas and Duncan Dundas; and for all vper actionis to pe date hereof.

Dec. 28.—Remissoun to James Wardlaw of Ricardtoun, and John his broder, for art and part of the Slauchter of William and Duncan Dundas, committed upon the caufoway of the High street of Edinburgh, in the Kings presence. (Apud Edinburgh.)

Mar. 5, 1494-5.—Remissoun to Robert Scot of Daloriian, and David Lawder, for thare tresfonable Intercomming with diuerse perfonis, the Kingis Feillis; and for assisdance and Restetting of thaim, etc., previous to Nov. 7, 1493.

Apr. 6, 1495.—Remissoun to Cuthbert Gordon, for pe Slauchter frinong done be him

¹ This Notice has been obtained from the Acta Dominius Convilii, a work printing under the Scottish Record Commission. It abounds with interesting materials. ² From other entries in the Register, the Editor believes that this person was Sir William Cumynne of Inneslechby (knight). ³ alias Macmurnou Harlaw." On Sept. 18, 1297, he and Christian Prestoun, his wife, got a Charter to the lands of Easter Collessy, in the shire of Fif. ⁴ This unquestionably refers to the box containing King James III's money and jewels, as to which so much enquiry was afterwards made. ⁵ Thomas Lowrance got a Deed in the same terms as the above. ⁶ This offence was always punished with severity. All the Princes of the Stew Family were passionately fond of the sports of the field; and from numerous entries in the Treasurer's Accounts, it appears that Hawks of fine breeds bore a very high price, which were deemed of sufficient value to be presented to Kings and Princes.
CRIMINAL TRIALS

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APPENDIX.

sone Dancane Makadam, in pe burghe of Are, pe tyme of pe Ayre pairof, &c., vnto pe xvij day of November, 1493. (Apud Kirkwallbrech.)

Feb. 9, 1496-7.—Remissioun to Archibald and John Ogilvy, sone to James Lord Ogilvy of Earl, for arte and part of the slaughter of vmo1 James Lindsy, sone to David L., &c.

Jun. 10, 1497.—Refispeto David Hume of Wardenburne, and diserfe veperis perfonis, to the howmer of 1° (100) names, for the mavorfull distruccione, &c., and casting downe of the Place of Chreston, perteyning to William Wallace of Cragy: and for the Neff and Stouthe of the grudis and inbicht being in the samyyn, for pe tyme; and for al maner of crime þat may be impuet to pe said perfonis, in þat mater alamerly. (Per subscripionem Regis.)

Aug. 7.—Remissioun to David Carmychell and Johnis Inglis, for arte and parte of pe cruel slaughter of vmo quhilpe James Lindsay: and for þat treoisonable passyng in Ingland, and remanent with Inglishmen, and being at þe Kingis horn, &c. (Apud Norham.)

Nov. 17.—Refispeto Patrik McKowloche (MacCulloch), for arte and part of þe Morthar and slaughter of vmo2 Archibald M. of Arduale, committed 1 vader silence of nycht, &c.

Jan. 26, 1497-8.—Remissioun to Hugh Rose of Kilrawok, and eleven others, for arte and part of the cruel slaughter of Alexander and John Noble, a Chaplain called Schir Maurice, and William Gawane, committed within the Kirk-yard of the Cathedral Church of Roys. (Apud Insuwarus.)

Mar. 31, 1498.—Remissioun to Johnes Nelesoun, and vther three perfonis, duelland in Culroff-shire, within þe scherefdom of Perthes, for the Forthscip felling done be theim, in company with Robert Stewart, sone to Andro Maloun, Abbot of Culross, and his complices, at Blairhayle: and for forthcotti felling done be the said Johnes Nelesoun sone Robert Rede, at the Abbey of Culrof. 'Deliberat. per dominum, Patricio Bucaliter militiri.'

May 9.—Remissioun to Walter Buchanan of þat Ilk, Patrik his bruer, and Johnis Bare, for þair inobiediencis and contempcious done to þe Kingis henes, in þe remanent diserfe tymes frin þis Restit balgis his enemysis of Ingland, &c.

Jun. 12.—Remissioun to Thomas Galbraith of Balkindroche, James his bruer, and Andro Wawane, for arte and part of þe slaughter of Johnes Myllare.

Jul. 11.—Remissioun to Richard Were, and viij perfonis with him, for arte and part of the slaughter of vmo Nicholl Were, duelland in Halbhill; committed sone forthcotti felling.

Nov. 21.—Remissioun to Cuthbert Blair, and vper viij perfonis, for þe Forthscip felling done be þame sone Alexander Pidson (Punton?) of þat Ilk,3 and William his eone, &c. (Per subscripionem Regis.)

Dec. 10.—Remissioun to Wil of Douglas of Caveris, and Wil and Archibald Dawgias, for þere treoisonable Interressung with þe Rusells of Lebin, &c.

Jan. 20, 1498-9.—A Letter of Remitt and forgivines to Johnes of Dunbar, sone and appendar to Johnes of Dunbar, Mochram, and to his servituriis, William Flemyn, and James Makcowloche, and Johnes Core, quhilik war with Elizabeth Kennedy þat tyme Þcho tusk simap certane mounth, extending to þe sowme of xlijli. li. gold and siluer, a siluer fede, and vper small gere, had be hir in keping of a R(overend) fader in God, G(orge Vans) Bishop of Gallovmag, &c.

Feb. 14.—Remissioun to Little Johnes Rontoun, with þe Lardo of Snyde, for þe Forthscip felling done be him sone Donald Fergusoun of Yle, &c. (Apud Dumfryes.)

1 Viz. George Schaer, Abbot of Paisley, Lord High Treasurer.
2 There was a family in Ayrshire of the name of Pidson; but from subsequent entries, it would appear this individual was Punton or Pontoun of that Ilk.
Feb. 18.—Remission to Alexander Jarding, grandson ("neptoi") and heir of John J. of Apildgerthe, William, his brother, Nicholas, son of Humphrey J. of Bawgray, Edward J. and Nicholas, his son, &c. for fortfromget fælde done to the servant of Alexander Kirkpatric and the Inhabitant of Dryfferholme, &c. (Apud Drumfrej.)

Remission to John Huttoun, in the Syde, Gawine and John Dryfesdale, and four others, "for pare being againe pe Kinois biesen in pe Betteal and Feild committing besyde Struther, one Sanct Barabets day;" and for all crimes and actionis pat may be impute to paum fælde, &c. vnto pe xxvij day of Januare, 1488-(9) yeris alamerly. (Apud Drumfrej.) "Spectum. Domino de Cokpole.'

Feb. 25.—Remission to Thome Huchonson and John Caryns, in the Copwood, for arte and parte of pe Spreung of Lochterguse, belonging to pe Lede of Bondby (Bombay,) &c. (Apud Drumfrej.)

Mar. 2.—Remission to Willame Adare of Kilhelt, and Thomas Adare, for the fortfromget fælde done uppon Andro M'dowall of Eilig.

Mar. 4.—Remission to Sir Alexander Mculloch of Merdoun, km, and xxvij others, for art and part of the Burning and 'areschy' of Bunsiey and Ardwel, in company with the Laird of Garthlane (Garthland.) (Apud Wigtoone.)

Remission to (Sir) Alexander Mculloch of Merdoun, and xxix yeris personis, for arte and parte of the Spreung and BeLONG of Bunsiey and Ardwel, in company with pe Lede of Garthlane, and all yer actionis done be same vnto pe date hereof.

Mar. 13.—Remission to Cuthbert Lord Kilmawrie, and xxiv yeris personis, for arte and parte of pe fortfromget fælde done be same spouse Gilbert Dunlop of Haupland: And pe violant burring of Downald Robfonte, command fra pe Kings Raif. And for al yer actionis, &c. done and committis pe tym; pat take pe Tolbtuyn of Irwin; and all actione and cumyng fælde, pat day except.

Apr. 5, 1499.—Remission to Willame Trumbull of Mynto, and to Archibald T., sonne to vno^4 John T., for the slaughter of vno^1 John of Rutherfurdis: And for pare troublous paffing and REMAGINT in Ingland, &c. to pe day of pe makin hereof. (Apud Striswith.)

Aug. 18.—Remission to Andro Blacatay of that Ilk, and Niniane Nefit, for the fœt fromget fælde done be thaim spouse Philip Nesbit of Wester Nesbit, and John his broher, Patrik Nesbit in Mongois Wall, &c.: And for pe cruell slaughter of vno^1 pe said John Nesbit, and Philip Nesbit in Mongois Wall, spouse fortoch felony committit: And for pe spilling of pare gudis, &c.: And of all crimes pat in onywise may be impute to thaim for the committis of the said Slauchter and fortoch felony, in the Kingis Palacre, and resident, quhare his biesen was personal presten: And of pe Gift to pe said Andro and Niniane and pare airis of the efchete of all gudis, movable and immovable, landis, &c. pertainings to the Kingis biesen, be the occasion of the said Slauchter, &c.

Nov. 6.—Remission to William Blakhal of that Ilk, for the Slauchter of Patrick Taljoun alias Richardoun, dwelling in Innerowry, &c. (Apud Spynnis.)

Feb. 3, 1499-1500.—Remission to William Hacket of Petyranke, Thome Hacket his sonne: and Thome Lathangy, for art and parte of the Slauchter of Robert Carne.

Feb. 20.—Remission for Patrik McGregay, remittis him the Slauchter of vno^2 Gillaf- pey McNelis, &c.

1 This seems to be the same with the preceding, but is entered in Scottis, &c. Host, army; probably in returning from the ' Feild committing besyde Struther.'
IS JAC. IV. CRIMINAL TRIALS.

APPENDIX.

Feb. 27.—A Refusp to John Macbray of Lochbo and al his complices, for ye hertiespy of Gaming Allochon: For a jure: exceptand Trefone. (Per Subscriptiones Regis.)

A Refusp to Lauchlane McLean of Doward, Johnn McLean of Coill, Donald McLean esyn 1 to ye faide Lanichane, and par complices, 'in simili modo quo antedicta.' (Per Subscriptiones Regis.)

Jan. 9, 1500.—Remission to Gillischn Macpaule (McPhail) and Patrak Macbain for art and part of the Slauchtir, Strung, Nahung, and Oppression upon the Kingis lieges, in Locharine.

Aug. 17.—A Letter of Gift to Adam Barde, Lockmore, of ye Gift of two merlies worth of land, land nixt Droungane, within ye schereldome of Are, for al ye daik of his life; for his service at Lechmenschip to (be) done as vae and cultum is, in tymes bigone, with all profit in partes pertenyng pairth.

Oct. 16.—A refusp to David Lindisay for his treasonable being with Alexander vmq's Duke of Albany &c. and for al ye pyn actioins committe be him vnto ye day of ye Kingis Coronatione: And for ye Fortbacht Fellong and Hamesuckin done upon Andro Carmichell, Alex. Dikifoun, and Schir Johnn Carmichell, Chapellan, done after ye tymes of ye faid Coronation, &c.: 'duratur. pro xic annis.'

Jan. 14, 1500—Protectione for Schir Baldred Blagater his landis and gudis, 'in communi forma; pro toto tempore vit ex duratur. &c.'

A Letter maid to ye Lord Drummond and Schir William Murray of Tulfadyn, knyght, pare kyn, men, frendis, and feurandis, for hertilus to be had amangis isam in (tyme) to cum, Remundand and Forvand to ye faid kin and frendis of bethis ye faid parties, al actis and crimes of ye Hryngis of ye Lord of Muncheard, and Slauchtir of ye Kingis lieges at ye tymes, Arbis, Bedsitiss, and Intercommuning with ye perfonis beand at ye Kingis hornes for ye faid crimes, and al ye pyn maner of actioins concerning pat mater, or pat may be imput to isam: Chargeand ye justic and Justice Clerkis considir ye perfonis being in ye Rollis, inditit for ye actioins abone expressit belangis, and bethis the faids partis, and inditit pairfore, pat pai diffroy and adnul ye samyn; and in tymes to cum, to tak name of ye faids perfonis in dittay, nor accute, in judgement nor turwhitse, in any wyse; dicharging ye faids officiaris of pare officis in pat parte, concerning ye faid actioins.

Jan. 26.—Remission to William Schorn for ye preiswitz destruction of ye gudis of Patrik Boyis, the tymes ye lay with his wyff.

Jan. 27.—Remission to Robert Mure, close to Adam Mure of Caldwell, knyght, for ye Slauchtir of vmq's Patrik Boure: And for ye Fortbacht fellong done upon the Lord of Raithone.

Feb. 20.—A Refusp and Licence to Andro Maluill to pas in pilgermage to Saint James in Galizia, &c.: To endure fra ye secand day of March next to cum, quhil 3 his returnyn and cummyng hame again within the realmes, and x daik pairdfir.

1 Unda.
2 Hangman, executioner. See Mr Jamieson's Dictionary, &c.
3 Old Pitscottie thus notice this horrible affirr. 'In the mean tymes the Drummondis burned the Kirke of Monkaird, qhochairis was six score of Murrays, with their wifes and childries; and few escaped thairf, but war all whir bernt or slaith, except on (one) David Murray. Quhilk fact was King puishid condigly, thairfer; for he haed (beheaded) monis of the principall actoris thairf, at Stirling.—Linday's Hist. Dal'sed Edit. 1. 249. Reference may be made to Douglass's Peerage, 1st edition, voce Pitscott, for an ample account of this cruel and atrocious act. He adds, that William, Master of Drummond, was apprehenced and sent prisoner to Stirling, where he was tried, convicted, and executed, in 1511.'
4 These entries are very frequent in the Records of Justiciary and Privy Council. See also Oct. 13, 1505.
5 Ralston of that Ilk.
6 Untill.

Appendix.

Mar. 17.—Remission to David Hume of Wedderburne, knight, and eight others, for art and part of the slaughter of John Lowdounne. (Apud Edinburghe.)

Mar. 20.—Remission to Archibald Hezlish, otherwise called Schir Sythe, for the possession of the Stewarftis, pe Kingis Rebelles, and pair complicis, being at his home; and for assistance given to them, in setting of met and drink to same, pe tyme pai war at pe home; and al crime that may be imput to pe said Archibald in ony wise pairfor, alaneis makand satisfactione to pe partiis compleyngisand.

May 2, 1501.—Refpite to John of Kincaid for the Stewarftis of vmq* David Mafone and for all other actionis, &c.: For ane yere after the date hereof.

May 11.—Remissionfue to William Murray and George Tay, for the Stewarftis of Archibald McKowloche of Ardwell, commitit uppon forthecht felony, &c.

Jun. 14.—Letter to Scheregif in that parte for to summon the Armestrangis, to the nombr of ix, to compare at Seilirk, the xxij day of Junij, to vindrily the lawes for the Stewarftis of Johanne Blacburne, &c.: Certifying thame, that and that they compare nocht the said day, thai falbe denounced the Kingis Rebelles, and put till his home, &c. (Per subscripicionem Regis.)

A Letter to the Erle of Bothvyle, as the Kingis Lieutenant, to rase the Kingis liesges for to pay ronne the saidis Armestrangis, Rebelles, thare affisfaris, parte-takaris, and refettaris, and to perforwe thame to deid; and to tak thare gudes, as echete, quharesumerner thai me fundin: And giff any perfes nocht heand at the hornes beis fundin takand thare parte, that thai ma be perfewit, takin or slain, as the principallis, withoute any cryme to be imput tharefore, in tyme to cum; And proclamations to be mad, thai name of the Kingis liesges Reflit thaim, or vper waits support thame, unter the pane of deid. (Per subscripicionem Regis.)

Aug. 5, 1501.—Refpitt to Morise Buchanan, sone to Walter B. of pat Ilk, Patrik Brasier to pe said Walter, Johanne, and Morise B. Androsoun, for art and part of pe Stewarftis of vmq* Johanne Desmondoun, for pe quhilk thai ar at ourr foureran lordis hornes, &c. unto the day of the making of the said Refpitt, &c.: To endure for iii monethis nixt to cum, etfr the date hereof, and farther, for the Kingis will to endure. (Per subscripicionem Regis.)

Dec. 7.—Remission to William Hay (Master of Errol), son and heir apparent of William Earl of Erole, and three others, for Stewarftis of 31 Øren from Sir William Keithe of Inverage, &c.—William Craufurd of Federay, Gilbert Hay, and five others, also got Precepts of Remission for the same crime. (Apud Abirdene.)

Mar. 2, 1501-2.—Remission to James Stewart of Garthill, for the Stewarftis of vmq* Andre Caldale, &c. to the date hereof.

Mar. 21.—Letter to Alexander Erle of Huntlie, Thomas Lord Fraser of Lovatie, and William Munro of Fowlis, makand same or two of same, comnuncie, pe said Erle beand ane, Commissari to sette pe Kingis Lendis of Loundres and Masmore, liand within the scherel-dom of Inverness, for pe termes of fynge yeris, entarse at pe terme of Witfunday nixt to cum, to trew menne, for pe plenpyng pairof, and expelling of brokin-menne furthe of pe samyn; and to sette pe landis of Coygri, Assent, and all vper ferme-landis pe partes to Corquill Maklando of Lendis, and now being in pe Kingis handis throw pe being of pe said Torquell his Rebl, furght for pe lawis, and at his hornes for al pe tyme tyle pai fall happend to be in pe hands of his biens, be restitution pairfor; with power to giff a parte pairof to gude trew menne, for pair gude service, for pe space as pe said Erle ful think expedient for pe Kingis honour. (Apud Strincling.)

1 Ann. 11th April, 1500, n. r. 14, Precept of Remission was granted to them for the said crime.
14 Jac. IV.  CRIMINAL TRIALS.

APPENDIX.

May 22, 1509.—Remission was granted to Alexander Welle of Wodrow, for his treasonably abiding from the King's hatred at Edinbane, &c.

May 28.—Refitt to Alexander Lord Hume, and divers people, spiritual and temporal, content in the same, bare men, kyne, frendis, allyes, tenandis and servandis; To endure for x mutually after the said Alexander hame-cummyne. (Apud Edinburghe.)

Sep. 14.—Refitt and Affersance to Ewin Allanfane, for his being at the King's houses, and for all the actions, to cum serville to the King, his Lordis of Counsal, or to the Earl of Huntly, to Stirlin, or any wyer places: To endure for xx dais.

Feb. 18, 1502-3.—Letter said to Schir Johnne Ramsay of Trairrneak, knyght, making him Captains of the Place and Palace of Linlithgo, and Keeper of the Park, lochs, medoines, warres, gardening, and yarde of the same, for all the space of nyne yeris; with power to mak Constables,矢vellouris, portarias, and other officiers necesful for the keeing of the said place, park, lochs, medoines, warres, and gardening and parde: For the keeing of the quhilkiss, our soueraine lordis affligis to the said Sir John the forme of xxijij li. land, pat is to say, ten pund land of Kyncavil, and xijij li. land of the North airis, land within the lordiship of Linlithgwhis, withte all dewites and profittis, as the Captains had of before; with power to mak subjectandis in the saidis landis.

Feb. 21.—Remission to James Marscaile, for the Slaughtering of Thomas Scherewyn, committed four yeeres since. (Apud Edinburghe.)

Feb. 25.—Refitt to Robert Herise, done and apperand to George Herise of Tarrauchy, George and Robert H. bruder and done to the said Robert, and Thomas Skalis, for the Oppressioune done to James Creichtoun of Frenadact knyght, in the Hoychynge of certane horse of his, &c.: To indure for the space of x mutually, and patreifer incurring our soueraine lordis will, quhill that be warint of xouri dais; with this clauze, relefcheing of xam of the horse, taking of xam to the Kingis pece, and gaving xam of the xand pairof.

May 11, 1503.—Refitt said to Maister Duncane Makke, Andro Akerfane, Litil Gilbert Makke, and Johnne Clerk Makke, for art and part of the Brasseing of the House and Place of Munsking, in company with Alexander M'culloc, knyght: And for art and part of the Rieif of certane gudis being pairen of the same tym, &c.: To endure for xix yeris. Apud Kirklandricht, per binas Signaturas jurecript. per Regem.

May 15.—Refitt for Johnne Makke of Myrktoun, and five wyers, for art and part of the Brassing of the House and Place of Munskepy, and for all crime pat may be imput to xam or any of xame, for the said actione of sywe allanery: To endure for the space of xix yeris. (At Wigtoun.)

Jul. 3.—Remission to John Stewart Makarchald, and 59 others, for art and part of the Assistance given by them to Rille Stewart, in his Thefts and Stoutrailes. (Apud Perbe.)

Aug. 11.—Precept said to James Lorde Hammiltoun of the Office of Justiciary, within the boundis and Site of Arne; with power to gese Remission and Refittis to al perfonis Inhabrittis of the same, for all crimes, except Treffounce in the Kingis perfounce: To endure for all the dais of his life.

Aug. 25.—Remission to Thomas Maknare for art and part of the Brassing of the House and Place of Mingar: And for art and part of the Slaughtering of the same David Menzieis, Johnne Menzieis, Johnne Kirpatric, Andro Dalzell, Thomas M'culloche, and Thomas Myllare:

1 He was frequently employed in Negotiations with England between 1455 to 1504. See Ryno's Scotia, vol. 546, st. 45, 54, 92. Wood's Peissoy, i. 733, &c. 2 The forfeited Lord Bothwell. See this Collection, Oct. 8, 1488, &c. vol. 1. p. 4. 3 Jailer. Fr. justiceur. 4 Houghing, humming. 5 Until 6 For the Illustrations of this ceremony, see Nov. 16, 1311; Oct. 11, 1531, Notis; and Jul. 29, 1566, Notis. 7 Several other Remissions were granted for the same offence at various dates.
APPENDIX.

A.D. 1505.

AND for all yeir actions, &c., Trespasses in ye Kingis person, Murthers, and Rassufing of womenes except. (Apud Edinburghe.)

Oct. 2.—Remission to John Myrtoun of Randallown, for all and part of the Forstable Abduction ('Raptus') of Elizabeth Sym, relique of John Elder in Kingilbourys. (Apud Cotton.)

Nov. 2.—Remission to John Spens of Lathamand, for casting down and destroying the grain of Baward, belonging to Sir Andrew Wod of Largo knt; and thereby appeasing the said Andrew. And for Sullage of the Truth speakers of the said grain.

Nov. 2 and 14, and Dec. 10.—Remissions to Alexander Inglis of Tervet, John Mait-ville of Carnhe, John his son, Laurence Seathan, and five others, for all and part of the Oppressio done to Thomas Buteleir of Rumlall, in eating and destroying certain grain belonging to the said Thomas. (Apud Cotton.)

Nov. 28.—Remission to Adam Scott in Tufcheland for treasonably breaking Prifon, and his Ward within the Castle of Edinburgh. (Apud Edinburgh.)

Dec. 14.—Remission to Patrick Dunbar of Kilconquhar, for Retesfing Patrick his sone and heir apparent, and Fergus Machdowall, the time they were at the horn; and for Intercommuning with them. (Apud Striuelin.)

Sep. 9, 1504.—Remission to Thomas Tayt, one of William Tayt in the Parif of Culvene, for all and part of the Hurting of Marseilhorne: And for all and part of the Slaught of John Sinclaire, in the year 1402 (1502?) (Apud Drumfreth.)

Dec. 10.—Remission to Mark Kerr of Dolphinstoun, and three others, for foresought felony done to John Rutherfurd and others. (Apud Jedburgh.)

Remission to Robert Oliuer, called Rob with ye dog, for treasonable Intercominmunning: and afflicting David Oliuer, called Na-gud-Prief, and John Oliuer, called Copsonare, being at the horn. (Apud Jedburgh.)

Jul. 20, 1505.—Replevitt maid to Vmpfra Bell, and Ixxliij perios, for all maner of actionis, crimes, and offensifs quaistfulmuner, done be paimes in ony tyme bigane, on to pe day pai paigis of kings grace, in his Justice-Are of Drumfreith, immediatly haldin eftir pe Hall of General. To endure for pe Kingis will. (Subscript. per Regem.)

Oct. 11.—Remission to Sir William Fraeser of Phillerthe knt, for Retesfing, supplying, and intercommuning with fyndry of the King's Rebels. (Apud Aberdene.)

Oct. 18.—Preceptum Remissionis Andrea Warche, pro Communi Litigatione cum ligele Regis, et pro Communi Oppressione ratione Dictae Litigationis: Et pro Magna vnae le baguestaffe temporre dictae Litigationis: Et pro faruis distructione honororum quando Johannis Michel, temporre quo concebuit cum sua voire, &c. (Apud Lanark.)

Oct. 24.—Remission to Alexander Panton, for the foresought trialment done by him to Henry Forbes of Kynmalliare, vmq Malcolm Forbes, and the Chamberlain of Arbro, and their accomplices, at Mekle Echitty: And for the Hurting of Alexander Kay: And for art and part of the felony and 'Ramesuhin' done to the Laird of Owndy. And for the foresought felony and

1 'Raptus,' which at this period did not signify Rape, but 'revising,' or forcible abduction.
2 This seems to have been some warlike instrument, a bill, apparently from O. Fr. bange, bange, bange, which, however, is interpreted to be a hoist or arrow (lancea) with a great head. — Coppsure. The lance-staff is likely to have been a sort of pole-axe or 'Jeddart-staff.' — See also Dr Jameson.
3 The present entry is rather singular, and it has been thought proper to insert it as it occurs in the Record. See these extracts, Jan. 23, 1500-1. On Aug. 10, 1511, Hamild Owndy of that Ith, and Isabella Panton, his spouse, get a Charter from the Crown of the lands and mill of Owndy, &c. Reg. Secr. Sig. IV. 4, 106.
CRIMINAL TRIALS.

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Oppression done to the servants of the Laird of Tullydeff: And for Oppressing the said Laird, and
Murdering certain calls belonging to him: And for Stonthrift of a sheep from David Thomson:
And for common Oppression, &c. (Apud Abirdene.)

Oct. 31.—Remission to ANDREW TULLYDEFF OF THAT ILK, for Oppression done by him to
William Turing of Fowrney, in destroying his ploughs and certain houfes, &c. (Apud Abirdene.)

Nov. 6.—Remission to ROBERT ARBUTNOT OF THAT ILK, and three others, for Common
Oppression done by them to vna\(^1\) Elizabethe Sibbald Lady Balgony, and Sir ANDREW LUNDY
of Balgony, k.t. (Apud Abirdene.)

Nov. 10.—Respit maid to DAVID BONARE, for pe Slaughttr of vnaquhile Thomas Maltreare
of Markinche: To endure for half a zere next to cum. (Subscript. per Regem.)

Nov. 23.—Respit to JOHN MAKLANE OF Lochboy, and all his kynne, frendis, tenandis
and feruandis, for all maner of actionis vnto pe day of pe date of pe Respit, and for twa monethis to
endure. (Subscript. per Regem. Apud Edinburghe.)

Dec. 18.—A Respit maid to THOMAS STORY for his treffonable passing, Arranging, and
dueling within pe realm of England, baiie in tyme of pece and weire, without Licence of pe Kingis
hienes, &c.: To endure for pe space of nyntene yeris next to cum. (Subscript. per Regem.)

Jan. 4, 1505-6.—A Remit maid to Hew LORD MONTGOMERY, John his bruder, John Mont-
foild, Robert Raffale, Walter Lyne, and Edward Maxwell, for all action and cryme pat may be impute
to pain of pe Attet, and supplie, intercommunign with pe saidis Rebells, of ony tyme bigane.
(Subscript et supra.)

Eo die.—Lettre of Remit maid to ARCHIBALD ERLE ERGIL, COLYNE MAISTER OF ERGIL,
and xxxij yeris perfonis, pair feruandis, for pe Attet, intercommunign, and supplie gevin to pe faiid
MAISTER OF MONTGOMERY, George Railtoun, and James Strueling, pe Kingis Rebells forfiffid.
(Subscript et supra.)

Jan. 23.—Lettre maid vudir pe Priue Sele, direct to LAUCHLANE MAGGILLYONE OF Dow-
ard, and ix vtheris landit menne within pe ILIS, chargeand peim pat pei have na intrometing nor dif-
poysyn wilte ony Kirkis, fermer, malis, profittis pertenand to JOHN BISHOP OF SIS and Com-
mendatare of Prolemhill, without tak or Licence of hym: and als prayand peim to help and fupple
pe faiid Bishop, his factouris and feruandis, in pe gadering and vptakin of pe famyne. (Subscript. per
Regem.)

Jan. 29.—Lettre of Remitt maid to DONALD MAKRALNAL VANE, and generally to all vper
personis, his tenandis, duelland anpe on his propir landis, and all his familiariis and feruandis now
being with hym in hows, Remittand to him pe ranceur of pe Kingis harte and all action pat
he has or may have again pam or ony of pam for all maner of crimes of Cressoun, Slaughttr,
Fire, Steff, or vper actionis or offensis quafisueuir, committit or done be pam or ony of pam, in
ony tyme bygane, before pe day of pe dait heirof. (Apud Edinburghe, Subscript. per Regem.)

'Gratis Comiti de Ergile.'

Feb. 22.—Remission to THOMAS LAW, junior, in Glasgw, for art and part of the Thett,
'vnia pari oraculorum de le curell,' cum vno annulo aurii,\(^2\) et vno le pendes cinguli,\(^3\) from Isbella
Huchonfane. (Subscript. per Regem.)

Apr. 18, 1506.—Remission to WILLIAM LORD BORTHUK and eleven others for the Stouth-

\(^{1}\) Coral cross-bows.
\(^{2}\) Gold ring.
\(^{3}\) Pendants, or hanging ornaments belonging to a zone or girdle.

\(\dagger\) 0
Criminal Trials

Appendix

April 24—Refit to John Earl of Craufurd to pass in his pilgrimage to St John of Antioch, or the passage beyond sea; from his passing further in his realm, quhill his squall, comming in the same four days further. (Subscript, per dominum Regem, apud Edinburghe)

May 10—Remission to William Browne alias Gilliam Twicbornare for the slachtur of Patrick Harpare. (Apud Edinburghe)

May 28—Remission to Gilbert Tuedy for art and part of the slachtur of Edward Muntar or Polmud, committed six years since. (Apud Petibus)

June 4—Refit to Andro Wode of Largo, knyght, for thos' refit of ant anker and calves from John Bonkill, in the sea; and for all their actions and crymns committed he him vnto the day of the last hereof. (Apud Edinburghe, per signaturam manus Regis subscript)

June 11 and 16—Remission to Sir Symon Prestoun of that ilk, KN, Alexander Naper, and Robert Douglas, for art of the Oppression done to John Lord Somervel, and John S.; and for art of breaking the King's Protection, granted to them in occupying the Lands of Gartan and Gilmerton; and for the Stouthrift of certain horses forth of the lands of Gilmerton; and for all action, &c. (Apud Ead.)

June 22—Sanction of the (Schar) William Tyrwitt, KN, Inglisman, and six Inglismen with hym, to come in Pilgrimage to Sant Antunte. (Subscript, per Regem, apud Edinburghe)

July 1—Remission to Andrew Chancellare, and John How, for abounding with the bludy-band' with Gilbert Tuedy, after the slachtur of Edward Muntar of Polmud, committed by the said Gilbert; and for art and part thereof. (Apud Lanark)

July 16—Refit to Donald Makkari of Clanlayne, for all manner of actions; to endure for a day next after the next feast of Lammas. (Subscript, per Regem, apud Edinburghe)

November 12—Remission to Adam Turnbule of Bullerwell, for resettling, supplying, and intercommuning with William Turnbule of Gunta, and Mark, Edward, and Walter T., his accomplices, being Rebels and at the horn. (Apud Jedburghes)

January 3, 1506/7—Letter of Licence made to Archibald Earl of Egile, and Hew Lord Montgomery to intercommunn and gif pressett, foppie, and forsy with meete and drink, George Raisto and James Striuling, beass at the King's house for the hurtling of William Cumyngham, Crochmar of Renfrew, in the execution of his office; and as with John, Master of Montgomery, since and apperand arie to the said Hew, quhill the next fest of St. James Sunday. (Subscript, per Regem, apud Edinburghe)

January 4—Remission to Laurence Cowtis, in Ruthven, for art and part of the treasonable Insurrection against the King, coming with Alexander, Earl of Huntly, then Lord Gordon, in an army at Bunkie. (Apud Edinburghe)

January 28—Refit to Archibald and John Heriot for art and part of the slachtur of John Footoun, of that ilk: To endure for a yere; and for yer, for the King's will. (Subscript, per Regem, apud Edinburghe)

1 Until
2 Such Warrants were by no means infrequent at this period. Many Nobles and Lairds of Scotland also obtained leave to go in Pilgrimage to Canterbury, (to the shrine of St Thomas a Becket,) and to France and Spain, &c.
CRIMINAL TRIALS.

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Feb. 8.—Refript maid to John Kennedy of Blarquhan, knight, Adam Reede of Starbuke, and Master Veitch Dre Anunnale, to pas in pair Pilgrimage to Sanct Thomas of Cantebury, in Ingland, and Sanct John of Antee in France; fra pair passyng furth of pis realme qubill thare returnyn agane in pe famyn, and xi dayis thairefur. (Apud Edinburghe.)

Feb. 28.—Remiffion to Sir John Forman, knight, and xiiij others, and all other persons being in company with the Archbishop of Glasgow and the saud John, in the Monastery of Jedburgh, the time of the Slaughter of Thomas Rutherfurd, for the said Slaughter; and for the ‘Irreschagh’ of certain goods from the said Thomas, committed by the said persons in the said Monastery, at the time foresaid. (Per Signatum datum ad requisitionem domini Regis.)

Mar. 11.—Remission to Thomas Law, junior, for the Stathrief ‘vnius le pendens zone, ponderis dimesiae uncie argenti’ from Elizabeth Huchefoun. (Apud Strueling.)

Apr. 5, 1507.—Patent to Bernard Dromone, Trumpetter, and four others, his companions, to come from Bononia to serve the King with their trumpets and musical instruments. (Subscript. per Regem apud Edinburghe.)

May 31.—Letter of Bailiery to John Maister of Athole, makand him Bailye of all and findrie þe landis, rentis, and possessionis with þair pertinents, pertenyng à Alexander Robertson of Strowane, and now to the Kingis hienes, throw reffoun of Ward, &c. (Subscript. per Regem.)

Jul. 6.—Remission to John McParsone, for art and part of the Burning of the Place of Strone, and Romfrith committed therein, in company with Neill Stewart. And for all other actions committed previous to Jul. 1, 1508, &c. (Apud Perth.)

Jul. 7.—Remission to James Macheet of Culgarth, for the thirteenth destruction of the goods of James Robesoun, the time he lay with his wife: And for foresaid throng done to the said James; and for burning him. And for the oppression done by him to Sir John Hal dane of Gleneah, &c., and the Lady of Merchane, in casting down and destroying the aqueduct of Lanerk. And for common oppression of the lieges. (Apud Perth.)

Aug. 18.—Respity to Sir John Lundy of þat Ilk to pas in Pilgrimage to Sanct John of Anteis: and taking his barnys, men, tenantis, &c., under his ferme pesc and speciall protection.

Sep. 8.—Letter maid to Alexander Erle of Huntly, in þis forme.

James, be þe grace of God, King of Scottis. To al and findrie our officiaries, liegys and substidit, &c. Foramekil as We grantyt and game of before to Mergeret, þe sister of Alexander of Pelis of Lochquhilch, knyght, indurand our will, our landis of Scapa and Toress, with þare pertinence, extending to four merkis wrocht of land, lyand in Strawkochille, &c., and þe landis of Morounrycch, extending als to foure merkis wrocht of land; and þe landis of Vgoworw, extending to vper foure merkis worth of land, lyand in Tranternes: Qubilkis Mergeret hes applyt and subjiciit hir perfone, landis, and gudis, qbehzer in lauchfull mariage or vper wayis, We knew nocht, to Donald Makcarle Maklauchlane Done, qubilk has affittit to oure Rebell Torkill Makclode of Lewis, passand with him, committand Reif, Spalys, and Oppressioun apon our trew liegys; qubailor it pleis we nocht þat þe said Mergeret or he haf any profit of our landis. Herefor, We hae grauntit, gerin, and confermit, and be thir our Letteris, geris, grauntis, and confermis þe said tuell merkis wrocht of

1 The Shrine of St Thomas a Becket.  2 Until.  3 See these Extracts, Feb. 28, 1505-6.  4 This is given merely as a specimen of numerous similar entries. James I. gave great encouragement to Minstrels, having often from fifty to sixty in his pay at one time, as officers of his Household. He seldom travelled without Minstrels,

1 Tale-Teria, &c.  2 Wroth, or worth; color.  3 Strathardle.
laund of Scalps, Torresa, Morrounymicht, and Wugoworro, with per pertinence, indenting our will, to our traitt couning and counfulour, Alexander, Erle of Huntly, Lord Gordowne and Ralpynoarchy, and to his affignais, to be brukit, dispoit, gevin, or affignit be him to quhat perfonifie of per Ilis or ajeria be plefe, pat wil do him and we serue pairfor. QUAHARFOR We charge straitlie, and commandis 30w, all and findrie our officiars, liegis, and subditiis forfait, pat nane of 30w tak upon haund to lat, flop, trubil, inquiet, or moleit our faiid couning or his affignais, in per brouxing, jofing, and vifing of per faiid landis, indenting our will, and queill we gif our special Letteris in contrare; vndir al be hiest pane, and charg, and ofence ye or ilk ane of 30w may commit or inryne* againe our Maietie in pat part. GEVIN vndir our Prive Seil, at Edin., pe vij day of September, and of our reggne pe xx 50ene.

[JAMES R.]

Sep. 13.—Remiffion to John Lord Oliphant, and two others, for art and part of the Oppression done to John Lord Drummond, by destroyng and caiffing down the dikes between the lands of Drymane and Baloche: And for forththought felonie don to vmq* John Earl of Buchan, done within the burgh of Perth, after the Slaughter of James Oliphant of Arquhelie, committed by the said Earl and his accomplices: And for all other Oppressions, forththought felonies, actions, and crimes, &c. (Aput Edinburghe.)

Sep. 14.—Refpitt to James Erle of Arrane, Lord Hammytonne, at his passtng in pe realme of Frans and vper partes beyonde pe fey, on certane chargis and erandis of ours and his awin; and alsi, in Pilgrimage to Sanct John of Amers, and vper placis: We has parfor takin vndir our ferme pece, speical Protectioun, maintenance, supple, defence, and Saugiford, our faiid couning, his men, kyn, firname, tenentis, &c., and in speciale our louittis and Renerid fader in God, Dauid, Bishop of Ergile, and James Hammytonne of pe Schaulafeid, knt,* &c.

Sep. 16.—Remiffion of John Thouless, in Brechin, for the Slaughter of Alexander Meill, committed on fuddansiie, by the stroke of a golf-club.

Oct. 10.—Remiffion to Patrick Dunbar, son and heir apparent of Patrick D. of Kilquonquhare, and two others, for the Slaughter of Patrick Mackulochie, committed by them in the town of Wigtoun, ten years ago. (Aput Edinburghe.)

Dec. 18.—Remiffion to Alexander Gardin for the Slaughter of John Jamesoun, within the Fortalice of Panmure, by throwin a stane on him, 22 vears since. (Aput Striatelin.)

Jan. 24, 1507-8.—Protection and Refpitt to John Erle of Crawford, Lord Lindefay, Refpittand him for all actuniis, &c. fra pe day of pe date hereof, unto his returning within pe realme, and xl daiks payerfit.

Mar. 4.—Remiffion to John Inch, for Intercommuning with George, Earl of Rothes, the Kings Rebel, and at the horn. (Aput Edinburghe.)

Mar. 11.—Remiffion to John Gordon of Lochinver for art and part of the Reif of a marr from John Makulame of Arindavacht, &c. (Aput Edinburghe.)

Apr. 6, 1508.—Refpitt to Archrald Hutchonsoun of pe Ilis and xxvij vperis (because of pair grit lawbouris, deligence, and gude and thakfull service done be his lieuis in pe perfewing and taking of Auchane Buncane Bowson, Sote, his fone, and Donald Mule Maklesiter, his Rebellis, and being at pe horne; and for pe bringing and delievering of psaim to be mad to his gude grace, or to quhab he ordains pame to be delieveris, be his writingis) for pe Slaughter of vmq Donald Hutchonsoun, vperwais called Galloache, bruder to pe faiid Archrald: And for all vperis Slaughters, Hereschips, Birningis, Reifs, Murtheris, &c., before pe date of ps Refpitt; for

* Let; binder.

* Incur.
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Providing allwayes, pat gif his said Rebells beis nocht brocht, &c. pis Refusit to be of name avale, &c. (Su subscript per dominum Regem, apud Edinburgae.)

Apr. 20.—Remiffion to John Chene of Essilmont, Henry and Johne his breyers, and Johne Balluny, for pe forthecht frang done be pane spoune Duncan Forbes, in pe Gallogate, within burgh of Aberdeen; And for pe steft of swerdis and vther wappinis fra pe said Duncan and his servancis, pe samyn tyne: And for all vyer crimes, &c.

Apr. 29.—Commiffion to Andro Bishop of Cathines, Ronald Alanfourn of Ylanebigerne, and Alexander Mcloode of Dunvegane, and to twa of pane, conjunctly, to set pe landis of pe Lounds and Mattins in Shy, pat pertainit to Torquyll Mcloode of le Lewis, and now to pe Kings hienes, be refone of his floratour, &c.; for the term of five 3eris. (Apud Dunfermline.)

May 30.—Licence to ‘Patrick Lord Lindesay of pe Birs, and Jhone Lindefay of Petruy in, kny, his fone and apperand air, to pase in pe realme of France, in pe trene Pilgrimage to Sanct John of Amps and vyeris pairties beyond pe sea.’ To endure for pe tyne of levin 3eris. (Apud Edinburgh.)

Oct. 17.—Remiffion to Harbert Maxwell of Kirkconwell, Andrew Alane, and two others, for the Stouthref of a log1 from the Debatable land between the said Harbert and John Herije of Mabry; And for the treasonable Conspiracy made by them, in Convocating the lieges, with John Lord Maxwell and his accomplices, upon Robert Lord Creichtone, Sheriff of Drumfreis, and his Deputies, &c. (Apud Kirkeheadbraicht.)

Oct. 21.—Remiffion to Thomas Buk for the treasonable Conspiracy committed by him in Convocating the lieges, with John Lord Maxwell and his accomplices, against Robert Lord Creichtone (of Sanchaire), the Sheriff of Drumfreis, his Deputies, friends, and servants, and hindering him in the execution of his office: And also for art and part of the Slauthir of William Dalzelle of that Ilk, and John Carmichell, the Deputies of the said Sheriff, and of others slain at the same time: And for all other crimes done by him, day and place foresaid: And for Oppression done to Mr John Huchefone, putting violent hands on him, and Humiliation of certaine teind sheaves from him: And for the Stouthref of certain oxen, to the number of four score, from James Lindsey; And for common Oppression, &c. (Apud Kirkeheadbraicht.)

Nov. 9.—Remiffion to John Kennedy, son of John Lord Kennedy, for the Stouthref of a horse from Fergus Fergusfane: And for the Stouthref of another horse from the Countess of Erole, his mother: And for forethought felony done to Duncan Kennedy: And for restoring Sir William Colulle of Vchiltre, kny, and other Rebels at the horn, &c. (Apud Arc.)

Nov. 4.—Remiffion to Thomas Kennedy of Bargany for art and part of the Stouthref of eight oxen from Jonnet Lockett, relict of Henry Kennedy, &c. (Apud Arc.)

Jan. 2, 1508-9.—Lettre maid to Robert Lord Creichtoun of Sanchaire, makand menfion, pat because pe Kings hienes venderlandis, and kennis wele, pat pe said Robert maid and let a Court to be balde at Drumfreis, pe last day of July, for Ministrations of juftice to certane perfonis within pe bondis of his office; and pat he mycht, nor durt nauch tum to pe said Burgh to balde pe said Court, without warncyng, support, and supple of his frendis, as well appert fra his Deputies war crutshy slane, in pe executions of his office, and balde of his said Court; and pat pe perfonis cuning with pe said Robert to pe samyn, come in pe streethin of him in pe executions of his office, and furthpuhitin of pe Kings auctorite, and nane vperways: Tha pairfor, it is pe Kings mynde and will, pat pe said Robert, nor nane vper perfone nor perfonis pat come with him to pe said Court, be

1. *Ligni.*
3. *From the fact that.*
meter, or any other manner of crime or actione, committit or done be him or paine his tyme, or be any occasion of any vper thing that mycht follow thereafter; but will he myght yse eis fra ene, in tyme to cum.¹

Jan. 18.—Reeplitt made to Thomas Lyn, burges of Edinburgh, for his slaukhir of vnqui Schir Lancelote Patonsoun, Chapellain,² quhilk happenit be negligent cure and medicine pat he said Thomas tuk one him to cure and helpe his said vnqui Schir Lancelote of his infirmite of his grantor,³ pat he was insecitit with. To endure for xie jearis. (Subscript. per dominum Regem, apud Edinburgh.)

May 3, 1509.—Reeplitt maide to Malcolm Muclod of Rery for all manner of actiones, crimes, and effensits quaebit eunuen, committit and done be him in any tyme bigane, before his day of his dait herof, to be vabart, &c. for his space of fex monethis nixt to cum after his day of his date herof, and forper, during his Kingis will, to the effect pat he myght in pe mentyme cum to his King and his Lordis of his Consal to do his leiful erandis, without arrest or tribull in any wife. (Subscript. per dominum Regem, apud Edinburgh.)

Nov. 7.—Remission to Sir Henry Wardlaw of Torry, &c., and Michael Stratheiny of that Ilk, for common oppression committed by them: And for Restitting, Intercommuning, and supplying Rebels at the King's horn: And for Stouthrift, &c. (Apud Coure.)

Remission to George Pitcarne, for oppression and forthought felony done to John Bikerton.

Nov. 9.—Remission to David Barclay, in Petullo, and David, his son, for intercommuning with George Earl of Rothes, being at the horn, &c.

Nov. 11.—Remission to Walter Heriot of Bruntoun, for his disobedience and contemp, and treasonable Abiding from the King's Army against the English, convenued at Ayton; and for all other actionis, &c. (Apud Coure.)

Nov. 14.—Precept of Remission to Henry Pittcarne of Drumgill, for treasonably Abiding from the King's Army against the English.

Nov. 16.—Precept of Remission to John Tervet of that Ilk, and Elias Tervett, his uncle, for his disobedience and contemp in Abiding from the King's Army at Ayton: And for common oppression of the lieges, &c.

Dec. 2.—Precept of Remission to Alexander Ker of Straloch, for art and part of the burning of the Place of Mem and Remitit therein committed, in company with the King's Rebels, &c. (Apud Edinburgh.)

Feb. 2, 1509-10.—A Letter of Rehabilittation maide to Alexander Lekbreuk in his forme: Forsamekle as he said Alexander was acquit for art and part of his cruel slaukhir of vnqui George Hammilytoun, and was convict of his said alle, and pairfor Dome was gevent in pe Tolbuth of Ed; pat he said Alex' fulf be damedit to dede for art and part of his said slaukhir, &c. And now, for certane gude causis and other consideraciones moving our mynde, We haff Reabilliti.²

¹ See aboe, Oct. 17 and 21, 1508; and also Taliis, Vol. I, * 77.
² This Churchman seems to have been one of the old leaven, chronicled by honest George Mariscophanes, thus:—'In the yeir of God 1533, Sir Walter Cosar, Chaplain in Edinburg, gat a pyt of yse, a laife of 30 vices wght, a peck of ale-oat, a pyt of all, a schirle hede, ane penny caddell, and a faire woman, for ane xvij pente groat.'—Annals of Scotland, p. 5. 
³ This number of others got Remissions for the same offence; among whom are Sir Andrew Kynnyseymour of that Ilk, maycht; William, his brother; David Spens of Walsmerstoune, John Betonie of Balfour, Alex. Lathervise of Orkby, &c.
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He paid Alex' to his good fame and honour, and also he saw him laughfull, be it our Letteris, to exceed all laughfull devis, in judgement and outwithe, and to bruke and joile all dignities, offices, lands, rentis, possessions, and gudis, also fre as he did before he committing he paid Slaughter.

(Subscribe per Regem, apud Edinburg.)

A Licence, Protection, and Reipit maid to Maister Patrik Blakater, Archidene of Glasgow, to pass to his realm of Strath to beign the Stripes, and to yer pairtis beyond yer sey.

(Subscribe per Regem, apud Edinburg.)

Feb. 10.—A Letter maid to Marion of Ylis, dochter to Makenele Hayre,1 at ye instance and requeste of ye Earl of Angus, of ye gift of fourt merk land of Corthvyle, lyand in ye lordship of Knyrle, fre of all males and gerfowmes and dewitis; for his life tymes. (Apud Striueling.)

Apr. 12, 1510.—A Reipit maid to Lachlane McGillane, his kynnefmen, familiars, and sernaundis, fastly to cum to ye Kingis preference to Striuelin, or quhare it fall happen to be for ye tymes, for expedicion of his erandis pat he has ado; and surely to returne againe quhare he come fra. To endure for xi dais. (Apud Striuelin, subscribe per Regem.)

Apr. 19.—A Reipit to George Lord Setton, gevand him Licence to pass in quhat pairtis he pleis outwith ye realms, with quhat perfonis, his kynnefmen or sernaundis he likis, for ye tymes: For the space of thrè yeris, &c. (Subscribe per Regem, apud Striueling.)

Apr. 22.—Adam Ruthirpurd, sone to ym2 George R. of Langnewtoun, got Letters of Rehabilitation, viz. Forfamekill as he was apprehendit and takin rede-hand committand whip and crimes apone our liegis, and pairfor weis put in our Castell of Edinburgh in furnance and prefoune, and weis kepit in our Castell be ye space of thrè quartaris of one yere with ye mare3 to have bene justitit4 for ye said Thift, and for Schaffteris5 and yer grete crimes committit and done be him of before, ' nevertheles We movit of pestis,' &c. (Subscribe per Regem apud Edinburg.)

May 10.—Reipit to Robert Elwald of Redhuchs, and nine others,6 fastly and furly to cum to ye Kingis preference, and fastly and furly to remane and abide for ye expedicion and doing of pair materis, concernyng gude reule to be had and kepit in ye cunte, &c. To endure for thrè monethis. (Subscribe per Regem apud Striueling.)

May 26.—A Reipit to all and findrye ye Curritis and inhabittantis of ye landis and lordship of Linnisdaile, fastly and furly to cum to ye Kingis bienes to Edinburgh, &c., concerning gude reule to be had and kepit in ye saidis pairtis, &c. To endure for a moneth.

Jul. 4.—Precept of Remission to Gillaspit Dow, (Bailie of Trontounes,) John Makgillimartyne, and sixty-three others, for Common Oppression of the liegis: And for Resettling, suppling, and Intercommuning with the King's Rebels: And also for Fire-raising, &c. (Apud Inverness.)

Jul. 9.—Precept of Remission to George Falconair of Halkerton and Robert F. for Common Oppression of the liegis, &c. (Apud Inverness.)

Precept of Remission to Andrew Kynvard of that Ilk, dwelling within the shire of Inverness, for Supplying, Resettling, and Assistance given by him to the King's Rebels, being the horn: And for all other crimes and actions, &c. (Apud Inverness.)

1 See Trial, I. * 45, Jan. 20, 1303-6. 2 And upwards. 3 Executed. 4 Thre Elwald, two Nixones, two Crosseries, two Hendersonis, and Alexander Armstrong.—On Nov. 20 thereafter, they, along with Sym and George Armstrang, James Forestar, Jeffray Blakburn, and all and sinder vebens, the Inhabitants of Linnisdaile, got a Respiti 'to be vpunyst in their personis for xli yeris,' (apud Jedburgh,) for all crimes previous to that date.
Jul. 15.—Precept of Remission to Sir James Creighton of Frendracht, &c., and xviij others, for their treasonable absence from the Army at Aberdeenshire, where the King was in proper person, to refile the English, &c. (Apud Edinburgh.)

Jul. 24.—Repitit mai on the lord of sanct hoinis, in double forma, and to xxvij persons, his household men, to pas to the Court of Rome, the rhodes, and vper partes.

Nov. 27.—Commission to Adam Erle Boitvulte, lord Haltys, and Adam Hebrunne of Craggis, and to pair Bailleis, to inbring all manner of persons, trespassous, committaries of quhatsumever crimes within the boundis of the sheriffdom of Hapburgh and lordship of Halis, and within any other landis, boundis, roves, and Bailies house pertaining to the said Adam Erle Boitvulte, quhilkis ar fugitive fra the lawis: AndGive pai may nocht be apprehendit, pat pai effecte pur guidis, and inbring the samyn, and gife neid biis, to the saides biis, and slaa pai samit biis apprehendit; and the lait to Barne the realm, quhilkis ar fugitive. (Subscript, per Regem, apud Jedburgh.)

Jan. 12, 1510-11.—Precept of Remission to Thomas Murray, son of vmque John Murray of Balloch, for the slaughter of George Murray, committed xj years since. (Apud Edinburgh.)

Jan. 16.—Letter of Rehabilitation to Patrick McElenan of Gilstoune, &c., sayeing, that the Kingis grace Reabillis the said Patrick to his worldly honours, dignities, and vper priviligious, and launchfully to succedit to his fader and vperis his predecessouris, notwithstanding the Dome geyrin pat the said Patrikis heide fuld be strikin fra his body, for the Keill and Stontreis of xxii oxin and ky fra Patrik Agnew, Schereif of Wigtoun, and his ferandis, vudir silence of nycht, &c. (Apud Edinburgh.)

Aug. 29, 1511.—Remission to Patrick Lesly, son of Andrew, for art and part of Castern vade and spylis of the Place of Barne, and taking the Laird of Tulydane furth of the Place of Ranbonne. (Apud Edinburgh.)

Oct. 15.—Precept of Remission to Mr William Levenax of Caly, for In absentia and furtifing Roger Gordoun, Itherif in that part, who came with the Kingis letters to cite him. (Apud Edinburgh.)

Oct. 27.—Precept of Remission to Robert Gordoun of Glenne, for supplying and assistance afforded to his brother Alexander, Refetting him and drawing him out of the realm, as a fugitive, for the slaughter of John Dunbar of Mocharn. (Apud Edinburgh.)

Nov. 1.—Precept of Remission to Cuthbert Earl of Glencarns, and five others, for art and part of the slaughter of Alexander Makfarly, in Bute, &c. (Apud Are.)

Eo die.—Precept of Remission to William Cunynghame Master of Glencarns, and xxix others, for refitting and intercommuning with the Kingis Rebels. (Apud Are.)

Nov. 19 and 28.—Repitit mai on to Donald Macclauchrane &c. for art and parte of the slaughter of Robert Farguillone of Brakanfide, and Alexander Farguillone, &c. To endure for 19 years, with power to the Schoiffis of Edinburgh and Drumfreis to releishe him fra the borne, and deliver him the wand of peace, &c. (Apud Edinburgh.)

Jan. 26, 1511-12.—Precept of Remission to George Haliburton for art and part of the slaughter of William Colville at Chepflite, and Richard Ruthorth, &c. (Apud Edinburgh.)

1 The Knights Templars had their principal establishment in the Island of Rhodes. Their possessions in Scotland were considerable, but their lands were faced out to vassals. Many considerable properties are still held of the superiors of these 'Temple lands,' as they are called. 2 See the proceedings against him in Trials, 1. 3 towards the close of the reign of King James IV. 4 Sic. See Juni 3, 1512, of these extracts. 5 For explanation of this ceremony, see Nov. 18, 1511; Oct. 11, 1531, (Notice), and Jul. 23, 1566, (Note.)
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Jun. 2, 1512.—A Generale Remit of pe Kingis speciale grace maid to pe Provest, balzeis, confais, and comunité of Abitants and Inhabitants of peir landis and freude, Remittand peis all actiones, transgressionis, crimes and offenis quhatsumeir, committit or done be pain before pe date hereof, &c. in pe forme of pe Lettre gratit to pe Burghe of Dunde.

Jun. 3.—A Respitt maid, of the Kingis speciale grace, to Maister Alexander Kennedy, for his treasonable favouringe1 of the Kingis subscriptions manuale, subcrimand ane Respitt to Donald McAnga,2 for Slaught and vper crimes, of pe quhilk he wes delait. (At Edinburghe.)

Jun. 12.—A Lettre maid to pe Inhabitants (of) the Ils of Hute and Currag, and als to pe Inhabitants of pe towne of Kessy, remittand pain all actiones, &c. committit and done be pain any tyme bigane, before pe date hereof (Treaunse in pe Kingis perfone, Murthure, Fire, and Renuing of women exceptit.) At Edinburghe.

Sept. 25.—Gift to Thomas Dunweide, pe fone and aire of vmq3 Thomas D. of pat Ilk, of pe Ward, all landis, &c. quhill pertenit to pe said vmq4 Thomas,5 &c.

II. ILLUSTRATIONS OF THE REIGN OF KING JAMES IV, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[The value, in a historical point of view, as well as the extreme curiosity, of the Accounts of the Lord High Treasurer of Scotland, is known only to the comparatively few individuals who have found leisure, perseverance, and opportunity to consult their truly remarkable contents; for hitherto no connected view of them has been made public.

In attempting a brief selection from the interesting stores of information which is to be gleaned from these Volumes, the Editor has felt it extremely difficult to refrain from the insertion of much extraneous matter of intense interest. The frequent deviations from the strict plan and spirit of this Appendix, in which he has indulged, will show the reader the value of the materials contained in the Treasurer’s Accounts. It is hoped, however, that ample selections may one day be printed at the Public expense, under the Record Commission; for no private individual can ever be expected to undertake the labour and cost of such a work, which, however valuable in itself, could never be expected to defray even a moderate share of the outlays which must necessarily be expended in the publication of such a work.

To save occupying additional space, the reader is referred, generally, to the preceding Trials, which are more or less illustrated by the following Extracts. For the sake of those whose pursuits have not led them to the examination of such matters, a few brief notes are added, which, it is hoped, will prove not

1 Counterfeiting, forging.  
2 See above, Nov. 19 and 28, 1511.  
3 Who was slain at the Place of Dunweide. See this Collection of Trials, I. * 40.  
4 See above, Nov. 19 and 28, 1511.  
5 Who was slain at the Place of Dunweide. See this Collection of Trials, I. * 40.

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unacceptable. The selections have purposely been made as diversified and entertaining as the narrow bounds of this work permit.

1488.—Item, quhen ye King com furth of Sanct Johnston, for a barrell of salt at ye Blackfurde, xij s.

Item, for carrying of clathin fra Stirn, after ye Coronattoun, xv s.

Aug. 5.—Item, to Patrik Johnfon, to The Playars of Lythquen, pat playit to ye King, vii li.

Aug. 9.—Item, Quhen ye King past to Lanerike to ye Kyre, gevin hym self xxii Valcornis, xviij li.

Item, for a herse bocht to ye King at Lanerilk, x merkis.

Item, pe famin tymne to John of Scotan to spend at his (the King's) command, xx li.

Item, in Lanerik to Bannaris and guetars, xxvij s.

Item, pe Justis coftis, pe tymne of ye Kyre of Lanerike, lv iiij s.

Sep. 1.—Item, to pur eynis of Bannicer, pat had pur gudis tane awa be Johnne Stewart; at ye Kingis commande, thre Valcornis, iij li. xiiij s.

Sep. 3 and 6.—Item, Quhen the King raid to ye Kyre of Dunide, various coftly dreeses were made for hym, too numerous and lengthened to admit of selecion in this place.

Sep. 7.—Item, in Dunide, to the King hym self, xxvij li.

Oct. 5.—Imprimis, for ix Coft armouris to ye Narrails and Purpilantis, price of ilk peyece, fylk, gold, syfure, and pe makin of paim, vi li.; summe of pe ix, xvi li.

Item, for thre elne and d. (one half) of harpyand tartar to be Standart to ye King, quhen he raide to the Mure of Gistain, price of pe elne xviij s.; summa, iij li. iij s.

Item, for gold, syfure, fliner, and colouris til it, and wyrkin7 of it, vii li. xviij s.

Item, for thre vence of fylkis to fren queue8 til it, price, xiv s.

Item, painfters for v quartaris of tartar to ye Kingis Bannere, price, xxij s.

Item, for golde, fliner, syfure, and oder colouris til it, and wyrkin, vii li. xviij s.

Item, for thre Bannaris to ye Trumptis,9 tarter, golde, fliner, and oder colouris, price of ilk peyffis, 10 with pe makin, vi li.; summa of pe thre, xv li.

Imprimis, got for liounais to vij Mensmen 11 of ye Kingis, against the Coronattoun, for xviij elne velwos, 12 to be viiij gowis to ye said Mensmen, price of pe elne iij li. vi s.; summa, iij vij li. xij s. vij d.

Item, for xij elne of blak satyn, to be pame viij doubletis, price of pe elne xxviij s.; summa, xviij li. xviij s.

Item, for flocin and stentis 13 to pe famin doublettis, xxviij s. viij d.

Item, for vij elne blak claihtis to be viij pure of horse to paim, price of pe elne xv s.; summa, liij li. iij s. vij d.

Item, for xii elne of cotonyt quhit claihtis, to lyne pe fyn hose, x s. viij d.

Item, for makyn of yame in Sanct Johnston, 15 pe fyn tym, vii s.

1 A gold coin first struck in the Reign of James III, which took its name from the figure of an unicorn supporting a shield with the Scottish arms. Cardonell says it usually weighs 48 grains.
2 Of Sauchie, formerly his Keeper.
3 Morrice-dancers.
4 The last vestige of these customs is to be found in Edinburgh, whose Gunners go about with masks, or "fames faces," and shirts worn above their clothes, singing and asking money. The custom has almost expired, and is now entirely confined to young boys. Their Christmas carols are quite forgotten.
5 The Justice.
6 This is evidently tartan, which it would appear was chequered with gold, silver, azure, and other colours.
7 Working.
8 Fringe.
9 Still customary with our state-trumpets.
10 Against, preparatory to. 11 Velvet.
12 A sort of linnen and buckram stuff, for stiffening the dress.
2 Jac. IV.

CRIMINAL TRIALS.

APPENDIX.

Item, at Miguelmis, agane pe Parliament haldin in October, imprinis for xiiij dene of suetane to be doublattis to pe Henmere,6 price of pe elne, iij li. viij d.; numma

Oct. 6. Item, to Ingils Johnr the Fule,7 at pe Kingis commande, the royse nobillis,8 vii li. viij sh.

Nov. 1. Item, quhen the King raid to the Arge of Lauter, sundry drefis, &c.

Jan. 9, 1488-9. Item, 8 agane pe Parliament haldin eftir gule, (nine Henmores are again furnilhed with dice (long) goynis,4 doublatts, and hoyle.) And they afterwards get their Winysinda leuerraize, consisting of fallow damnyk doublatts,5 Ingils grene goyenis, and caseyfat hoyle.

It is unnecessary to enumerate the lengthened entries, which are made at full length in the Accounts.

Feb. 11. Item, to Gentill Johne pe Englishe Ful, at pe Kingis commande, v royse nobillis, x li.

May 31. Item, in Ediburgh to giff Joly John the Fule at Inglande, pat brocht ij francisall to pe King, x markis.

Item, to him, vii li. xij sh. xij d.

Jun. Item, to Cunninghama, the singer, at pe Kingis commande, a demy, xiiij sh.

Jul. 1. Item, to William Sangstar of Lithgow, for x sang bunte9 he brocht to pe King be a Precept, x li.

Jul. 10. Item, to Ingils Pypartis pat come to pe Castell yet and playt to pe King, xij demyfle, viij li. viij sh.

Aug. 4. Item, for the expenses maide, at the Kingis commande, vpone Deff Lutikis10 and his folkis, quhen thai come first to Stirling, their costis in Stirling, and thereafter in Lythgow and Edinburgh, at dynerys tymes, and for horfis to thayme to ryd betwene, xij li.

Item, for the costis maid in Ediburgh vpon xxxvij of his folkis thai was takin in Legh, ay quhill thai wer justifeit,6 xxxvij li.

Item, to the famil Dennis murr, at their way-passing be the Kingis commande, vii li. viij sh.

Aug. 31. Item, to Patrich Johnson and hisollowis pat playit a play9 to pe King in Lythgow,9 x li. iij li. xij sh.

Sep. 3. Item, to Gentill Johne, pe Inglis Fulle, pat brocht japis10 to pe King, at his commande, vii li.

Jan. 1, 1489-90. Item, to pe King, in his bed,11 in pe moryng (3rd. Pae) x angellis, xij li.

Jun. 6. Item, on Uphaly da12 to pe Kingis ordinande,13 xiiij sh.

Feb. 22. Item, for Spardour14 to pass to Jednort, to gar provyde for the Justis15 costis, again the Arge, x li.

Item, to Ker Meffinger to passe to Manerfik, for to gar provyde for the Justis to the Arge, v sh.

1 They were also furnished with 'Gallibers' and 'hose.'
2 English John, the fool, or jester. He seems to have been a favourite.
3 These Nobles, English gold coins, of the value of 30s. each, of the money then current in Scotland.
4 Of what value would not this 'Sang swik' be now considered?
5 1406, Jun. 26. An Embassy was sent by James IV to Denmark, for a renewal of the ancient alliance; and also claiming damages for injuries committed by the Danish Masts (Danish Strate) and his complices, within our souverain lordis Water.
6 Acta Parl.
7 Executed. An Embassy had been returned by the King of Denmark, accompanied by a number of the Pirates, who were delivered up to be executed. It does not appear what terms were made.
8 At this time the Spanish Ambassador was resident at Court; and it is probable that there was another Embassy from England.
9 Monkeys, apes. It is proper, however, to remark, that the word likewise signifies trifles or toys; and also jests or drolleries. The King had a considerable collection of wild beasts presented to him at different times, and probably kept a regular Menagerie for his amusement: A former gift with which Gentle John had been entrusted was two Spaniards.
10 There was regularly an offering of this sort each New Year's morning, and commonly a 'caudilt.'
11 Epiphany, the Manifestation of our Saviour to the Gentiles; Twelfth-Day.
12 Offering.
13 This personage was the King elected on Twelfth-night, being the individual in whose portion of the cake an 'Ien' was found. The same practice still prevails in England, but a ring is now used in place of the bean. See Brand's Popular Superstitions. (Ellis's Ed.) Dr Jameson's Dict. v. Bean, &c.
14 One of the King's Messengers-at-Arms.
15 Justiciar's expenses.
16 Against; preparatory to.
CRIMINAL TRIALS.

A.D. 1497.

APPENDIX.

Feb. 27.—Item, to the King, in Edinburgh, or the Lordis ride to the sigre of Mazerkis.

Jul. 17, 1490.—Item, on Sunday, in Edinburgh, in the Temple (Thesaureris) Innis quhen the King saw the Procession, til is him iiij unicornis.

Item, on Monunda, the morne after, sent til him with the Provost of Meppane xviij unicornis.

Jul. 29.—Item, on Fryday, in Dundie, to the King, to gif the Thane morene that playth, xxij Unicornis.

Nov. 22.—Item, to Ormonde, to pass the Northland to proclaim the Apris.

Item, to Dame Strathnachie, Justice Clerk, to pass to relieve the ditteth there.

Jan. 1, 1490-1.—Item, to Blinde Marx (on the New Year's day), xviij.

Jan. 2.—Item, for ij elne grene cayraf, and ij elne cotam quhit to Santra Pole, till a coy, and pe makine of it.

Apr. 5, 1491.—Item, to Wallese, pat tellis pe gristis to the King, xviij.

Apr. 14.—Item, to Domini, to gif the King leve to lat him bland, xviij.

Apr. 15.—Item, til a man pat come to Lythgow to lat the King blud and did it noch, xviij.

Jul. 16.—Item, to the Barzarts pat danst til before the King on pe cawky of Edinburghe before the Thane, xviij Unicornis.

Aug. 30.—Item, to the Rangeman of Edinburghe, to com to Lythgow to hang a Thief of Levis, quhilk he had after to Edinburgh.

Oct. 24.—Item, til a fellow brocht the King ij molis, in Lythgow.

Item, on Sanct Johnnis de, to Esprilis pat danst to the King, xviij.

Jul. 24, 1494.—Item, to pass to humond Sir John of Ils, of Tressone in Mintry, and for pe expens of the wittis, xviij.

Item, to speld the Erse Ladie, to by him clathis, xviij.

Nov. 3.—Item, to pac from Aberdeen with pe extractis of the Rits to Marintosche, and Roose of Ballygoonse, and to Myke, xviij.

Item, to pat to But to bring pe wittis of pe execution of Sir John of Ils humondis, xviij.

Dec. 19, 1496.—Item, to Watschod pe Tale tellare and Widderspune pe Tale tellare, togidder, xviij.

Mar. 31, 1497.—Item, given to the Abbot of Dunnot, for his reward, at the King's command, xviij.

Apr. 10.—Item, to John Hert, for being a par of Monicordis of the King's fra Aberden to Struislin, ix.

Apr. 19.—Item, to the tua thabelaris pat sang Grasstiff to the King, ix.

Jun. 8.—Item, to the Maister of Homesman, pat brocht thitngis of the Hotel of Dune, xviij.

Item, pat sit in day to Stevin Nefit, Larg Patrik Home's man, for sitile thitngis bringing to the King, xviij.

Jul. 6.—A number of Payments at and previous to this date were made to the Duke of York and the Dukes of York (Perkin Warbeck). Various payments also regarding Monssee, (Mons. Miey),

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1 Before, previous to, etc. 2 Given to. 3 Blind Harry, the Minstrel, had a regular pension out of the King's Privy purse. This notice of a handel is inserted to show the King was not unmindful of the Minstrel. 4 Kersey. 5 These coats were party-coloured, green and white, or black and white, &c. 6 The same day another payment of xviij. is made to Blind Harry. 7 Jesu, tales. 8 He was one of the Minstrels. 9 Carried. 10 About this time there are payments for 'playing swordis,' 'gluesa,' 'justing speirs,' &c. 11 Sir John Campbell is of Lala and Kintyre, Lord of Glens in Ireland, who, with three of his younger sons, were executed in Edinburgh, 1500. From him descended the Earls of Antrim, &c. Reference may be made to Mr Gregory's work on the Isles, in explanation of this and of all other matters connected with the Isles. 12 Highland lad. 13 A one-stringed instrument. 14 An ancient popular Romance. The King gave great encouragement to Tale-Tellers and Minstrels, who perpetually appear in every part of the Accounts. 15 See Mr Tyler's History of Scotland for the most authentic account of King James IV.'s proceedings in relation to that impostor. 16 See Transactions of the Society of Scottish Antiquaries.
16 Jac. IV.  
CRIMINAL TRIALS.

APPENDIX.

Aug. 7.—Item, giffen to the King to play at pe Cartis with pe Spaniards, at Strome, xx Vunicorns, x viij li.

Aug. 15.—Item, to Robin Ker, to furnish pe gunnis that yeid with the King to pe Raith at Aughton, x Vunicorns, and xiii li. xiiij s.

Aug. 21.—Item, pat famyn nycht, to Dand Doule, be the Kings command, to walk wyne be Sandies, for to wait wyne be Inglish schippes, xviij s.

Aug. 24.—Item, to Johnstone, pe Chamerian man, pat brocht tithing of the Stalling of the Inglishmen, x s. 

Sept. 1.—Item, to a woman with pe Grantours pair (at St John's Kirk of Dalrye, when the King was on a visit to the Guifiitiers'), x s. viij d.

Sept. 18.—Item, to pe werkmen (of Dunbar) to bring hame Monsie and pe opir artefleirs, to gide pain fra Dalkeith, xxiij s.

Sept. 23.—Item, (in Striliin) giffen be the Kings (command) to the Dir of Somertoun, x Vunicorns, ix li.

Dec. 10.—Item, to Dauud Prat be the Pugntour, in compleat payment of pe Altar Payting, as retting swand to him, ij li. ix s. 

Mar. 10, 1501.—Item, to Duncane Riche, to pass to pe Maister of Angus with pe Horstoun at Eskdale, viij s.

Apr. 10.—Item, giffen to pe haught (at Carse of edin) pat hed her eyne schorne, x s. xiiij s.

May 23.—Item, to Maister William Dunbar, in his pension of Martymeis bipast, be command of an Precept, v li.

Dec. 28.—Item, to the Kings command, to John Anderson, that wantis fett and bandis, xiiij s. 

Item, pat famyn nycht to the King, to play pe bylis with John Anderson, pat wantis fett and bandis, xiiij s. 

Feb. 5, 1502.-3.—Item, to one man to pass to pe Erle of Athole with pe Kings writings, to stop the halding of his fir before pe Kings Justice Air, vij s.

Jun. 26, 1503.—Item, to Robin Muirs of Perth, be the Kings command, xiiij Fr. s., xvi s.

Aug. 6.—Item, to John Ancleik, for gifting of pe Queenis bucklisses, and boles of pe Queenis bridill and harneill pat was byrget in Dalkeith, iiij li. iiij s. 

Item, to John Ancleik, goldmuth, to giff ane pair of spuris for the King, xvi s. 6 d.

Item, for to giff pe Kings capture (Strepte), iij Hary Nobles, iij li. iiij s.

Aug. 7.—Item, by the Kings commande, to Sir John Hume, to banquet Inglishmen, vi li.

Aug. 9.—Item, pe viij day of August pe King was spauslit, and giffen to him, quhilk he laid one pe buke, vj demys and vi s. quhit filuer, iij li. vi s.

1 At this time the King was at the siege of Norham. A number of payments occur for carriage of guns, 'gunstanes,' 'ledin pelidiss,' 'tris pelidiss' (cannon-balls), etc. 
2 A great favourite of the King's, who seems to have encouraged James IV in horse-racing, betting, etc. 
3 Watch; ward. 
4 Dispensation. 
5 Lord Verne. On Oct. 2, following, there is another payment to the thatched the grantors in Linlithgho, and many others occur of the same description. 
6 James IV. returned by 'Kyle,' 'Kilmarnock,' and 'Glago,' to Stirling. 
7 There are numerous payments to him, both before and after this date. 
8 In the Chapel Royal at Stirling. 
9 Porteous Roll. 
10 This was likely one of James's attempts in leech-craft, to set the eyes for extence. The phraseology is most economical of 'evil success.' 
11 The Poet. The frequent payments to Poins, Minstrels, etc. in almost every page of these Accounts, abundantly refutes the censure that brought against King James IV for having neglected Dunbar and others. His expenditure, on the contrary, was extremely large; and considering the state of his finances, it is difficult to term prodigal. A slight inspection of these interesting accounts will more than satisfy the most prejudiced reader, that such reports have arisen solely from idle surmises. 
12 On Dec. 20, another quarter's pension is entered, 'quhilk was perfit to him after he com forth of Ingland.' 
13 This is one, out of hundreds of similar instances of the King's urbanity. John, however, seems to have been more than enough for his Majesty. 
14 This unquestionably fixes the day of the marriage; which, with the total disregard to chronological detail which disfigures the pages of our earlier Historians, has been hitherto doubtful. The Editor has, perhaps, drawn too largely on the entries under this date, but their extreme curiosity will amply plead his apology.
CRIMINAL TRIALS.

A.D. 1503.

APPENDIX.

Item, to put in his canell and pe Queen's canell, ij Fr. cr. xxvij. s.

Item, to have myne day to pe Heraldis, be the Kingis commande, xl Fr. cr. xxvij. l.  

Aug. 9.—Item, pe ix day of August, after the Marriage, for eynclene clath of golde to the Comites of Shrewsbury, of Ingland, queene scho and her dochter Lady Gray clippit the Kingis berde, ilk eynclene xxij. li. iij'xxl. lii.

Item, for eynclene damask golde, be the Kingis commande, to pe sain Lady Gray of Ingland, ilk eynclene xij. lii. iij'xxl. lii.

Item, for eynclene Ingles clath to WALTER CHERRY, ilk eynclene xxij. s. vij'. li. x s.

Aug. 10.—Item, to MAITIS. JAMES HENDRISOUNIS, a man of bridill silver, of ane hores giffin for the Queene, for hire hores were kryyt in Balgerych, xij'. s.

Item, to the Bishop of Glascow, man of bridill silver, siclyke, xij'. s.

Item, to LORD AVENDALE, man of bridill silver, sicliike, xij'. s.

Item, to EROE OF ENGLIS, man of bridill silver of ane hore giffin to pe King, xij'. s.

Item, to the man pat brocht the hors from the King of Ingland, v Fr. cr. iij'. li. xij'. s.

Item, to pe cathar of Leith brocht pe Queene gert to Edinburgh fra Dalkeith, xij'. cartis.

ilk cart vij. s. vij'. li. xij'. s.

Item, be pe Kingis commande, giffin to James Hog for dightynge of pe houree, pat left 7 at pe Turneiging of Fastings Evin, and for dightynge of harnse, xxij'. s.

Item, for xxij. clath of Hollande clath giffin to pe Archibishop of York, be pe Kingis commande, ilk eynclene x. s. xij'. lii.

Aug. 19.—Item, to vij'. Inglis Menstrars, be pe Kingis command, xl Fr. cr. xxvij'. li.

Item, to pe Trumpeters of Ingland, xl Fr. cr. xxvij'. li.

Item, to pe Inglis Spelaurs that playt the superflis, 9 v Fr. cr. iij'. li. x. s.

Item, to pe Queenis fourre Menstrars pat remanit with her, x Fr. cr. vij'. s.

Item, to pe Inglis Menstrars pat pasfit away, and the King fund for him agane, vij'. s.

Item, to pe Thre Menstrars of Verfis, ix Fr. cr. vij'. s.

Item, to pe trestIndent of Ingland, vij Fr. cr. v't. xij'. s.

Item, to pe Erle of Oxforde, ane Menstrars, vij Fr. cr. v't. xij'. s.

Item, to the Thre Spelaurs that playt pe play, xxx Fr. cr. xxxl. li.

Item, to the Five Lowd Menstrars, xl Fr. cr. xxvij'. li.

Item, to the Portefal of Ingland, to by him ane hore, vij Fr. cr. v't. xij'. s.

Item, to pe Coletaris of Ingland, lxxl Scottis Ridaris, lxxxij'. s.

Item, for ane cowl of filser overgilt to him, 7.

Aug. 21.—Item, payit to John Myne, bowar, for lx justing 20 spitals at pe Mariage, ilk pece iij'. s. x.  

1 Invariably practised at Marriages and Christenings, 'at having the harnse.' The Account is abounded with such offerings in every expedition of James IV.  
2 The enquiring reader is referred for an extremely interesting and minute contemporaneous account of the Marriage of James IV, and of the Journey of his Queen, Margaret, daughter of Henry VII of England, to Scotland, by JOHN YOUNG, Somerset Herald, who was an eyewitness of the whole proceedings. Leland's Collections, IV, 298. See also Fabian's Chronicles, II, 232. Hall's Chronicle. Lesley, Buchanan, and Drummond. The forthcoming volume of Mr Tytler's History (V.), will doubtless give the whole details, in his usual masterly style. 
3 This is selected for the purpose of remarking, that the King was by no means negligent in the encouragement of the arts. CHERRY was an extensive merchant and burgess of Edinburgh, as well as the earliest Scottish Painter. It is highly probable, from the frequent occurrence of his name, that he held some respectable Office in the Royal Household. The list from which this dress is selected, is titled 'Pro Stirriturus.' 
4 Afterwards Sir James Henderson of Fordell, King's Advocate, &c. 
5 Bride money. 
6 In this sense, the gare means her bagage, &c. 
7 Lasted; remained. 
8 Thomas Savage, Canon of York and Dean of the Chapel Royal, was consecrated Bishop of Rochester in 1492. In 1496 he was translated to the See of London, and in 1501 to York. He was accompanied by the Bishop of Durham, William Sover, Abbot of St Mary’s, York, who had been consecrated Bishop of Carlisle in 1496, and was, in 1506, translated to the See of Durham. 
9 A great many payments are made to this rope-dancer and his man, who were pensioned by the King. 
10 Baw-leader. 
11 These large extracts, it is hoped, may suffice to excite the reader's curiosity to investigate this invaluable Record. 
12 Tilling, jousting.
Appendix.

Item, six score speres for turnerings pe said tyme, ilk pece ij. s. xviij. t.
Item, for ane blak burtoun scottis. vi. s.
Item, to Robert, Cuthell, for xxiiij. scottis, sij lang and sij short scottis, pe said tyme, for turnerings, ilk pece x. s. xij. t.
Item, for xxx speres peirtis, pe said tyme, xxx. s.
Item, for seyv speres virales and diamands for speris, ilk pece vij. d. xij. t. x. s.

Aug. 28.—Item, payit to John of Burgowes wif, for sij elin pleisance, and tua elin double kirle, quhilk was tane to pe graithing of pe madin, pe day pe Quene came in Edinburghe, xiiiij. s.
Sep. 1.—Item, payit to James (Dog) to cartaris and pynouris, for carrying of beddis-claithes and hinginies fra pe castell to pe abbay, and othur places, xxviij. s.
Item, to pe said James he laid doun for fray to beddis, and for fraying of pe abbay close with girdis, pe tyme of pe marriage, xxx. s.
Item, to pe said James he gaif, at disburse tymes, for xij turfs of bent, ilk turfs sij. vj. ti. xij. s.
Sep. 3.—Item, for viij laid of bent, xx. s.
Sep. 4.—Item, ane pair of tympanes to pe King, xxiiiij. s.
Sep. 11.—Item, pat sumyn day be pe Kings command to pe italienne labe pat dautis, xxx fr. cr.
Item, for v elin blew dama, to be ane gonne to hir, be pe Kings command, ilk elin xxiiij. s. vj. ti.
Sep. 12.—Item, pe xij day of September, for sij elin rede taistis to be cotz armouris to the heraldis, the tyme of the marriage, ilk elin xvj. s. lvj. s.
Item, for I buke of gold, bocht in Dunde be James Rollok, to pe said cotz armouris, vij. ti. vj. s.
Item, for making of pe said cotz armouris, viij ti.

Sept. 19.—Item, be pe Kings command, to pe inglis paytoure quhilk brocht pe figuris of pe King, Queine, and Prince of Ingland, and of our Queine, xx fr. cr. (French crowne) xiiij. ti.
Item, to ane man to pas to Strewelin for batale armes and scottis, and to cum agane pat nycht, ix. s.

Oct. 24.—Item, to the heraldis for pair composicion of pe escut of pe Harres quhen Cristopher Tailjour foundis, vj. t. xij. s. iiij d.

Oct. 31.—Item, in Cupper of guilt, the lordis being at the justice air pair, to ane mane to pas to Lynithwy depe King with pe lordis myndis anent the curte of rothes, vj. ti.
Item, do. ' anent the Lord Innesay,' vj. s.

Nov. 22.—Item, to Robert, Cuthellare, for xvj scottis for turnerings, ilk pece x. s. viij. t.
Item, to Muner, armorer, for ane pair of cuilchingsis, brasalys, and mending of pe Kings harnes, at pe turnerings, v fr. cr.
Item, to Johne Mayne, boware, for xvj speris, liij. s.
Item, for thir red speris, x. s.

Jan. 9, 1503-4.—Item, pat sumyne day, be pe Kings command to destr John Mayne Mustergrabe, Ingiseman, xx fr. cr.

Jan. 11.—Item, for sij elin tane dama to Sir John Mustergrawe, to ane doublis, ilk elin xvj. s.

Jan. 13.—Item, for xij day of Januar to Maister Thomas Dikfoun, for pe expensse maid on pe

1 See Youe's account, in Leland's Coll., before referred to.
2 Dried meadow hay, or grass.
3 Numerous other instances it is entered as 'ranchas to the chalmeris,' viz. rashers.
4 Trusses, bundles.
5 Lords.
6 Timbrels; perhaps a pair of kettle-drums. King James IV was an expert musician, and there are frequent entries of various kinds of instruments having been purchased for his own use.
7 In Walpole's Catalogue of Painters, an artist of the name of John Mayward is stated to have assisted Torrigiano, as a Painter, in the planning of the Monument to be erected for Henry VII. Perhaps the Seil-Engraver of Henry VIII, John de Maras, was the same individual. The only Painter who is said by Walpole to have been employed by Henry VII, was John Mobras, or Mabreusus; but it is by no means likely that he could be the person. Mayward, therefore, it is thought, was the Painter who accompanied the Marriage train, in charge of the Portraits presented by the King of England to his son-in-law. So far as the Editor knows, there are now no traces of his works in Scotland.
8 It is probable that this Painter remained in Scotland in full employment for two months, for under date Nov. 10, 1503, occurs this entry of a propyn to 'Myvour to Ingke Paytoure, quhen he passis away, 1 fr. cr., xxx li.' Privy Council.
9 Bow-maker.
10 The above are given as specimens of the entries of this sort, which are very numerous.
CRIMINAL TRIALS.

A.D. 1508.

APPENDIX.

TURSING of the Bishop of Sanctandrois to Sanctandrois, to be beryt, in wax, in franchs, and all ophr expendes, x Fr. viij. li. viij.

Jan. 18. Item, to Schir Thomas Galbrath, in part of payment of the making of the ARMES ABOUR PE ARMES, viij. x Fr. vii.

Item, to John Keere Meffinger, John Tarres yeman, Gaway Beileye and Gareoch Purferewe, passynd in dierius particia with Letteris for the Bishop of Sanctandrois Tyrrment, viii. iiij. iiij. d.

Jan. 25. Item, pe faynnye day, in Edinburghe, payt to William Foular for torches and pe precatis, and ane coffer to turr pe precatis in to Sanctandrois, for the Archepiscopys Tyrrment, iij. li. viii. vi d.

Item, for iij. vii. doane ARMES for the said Tyrment, xxviij. lii. iij. iiij.

Jan. 29. Item, pe xxix day of Januar, in Sanctandrois, to the Preistis for my Lord of Sanctandrois Tyrment, ixxxiij. lii. viij. iiij.

Item, to S' Andro Mahbrek to pur folkis pair, pat day, xx li.

Item, to pe paid S' Andro, to pe gray Friers pair, xi iij.

Item, pat faynnye day to the Gray Friers of Sanctandrois, be the Kingis command, for pe Archepiscopys Sanctandrois, iij. li.

Jan. 30. Item, to Duncane Stewartis broder, quhilk come to Fankland and warnit the King of certane men at the fyrne fuld be in Sanct Johnnestoun (Perth), xxviij. iii.

Item, to viij men, to pair expendes, to ride to Sanct Johnnestoun to tak pe paid perforis; and peireisit was floppit be the King, x.

Feb. 3. Item, pat faynnye day, be the Kingis command, to John Barbour with the Bishop of Sanctandrois, x Fr. cr.

Feb. 9. Item, to a cremare for ane Pfrater, thre compases, ane hammer, ane turcafe to tak out teith, and tua pair bedis to pe King, viij. vii. d.

Item, to S' Andro Mahbrek to pay for the Gurne of Inglandis Disige and Saulte-Mass, viij. li.

Feb. 11. Item, to pe man fuld mak aurum potabitile, be the Kingis commands, xxviij. iii.

Mar. 11. Item, pat faynnye day, giffin for tua Hary Nobles to Gilt the Kingis ceptur (ceptre) again the Parliament, ilk pece xxxiij. iij.

Mar. 17. Item, to David Tempplman, Meffinger, to pas to Nebotill, Melrofe, Driburgh, Jedworth, and Kello, to ger do the Gurne of Inglandis Disige, vj. viij. d.

Apr. 14. Item, to one callit Stratoune to pas in the Hills, with the Kingis writingis to Makane, xij. liij.

Apr. 17, 1504. Item, to David Tempplman to pas to warnit the perfournis pat wer fourteins for the Arriofis, to enter pain to ane aflagnit day, and to summon ane Assise to pe fayd day, xv. vj. d.

Apr. 18. Item, in Dunbartane to Martin the Franchman for xx tuns of wyne to pe Schippes taiting in the Hills, ilk twne, lx li.

Item, to pe paid Martin, for pe fraucht of his Ship, and marinari hyris, payit to him at dierfes tyms for his paylage in the Hills, lxxiij li.

1 James, Duke or Ross, the King's younger brother, second lawful son of King James III. For a character of this Prate, see Craige's Lives of the Chancellors, p. 58. Spottwood's Church Hist. p. 61. Wood's Peerage, &c.

2 Freight; carriage.

3 Armorial bearings, Funeral Escutcheons and achievements.

4 Interment.

5 Torches, and wax tapers. O. E. Pryst.

6 It was customary to have small banners and armorial bearings carried in procession, and fixed in the Church and around the funeral hearse and trophies. No less than 430 of these were used on this solemn occasion.

7 Doubles out of a regard to public decency, on account of his brother's Funeral obsequies.

8 Probably a domestic.

9 A small-ware merchant.

10 Among other accomplishments, the King had considerable skill in surgery; and the Treasurer's Books amply testify that he often exercised his talents as a dentist. From the entries, it is obvious that he had also amused himself with carpenter work, &c. His ceaseless activity, and the dispatch he used in moving from place to place, but for such documents, would never have been credited.

11 This entry has, like many others, been selected to show the variety of these Accounts. Numerous similar entries occur.

12 At this period James IV was dappled by an Alcmeon, who feasted him for some years, in his search for the Philosophers' stone, and the ' Quinta Essentia.' It is unnecessary to particularize farther in this place.

13 Destined for.

14 A great may entries follow, for the expenses of victualling the ships, gunpowder, 'artillerie,' gun-stocks, &c. 'for Assisgeng of Carnyburghs,' &c. The King often went on board to inspect the preparations. 'Lord Satoune got L.200 for the Egils, one of the King's ships.
17 Jac. IV.

CRIMINAL TRIALS.

APPENDIX.

Apr. 17.—Item, to the Abbot of Tintern of the Pynorie of Leith, be the King’s command, xviij.

Apr. 20.—Item, for iiij rubbowris to put powder in to pas in the Illis, for Assaying of Carneburgh, viij.

May 2.—Item, to Dandie Doule, quhill he wan fra the King on hote cupping, xviij.

May 3.—Item, to the King himself in ane new pairle, xxx Fr. cr. and xiij s. quhit filiner, xviij.

May 4.—Item, to Watte Trumbull to send for gray Grettie to ryne, ix.

May 9.—Item, to the Barrour belit Paules hed, quhen he was hurt with the Abbot of Dunkerseke, xviij.

May 18.—Item, in Dumhartane to S. Andre Wode, that he laid doun for vij twne of wyne mains to pe vitale of pe Schippis in the Illis, xlij.

May 19.—Item, to pe Maister Coke that he had laid doun for brede-baking, chekinis, caponion, and vells baking, quhill wer send to the Erle of Erne’s ship, and for carying of pealn, iijl. xij s. vjd.

Jun. 10.—Item, that day payit to James Dog that he laid doun for girl, the Corpus Christi may, at the May, to pe Kings and Queins chamers, iijl s. iij d.

Jun. 17.—Item, payit to William Cunynghame, burges of Drumfreis, quhill he laid doun, be the Kings command, for vij twne of wyne giffin be the King to Lord D’Arcy, ilk twne vij l., xlij.

Jun. 21.—Item, payit to Lord Gray, to his expense command to Ed to hald ane Court of Justiciary one pe Heriotis, for Slaufter of the Laird of Fentoun, vij.

Jun. 22.—Item, in Hamilitoun, to S. Andre Wode to the Maritres pe was in the Illis, pair xv dayis wage, pat pat be wantit, xxxvij l. xlij.

Item, that famyn tyne to pe Bischof of Ergile that he laid doun for wyne, quhill were spendit cure, pe wyne bocht of before, v l.

Jun. 26.—Item, to John Keir, messlinger, to pay to Sanquhail with the Precept for pe Proclamation of the Justitie Hirc at Drumfreis, vij.

Item, to Bute Purfawant to pas to the King of Ingland with writingis, for kepyng of pe Bordouris agane the Kild of Eskdale, xviij l.

Jul. 1.—Item, to James Myllone and Alexander Harper, (two of the King’s Ministris) to fee paine hors to pas to pe Kild of Eskdale, xlij.

Aug. 2.—Item, for tua hidis to be jakxis to Thomas Boiswell and Watte Trumbull (Ministris), agane the Kild of Eskdale, lvj.

Item, to Lang Jock of the hechins, pat was hurt in the Illis, be the Kingis command, xlij.

Item, to James Hog (‘Tal’-tellair’) to fee tua hors in Eskdale with the Kingis harnes, in part payment, xxxvij l.

Item, for Peere corse-bowis and ane hendredth o’ ganzeis, agane the Kild of Eskdale, xij l.

Item, to Robert Herworst for fringitng of pealn, xij l.

Aug. 8.—Item, payit for v pair speris to pe King, tua pairre hirnap brinniss, xij riding girstis, xij housting girstis, iij hors collaris, x hors hounes, and for hors schoing, S. Adam Hepburne grantand the femyne, v l. x d.

Aug. 8.—Item, to ane man of Sir Alexander Jardinis, that come to the King with thingis of pe taking of 6th Lindsay and his complicis, xlij.

1 This is perhaps the earliest notice of Hoarse-racing in Britain, and setting on the event of the race, as an amusement. On Apr. 15, preceding, there is this payment:—‘Item, to Thomas Boswell, he laid doun in Leith to the wife of the Kings leis, and to the not rane the Kings hors, xviij.’ 2 Mars; farther, in addition to the former supply. 3 And as payit xvj twne of wyne, is marked below this article. See Apr. 18. 4 Expended. 5 Manser be, ac. 6 Probably a Mystery of Morallity applicable to the day. 7 The same day the King gave 30 arrow, 18 bowstrings, and an arrow-case; on Jun. 21, ‘ane arrow bag of one brok (boddy) skin, xlij.’ 8 The Justice-General. 9 Over and above. 10 Bolts or quarrel-bolts; arrows for the crossbow, termed quarrels from O. Fr. quadrill, which took the name from the quadrangular form of the point. 11 The King’s gunner.

† Q

VOL. I.
CRIMINAL TRIALS

Item, to Johane Forman be laid donne for mending of pe Kinges lectdecamp.1

Item, to one man plunk take tus Chethis in Gentyth, and brught to Edinburghe; plunk wer justifis, vij Fr. cr.

Aug. 9.—Item, for maiulyis2 to pe Kinges leg splentis,3

Item, for one pair leg splentis to pe King,

Aug. 11.—Item, for tus gret bukalis bocht to pe King saane pe Bald of Eskdale,

Aug. 12.—Item, to Martin Ballye of pe hors schoinge, be the Kingis command,

Aug. 13.—Item, to pe Armoraris pas brocht pe Kingis leg splentis, of drink-siler,

Aug. 14.—Item, to pe Duke of Albernis son, vii Fr. cr.

Aug. 15.—Item, in Drumfreis, to Menstrates to pe paine horsis to Eskdale, and fyne saane to

Drumfreis,

Aug. 16.—Item, to pe Pyparis of Drumfreis,

Aug. 17.—Item, to pe man hangit the Chethis at the Hullirbufs,

Aug. 18.—Item, to pe man that hangit the Chethis in Canumb, be the Kingis command,

Aug. 19.—Item, to ane gyde to pas with Sir Thomas Aleane to Edinburghe for wyne to pe

King, in Eskdale,

Aug. 20.—Item, to ane gyde to pas with Sir Thomas Aleane to Edinburghe for wyne to pe

Aug. 21.—Item, to pe Pyparis of Drumfreis

Aug. 22.—Item, to one man that had his hors dede at the Hullirbuf, drawand

Aug. 23.—Item, to pe King to play at pe Cartis with Lord Barre,

Aug. 24.—Item, the King come to Drumestre for the Eski, to the Justice and

Lordis to pe Justice Air pair, and remanit at pe paid Air, xxij days, to pe Justices expenses ilk
day xi s.

Aug. 25.—Item, to pe King at cartis with Lord Bakir,

Aug. 26.—Item, to pe King at cartis with Lord Bakir,

Aug. 31.—Item, to pe Kingis command to Sir Alexander Jerebene and his men, for

pe taking of Old Lindesay and other tus with him, etir the tenour of pe Proclamatione,

Sep. 2.—Item, to James Tailour to pas to fesse the Armstrongis to pe King,

Sep. 8.—Item, to pe Turfis of Drumere xxij s.,

Sep. 11.—Item, to Johane Godlymth, for the turfling of the Organis in Eskdale,13

1 Fr. Lit du camp; a portable bed he carried with him to the field, and in all his journeys and hunting excursions.
2 Flexible mail for the back parts and joints of the limbs.
3 Gravel.
4 Hose.
5 Guide. Before highways were cut, travelling must have been, in all senses, a serious undertaking in these lawless districts.
6 Maim-ery wine.
7 The Queen at that period appears to have kept up a constant and anxious correspondence with her absent lord.
8 Hunt's up, or some favourite hunting air on the bagle.
9 The royal tent; pavilion. These Accounts abound in almost every leaf with similar acts of generosity and consideration for the poor and unfortunate.
10 Numerous entries of this nature run through the whole accounts.
11 It is unnecessary to cite each payment of this sort, which were profusely bestowed wherever the King went.
12 The King seldom left home without preparations for hunting, music, archery, golf, &c., and the Organis always accompanied him, when he was to be stationary, for some time, at any place.
17 JAC. IV.  CRIMINAL TRIALS.

APPENDIX.

Sep. 12.—Item, to þe Franchise synyth to þe Kings hors thowing, fene þe King com fra Edin-
burgh,

xxviiij. vij. d.

Sep. 13.—Item, to Sir Richard Chamberleyn Menstrales,1 INGLISE men, that playit to þe
King,

vij. s.

Item, to William Cunninghames wif, in Drumfuils, for þe Kings bele chere,2 xli.

Sep. 14.—Item, in Lorchmaburne to one per man that all þe Court tuk his hay fra him, be the
Kings command,

x s.

Nov. 16.—Item, for tua doane barrit boltis5 for þe King,

xvij. s.

Item, for xij bent boltis,

iiij. s.

Item, for ane pend corse-bow thread,

iiij. s.

Item, for iiij pair wyndefo cords for corse-bows,

vij. s.

Jan. 24, 1504—5.—Item, for ane corse-bow and ane water-dog to þe King,3 viii.

Item, þe fayd day to ane Tale Tellen, that tellit Tales to þe King,4 ix s.

Feb. 1.—Item, to James Hog, for dichting of viij fuerdins, binding of pair handis, agane
Fastings Evyn to þe Turnynyng, dichting of ther steil fallides with ymree, tua tre axes, and tua spera
hudes,

iiij li. ij s.

Feb. 2.—Item, to the Gisartis that danst to þe King and Quyne, be the Kings command,

vij Fr. cr.

Feb. 3.—Item, paydit to Robert, cutelliar, for viij gelt dagaris to þe King, grathing of þe Kings
schapis,5 and couering of þe famyn, grathing of fuerdins, lichethis, and belcis to þeim, binding of fuord
handis with fliken and cordis of fliken to þe King, fene Myldifornia bipait, of fandry prices, as his compt
bill proportis,

vij li. x s.

Item, to þe fayd Robert for iiij lang fuerdins for þe Barres,6 and iiij focht fuerdins for Turnynyng
at Fasternigis Evin, ilk pecce x s.

iiij li.

Item, for xviij sokket hedis for þe Bar and Turnynyng,

xxvij. s.

Item, for xviij virales and diamandis for justing sperts,

xxij. s.

Item, for li speris for þe fayd Turnynyng, ilk pecce iiij s.

vii li. iiij s.

Item, for ane ax-chace,

xvij. d.

Item, for xij cotis and xij pair hofe, half Scottis blak and half qhuit,7 to xij (Morriss) hantsaris.

be the More8 Taubroneris devile, agane Fasternigis Evin, be the Kings command,9 xij li. iiij s.

Feb. 9.—Item, to þe Armorar that put one the Kings hantars,

xiiij s.

Feb. 10.—Item, paydit for viij eine grene taffet to Pate Sinclair to ane tauer for þis hors at
the Turnynyng as Fasternigis Evin, ilk clue xv s.,

iiij li. x s.

Feb. 23.—Item, to Alex. Herlife to loufe þe Kings slope,10 quhilk wes tane quhen he was
Abbot at Enrisoun,11

vii li. viij s. viij d.

Sep. 14.—Item, to þe four Itallone Menstrales, and the More taubronar, to see þeim hors to
Pebils,

xxvij s.

Item, to ane Ingilisman and ane woman that wer ipuileist12 passand to Quitheerne, be ane
Ingilisman and ane Scottis man, quhilk wer jufilisfaytair, in Lorchmaburne,

xiiij s.

1 The number of mistrels belonging to the King's household at this period, was thirty-one. Their names and sala-
ries are regularly stated. 2 Fr. entertainment; vulgarly 'help chear.' 3 Ribbed arrows or quarrels for his cross-
bows. It may, however, imply that they were barred, though that was an unusual shape for quarrels, which
were square in the points. Had the word been written berris or borris, it would signify sounding or whistling arrows.
4 Mixed, of various sorts. 5 The King seems to have been hawking, almost daily, near Linlithgow, Falkland,
&c. On Nov. 15, there is a curious entry, 'Item, to ane man passit in ane Locan, and rait duki (wild-ducks) to
þe Haltis, be the Kingis command, ij s. iiij d.' The water dog was evidently to pick up the game brought down by
the 'boltes.' 6 Such payments are very frequent. 7 Scabards. 8 The Barke or Lairs for the Tour-
nament. 9 Hatchets, or axe-shaft? 10 Molzie; party-coloured; black and white. 11 Moorish or black
drummer. 12 A Mississ. 13 A silver drinking-cup. 14 This affords a very remarkable instance of the manners of the times, and of the revels sanctioned by long usage during the
dayt days. The King himself mingled freely in all the sports, and gained for himself the love and admiration of
his people, being remarkably dexterous in all amusements, games, and manually exercices. 15 Spoiled; robbe.
CRIMINAL TRIALS.
A.D. 1513.

APPENDIX.

Sep. 17.—Item, to dry out Sir of Drumfrisse that sang to the King in Lockma bene, to be the Kingis command, xiiij s.

Oct. 5.—Item, to thre men to pas to the Sheriff of Edin. with Alane Purcaus, qualik was jusfityit, vij s.

Aug. 2, 1506.—Item, payit to Andro Ayton he galt to the men that hed the Crochman fra Striving to Edinburg, qualikis he Cris of Mamtig take, and tarrit he manis heid, xiiij s.

Oct. 20.—Item, to Rutherfurd, Melfinger, to pas to the Justice, to warn him of he halving of pe Nirs, v s.

Dec. 31.—Item, to xxx dolars of bellis for banarits, deleiter to Thomas Bovwell, xiiij s.

Jan. 1, 1507-8.—Item, gift to divers Menstralis, schawmestris, trompetris, taubreunaris, Michaelis, lutaris, clarischaris, ant pigaris, extending to filz perfonis, xiiij s.

Jan. 3.—Item, to ese man peffand to the Bishop of Caithnes with the Kingis Legaris, for redding of pane palit in the L&m, with Maxy, xiiij s.

Feb. 16.—Item, to Wantounes that sang to the King, xiiij s.

Item, to Wantounes that the King seith and girt his fing in the Queenis cham, xiiij s.

Feb. 17.—Item, to the Gurrey of pe Canongait, xiiij s.

Mar. 6.—Item, to Wantounes and her tua marrowes that sang to her, xiiij s.

Dec. 22.—Item, for ij Prentit buikis to the King, tane fra Andro Millaris wif, l s.

Jan. 1507-8.—Item, to pe batz Guerg of pe Canongait, xiiij s.

Jan. 22.—Item, to ane Destur, be the Kingis command, v s.

Item, to Gray-stuill Lutar, v s.

May 12, 1508.—Item, to Inglis Cuddy pat brocht in ane nauit ggrz in pe clois, be the Kingis command, xxxij s.

Jan. 19.—Item, to the Cris of Eagl to gis to the men that taked pe men pat brought Amstermoss, vij s.

Aug. 3.—Item, to Johae Beg, Melfinger, to charge Lord Maywell and the Lord of Johnmyntoun to Warde, ix s.

Item, to ane ope to pas to Lord Crochstoun of Inquart, with the Kingis writing, ix s.

Feb. 8, 1511-12.—Item, to ane fellow, because the King pullit furth his thwilt, xiiij s.

Feb. 23.—Item, to Kynard, pe barbour, for tua teith drawin furth of his hed be the King, xiiij s.

Feb. 27.—Item, to pas with Letteris to summon pe Lord Gyntouns and his complices for crymes of Crochstoun and ane Assism to pas pairesome, xiiij s.

Jun. 27, 1512.—Item, to Andre Armeirang to pas with Letteris to Mougreef, xvij s.

Apr. 24, 1513.—Item, to pas to Lord Maxwell and pe Lord of Johnmyntoun, v s.

There are many payments to this person, who appears to have been in great favours with the King. The King shortly after this returned to Edinburgh, and went to the North. Some or packed up the man's head, to be fixed on the Fort or some bough or castle. Morrice- dancours. It has already been remarked how liberal the King was in his establishment of this sort, which consisted of musicians from various countries. Besides his usual French and Italian Minstrels, he kept an Organist, s. p. 1512-13, Feb. 15. "Item, to Guillaim, Organer, Frenche, and his v complices, French Minstrels, xxvi. v.s. Juliane Drummond and the Italians had a payment of xxxij s. the same day for their quarter's wages. Wantouns. She is elsewhere called 'is said Queen,' and 'callit ye Queen of Mail.' Companions. It would appear from this entry, that she was a poor manas and a privileged pensioner. A naked mask, brought by English Cuddy, or Cathbert, into the Palace Yard of Holyrood. For this and the preceding entries, see the Trialis, Vol. 1, * 77, &c. The King's skill in surgery and loch-craft was considered unequalled in these times, and he was extolled by contemporary writers, who assert that he was consulted by physicians and surgeons in desperate cases. The present instances seem to savour of frolick only, probably arising from a foolish wager with some of his courtiers. See Trialis, Apr. 27, 1513, &c., Vol. 1, * p. 76. Robert Maxwell, son of John Lord Maxwell, got a Charter of the Stewardship of Annandale, on his father's resignation.—Reg. Mag. Sig. xvii. 173.
CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

It is an unfortunate circumstance that the regular series of the Books of Adjournal does not commence till the 18th day of November 1524, in the twelfth year of the Reign of King James V; for unquestionably a variety of very important Trials must have taken place during his minority. No doubt, the public business of the country received a fatal shock from the disastrous consequences of Flodden-Field, and it would be long ere matters became settled after that unhappy day, when so many of the Nobility, and the flower of the principal families of Scotland, fell along with their King.

The Editor has endeavoured, to the utmost of his abilities, to fulfil the pledge he made at the outset of this undertaking, by entering into a very extensive and laborious examination of all the early Records and Collections of MSS. within his reach, so far as connected with the objects of this present work. In his zeal to preserve all that is important, and that bears on the history, manners, and customs of Scotland, he fears he may have encroached equally on his limits and on the patience of the general reader, whose pursuits, perhaps, do not lead him to attach much value to what will be greatly prized by the historian and antiquary. The result of these researches he now begs to submit in the illustrative Notes and Appendix to this Reign, in the hope that they will meet with the candid consideration of all.

What was remarked in the brief Notice prefixed to the Reign of James IV, and to that Appendix, is equally applicable to the present portion. It may be observed, that the Extracts from the Records of the Privy Council, which are here given in chronological order, at the end of this and the other reigns, lie scattered over a number of volumes, and are blended with Precepts of Charters, Gifts, Presentations to Benefices and Offices, Legitimations, Licenses, Safe-conducts, &c.; of which, a number of the more important papers have been selected. To save the repetition of facts and illustrations contained in the Appendix to this reign, the reader is referred, generally, to its contents.
CRIMINAL TRIALS. A.D. 1524.

CURIA JUSTICIARIE Supremi domini nostri Regis tertia et inchoata in Pretorio de Edinburghe, per honorabilem virum Wilelum Scot de Baluery, militem, deputatum nobilis et potentis domini Colini Comitis Ergadie, domini Cambel et Lorne, Justiciarii Generalis Supremi domini nostri Regis, die Sabbati, xxvii die mensis Novembris, anno domini M. V. xxiii: Sectis vocatis et Curia affirmata.

Justice Clerk Sworn into Office.

Quo die, in presencia dicti domini Justiciarii, Nicholai Creaufurd de Oxingang, Clericus Justiciarie, tactis facro sancti Dei Evangelii, fuam jura mentum profiit corporale, ad fidelter ministrand. in suo officio Clerici Justiciarie, juxta fuam conficienciam et discretionem.

Slaughter of the Laird of Ryland.

Nov. 18, 1524.—Jacobus Crechtoune de Frendrancht, miles, sepe vocatus ad intrandum Robertum Stewart de Latheris, ad subeundum legem pro arte et parte crudelis interfectionis quondam Jacobi Stewart de Ryland; prout ipse plegius devenit pro ipius introitu, sub pena I' li. Et non comaren, in amerciamento dicte summe; et quod dictus Robertus ad cornu supremi domini nostri Regis denunciatur, et omnia bona sua, mobilis et immobilia, suo vili etcha utur. Et hoc redditum fuit pro judicio.

[Jacobus Prestoune, burgen. et Presiden. burgi de Ed. Justiciarior Deputatus.]

Murder of the Treasurer of Edinburgh.

Jan. 7, 1524-5, (die Sabbati.)—Thomas Hammylton, called 'unfanyt,' William Were, William Were, his brother's son, and Gawan Hammylton, were denounced sebeis, &c. for the Murder of Mr James Haliburton, sebeis and Treasurer of Edinburgh.—(Maj 11, 1525.) Weir of Stanebyris became suery for William, his son and heir-apparent, and . . . . . . . . Weir, also his son, that they should underly the law, on xv days' warning, for Intercommuning with Thomas Hammylton and William Weir, Rebels.

Common Theft, Murder, Rape, &c.

Jan. 30.—John Steill, alias Kempy Steill, Adam and Richard Bell, convicted by an Affifie, and HANGED for common Theft and Rest of theft, and

1 See Note to Nov. 9, 1493. 5 It has been thought proper to insert the two entries which occur in the regular Books of Adjournal, although perhaps immaterial in themselves, for the purpose of affording a specimen of the manner in which the Record was then kept. 3 Provoct. 4 Unsanc tified, unhallowed. 5 His Christian name not given. 6 See Feb. 4, 1525-6, from which it would appear he was shortly afterwards Murdered. Kempy denotes a person given to strive or contend for the mastery; a champion ('campioun' in old writings), a wrestler, &c.
of common Murder and Rape: And for Intercommuning with the English thieves and traitors.

\[\text{Assises,}^1\]
Alex. Kirkpatrick of Kirkmichael, knt. William Ballie of Bakke, 
Johne Pennycuik of that Ilk, 
Alex. Creichtoun of Newhall, 
James Maitland of Auchingaff, 
Alexander Pennycuik, 
Thomas Hannaytoun, 
John Douglas, David Vache, 
Thomas Bynne of that Ilk.

**Bond by the Border Barons to assist the Earl of Angus, &c.**

\[\text{Apud Ed. xxvi Martij, anno I V-xxv." In hospicio domini Cancellarii.}
Sederunt, Cancellarius, Episcopus Candidissime, Comes Angusi, Abbates de Abirbrothok, Sancte Crucis, . . . . . . . , Dominus Fleming, Clericus
Jufricari (Nicholas Craufurd de Oxingang), Magister Adam Otterburne.

The qhilk day, ARCHIBALD ERL OF ANGUSE, in presence of pe Lordis above writtin, swore þat he fuld leelly and treuly ferue in to the Office of Wardanery and Lieutennency of the Bordouris, and to flanche Thift, Reiff, Slauchter, and al vtheris inconvenirtie commitit vpon our sowerane lordis trew liegis; after pe forme and tenour of pe Commiffion gev in to him pairupone.

Comperit Andro Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Farnyrhirt, Mark Ker of Dolphingstoun, George Rutherfurd of Hundool, and swore þat þey, be þaim self, kynne, freyndis, feruandis, and pair-takaris, and al þat þai may raife and stere, fall leelly and treuly ferue ARCHIBALD ERL OF ANGUSE, ryde, gang, and ferue him at þair possibill power, in to þe office of Wardanery and Lieutennency, for stanching of Thift, Reiff, Slauchter, and inconvenirtie, and for þe executione of justice, and furth-bering of the Kingis autorite. **The Lord of Hunthill, the Lord of Bethrowell, the Lord of Wellis, James Ker of Merfingtoun, James Murray of Fawchell, William Kirkton, the Lord of Haldane, Walter Scott of Syntoun, Robert Scott of Allanachou,` swore to þe effect above writtin.**

In presence of þe Lordis comperit Andrew Ker of Cesfurde, Walter Scot of Bukcleuche, Andro Ker of Farnyrhirt, Mark Ker of Dolphingstoun, þe Lord of Hundool, þe Lord of Hunthill, þe Lord of Bethrowell, þe Lord of Wellis, James Ker of Merfingtoun, James Murray of Fawfhol, William Kirkton, þe Lord of Haldane, Walter Scott of Syntoun, Robert Scott of Allanachou, David Hoppringill, in Gallochelis, Adam Scot in Truchelaw, and Robert Scott, Tutor of Houpablot, and of their avne consentis has bund and oblif þame, and ilk ane of þame, to rife with pair kynne, freyndis, feruandis, part-takaris, and all þat þai may stier, with Archibald ERL of Angufe, Lieutennent, for þe furth-putting of all

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1 This is the first recorded Assise in these books. It may be remarked, that the two Assises immediately following also consisted of thirteen persons.  
2 Stir up, influence.  
3 Loyally.
Liddisdale menne, Eskdale, and Ewisdale, pare wiffis and barnys, now dueland within þe boundis of Tevidale, Ettrik-Foreste, and boundis adjoiscent þairto, and hald þaum furth of þe flamyn in tyme to cum. And attour þe forfайдis perfonis hes bundin and oblið þame, and ilk aine of þame, for þame self, vndir þe pane of tinsile of lyfe, land, and guddis, þat gyfe oney of þare men, kynnyfemen, feruandis, tenentis, adherentis, affifteris, pairt-takaris, or duellis within þare heritasg, rovmys, baylteris, takis, or stedings, committis omy trel-pes, fíc as Slachteris, Murtheris, Trefonis, Revistegis, Spulzeis, Thistes, or vþer crymes, þe forfайдis perfonis fall bring in þe committeris þairof befors þe said Lieutenent, or his deputis, to vndirly þe law for þe said crimes; þai beand requirit þairto, vponne xx dais; or ellas, fall within þe said xx dais after þai be requirit, put þe faydis perfonis, pare wiffis, pare barnys, furth of þe curte, and hald þaum furth of þe famyn, and eichete þare guddis, to be deluerit to þe pairti dampnagü. And þis Band to endure quhull þe seift of Candilmes nixt to cum; and þe said Act to be extendit anent Slachteris, þe committeris þairof beand put to þe Horne.

Attour, þe Lordis will and declaris þat þe landit men and Heidisfmen of Tevidale, Sherifdome of Selkirk, Ettrikke Forrest, and boundis pairof, now beand and abfent, ['sall obserue and keip þe famyn Band, fyclyke as and (i/.) they had compeirit and obileft thaim thairto'] in every poynte, efter þe forme and tenour þairof, and vndir þe panys content þairintill.

In prefens of þe Lordis of Counfale comperit George Lord Hume, the Lord of Coldoinknliss, the Lord of Polworth, the Lord of Craintone, the Tutour of Wedirburne, the Tutour of Langtoun, the Lord of Syntone, and foure þat þai fuid leuely and trewly fere Earl of Anghouse in þe offis of Wardenrie and Lieutenery, with þame felis, þair kynne, freyndis, feruandis, men, tenentis, and all þat þai may raife and ferre, quhen and quhat tymes þai faibe requirit þe him or his deputis þairto; or fall ryde, gang, affift, and suplè þe said Erle, in stanching of Thift, reffis, flachtaris, and vþer inconvenientis, and in pecifing of þe curte, exercisioun of justice, and furth-putting our foverane lordis autoritit: And þairupone gaf þair pair bodely athis.

In prefens of þe Lordis of Counfale forfaid, comperit George Lord Hume, þe Lord of Coldainknliss, þe Lord of Polworth, þe Lord of Coefly, þe Lord of Syntone, þe Tutour of Wedirburne, þe Tutour of Langtoun, of þare avn conent Band and Obieft þame, and ilkane of þame, to ryfe with þare kynne, freyndis, men, feruandis, pairt-takaris, and all þat will do for þame, with Archbald Erli

1 Moreover. 6 Loss; from the verb to tym. 3 If. 7 Baillies. 4 Chief, heads of Clans. 6 Teviotdale. 7 There is an evident omission here. The words within brackets, which follow, are supplied to fill up the sense, they being taken from another similar passage in this remarkable document. 8 Hume of Cowdenknows. 9 Loyally.
of Angus, Wardane and Lienetanent of ye Eist and Myddill Marchis, for pacy-
ning of ye cuntre, parswrng of thefis and tratauris, exercicioun of justice, and
furthe-putting of ye cuntre, of ye Kingis autoritie, quhen and alfo oft as pai
falbe requirit be him or his deputis pairto. And attour, ye forsalis persfonis has
inlikwyde bundin and obleft paiin, and ilkane of paiin for paiin self, vnder ye pane
of tinfaile of lyfe, landis, and gudis, gyf ony of paiir kynnitimen, feruandis, tenen-
tis, adherentis, asfateris, pair-takaris, adherentis, pair-takis or duellis within
paiir heritages, rovnys, bailzeryis, takis or stedingis, committis ony trespasfis,
ac as Slaughtarins, Marthurs, Treffonis, Revifngis, Spulegeis, Thefis, or vper
crimes, the forsalis persfonis fall bring in ye committeris, and pai, of before ye
sald Lienetent and his deputis, to vnderly ye law for ye said crymes, pai beand
requirit pairo apone xx daysis; or ellis, fall within xx days after pai be requirit,
put ye saidis persfonis, pair wyfis, pare barnys, furth of ye cuntre, and hald paiin
furthe of ye famin, and etche paiir gudis, to be deleyuerit to ye pairti damnaefit.
And pis Band to endure to ye first of Candymes nixt to cum; and ye said Act
to be extendit anent Slaughtteris, ye committeris pairof beand put to ye horne, &c.

Attoure, ye Lordis will and declaris, pai ye remanent of landit men and
Heidis-men pai is duelland within ye Merse and Launderdale pai comperrit
nocht, and oblift pane in pis Act before written, fall obserue and keip ye faman
Band, fickle as and pai had comperrit and oblift paiin pairto in every poynt,
efter ye forme and tenour pairof, and vadir ye panys contenit pairintill.

Jurisdiction in Maritime Cases.

May 4, 1525.—The quhilk day comperrit Williamand Anderstone, burgess
of Edinburghe, in prefens of my Lord Justice and Lordis of Counsale, and be-
com cautionar and fouirtie for ye schip callit 'Ye Fleand Gaisit of Amster-
dam,' ye merchandis, marinaris, and gudis being in ye famyne, now being in ye
Port and havynge of Leithe, pai ye said schip, merchandis, marinaris, nor gudis,
fall nocht be remouit nor transportit furth of ye famyne, vnto ye tyne ye pley' be
devided betuix ye skipparis and marinaris of ye said schip, and ye mer-
chandis of Cowper and Scantandris, and Ross Herald, before ye
Lordis of Counsale.

[Colinus Comes Ergadie, &c., Justicearins Generalis.]

Jurisdiction of the Bailies and Sheriff of Edinburgh—Officers of
Sheriffship of the City and County, in Criminal Matters.

The famyne day, in prefens of my Lordis Justice and of Counsale,
comperand James Prestoun, President (Provost) of ye burgh of Edinburghe, and

1 This word is repeated. Perhaps for 'adherias.' 
2 As if. 
3 The flying ghost or spirit of Amsterdam. 
4 Law-plea; litigation.

† B

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Ballies of þe famyne, one þat ane pairt, and Patrik Barone, Sheref deput of Edinburghe, in þe name and behalf of þe principale SHEREF þairof; and of þair avne fré will appointit and aggreit, in pis wyfe; That is to say, QUHAT time ony Theif or trespasflour beis apprehendit within þe fredome and jurisdicioun of þe burghe of Edinburghe, and beis convict of ony cryme, þat þe said PRESIDENT (Provoit) and Ballies fall vſe þe OFFICE OF SCHEREFFSCHIP pertenyng to þair office, in þat caſe; and convoy þame fowerly to þe place quhare þai fuld be justifit, 1 and remain þairat quhilk 2 þai be dede. ANd inlikwise, þe said SCHEREFF of Edinburghe and his deputis, quhare ony Theif or trespasflour beis apprehendit outwithe þe fredome of þe said burghe, and presentit before þe Justice or his deputis in jugement, gif þai be convict, be ane Affise, of quhatfiumeuer cryme, þat þe said Schereffis fall vſe his office of Schereffschip pertenyng to þair office vpon þe said trespasflouris, and convoy them fowerly to þe place quhare þai fulbe ordanit to be justifit, and remane þairat quhilk þai be dede.

Slaughter of the Laird of Lochland.

Jun. 13.—GILBERT EARL OF CASSILLIS, David Hynde, James Mure in Ballochtoyll, Gilbert Kennedy, ‘þe Proveitis fone,’ and John Montgomery in Balfagart, were acquitted by an Affise of art and part of the cruel Slaughter of Martin Kennedy of Lochland.

The Earl of Argyle preid at all the diets of this caſe, wherein almost every KENNEDY 3 of any conſequence was called, as art and part; together with a very long catologue of the usual allies and followers of the houſe of CASSILLIS; such as Robert Grahame of Knokdoliane, Thomas Corry of Keldwood, John Mure of Auchindranie, Bartholomew Craufurde of Kerfe, David and Dun-can his brothers, &c., for all of whom the Earl of Cassillis became furyte, that they shoul appear and anſwer at the bar for that crime, and alfo for the Slaughter of Gilbert Mak-lwraithie.

Assisa.


The Earl of Cassillis afterwards compounded with the King for the unlaews in which his followers were found liable, which must have amounted to a very large sum. The original Warrant is stiſ preferved, 4 and is given here as a specimen of ſuch documents.

1 Put to death, executed. B. Lat. justificeare.
2 Until.
3 For illustrations of all matters connected with this subject, and, in general, with the Feuds, &c., of Ayrshire, Wigtoun, &c., the reader is referred to History of the Kennedies, Quarto, Edin. 1830.
4 Orig. MSS. belonging to the High Court of Justiciarie.
12 Jac. V. CRIMINAL TRIALS

REX,

Justice Clerk, Wit se our wellbelonit couning and counsalour, Gilbert Erle of Cassillis, hes componit with us for all vnalwis in pe quhilkis he was aduingit, for nonentre of his breper, and all vperis his freindis and seruandis, before our Justices or pair deputis, in our Towbuth of Edinburghe, quhastsumeuere dais, to hauie vndyrlyin our lawsis for Slauchtiris and crims quhairof pai wer delasit, contenit in our Adionale, vnto pe daye of pe date heirof; and hes refflait fra him payment for pe samyn, at pe making heirof: And Ditchargis him of all pe faldis vnalwis, be pif pretantis, for enuer. It is our will herfor, and We charge 30w, pai incontinent pif our Letteris fene, 3e draw all pe faldis vnalwis furth of our fald Adionale buiks, and defele pe samyn, 3e treypad pif our Letteris for your Warrant. Subsciruit w our hand at Edinburghe, pe xvij day of Junij, pe 3ere of God Ivo. V. xxvir 3eris, and of our regnne pe xij 3eris.

James R.

Slaughter—An Assise directed not to depart from the Tolbooth, until they had either acquitted or 'fyllit' the Pannel.

Jun. 21.—William Carnys of Orcharcoun, and vtheris, his complicis.


Piracy—Plundering goods from a Ship in Leith.

Aug. 14.—Capitane James Coburne, Alexander Schort, David Logane, David Muitchet, David Davidson, and Thomas Logane, convicted and Hanged, as Pirates, for plundering certain goods and merchandize from Annand Peirfoun, dwelling in Norway, and his mariners, out of his ship in the harbour of Leith. John Gardner acquitted by the Affise.

Slaughter of John Lord Fleming—A Minor released from his Bond of Cautionary to enter a Pannel.

Aug. 18.—The following curious Supplication, with the deliverance indofred thereon, is preferred among the Warrants of Court.

'Mr Lordis of Counsal and Auditoris of Chekker, vnto vow l. humilie menis and fhesis l, vow servitor, George Geddes of Cuthill Hall: That quhars William Twyke, ane scolar, was delasit of airt and pair of pe Slauchter of vnquhile John Lord Flesyno, and is innocent pairof, confidering, pe tyme of pe committing of pe samyn, he wes at pe seule in Edinburghe: And because I dwel amang my frendis, pai fyllot and tisit me to be fonerite for him, for his entre to pe law: And because he dart nocht compeir, he being innocent, for feir of his paryt, I am vnalwit for his nonentre befor pe Justice: howbeit, as I tryst, I fuld nocht have bene refflait foursite, nor fuld nocht have bene vnalwis, considerinf I wes and is of lads-age, within xv 3eris, and may nocht nor fuld nocht be fourite,

1 Discharge. 2 See Appendix to this reign, &c. 3 Entold. 4 Advermary: prosecutor. 5 In minority.
of pe law. Hirpor I besek your l. to hane conscientione herof, and gif command to pe Justice Clerk to draw me out of pe Admirall, fea pat I be nocht pondit\(^1\) for pe said vnaw. According to justice, and your answer I beselk. \[Indent\] *Apud Edinburghe, xvij Augusti, anno I\(^{m}.V\).xxv* The Lords Ordain, pat because pia complementis is of leys-aige, pat pairfor pe Clerk of Justiciary discharge him of pe sonert fundin be him in pia mater, for pia vnaw, and put him forth of his bakis.


**Slaughter of the Laird of Stoneybryes.**

Feb. 4 et 12, 1525-6.—Lindsay, Rector of Colbintoune, finds caution (Robert Lord Lyle) for his entry before the Justiciar, on Feb. 19, to underly the law for art and part of the cruel Slaughter of . . . Weyre of Stonbyris.

**Feuds between the Lairds of Amsfeild and Kirkmichael.**

Mar. 19-20.—John Charteris of Amsfeild, Robert and John, his sons, Gilbert and John Greir, brothers of the Lairds of Craufurdton and Ile, Robert Charteris, brother of the Laird of Amsfeild, and thirty-seven others, found caution to underly the law on May xxix, in the Tolbooth of Edinburgh, for the cruel Slaughter of Roger Kilpatrick, son and heir apparent of Sir Alexander K. of Kirkmichael, kn\(^{1}\): And for the Mutilation of the said Sir Alexander.

Mar. 24.—Sir Alexander Kirkpatrick of Kirkmichael, knight, Robert, John and William, his sons, found caution (Roger K. of Knock) to appear the same day, to underly the law for all crimes to be imputed against them by John Charteris of Amsfeild.—He also became surety for the entry of William his brother, Henry K. junior, and Alexander his brother, Mr Cuthbert Welshe, and twenty-two others, the same day.

**Slaughter of the Laird of Auchinhever.**

Jun. 26, 1526.—Hugh Earl of Eglintoune, detainted for art and part of the Slaughter of Edward Cunynhame of Auchinhever. John Linsday of Dunrod, his cautioner, fined for the Earl's non-appearance, in 100 l. The cautioners of Archibald Craufurd of Hanyng, Archibald Montgomery Master of Eglintoune, James Montgomery, brother to the Earl, Mr William Montgomery, and others, were fined in the like sums—for their absence. The principals were denounced rebels.

**Stouthreif of the King's Artillery.**

Jul. 11.—Robert Bruce of Erthe, and Mr Thomas Bruce and James Bruce of Mungowells, his brothers, received the King's Redpitt for art and part of the Stouthreif of certain manegols\(^2\) and Artillery coming from THE

\(^1\) Poinded; distrained.  
\(^2\) O. Fr. manegol—an engine for slinging or dashing stones, large arrows, &c. with prodigious force. They seem to have been used long after the invention of artillery.
CASTLE OF STIRLING to the King's Majesty, at his burgh of Edinburgh, for
the defence of his person: And for art and part of the Stouthreif of the King's
Letters from his Officers; and laying violent hands upon them.

Stealing the King's Crown and Jewels.
Jul. 11.—WALTER DRUMMOND, Acquitted by an Affixe of art and part
of the theft and concealment of the King's Crown from his Crown-room, with
the precious stones therein contained, furth of the Palace or Monastery of
HOLYROOD.

Slaughter of the Laird of Auchenharvy.
Aug. 1.—HUGH EARL OF EGLINTOUN; Archibald Montgomery, his
grandson and heir apparent; Mr William, his son; and James, his brother, find
caution (Mr John Campbell of Lundy) to underly the law at the next Justice-
saire of Air, for art and part of the Slaughter of Edward Cunynghame of AUCH-
CHINHARVY.

Aug. 4.—Thomas Craufurd, heir of Auchinamys; James Monfode, heir
of the Laird of Monfode; John Frisell of Knok; John, his son; and twelve
others, procure the Earl for their cautioner, that they should appear and answier
for the same crime.

High Treason — Field of Melrose — Common Theft, &c.
Aug. 9.—JAMES ELMALD, Convicted for treasonably coming, in com-
pany with Sir Walter Scott of Branxhelme, kn'; and with the Traitors and
Thieves of England and Scotland, against the King and his Lieutenant at MEL-
ROSE; and for common Theft and Refet of theft.—HANGED.

Slaughter of the Laird of Cesfurd.
Aug. 14.—The following Warrant is preferred among the Papers of the
Court. Alexander Hoppringill, in Torfonse; John, James, George, and Adam,
his sons; James, his sifferent; George Cheithomme of that Ilk, and eight others
of no note, found caution to appear on 18th.

Justice Clerk, Wit 36, it is understood to my Lord of Angus, and to the Lord of FCRNHAYST,
Mark Ker, and pe laif of pe frendis 4 of pe LARD OF CESFURD, that pe personis vndirwritin, delatit
of art and parte of pe Slaughter of the LARD OF CESFURD, ar innocent pairof, and wer nocht at pe
committing of pe samyn: That is to say, William Skater, Dutho Paterfote, William Pebis, Thomas
Pebis, Mongo Williamfote, Thomas Dickefote, John Bard of Poffo, Alexander Bard, Thomas Bard,
Ninian Bard, Alex' Horbruck of pat Ilk, John Gyffane of Cardono, Thomas Myddilmeft of Gre-

1 James Kirkaldy of the Grange, Francis Ramsay of Foxtoun, John Ranklear of that Ilk, and others, were on
this Amster.  2 The rest, or remainder.  3 Blood relations.  4 Andrew Ker.
Forthought felony — Slaughter.

Aug. 17.—ROBERT KILGOUR, Convicted of art and part of the forethought felony, committed when you Sir John Kilgour, his brother, and he cruelly slew John Gibfons and Thomas Wiff, his servant, Aug. 12, 1526. — Aug. 23. He was ordained by the Earl of Angus, Lieutenant of the East and South Marches, to be beheaded.

High Treason — Levyng war against the King's Lieutenants.

Oct. 24.—ANDREW CRECHTOUNE of Craufurdtoun, John Crechtoune of Kirkpatrick, and forty-fix others, were denounced Rebels, and put to the horn, for not appearing to underly the law for Convocation of the lieges in great numbers, armed in warlike manner, &c., and coming upon Archibald Earl of Angus, and James Earl of Arran, his Majesty's Lieutenants, near the Church of Linlithgow, being there for the time in the King's service, and exercising his authority; and treasonably invading them and other faithful lieges for their slaughter and destruction.

High Treason — Inbaiding the Earl of Arran, &c.

Dec. 19.—JOHN LORD LINDSEAY of Byris.—Sir William Scot of Balfwy, kn., became cautioner for the entry of Lord Lindesay of Byris, on the third day of the Justice-air of Fife, or elsewhere, on xv days warning, for art and part of Convocation of the lieges at the Burgh of Stirling, on the 1st, 2d, and 3d days of September last: And for art and part of holding private Councils at the said burgh, on the said days: And for art and part of the forethought felony and invasion made at Linlithgow, on the said 3d September, upon James Earl of Arran and his part-takers, there assembled for the preservation and defence of the King's perfon.

Abiding from the Raid (of Liddisdale) against the Border Thieves.

Without at all entering into the cause or consequences of the Raid here referred to, which the Editor considers quite unnecessary in this place, the facts being so well known, he has thought that

1 Discharge.
2 Williamus Thesaurus, viz. Sir William Scott of Balfwy, Justice Depute and Treasurer.
3 On the margin ' Decollatus,' which proves that the sentence was carried into execution.
4 See the forthcoming Volume of Mr Tytler's History.
the following curious extract from Anderson’s MS. History of Scotland will be as interesting to the reader as it is highly illustrative of the manners and spirit of these troublesome times. It seems a pretty close version of Buchanan’s account of the same event, but the quaintness of the Scottish style adds much to its point.

‘Thair chanxit, in the beginning of this Raid, one thing worthie of memorie, quhilk, for the noveltye of the fact, I wold not pretermit. Thair was one man of law in Johnn Stewart’s fashill and in alfe law office, one horkieiper. This man, Esfr, the Slauchter of his maitier, wandering about and wift not quhat to do, in end, with constant mynd, interprifit ane heicher attempt than accordit either for his flat or birth: For, passyng to Edinburcht to the destinar reveng of his maitieris death, in the way he was to meet with a man of lyk fortoun to hisfelf, and ane of the servandis of the famie Hous, and inquirit of him, “Gif he faw we James Hamiltoun the Baftard in the towne?” Quhò confessit without hirn—“Sawe thow him (said he) moit wuthouskfull creator—and wald not flay that moift wicked man, quhò flew our guid maitier! Away! To the gallowis with thè!”—This mickill spokin, passyng furth the way, he was bent to com directlie to Court.

‘Thair was in the witer clois of the Palace to the number of two thousand men in armes, of Douglasse and Hamiltounes dependeris, bound to the Raid quhairow we spak. This revenger of his maitieris Slauchter keipit fyll his eye and mynd unpo Hamiltoun, regarding no more else; quhò havieng ane cloick about him, unarmed, passyng furth of the clois, com wunder the long vol of the entrees; the revenger, awaitin him in the obiscure and narrow throit quhair the yetis ar hung, flew wpone him, and gave him fak woundis (quhairow fum pearlid almsto to his vitall pairtis; wtheris James echewed, be bowing his bodie and object of his cloick), and incontinent lap in amangis the rest of the throng.

‘Grit ture arrayde incontinent, for sum Hamiltounes suspectit that this cruel turnes was done be the Douglasse, quhò as it had not forget the auld malice; so that the twa factonies had almsto fallin to it be the earis. In the end, the ture fumquhat fellitied. All men within the clois (were) commadit to stand by wtheris fydis about the wallis of the clois. The stryker was fund, and the bludie knyff fell in his hand. Inquirit, “Qhahirfa he com, and quhat was his buflines thair?” Quhò as his anfueris war flowand, he was carryd to prifoun, quhair the tortur (was) preffentin unto him. He confessit, incontinent, that he had done the deed to reveng his maitieris Slauchter, lamenting onlie thot fo honest attempt had turned to natthing. Being verrie feuerile tormentit, he wald not confess thot ony man was in Conspiracie with him. In end, he was condemnit, carryd about the Towne naikid, and broditt with hot irnes in all partis of his bodie. He nevir, in word nor countenance, gave ane drollous signe. Quhat tyms he right hand was cut aff; he said, “It was moit lichlie punishit than it defervit, fior that it had not obeayit ane flout flomack!”’

This circumstance was too remarkable to escape the attention of Leslie, who briefly says,—‘Ane great commonetion of the Lordis being in Halyrudhouis with the King, the xviij of Junij, thair com ane sempill lyk man, being fame tyms fersam to the Earl of Lennox; and in the mids ane great confluence in the Abbey clois, fortellie and dispersalie struk Sir James Hamiltoun, knycht, with ane quhinge sain in the Wambe, thir fandry frakais, to the haff; albeit that the said Sir James deit nocht of thay frakais. The man beand fuddantlie takin, confessit the deid, without ony repentance, crying, “Fye on the feibill hand quhilk wald not do that thing the hart thocht, and wes

1 Advocates’ Library, Jac. V. 2.2. fol. 282, b. 2 The Raid of Lig благл against the Thieves, where the Earl of Angus大发, for the sake of his name, and keipit also mony for pledges; qhisme also, for that their friends wald not abstene from Roberis, within fewe monethis eftir, he Execut.’ 3 Mean; low. 4 John Earl of Lennox, slain at the Field of Linlithgow. 5 Revenging. 6 Sir James Hamilton, natural son of the Earl of Arran. 7 Outer clois, or indouerse. 8 Ever; constantly. 9 Vault; archway. 10 Entrance. 11 Gates. 12 Binding; inclining. 13 Interposition. 14 Leapt. 15 Literally, a great dust arose. 16 Forgotten. 17 To stand side by side; in single file. 18 Prickèd; thrust at. 19 One of low or obscure birth; a plebian. 20 Belly. 21 Hilt; handle. 22 Although; nevertheless.
determinate to do!” And being inquirit “Quhat he was, and quha had causehit him to do the sae?” Answerit, “he was an servand of God, [read be him to do that deed.” And albeit he was put to greet paynes, daily, be the space of ane moneth thairself, wald nevir gif ano uther saufour. Thairfor he was hangit, and his heid fiesit upon the Port of Edinburgh.”}

Jul. 29, 1527.—RICHARD LORD INNERMEITHE and JAMES LORD OGILVY aimericatit for not appearing to underly the law for remaining from the last Raid made by the King upon the (Border) Thieves. New Lettres were ordainit to be intit for their appearance; and, in case of failure, that their whole moveables be echeated, &c.

Abiding from the Border Raid.

Jul. 29.—JOHN LORD GLAMMSY aimericatit for the same crime, and for Refettit Gawyn Lyoun and others his acompanyes, Rebels.

Slaughter of the Earl of Cassillis.

Oct. 5, (die Sabbati.)—HUGH CAMPBELL OF LOWDOUNE, Sheriff of Air. James Earl of Arran was aimericatit 100 l. for not enterit the Sheriff of Air to underly the law for the cruel Slaughter of Gilbert Earl of Cassillis. Campbell was denounced Rebel, and all his moveables ordainit to be echeated.—George Craufurd of Lefnoris, and William his brother, John Campbell of Cesnok, Bartholomew Craufurd of Kerke, David and Duncan his brothers, John Craufurd of Drongane, John and William his sons, with a great number of others, found caution to underly the law for this crime, on the third day of the next Justice-aire at Air.—DAME IZABELLA WALLACE, LADY LOWDOUNE, also accused for the same crime, was proved to be fikk by Sir William Bankhede, her Curate, and two witneses.

Inbading the Sheriff of Fife in a fenced Court.

Oct. 8.—GEORGE RAMSAY of Clatty, John Betoune of Balfour, James Betoune of Melgum, John Hrahame of Claverhoulé, and others, found caution to underly the law at the next Justice-aire of Fife, for Convocation of the lieges to the number of 80 persons, and in warlike manner invading JOHN LORD LINDESAY, Sheriff of Fife, in the execution of his office, in a fenced Court within the Tolbooth of Cowper, the doors being shut, and the Affixe incloised; and for breaking up the said doors. David Abbot of Abberbrothock obliged himself to relieve John Wardlaw of Torry of his cautionry.—MR GEORGE BETOUNE, Rector
of Glasgow, dilated of the same crime, was repiegated by the Commisary of the Archbishop of Glasgow.—David Fethy of Incheok, David Cokburne of Trettoune, and John Betoune of Ballys-craggis americated for non-appearance, and ordained to be summoned of new, &c.

**Slaughter.**

Oct. 14.—John E Johnstoun of that Ilk, John, Andrew, and Rolland Bell, William and Mathew Johnstoun, found caution to appear before the Juticier, to underly the law for the cruel Slaughter and Murder of Symon Armefrang. James Douglas of Drumlangrig became cautioner.—Sep. 23. Failing to appear, they were all denounced Rebels, &c.

**Intercommuning with the Sheriff of Air.**

Nov. 23.—William Cunynghame of Glengarnock, Mungo Mure of Rowallane, John Hammytoune of Colmichaelthe, James Wallace of Carnale, Adam Wallace of Newtone, John Fouartoune of Corbide, and others, were americated for not appearing to underly the law for Intercommuning, afflicting, refetting, and supplying Hugh Campbell of Lowdoune, Sheriff of Air and his accomplices, Rebels, and at the horn, &c. Their moveables were ordained to be escheated, &c.

**Intercommuning with the Sheriff of Air.**

William Cunynghame, Master of Glencairn, John C. of Capringtone, David C. of Bertanholme, Robert C. of Aket, William Wallace, Tutor of Cragy, George Rolfe of Hanyng, John Lokert of Bar, John Craufurd of Drongane, George Rede in Dandelly, and Quintin Schaw, Tutor of Keris, found caution to appear before the Juticier on Dec. 4, for Intercommuning, &c. with the Sheriff of Air.

**Importing and Uttering Forged Money.**

Mar. 14, 1527-8.—George Caball, Convicted by an Affise of treasonably importing falsé and forged pennies into the kingdom from Flanders and other places; and of using them in his merchandize and otherwise.—Sentence. To be drawn to the gallows and Hanged until dead, and his head to be placed on an iron pike, and fixed on the east gable of the Tolbooth of Dundee. His body to be quartered, and each quarter to be suspended by an iron chain, and affixed upon each of the principal ports of that burgh, thereon to remain as a perpetual example to others. All his goods, moveable and immoveable, were ordained to be escheated.
Slaughter — Deadly Feud.


MR WALTER KENNEDY, Rector of Douglas, David his brother, James K., Thomas Boifwell, Sir George Daviudone, John K., William Wricht and Duncan Makrinnyll, Chaplains, and George Berclay, Parish-clerk of . . . ., were replegated by Sir Robert Wemyis, Chaplain and Commissary of Gawin, Archbishop of Glasgow, and found caution to underly the law for the above crime.

JOHN KENNEDY of Bardrochat, Thomas Murdoch of that Ilk, James Kennedy, brother of the Rector of Douglas, James Makrinnyl of Barnell, and seven others, found caution to underly the law for the fame crime, at the Justice-aire of Air, &c.³

Intercommuning with a Rebel.

Aug. 27.—JAMES LORD OGLIUY, James Ogiluy of Cukistoune, David Gardin of Lyes, and John Ogiluy of Innerquharite, americated for not appearing to underly the law for Refetting, supplying, and intercommuning with Sir Alexander Spensf, Monk of Cowper, his Majesty’s Rebel.

Proclamation to pass to the Maid of Temptallounge, &c.

PROCLAMATION;¹ made at the Market-Crofs of Edinburgh, Sep. 10, 1528.—We do ȝow to wit, ṗat fierfamekill ȝas ane grete pairt of our fouerane lordis liegis wer commandit be his Letteris to cum to his hienes, to STRIE-LING, to have conyvit his grace to Edinburghe, and pairefter to haif remanit

¹ Ancestor of the notorious Auchindrane, who has been ‘doomed to everlasting fame’ by Sir Walter Scott, in his Ayrshire Tragedy. ² The others are individuals of less note. ³ Other persons are cited for this Slaughter at subsequent diets of Court, and denounced rebels, &c. ⁴ It is certified in the Record, that this Proclamation was publicly made at the market-cross of Edinburgh, Sep. 10, 1528.
for pe space of xx dais, or to haue paft quhare his grace and Lordis of his Coun-
sale plait. ANd now his grace, with avife of his saidis Lordis, has tane pur-
pose to remove towart Temptalloure, or vperis places thocht to him expedient : 
Qhaharefor I command and charge in our fouerane lordis name all and findry his 
liegis, quhilkis wer chargit be his Letteris be oppin proclamationoune of before, 
pat pai address and mak paum reddy, bodin in pair bift wife, and be in pis tovne 
of pis nixt Thursday, at evyne, pe xij day of September instant, to paus on Fri-
day pe xij day of pe said moneth with pe Kingis grace and Lordis of his Coun-
sale, quhare pai fal think expedient, vnder the panys contenit in his firft Procla-
matioune forfaid ; anochtwithstanding any Letteris of Licence gevin in pe 
contrare ; certifying paum pai hes gottin any sic Letteris of Licence pat nane of 
paum falsbe admittit, bot pai efchete falsbe disposit vpone. And pat pe Tovne of 
Edinburgh and Lethe furnirse cariage with vittallis to paus with pe Kingis 
grace and his Arme, for furnisfing of pe shamyn as efferis ; and pai fall haue 
thankfull payment pairfor.

Assisting the Earl of Angus in raising Siege of Newkirk.

Sep. 26, (die Sabbati.)—George Nesbet of Dalzell, George Craw of 
Reftoune, James Ramfay in Fouldene, and William Redepethe, junior, were 
amerciated for not appearing to underly the law, for their riding with their 
friends, tenants, and fervants, and fortifying and aflisfting Archibald, formerly 
Earl of Angus and his accomplices, for raisifg the siege of the Castle of New-
WKerk ; and for art and part with him therein, contrary to the King's Procla-
mations, &c.

Intercommuning with Rebels — Burning Castle of Broadvik, &c.

Fergus McDowell of Frewche, Thomas M'D. of Mondork, and 
Thomas Makavat, found caution to underly the law at the next Justice-aire of 
Wigtoune, for Refetting, supplyng, and intercommuning with Archibald and 
Robert Stewart, sons of the Sherif of Bute, Rebels, and at the horn for the 
Slaugther of George Tayt ; and for the Burning and destruction of the Cast-
le and Place of Braidwik, in Arran, belonging to the Earl of Arran.—In a Warr-
ant from the King which follows, dated Sep. 25, the Justice is directed to take 
caution of these persons, ' because of our Generale Raid now deuisit to be vpone pe 
xx day of October nixt to cum, for recoverung of pe said Castell of Temptalloure.'

Oppression — Chasing Deer — Mutilation, &c.

Oct. 21.—George Ker of Lyntoune, Mr Thomas Ker of Sounderland—

1 He was denounced rebel on Sep. 28.
hall, James Ker in Farnylee, and nine others, were americated for not appearing to underly the law for art and part of the Oppression done to William Cockburne of Ormiston, coming to his Park of Ormiston under silence of night, armed with lances and other invasive weapons, breaking up the gates thereof, and with bows and dogs chasying and wounding 'his parkit deir.' And alfo, for invading and wounding his servants the keepers of the said Park: And for the mutilation of one of his servants, called Thomas Anderson.—New Letters were ordained to be issued for their appearance, under the pain of rebellion, &c.

Caution for Partisans of the late Earl of Angus.

Nov. 20.—'George Hume of Spott comperit in prefens of pe Lordis of our souerane lordis Secrete Counfale, and for pe frething' and releving of David Rayntounet of Bylle out of Warde furth of pe Castell of Edinburg, pe said George become fowrite for him, pat he fa in al tyme cuming lelely² and trewly serve our souerane lord, and pe lord Hume, vndir pe pane of twa thowsand merkis.'

(Nov. 22.)—'In prefens of pe Lordis of Counfale, comperit Nicholace Ramlay of Dalhousy, and James Towris of Innerleith, kny, and become cautioners and fiuerti, conjunctie and feueralie, for Patrik Hume, broqer germane to Alexander Hume Tutour of Wedderburne, that fiefamekill as pe faidis lordis has chayngit pe faid Patrikis Ward furth of pe Castell of Edinburghe, to pe Tovne of pe famyn; tharefor, pat pe faid Patrik fall remane in Warde within pe faid Tovne of Edinburghe, and nocht remove pairfra, nor afflith to Archibald Douglafe, sumtyme Earl of Angufe, nor his part-takaris, nor write nor send to pane na maner of way; and fall keip the faid Warde quhill he be fred be pe Kings grace and Lordis of his Counfale, vnder pe pane of ij" merkis. And pe faid Patrik fall anfuer for na manis dedis bot his avne dedis.

Abiding from the Host at Temptalloune, &c.

Dec. 16.—John Sitlington of Stanehoufe, John Wilfon of Cruglin, Alexander M'quochin de Dalquhit, John Ferguffone of Cragdareauche, and fixty seven others,² denounced Rebels and put to the horn, for their abiding from the King's hoft and army at Temptalloune.—A number were pursued at this period, for abiding from this army of 'Dowglas and Temptalloune,' and the previous army at Stirling.

Intercommuning with Rebels in Carrick, Bute, and Arran.

Jan. 15, 1528-9.—John Neilson of Cragcaffy, and Michael and John

¹ Freeing ; absolving. ² Loyally. ³ They were all Galloway and Wigtoun Lairds—among them the Lairds of Balmagie, Garlies, Larg, Barclay, Creachane, Torhouse, Andrew Agnew the Sheriff of Wigtoun, &c.
Neilstone his cousins, were denounced Rebels and put to the horn, &c. for not underlying the law for Restoring, Supplying, and Intercommuning with his Majesty's Rebels, in Carrick, Bute, and Arran: And for Oppression done to the Laird of Mochrum, coming to his dwelling place of Mochrum, and breaking up the doors and windows, &c.

Convocation of the lieges — Oppression, &c.

Feb. 15.—William Anstruther, George Symmer, and thirty-eight others, fund John Anstruther of that Ilk as their cautioner, that they should appear at the next Justice-aire of Fife, to underly the law for art and part of Convocation of the lieges: And for Oppression done to Mr David Lindefay, and invading him for his Slaughter. And for taking and incarcerating him in the Tower of Anstruther, and detaining him therein against his will.

(Feb. 27.)—John Anstruther of that Ilk, and John Strang younger of Balcafsky, fund caution to answer for the above crimes.

Fire-raising — Burning of Cowsland.

Feb. 25.—Patrick Charteris of Cuthilgurdy found caution (Robert Mawll of Panmure) for his entry before the Justice, to underly the law for art and part of the Fire-raising and Burning of the village of Cowsland, and houses thereof: And for the plundering of certain oxen, cows, and other goods, from the Tenants thereof, and from William Lord Ruthvene.—(Feb. 28.)—John Charteris, brother to Cuthilgurdy, and eleven others, found surety to answer for the same crime.—(Mar. 1.) The King granted Warrant to remit this case to the Justice-aire of Forfar.

Slaughter of John Lord Fleming.

Apr. 7, 1529.—John Tweddy of Drummelzeare, John Tuedy dwelling with him, Thomas T. in Oliverc Castell, David T., James T. in Kilbochoche, and James T. in Wray, found surety (John Lord Hay of Yefter) for their appearance at the Justice-aire of Peebles, to underly the law for art and part of the cruel Slaughter of John Lord Femyng. This surety was taken by Warrant of the Lords of Privy Council, and with consent of Malcolm Lord Femyng, because they were at the horn.

James Tweddy junior of Drummelzeare, John Vache of Kynglyde, David Newton of Michelhill, and eight others, found caution (Sir Walter Scott of Branxholme, knt.) to answer at the same time and place for the above crime.¹

¹ May 17, 1580, he and three others procured Letters of Repite, and found caution to satisfy the party at the next Justice-aire of Peebles.
Treasonably assisting the Earl of Angus, &c.

Apr. 16.—Adam Nesbit of that ilk, and Philip Nesbit his son, were denounced Rebels and put to the horn, and all their moveable goods to be escheated, for not appearing to underly the law for Refetting, Suppling, Inter-communing, and Affi'stance given and afforded to Archibald, formerly Earl of Angus, (George Douglas) his brother, and (Archibald Douglas his) uncle, Rebels, in their treasonable deeds.

(Apr. 21.)—David Hope and William Inglis, were Convicted by an Affi'se, and HANGED for their treasonable affi'stance given to Archibald, formerly Earl of Angus, &c. as above. Item, the said David, for art and part of the treasonable detention of the Castle of Temptalloune against our sovereign lord's authority.

Convocation of the lieges — Rescuing a Felon, &c.

May 5.—Robert Gudfallow, John Jardin of Dyke, John and Alexander Jardin, and 19 others, denounced Rebels, and put to the horn for not underlyng the law, for Convocation of the lieges in great number, coming upon the servants of Malcolm Lord Flemynge, in the execution of their office, by virtue of Royal Letters directed to him, to search for and take Edmund Rutherford, and present him before the Justice to underly the law for certain crimes; and rescuing the said Edmund, &c.

Common Theft, &c.

May 5.—John Rutherford, son of Edmund Rutherford in Auchin- corthe, Convicted by an Affi'se of common Theft, Refetting of Theft, outputting and inputting, &c. and HANGED.—Thomas Davidsoun Convicted and HANGED for the same crimes.

Caution for the Laird of Drumlanrig.

Jul. 31.—'The quhilk day James Douglas of Caveris, Sheriff of Teviotdale, in prefens of þe Lordis of Counfale, become fouerté for James Douglas of Drumlanrig, þat he fuld nochte evade nor eschew furthe of Warde out of þe Castell of Edinburghe, vnder þe pane of 1"li., quhill it wer þe Kingis pleisour.'

Lord Maxwell's Bond to present felons to trial, &c.

Jul. 23.—'In prefens of þe Kingis grace and Lordis of Secret Counfale, Robert Lord Maxwell, Wardane of þe West Marchis, take vpon hand to entir Hector Scot, George Scot of þe Bog, and þeris þair complices, quhais names fulbe gevin to him in bill, committaris of þe Slauchteris of James Paterfoun and William Cleghorne in Langlandhill: And for þe Refe and Herchip
of certane horris and gudis at Poblis and in Tweeddale, laitlie, and vpoun the Capitane of Edinburghe, at the Catlak, in the Forest of Ettrik, before our souerane lordis Justice in the Tolbuthe of Edinburghe, vpoun the ferd day of Augus, for the saidis Letteris: Or ells, to put paim out of the March, and baid paim furth of the famir; and in pat cas al refure the gudis takin be jame or ony vckirs complengeand vpone ony perfonis duelland within the boundis of his Wardanery, according to his Band, and fene the date pairof: Prouiding alwaiz, pat the perfonis pat enteris false accusit for na thingis before the day of the date of his Band, and acceptatioun pairof.'

Stouthreif — Oppression — Sheep-stealing.
Aug 5.—James Guthry, Captain of the Castle of Crechtoun, americated for not underlying the law for art and part of the Stouthreif and Oppression done to William Borthwick of Crukstoun, in 'reiving' from his servant and shepherd of 100 sheep, being at the Brazings upon the lands belonging to John Lord Hay of Yefer. New term assigned, under the pain of rebellion, &c. —Andrew Purves and ten others found security to appear at the Justice-aire of Edinburgh, to answer for the same crime.

Convocation — Deadly Feud between the Lairds of Edmonstoun and Nudry - Marischall.
Aug. 30.—Patrick Cockburne of Newbigging, James Cockburne of Langtown, Gilbert Wauchope of Nudry Marischall, and Gilbert his son, John Pennycute of that Ilk, John Lile of Stanyepthe, Andrew Heriot of Trabrovne, Mr George Hay of Mynezeane, Patrick Sydesfer of that Ilk, the young Laird of Skowgall, and James Stewart of Cragyhall, Convicted by an Affise of art and part of Convocation of the lieges upon John Edmonstoun of that Ilk.

George Lord Hume americated for not entering John Hume and ninety-eight others (chiefly Trotters, Brounfields, and Dickfons,) by virtue of the Bond for good rule of his country, to underly the law for art and part of Convocation of the lieges upon Gilbert Wauchope of Nudry Marischall, in company with John Edmonstoun of that Ilk.

Robert Lawder, the young Laird of Baís, William Dewar of that Ilk, Thomas Vernour of Auchindinny, and Thomas his son, . . . . Cokburne of Newhall, and fourteen others, were americated for not appearing to underly the Law for Convocation of the lieges coming with the Laird of Nudry against the Laird of Edmonstoun.

Liberating a Thief — Taking Theft-bute.
Sep. 30.—David Pollok of that Ilk found Robert Lord Maxwell as
Cautioner for his entry at the Justice-aire of Renfrew, to underly the law for setting to liberty a Thief called Stobhill out of his prison, after having taken Thift-bute from him.

Assurance between the Lairds of Dundas and Nudry-Maryschall.

Apr. 4, 1530.—'JAMES DUNDASS of that Ilk, in presence of the said Justice, for him, his kynne, freyndis, feruandis, adherentis and pair takaris, and al that he mycht let, 1 Affuerit 2 GILBERT WACOHPE of Nudry Marchell, Thomas Wacohpe and pair kynne, freyndis, tenentis, feruandis, adherentis, and pair takaris, vnto the sixt day of Maij nixt to cum; and held up his hand hereto, 3 and band (and) obliht him to obserue and keip the said Affuerance, vnder the pane of I'li. And hereupon the said Lard of Nudry askit ane act.'

Assisting Thieves and Rebels.

May 15.—DAVID TURNBULL of Wacohpe, Walter Turnbull of Howay, John Lile of Stanypathe, Philip Nelbett of that Ilk, Patrick Lummiidene of Blenerne, John Edington of that Ilk, and Robert Haig of Bemerlyde, denounced Rebels, and put to the horn for not entering to underly the law, for asfittance given and afforded to Thieves and Malefactors in violation of their Bonds.

Slaughter of Lord Fleming.

SIR WALTER SCOTT of Branxholm, kni, come in the King's will (for the Slaughter of JOHN LORD FLEMING). 4—(May 17.) He was americated for not entering John Vache of Kinglyde, David Newtoun of Machellhill, and four others, for the same crime, who were all denounced Rebels, &c.

High Treason — Bringing in Englishmen — Theft, &c.

[A striking feature of this period of history, was the disjointed state of civil society. On the Borders, especially, the most lawless excesses were committed, almost with impunity; and at length matters had come to such a pitch, that the King found it necessary to levy an army, and to march along with them in person to these districts. It may be remarked, that the robberies and 'hereships' daily committed, were not confined to outlaws and desperadoes, or 'broken men,' as they were termed, belonging to no Clan, but persons of good family joined in the general foray, and among others, the LAIRDS OF HENDERLAND and TUSCHELAW 6 distinguished themselves by the most reckless and daring Treasons and Robberies.

It is unnecessary to enlarge on this subject, which is notorious, and has long been matter of history. According to the Editor's usual plan, however, such contemporary notices as can now be gleaned, shall, without further remark, be laid before the reader; as the adoption of this method, in his opinion, affords the most vivid picture of the transactions recorded. In Anderson's MS. History, 5 it is merely remarked, that 'The rest of the 5'ir was moir pecliabil, but the baldness of the 5'ir was never a

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1. Hider. 2. Gave assurance to. 3. Swore, or gave his solemn oath. 4. See Apr. 7, 1529, &c. 5. See May 18, 1529. 6. Advocates' Library; chiefly compiled from Buchanan, &c.
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quhit represse.

Quhairfor the King causid hang, æt 18 of May, Willium Cokburne of Hinderland, and Adam Scott of Tushchelaw, Thevis apprehendit, in Ed', to terrisse wtheris.  But the Original of Bishop Leasly's History is rather more explicit.  'In the same moneth of May, the xviij day, thair was ane greit conventioune of the Lordis with the King, in Ediburgh; and the King himsel for presentlie sittand in judgement.  The Laird of Hinderland, callit Cokburn, and Adam Scott of Tushelaw, quha was callit King of Thevis, was accuet of Thift, refett and maineteyning of Thevis, flanchter, and uther crynes, and convict thairfor and heidit; and their heidis exiit upoun the Tolbuth of Ediburgh.'

Without citing farther extracts, in this place, reference may be made to the Notice prefixed to the following article, where some interesting particulars are preserved in connexion with the same subject.

May 16.—William Cokburne of Henderland, Convicted (in presence of the King) of High Treason committed by him, in bringing Alexander Foerspare and his son, Englishmen, to the plundering of Archibald Somerulle: And for treasonably bringing certain Englishmen to the Lands of Glenquhome: And for common Theft, common Refet of Theft, outputting and inputting thereof.—Sentence. For which causes and crimes he has forfeited his life, lands, and goods, moveable and immovable; which shall be echeased to the King.—BEEHADED.

The following Original Warrant was found among the loose papers belonging to the Court, and is given here, as throwing farther light on the sequel to these extraordinary transactions.

Gubernator,

Justice Clerk, We gret 3ow weill. Forfamekill as Willame Cokburne, sone and heir of vmquh Willame Cokburne of Hinderland, hes menit him to us, pe he is havelie hurth thorw pe haitly jurty-ssing of his said fader, and florfaling of him pairthow: And pairfore defyres to have pe autenik copy of pe Dome and Sentence gevin againis his said fader, and of all actis and prostitutious takin be him at pe tym; sa pe he may provide for sum reemid pairin. Quharfore, pe fall geif to him, upoun his expendis, pe autenik copy of pe Dome, Sentence, and procelis led and gevin againis his said fader in maner fairfai, to pe effect abone writin. As se will anfuere to ws pairupoune, kepand pe Precept for 3oure Warrant. Subscript with oure hand, At Ediburgh, pe xxij day of Januar, the seire of God I=V=xlj 3eris.

James G. 2

Taking Black Mail.

Maii 18.—Adam Scot of Tushelaw, Convicted of art and part of theftuiously taking Black-mail, from the time of his entry within the Castle of Edinburgh, in Ward, from John Broyne in Hoprow: And of art and part of theftuiously taking Black-mail from Andrew Thorbrand and William his brother: And for art and part of theftuiously taking of Black-mail from the poor Tenants of Hopecalgow: And of art and part of theftuiously taking Black-mail from the Tenants of Efschefell.—BEEHADED.

1 Quarto, Printed for Bannatyne Club, 1830, p. 141.  2 Sir James Balfour also notices the circumstance, but as is often the case in his Annals, gives a wrong date, viz. Jul. 27, and Calderwood's MS. Church History makes the same mistake.  3 Complained.  4 Execution; putting to death.  5 James, Governor of Scotland, viz. James Earl of Arran, Lord Hamilton, Regent.

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† T
Border Barons — Neglect to fulfil their Bonds, &c.

[It is necessary for the right understanding of many of the proceedings which follow, that the reader should bear in mind the public events which gave rise to so remarkable a step as the levy of a large Army, under the command of the King in person, for the sole purpose, apparently, of suppressing a handful of Border Thieves. In the preceding Trials, however, it has been seen that the state of the Borders of Scotland was so lawless, and the Chiefs so refractory and turbulent, that nothing short of the strongest coercive measures was likely to be of the least service towards restoring a better state of society among the Borderers.

The open Treason and revolt of the Earl of Angus, and the constant jarring and jealousies among the Barons, rendered the appointment of a Lieutenant inexpedient. It was therefore deemed necessary, for establishing tranquillity, that the King in person, accompanied by a very strong force, should suddenly march towards the Borders, and quell, by the strong arm of the law, all those who had not willingly come forward and given their Bond, with sureties under heavy penalties, to keep good order within their respective bounds. The particulars now drawn from the Records of the Supreme Criminal Court are of considerable historical importance, and to the genealogist as well as the historian, must afford valuable information.

Bishop Letley gives this brief but striking narrative. After detailing the execution of the Lairds of Henderland and Tyscelaw, he proceeds: 'The same day the Earl Bothwell was convict for maintaining of thame, and for certain other crymes; and thairfor was in the Kingis will: For the queikit, the King causit Ward him in the Caftell of Edinburgh. Thairefter he was fend in Murray; and laft, banished Scotland; and that he travellit to Venice, quhair he remanit during the Kingis lyre tyme. Alius, the Lord Maxwell, Lord Home, Lorde Balcleuch, Farnyhirst, Pollock, Johnstoun, Mark Ker, and other principallis of the Bordouris, was convict be Affyfis, and all put in Warde; quhair throwcht the Bordouris keipit better reule thairefter, is lang (as) the King was one life.'

Sir James Balfour, after mentioning the proceedings against Earl Bothwell, says, 'This same yeir, lykways, the King imprinis the Lords Mayfoull and Home, with the Lairds of Buckleuch, Fernshurft, Pollard, Johnftoun, and Marke Ker, as Chiefis of the Brokin men in the Borders; and becuase they had winkit at their willingies, and gaven them way; quheras they, by thair poner and authoritie, might haue restrained them.' Anderson also remarks: 'The 17 day of the Callenda of May, efter lang disputations in Counsell, continewit till nite, the King Wardit the Earl Bothwell, Robert Maxwell, Walter Scott, and Mark Ker, within the Caftell of Edinburghe, and all the honest men of Marche and Teviotdall, heir and thair throw the countrey, for that he beleivid that thay secretilly sould rayle weir beatit the realmes.'

After having perused the preceding brief remarks, the reader will be enabled more fully to appreciate the following valuable particulars communicated in the Record.

May 18.—The following perfsons found surety to enter, when required, before the Justice, to underly the law for all crimes to be imputed to them: And for which they submitten themselves to the Kingis will: And alfo, for not doing their utmost diligence to fulfil their Bonds, &c.

1 Original History from which the Latin version was translated, printed for the Bannatyne Club, 1820. 2 It is likely that this is a mistake for 'Polwert,' (Alexander Hume.) 3 Sir James Balfour states the name 'Pollard,' (Pollart.) 4 Annales, I., 261. 5 Polwart. 6 MS. Advocates' Library. 7 Men of substance and consideration. 8 Viz. of England and Scotland, their lawless proceedings on the Borders, &c. There seems to have been good reason for apprehending such a result; which would assuredly have occurred but for the vigorous measures thus resorted to.
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BARONS AND LAIRS OF ROXBURGH.
Rob Scott, Tutor of Howspollit, John Scott of Burthauch, George Rutherfurde of Hundolee, Robert Scott, Tutor of Howspollit, John Scott of Burthauch, George Rutherfurde of Hundolee, Nicholas Rutherfurde, his son, Nicholas Rutherfurde, his son,
Geo. Douglas of Bone-Jedworth, John Scott of Robertoun, Adam Greymlaw of Newtonne, John Scott of Robertoun, Adam Greymlaw of Newtonne,
James Douglas of Cavers, Adam Kirkton of Stewartsfield, William Turnbull of Mynot, James Douglas of Cavers, Adam Kirkton of Stewartsfield, William Turnbull of Mynot,
Andrew Ker of Gradene, GeorgeOrmifton of that Ilk, Symon Scot of Fenyle, GeorgeOrmifton of that Ilk, Symon Scot of Fenyle,
Lancelot Ker of Gaitchaw, John Craifton of that Ilk, George Pawle of Wallis, John Craifton of that Ilk, George Pawle of Wallis,
Walter Ker of Cesfarde, Philip Scot of Edichaw, Robert Scot of Alanehallis, Philip Scot of Edichaw, Robert Scot of Alanehallis, George Ker, Tutor of Cesfarde, George Ker, Tutor of Cesfarde.
William Scot of Haffindeue, Robert Scot of Alanehallis, George Ker, Tutor of Cesfarde.

BARONS AND LAIRS OF BERWICKSHIRE.
Wal Halybartoune of Merton, Robert Franche of Thornydikis, The Laird of Redepethe,1 Wal Halybartoune of Merton, Robert Franche of Thornydikis, The Laird of Redepethe,
William Cokburne of that Ilk, Ninias Thornflyde of East Nether, Robert Lauder of that Ilk, William Cokburne of that Ilk, Ninias Thornflyde of East Nether, Robert Lauder of that Ilk,
Philip Nefbest of that Ilk, Sir Ne Setoune of Tallibody, kn, John Swyntoune of that Ilk, Philip Nefbest of that Ilk, Sir Ne Setoune of Tallibody, kn, John Swyntoune of that Ilk,
Oliver Edguere, Tutor of Wedderlie, Alexander Ellen of Batterdene, Jasper Cramontoune of Corby. Oliver Edguere, Tutor of Wedderlie, Alexander Ellen of Batterdene, Jasper Cramontoune of Corby.

John Hume of Coldanecknowis came in the King's will, for intercommuning with James Ker, rebel, and was Warded in the Castle of Blaknesh.—George Lord Hume was americated 500 merks for not entering George Hume of Aytoun. George Lord Hume was americated 500 merks for not entering George Hume of Aytoun.
—Patrick Lumisdene of Blenerye came in will for intercommuning with George and Archibald Douglas, Rebels, and was Warded in the Castle of Blacknesh.—Alexander Hume of Polwort was Warded within the Castle of Dumbarane.—David Rayntoune of Bille was Warded within the Castle of Dumbarane.—George Lord Hume was Warded within the Castle of Edinburgh.

'William Turnbull of Myno, in prefens of pe Kingis Grace, and Lordis of his Counsail, promittit, and band and oblifit him, after pat Alexander Berthil-mow had gevin in his Supplicacioune, maken and mentionit, pat pair wes certane horfe and vperis guidis floollin fra him, vnder silence of nycht, be certane of pe Turnbullis, duelan one pe Watter of Rowle, and in speciale, be ane callit . . . . Turnbull of Castie, for quham pe said Lard of Mynto become plege and fouerte in pe laft Justice-are of Jedburghe, for gude reule to be had be him in tyme cuming: Like as his Band in pe buke of Adjornale for pe said . . . , schewin and producit pairpoune proportis, pe he fuld mak restitucoune of pe saidis guidis, or tak and bring him to oure fouerane lordis lawes; and failzieing pairof, to byrne his house, expell and hold him furth of pe cunte.'

May 19.—The following Barons and Lairds found caution to enter before the Justice, on a warning of fifteen days, to underly the law for all crimes to be imputed against them; viz.

BARONS AND LAIRS OF PEEBLES-SHIRE.
John Lord Hay of Zetler,  John Tuedy of Drommelcyare,  Mr John Hay of Smieithfield,
William Murray of Romanno, William Gavane of Cardrono, Patrick Portus of Halkichawis,
Thos. Myddilsmait of Greffoune, John Sandelandis of that Ilk.

1 John Lila of Stannya thes also found secutry.  2 Amount of caution, L.1000.  3 The remainder found caution to the extent of 500 merks each. These sums, it will afterwards be seen, were rigorously exacted from the defaulters.
BARONS AND LAIRDS OF SELKIRKSHIRE.
Rob. Turnbull, Tutour of Philpbauche, Patrick Murray of Fawlohill, William Hunter of Polmude,1
Andrew Baroune, John Vache, Robert Wafone.

Slaughter.
May 20.—JOHN CUNYNHAME of Caprioune, Alex. C. of Luglane,
Adam Stewart of Schawtoune, Adam C. of Clavanis, and fourteen others.—Their
cautioners were ahericated for not producing them to underly the law, for art
and part of the cruel Slaughter of John Tod.—(May 21.) They were denounced
rebels, along with David Bofwell of Auchenleek, for this crime.—(May 23.) Hugh
Campbell of Lowdoune became surety for John Gibone and eight others, to
appear and underly the law for the same slaughter, at the Justice-aire of Air.

Forethought Felony and Oppression, &c.
May 23.—WILLIAM CUNYNHAME of Glengarnok, David C. of Robert-
land, and thirty-seven of their followers, found caution to appear at the Justice-
aire of Air, to underly the law for art and part of the forethought felony and
oppression done to Gabriel Sympli, lying in the high-way, 'in feir of weir,' near
Ormishueuche, awaiting his arrival, for his Slaughter, of forethought felony and
old Feud.

[Archibald Earl of Argyle, Justice-General.]

Willful Error on an Assize.
June 25. (apud Striving, die Sabbati.)—The LAIRD OF PHILLORTH,2
the young Laird of Buchquhane,3 Mr Andrew Tulyde,4 Alexander Lefly of
Kincragy,5 William Spens of Bodom,6 Patrick Keith of Incheagarnock,7 Henry
Leflye of Buchamistoune,8 John Chalmer, William King of Bourney,9 Archibald
Keyth of Northfeld,10 James Ord in Banff,11 Andrew Bruce of Braclamure,12 and
William Qhute in Aberdour,13 found caution to appear before the Justiciar at
Edinburgh, Aug. 5, to 'thole' a great Affyle for their unjust Acquittal of John
Dempfer of Auchtlerles, and his accomplices, delated for art and part of the
cruel Slaughter of Patrick Stewart, and of certain perfons, for the Mutilation
of William Downe.—Aug. 5. They found caution to underly the law at the
next Justice-aire of Aberdeen.

The Laird of Johnstoun's Offers to the King.
Aug. 9.—The quhilk day, in preiens of je Kingis grace, Robert Char-

1 Caution, L.1000.
2 Alexander Fraser, who found George Gormle of Geicht as surety for
him to the extent of L.1000.
3 1000 merks.
4 500 merks.
5 500 merks.
6 1000 merks.
7 500 merks.
8 500 merks.
9 1000 merks.
10 1000 merks.
11 1000 merks.
12 500 merks.
13 500 merks.
14 500 merks.
teris of Amysfeild, and Walter Scot of Branxholme, kn', become fouertise for JOHNE JOHNSTOUN of THAT IKK, that, forfamekill as his hienes admittit þe said Johnnis Offeris gevin to his hienes, subscrivit with his hand, þat þai fuld entir him agane, within xv dais warunya, quhare þe KINGIS grace pleft, or before his justice, to be accusit, gif he failyes of ony of his Offeris: And bayth þe saidis Lordis has subscrivit þir presentis with þair handis, day and ðere for-said, before þir witnis, Robert Lord Maxuell, Malcolme Lord Flemenys, William Hammiltoun of Sanchare-Lindefay, and me, notar vnderwrittin, with þeris diuerfe.'

Letting two Thieves escape from Ward.

Aug. 17. (apud Linlithgow.)—JOHN LORD HAY of ZESTER became in the KINGIS Will, for negligence committed by Mr John Hay his brother, in outputting Adam Nykтоne, and one called Elwald, common Thieves,¹ given to him in custody by the King, in name of the said Lord Hay of Zester, as Sheriff-principal of Peebles.—The Justice commanded him to Ward within the town of Linlithgow, until his Majesty's will should be declared.

Slaughter of the Laird of Castlecary.

Aug. 19. (apud Linlithgow.)—JOHN KERE convicted of the Slaughter of Wm Archibald Levingston of Castlecary.—BEHEADED.

Slaughter of the Laird of Duffus.

Sept. 3.—MR THOMAS STEWART, Treasurer of Caithness, Mr Andrew Petre, Vicar of Wick, Mr John Irland, Sir John Symfоne, William Murray, senior, and Hugh Grot, chaplains, Mr John Thomson, Rector of Olrik, Sir David Rede, and Sir William Irwin, chaplains, found caution (John Earl of Athole) to appear at the Justice-aire of Inverness, to underly the law for art and part of the cruel Slaughter of William Sutherland of Duffhouse (Duffus),² and other perfons slain at the same time.

Slaughter of the Laird of Meldrum.

Oct. 10. (apud Dundee.)—JOHN MASTER of FORBES found caution (John Lord Forbes) for his appearance, along with Ninian Forbes, John Caldore, ¾ On Aug. 27, Mathew and William Nykson, Robert Nobill, and Robert Elwold, were convicted of common theft at Linlithgow, and HANGED. ⁴ The same yeir of God (1529), Andrew Stuart, BISHOP OF CATTEYNES, vpon some conceaved displeasure which he had receavet, moved the CLAN-CHIR to kill the Laird of Duffus in the tow of Thriso, in Catteyнес. Vpon this accident the hauill dycelie of Catteyнес was in a tumult. The Earl of Sutherland did affit the Bishop of Catteyнес against his adveraries, by reasen of allyance contracted betwixt the house of Huntley, Sutherland, and Atholl,' &c. Sir R. Gordon's Hist. of the Family of Sutherland, p. 102.
and Donald Makky, at the Juftice-aire of Aberdeen, to underly the law for art
and part of the cruel Slaughter of Alexander Setoune of Meldrum.¹

On August 27, the following persons were amerciated for not appearing to
enter on the Assize of John Lord Forbes, for the same crime.
Wm. Gordoune of Anchindone, J. Gordoune of Culquodilane, William Gordoune of Aucheneg,
William Lyonne of Colmelegy, Alexander Troup of Begihill, John Dempster of Ocheterles,
John Dempster of Marebonie, David Crakichank of Durlee, Thomas Colpland of Vdauche,
Gilbert Dalgarn of that Ilk, Patrick Meldrum of Edane, Thomas Tullo of Moncoffer,
Robert Downe of Raty, Walter Ogiay of Cragbome, Andrew Orde of that Ilk.
The Laird of Knox, The Laird of Auchnacoy,

Feud between Crawfords and Kennedies.

Nov. 29, (apud Perth.)—John Bryane and Allan Cathcart found John
Crawfurd of Drongane, and Quintine Schaw, Tutor of Keris, to appear at the
Juftice-aire of Air, to underly the law for art and part of the Thieftuous reeling
of fiftie oxen and cows from James Kennedy of Blarequhanne, from his lands
of Halfpennylands, and fiftie more from his lands of Schenvene.

Crawfords and Kennedies—Cattle and Horse Stealing, &c.

Dec. 5.—John Kennedy of Giletree, Patrick Mure of Concard, and
fifty-eight others, found James Kennedy of Blarequhanne as surety for their
appearance at the Juftice-aire of Air, to underly the law for art and part of the
theftuous Stealing, under silence of night, from John Craufurd of Kerehill and
his subtenants, forth of his lands and dwelling of Kerehill, fix fcore oxen and
cows, ij' sheep, and fix horses and mares: And for common oppression thereby
done to the said John and his subtenants.—James Kennedy of Blarequhanne
also finds Patrick Mure of Concard as his surety to appear and answer for the
same crimes.

Intercommuning with Rebels.

Dec. 5.—Patrick Maxwell of Newark, William Strueling of Glorat,
Mariota Maxwell, Lady Bardowy, Andrew Strueling of Bankere, Margaret,
John, and Stephen Spreull, Thomas Culquhoune of Kirkton, and John, his
brother, fund surety to appear at the Juftice-aire of Dumbarton, to underly the
law for Intercommuning with Alan Hammitoune of Bardowy, Alan Grahame,
and Hugh Grey, Rebels and at the horn, for art and part of the Slaughter of
Alexander Hamilton, young Laird of Auchinhowy, and Keffane Williamfoun,
his servant.²

¹ The Master of Forbes afterwards confessed this Slaughter on the scaffold. See his Trial, I. p. 183
² At the same diet he also found surety to underly the law for the Slaughter of John Makscally, at
the same Justice-aire.
³ Ninian, Lord Ross, John Cochrane of that Ilk, John Houstonne of
that Ilk, Walter Galbrayth of Garncaddane, and George Buchanan of that Ilk, were aemerclfed for not
entering on the Assise.
Slaughter of the young Laird of Conhaithe.
Dec. 15.—William Sinclair of Auchinfraik,¹ Roger Gordone, and George Neilson, found surety (James Douglas of Drumlanrig) to underly the law, at the Justice- aire of Dumfreis, for art and part of the Slaughter of Harbert Maxwell, young Laird of Conhaithe.—(Feb. 1, 1530-1, apud Edinburgh.) James Maxwell, brother to Robert M. of Conhaithe, failed to appear and underly the law, for art and part of the cruel Slaughter of John Chalmers. Robert Lord Maxwell, his cautioner, was americated 100 merks.—(Feb. 4.) He was denounced Rebel and put to the horn.

[Archibald, Earl of Argyll, Justice-General.]
Murder of James Inglis, Abbot of Culross.
[The following Trial excited great interest at the time, and is thus recorded by Bishop Lettie in his valuable History:]² Apoun the firt day of Marche, in the same year, the Abbot of Culross, callit James Inglis, was cruelly slaine by the Lord (Laird) of Tulliallan and his servandis; amongst the quhilkis thair was ane Freit, callit Sir William Louthien, quha beand comprehendit,³ the said Sir Wiliame, one the xxvij day of the same moneth, apoun ane publict skaffald, in the towne of Edinburgh, was degradit, the King, Queene, and a greit multitude of people beand presen; and he presently deliyerit to the Erle of Argyll, heid Justice: And one the sixt day thairefit, the saide Tulliallan and he was heidit thairefit.—Sir James Balfour ⁴ is not so minute, merely noticing the circumsitance thus. ⁴ The Laird of Tulliallan was beheidit the first day of Marche, for killing Mr James Inglis, Abbot of Culross; and with him a Mounch of the same Abbey, a cheifse author of the Abbot's slaughter.]
Mar. 28, 1531.—John Blacater of Tullyloune, and William Louthian (formerly Sir William, degraded from his orders), Convicted by an Affise of art and part of the cruel Slaughter of James Inglis, Abbot of Culross, committed upon foresought felony.—BEHEADED.

Murder of the Abbot of Culross—Sanctuary of Torphiechin.
(Mar. 28.)—Robert Manderstoune, James Mechell, and William Hutoune, were accused of the same Murder, and were acquitted of foresought felony at the time of the Abbot's Murder. Wherefore they were restored to the privilege of the Sanctuary of Torphiechin by the Justice General, and judicially delivered to George Lord St John, Mafter of the said Sanctuary.

Common Theft.
Mar. 28.—Patrick Dowglass, David Blynkale, and Andrew Elwald, Convicted of Common Theft.—HANGED.

¹ Beatrix Gordoun, his spouse, was also delated for the same crime, and pleaded sickness, Feb. 1, 1530-1. ² The Original Scottish MS., from which the Latin version was compiled has recently been printed by the Bannatyne Club; quarto, 1830. ³ Apprehended; taken. ⁴ Annales, I., 261. The Editor does not find the particulars of this Slaughter detailed by any of our historians, nor can he discover the causes which led to the Murder. It is obvious, however, from the quotations already given, that it had excited an intense interest at the time.
CRIMINAL TRIALS. A.D. 1531.

Caution to enter the Laird of Branzholm in Ward.

Mar. 27.—Sir James Hamiltoun of Fynnert, kn., became surety (in like manner as Robert Lord Maxwell and John Johnstoun of that Ilk had become to the King for the entry of John Scot, son and heir of Walter Scot of Syntoun, and William Scot, son and heir apparent of Robert Scot in Allanhalaiche, being now in Ward within the Castle of Borthuik,) for Sir Walter Scot of Branzholm, knyacht, to enter him in Ward within the said Castle, whonever he pleases the King, under the pain of 500 merks. And the said Sir Walter bound himself to free Sir James of his caution and pledge.

Notice relative to 'Johnnie Armstrong' — Common Theft — Reset of Theft, &c.

[There have already been laid before the reader various particulars relative to the Border Raid, led by the King in person. Among other interesting circumstances connected with the Expedition, perhaps none is more remarkable than the capture and execution of the famous Johnnie Armstrong. The Editor begs to refer to the Minstrelsy of the Scottish Border for a general outline of the History of the Clan of sept of Armstrong, a lawless and disorderly race, which for a long period kept both sides of the Border in a ferment. It is only necessary to notice here, that the Chief of this Clan was the Laird of Mangerston. Johnnie Armstrong (commonly styled of Gilnockie) was brother to the Laird, and resided near Langholm, in Gilnockie Tower, at the Hollows, a place still resorted to, and highly distinguished for the romantic beauty of its scenery.

The state of the country adjoining the Borders was such that King James V considered it necessary to raise a large Army, and to proceed in person to execute vengeance upon 'the Thieves and Lymmaris,' and to bind down the Barons to observe 'gude reull within their boundis.' This he executed to such good purpose, that it is still proverbial in these districts, that for a long time after that Expedition he 'made the rachl bufs kep the kow!'

In relation to Johnnie Armstrong, it is somewhat singular that the circumstances, as they are detailed in the popular ballad or song, are substantially correct; and there cannot now be a doubt that he was most basely betrayed and put to death, even without the mockery of a form of Trial.

As the most striking and forcible manner of laying the facts before the reader, the Editor thinks it proper in this place to subjoin some graphic accounts, as given by early writers. The first which need be cited is that contained in Anderson's MS. After noticing the proceedings against Earl Bothwell, &c., he states as follows—

'Hiself (the King) about the moneth of July, gathering togidder about acht thowland men, tske journey to represse the Thievys. And passyng foward with grit expedition, campyd wpone the watter Ewes. Not fas frae that duelt Johnye Armstreng, one Captaine of one faction of Thievys. This companiou was so forfill to his nighbouirs that evyn Englishmen, many mylia within the contrary, payt tribut wrote him. Maxwell hiself feird his power, and focht all meanes pothill for his distructions. Johnye, intyfild be the kingis servandis, forseyng to fike a Letter of Protection, accompaniyed with fiftie horfmen, warmed, cuming to the King, lichtit ypon sum outwatches, quho alledgeing they had taikit him, brocht him to the King; quho preferentie caufit hang him, with a great number of his companys. The autheris of his flanchter brootit that he had promised to mak certaine myllis in Scotland subject to England, gif be war honord and recompened for the turne; quhill as England,
be the contrari, was verrie glaid of his death, being deleyruid of a capitall enemy. Sax of his complices war referwi for hoffagis; and for that the keiping of thame stude in no steid, after they had imprisioned them a few monethis, they caufid execut thame also; and futhid new pledis of thiefe that remayniid at hame. Thay of Liddesdaill refusing their awin howfis, paist into England bag and bagaide, and be daylie incuriuones ranfacit the contreyis lying neir unto thame.

*Within fewe dayis ethir, the King, reflayveing howfis for the Noblemen, releveid themefulsis furth of waird; of wham Walter Scott, to gratifie the King, shew Robert Johnstoun, ane verrie crewall Thiefe; quhairbe he incurid deidlie feid with that Hous, quhilk continewit, to the grit harme of baith the Clanes, long ethir.*

*Calderswood's account of the matter is hardly so minute,* being as follows:—

*In the month of Julie (1581) the King went with ane Armie of 8000 men to Ewesdale to apprehend and pursaith Theeves. John Armstrang, a notable Theefe, who had compelled the English to pay him Black-male, and was terrible to the Lord Maxwell himself, when he was comming to the King, intil he be some courtious, but without a swaie conduct, he was intercepted by 50 horsemen lying in an ambush, and brought to the King, as if he had been apprehendit by them againsste his will. He and a great number of his companie war hanged one growning trees. His takers, to make him the more odious, allegit that he had promitide to raunders fo manie miles of Scottis ground nixt adjacent to the Borders, bot the Englisht war well content to be ridd of him. The Liddesdaill people fied into England, bot troubled the countrie with raides.*

The accurate *Bishop Leslie* gives but a brief narrative of the event. He says—

*All this summer the King tuk grait care to pacifie the Bordurie, and paneis the Theis and Oppreffouris being thairon. And to that effect, in the moneth of Junij, he paist to the Bordurie with ane great Army; quhair he caufet xvir of the maift nobill Theis, with John Armstrang their Captaine, be tane; quha, being convict of Thift, reiff, slaughter and tresfoun, war all haggit spoun growand trews; and thair was ane notabbill Thiff brunt, quha had brunt ane hous with ane woman and mony her barnis* being thairintill. Yet *George Armesstrange*, broder to the said Johanni, was pardonit and referuit levand to tell of the reft, like as he did; quha, within proces of tym, wer apprehendit be the King, and punishte accordince to thair defertis.*

But the most circumstantial and curious relation is that given by *Lindesay of Pitcoddie*, with which this notice shall be closed.

*To this effect he gave charge to all Earlies, Lordis, Barrones, frieldheris and gentlemens to compeir at Edinburgh with ane monethis victual, to paist with the King to dauntoun the Thieves of Tevidall and Annesdall, with all other partis of the realm. Allo, the King defird all gentlmen that had doggis that wer gud to bring thame with thame to hunt in the faidis boundis; quhill the moost part of the Noblemen of the Highlandis did, fik as the Earlies of Huntly, Argyle, and Atholl, who brought thair deir-bounds with thame, and hunted with his Majestie. Thir Lordis with manie other Lordis and Gentlmen, to the number of twelv thousand men, assembled at Edinburgh, and thairfra went with the Kingis grace to Meggalland, in the quhillis boundis war flaine, at that tym, aughtine foss of deir.*

*Ethir this hunting the King hanged John Armstrang, Laird of Kilmkie, quhill monie Scottis menne heawill lamented, for he was ane doubtit man, and als gud ane Chiftane as evir was vpon the Borderis, either of Scotland or of England. And albeit he was ane louis leivand man, and fustained the number of xxiiiij well horsed able gentlmen with him, yit he nevir molested no Scottis man. Bot it is said, from the Scottis Border to New Castle of Ingland, thair was not ane of quhalsoever*
... estate bot payed to this John Armitrig ane tribut, to bе friе of his cumber, he was so doubtit in
Ingland. So, when he entred in before the King, he cam verrie reverentie with his forfayd number,
verrie richie apparrelled, trufting that in respect he bad cum to the Kingis gracie willinglie and volun-
tarie, not being tane nor apprehendit to the King, he shoulde obteine the main favour. But when the
King saw him and his men so gorgeous in thair apparrell, and so many braw men vnder ane tarrant
commandement, thowardlie he turned about his face, and bad thak that tarrant out of his fight, saying,
"Quhat wantis yon knave that a King shoulde have?" But when John Armitrig perceived that the
King kindled in ane fureie against him, and had no hope of his lyff, notwithstanding of many great and
fair offeris qhillik he offered to the King; that is, that he foultene him self with fourtie gentle-
men, ever readie to await vpoun his Majestie's service, and nevir to tak a penny of Scotland, nor
Scottis man; secondie, that thair was not ane subject in Ingland, Duik, Earle, Lord, or Barroun, but
within ane certane day he foult bring ony of thame to his Majestie, either quick or dead! He, feign
no hope of the Kingis favour towards him, saif verrie proudle, "I am bot ane fooll to falk grace at
ane graceles face!" Bot had I knawin, Sir, that yea would have takin my lyff this day, I foult have
lived vpoun the Borderis in diphyte of King Harie and yow baih!—for I knaw King Harie
wold doun-weigh my bift hors with gold to knowt that I war condemned to die this day!" So he was
led to the scaffold, and he and all his men hanged. This being done, the King returned to Edin-
burgh the xxij day of Julij, and remained meikle of that winter in Edinburgh.

The place where this execution took place is still pointed out to strangers, being at Carlenrig Chapel,
about ten miles above Hawick, on the high road to Langholm. Sir Walter Scott adds, "the country
people believe, that, to manifest the injustice of this execution, the trees withered away!" Armstrong
and his followers were buried in a deserted churchyard, where their graves are still shown. 1

With the following interesting extract from the Books of the Privy Seal of Scotland, the Editor
will conclude this Notice, which has extended to a greater length than he had anticipated.

(Oct. 8, 1380)—"Ane Lettre maif to Robert Lord Maxwell, his airs and affignis, ane
or ma, of je Gift of all gudis movabill and rvanmovabill, detlis, takkis, obligationis, fowmes of money,
giftis of nonentreis, and vperis qhaisfumene, qhillikis pertent to vnaqlill Johnne Armitrig, bruger to
Thomas Armitrig of Mungertoune, and now pertenyng to our foverane lord be refounne of ethete
throw Justifying of je faid vnoj Johnne to je deid for Thift committit be him, &c. (At Freyfih-
hauche, per Signatarum Regis et Thesaurus regis manus supscript.)"

It is hardly necessary to remark, that the persons who occur in the following memorandum, preserved
in the Justiciary Records, must have been taken long after this remarkable transaction. 2

Apr. 1.—John Armitrig, "alias Blak Jok," and Thomas his
brother, Convicted of Common Theft, and Refet of Theft, &c.—HANGED.

Oppression and frauds committed by Messengers at arms.

Apr. 29.—John Adamsoun, David Lowry, and twenty-three others,
Messengers at arms, "Convict be ane Affife, for commoun Oppreflion done be
pain to our foverane lordis liegis, in executioun of pair offices, mony and diuerfe
wais: And specliaie, quhen pa mak summondis vpone perfonis to paiz vpone
Inquetis or Affife, pa fell, takkis baddis 3 and rewardis of Gentill menne, and
caufis pain to abide at hame; and in defalt of sufficient novmer, je perfonispat

1 In displeasure, in a threain or crablit humour, frowardly.
2 Minstrelsey, l. 120.
4 Take gifts or bribes, corruptly.
rafe Letteris tyrins' pe famyne and pair geir, coftis, and expensis maid vpone pe famyne: And pài summond and cauoffis cum furtho povr and siple perfons pàt has na thing to gif pàim to lat pàim abid at home, quhilkis has na knaulege to decide vpone ony doutfum materis: And for commone Oppreffouris of our fouerane lordis liegis, in taking of buddis and rewaridis, mair pàn pertenis to pàme, be refone of executioun of pair ofifice.'

**Messener falsifying his Execution — Taking bribes, &c.**

Andrew Marsar, Meffinger, ' Convict be ane Affise for pe reslaveing of our fouerane lordis Letteris fra Johne Strueling of pe Kere, kn', for to put in his pleuche in pe landis of Kynloch, and to remove all vperis pairfra; and refuelt worth the xx li. for his laubouris. Quhilk executioun he grantit to haue maid, and inorfare pe famyn vpone pe saidis Letteris, and put his signete pairto: And paireftir, be vper follicitatoun, come in prefens of pe Lordis of Counfale, and grantit pe said indorfatioun, and denyt pàt he maid pe Executioun. For pe quhilk, pe saidis Lordis, heran him grant his avne falsit, gart put him in pe Cateal of Edinburghe as ane faltour, because in pair prefens he grantit his avne falsit, as said is.'

**Masterful Heisting and Oppression by a Messenger.**

Andrew Murray, Meffinger, ' Convict for art and part of pe Maisterful Refe and Oppressioun done to Johne Maxwell in pe Haltoun of Ogiluy, in pe maisterfull refe fra him of ane blak horse and ane mare furth of pe Haltoun of Ogiluy, and had pàme away, and said and disponit pàim as he plefit.'

'Dome' against Messengers who were ' fugitive from the Law.'

William Cristesoun and eleven others, being ' fugitive from the law,' the following ' Dome,' or sentence, was pronounced against them.

**Sentence against the fugitive Messengers.**

'The Lordis Ordanit, pàt sforlams-kill as pe saidis perfonis quhilkis wer fugitive pe said day, and comperit nocht, pàt pe hauie tyme, pàr oффices, and never to brouk nor vle pe famyn in tyne to cum; and pàt oppin proclamation be maid at pe Mercate croce of Ed, one Monoday nixe to cum; charging pàim, pàt none of pàim exerce nor vle pàr oффices in tyne cuming, because pàr wer chargeit to haue comperit befor pe Justice or his deputis pe said day, to haue vnderlyin ane Affyle, and faiyve pairintill. And alse, pàt Letteris be writtin to charge pe saidis perfonis quhilkis wer Oффiciars, to compera and vnderly pe law, before pe Justice or his deputis, in pe Tolbuth of Ed, pe xxvij day of Maj nixe to cum, for cèrne crymes to be imput to pàim, vaidir pe pane of rebellioun, and putting of pàme to pe horne. And gif ony of pàim beris our fouerane lordis Armis, or makis

1 Loss. 2 Lost. 3 Each Messenger-at-arms had a badge called his blazon, on which was prominently stamped the Royal Arms. This official badge, together with his baton, or 'wand of peace,' as it was termed, he required openly to produce and exhibit at all poulings, and in cases of deenforcement, &c., in proof of his office. See Nov. 18, 1511; Oct. 11, 1531, (Notice); and Jul. 25, 1566 (Note), for further particulars.
EXECUTION OF ANY MANER OF LETTERS OR CHARGES IN Tyme to cum, thai sylfe tane incontinent, HANGIT and drawin, and demanit as oppin traytouris, and vpirips of our fourane lordis autoritie. And that pe saidis perfonis be callit before our fourane lordis Justice or his deputis, pe said xxvij day of Mai

to cum, to vindirly pe law for certaine crimes to be imput to jame, as said is. ITEM, it is statute and ordanit, that all Officaris, pat refusis any Letters of pens or lauborrowis, pat incontinent effir

pair executione pairof, delius jame again to pe Justice Clerk indorse; with certificatione to jame, pat and * pai failye pairintill, pat our fourane lordis Letteris sylfe tane fra jame incontinent, and (jai)
fal tyne pair officis for euer in tyme to cum.

VIOLANCE COMMITTED BY THE PRIOR AND CONVENT OF PITKENWEEM—

SLAUGHTER.

[The prosecutions and the Feuds which are noticed in the three subsequent entries, arose from the following circumstances, which, being illustrative of the spirit of these times, the Editor thinks it may be interesting to state rather more fully than usual. The assignees to the tack of the mill and eighty acres of the lands of Pitkenweem, having sued before the Lords of Council, their Lordships, with consent of John, the Prior, and Mr Robert Forman, Dean of Glasgow, the Usurpatory of Pitkenweem, ordained that Andrew Wood, and failing him, one of the King's Officers, should gather the corns growing on the lands, until the final decision of the suit. The King's Officer (Lawrense Bickerton, a Messenger-at-Arms) attempted to serve his Letters upon the Prior, on Sep. 7th, who directed him to delay taking any steps for cutting down the crop until the next day. In the meantime, the Prior set off for Edinburgh; and on Bickerton's return on the 9th, the Sub-Prior and Convent threatened him in the most violent manner. He reports in his Execution of Deformation, that they said 'jai wald deforce him, and said him depair, or ellis his fayd fuld be worth xxxij pair of handis.' On the 11th, he again went to gather and lead in the corns, when he found the Sub-Prior and his servants busily engaged in reaping them, and who again threatened personal violence. He returned on the 12th and 13th, but there being 'bot Religiuus menne and preeifis, hynis,' wifes, and barnis, quhilkis war nocht riophonale to our fourane lord, gef he had takin deforce,' he desired them to send for Andrew Wood of Pitkenweem, John Brown of Anstruther, the Laird of Balcasky, or some other 'riophonale' persons to stop him, so that he might indorse his Deformation, and depart—which they plainly refused. He therefore, on the 14th, got William Dischinatown of Ardrose, James Sandelandis of Cruvy, and other nine persons, to assist him in the execution of his Letters, with xi wifes and fallawis, or pairby, to scheir and leid pe fayd cornis; when the Prior and Convent, with 'pair complices to pe newmer of three hundredthe perfonis, bodin in feir of weir, wyth hagbutis, culveringis, croce-bowis, hand-bowis, syeris, halberties, axis, and swerdis, come in arrayit basell, wyth convocatione, and ringing of 'pair commounne bell,' fell upon them, and 'schote diuerse peceis of artyljeary' at them. Bickerton then formally exhibited his Letters, and required security from the Prior to the extent of 500 merks, should he choose to retain the corns—or, on the other hand, offered the Prior security for 1000 merks, if the crop was reaped under authority of the Letters. All terms, however, were rejected by the Prior—and on the Messenger and his party retiring, they again 'schote artyljeary' at them, and hurt several of them. And thus they 'maisterfullie deforset him, in the executione of his office, quharrow poun brouk his wand, and tak witnes,' &c. These facts are luckily preserved in the Letters and executions; which, however, are by far too prolix to be inserted in this Collection.]

Oct. 11.—William Dischinatown of Ardrose, James Sandelandis of Cruvy, Thomas Wemys of Vnthank, William Gourlaw of Kyncrag, John Lundy

1 An; ii. 2 Hinds. 3 Women.
of Stratherlie, Mr Thomas Meldrum of Segy, William Lummisilene of Ardré, John Mailulle, the young Laird of Carnbee, and forty-five others, were denounced Rebels and put to the horn, and all their goods escheated, for not underlying the law for art and part of the cruel Slaughter of James Borthuik, John Anderfane, and John Balzeart. The respective cautioners were, at same time, amerciated for their non-entry.

Oppression — Convocation — Deforcing a Messenger, &c.

Alexander Swan, and above eighty others, found caution to underly the law at the next Justice-aire of Fife, for art and part of the Oppreffion done to John Gourlaw, in wounding him; for Convocation of the lieges, and forethought felony done to William Ditchingtoune of Ardrole, invading him for his Slaughter; and for Deforcing Laurence Bicketoun, the King's Officer.

Oppression — Mutilation — Deforcing a Messenger, &c.

John Rowll, Prior of Pittinweme, Patrick and Bartholomew Forman and six other Canons, Mr Alexander Ramfay Rector of Mukkert, Sir James Ramfay and three other Chaplains, and John Blaccader Parish clerk of Sawling, were replegated by Mr John Williamsoun, Commiffary to the Archbishop of St Andrews; and found Sir John Sinclare of Dridane as his cautioner, that justice should be duly adminiftered.

Jonet Lady Glammis.

Nov. 29.—Silvester Haddane of Kelour, John Ogilvy of Balnagrow, William Blare of Balgillo, Patrick Gardin of that Ilk, and six others, amerciated for not appearing, and passing on the Affife of Jonet Lady Glammys.¹

Cattle-stealing.

Dec. 19.—Michael Scot Convicted of art and part of the Theft and concealment of xxij oxen and cows from the Lord of St John's and his poor Tenants, furth of the Lands of Falhouse.—Sentence. To be scourged through the burgh of Edinburgh; and afterwards led to the tron thereof, both of his ears to be cut off; and to be banished for the whole term of his life: And never to return therein, under the pain of death.

Violently seizing King's Letters from a Messenger.

Jan. 22, 1581-2.—John Lord Lile found James Betoune of Melgund surety for his entry before the Justice, on Feb. 2, next to come, to underly the law for the violent feizing of the King's Letters from Cuthbert Hew, purchased

¹ See Jan. 31, 1581-2, &c. and Jul. 17, 1587.
CRIMINAL TRIALS. A.D. 1532.

upon the Slaughter of Alexander Hew, his brother; and for detaining thereof in defraud of law; after being required thereto by Robert Champnay, Messinger.

Lady Glammis—Using Charms against her Husband, &c.

Jan. 31.—JONET LADY GLAMMYS found John Drummond of Innerpeffery as surety for her appearance at the next Justice-aire of Forfar, to underly the law for art and part of the Intoxication of JOHN LORD GLAMMYS, her husband; and of Refetting Patrick Charteris, Rebel, and at the horn.

Feb. 2.—WILLIAM FOWLARTOUNE of Ardoch, David Strueling of Brecky, John Bruce of Fyngask, William Drummond of Abernyte, the Lairds of Culnery, Parbroithe, Petfurane, Balmachennax, Duncany, Culluthy, Pyottoun, Gagy, and Roucht, Henry Ramlay of Laweris, and Alexander Drummond of Carnock, were amerciated for not appearing to pass on her Aislette.

Feb. 26.—WILLIAM LORD ROTHUENE, Lawrence Lord Oliphant, the Lairds of Moncreiff, Tulybardin, Culluthy, Innernyi, Anfruther, Petcur, Petkindy, Incheture, Clatty, Gorthy, Cuitoquhay, Kelly, Ouchterley (Auchterless?), Baluny, and Thomas Berclay of Rynd, were amerciated for not appearing this day to pass upon LADY GLAMMYS's Aislette.'

Caution for the sure keeping of the House of Adrintoune.

Feb. 2.—(APUD EDINBURGHE, in camera domini REGIS infra Palatinum sue Sainte Crucis, die secundo mensis Februarij, viz. in fefto Purificationis B. Marie Virginis.) 'The quhilk day pë KINGIS grace, in prefens of pë Chancellare, Bifchop of Galloway, Lord Flemynge, and diuerse vperis Lordes, callit Nicholace Craufurd, Juftice-Clerk, before him, and restauit Alexander Home souerte for pë fure keping of pë HOUSE of ADINTOUNE, in tyme of pës, during pë tyme of pë Takkis þat he fal happen to get þairof of pë LORD of Baffe; swa þat na falt fæbe impot to pë Lord of Baffe be pë Kingis grace, anent pë keping of pë faid Houffé, induring all pë tyme of pë faid Alexanderis Takkis þairof.'

Oppression—Wounding—Mutilation.

Mar. 23.—DAVID KINCAID in Cottis, natural son of David K. of Cottis, Patrick and David, his natural sons, Thomas Robesone, Alex. Wilson, and Patrick Kincaid, found caution (Henry Wardlaw of Kibbertoune) to appear befor the Jufticiar, May 7, and underly the law for art and part of the fore-

1 It is supposed that this must refer to the alleged dealing of that unfortunate Lady in enchanted drugs, fiftres, poison, and charms, &c.

* This repetition of Aissiers, being all men of considerable rank and station, suffering themselves to be fined in default of their appearance, speaks strongly in favour of the popular feeling against the steps adopted to take away the life of Lady Glammis. See her Trial, Jul. 17, 1537.
thought felony and Oppression done to John Petcarne, servant to Sir James Towris of Innerleith, kneg, setting upon him in the burgh of Edinburgh, and cruelly Wounding him in sundry parts of his body, in peril of his death: And for art and part of feloniously Wounding and Mutilation of James Willson in his right arm.—Nicholas Ramsay of Dalhousie, Sir James Sandelandis of Caldor, kneg, George Prefoun of that Ilk, William Lauder of Haltoune, Sir William Sinclair of Roflyne, kneg, John Pennycuke of that Ilk, and Alex. Dalmahoy of that Ilk, were americated for not appearing to enter on this Affile.—May 7, Robert Logane of Cotfeild became cautioner for their entry on Jul. 10, when the case was put off till Jul. 31 and Aug. 7.

(Aug. 7.)—Sentence. David K. Warded in the Castle of Edinburgh for the Mutilation of Wilfon, and David, junior, and Patrick also warded within the Castle.—James Wilson and David Walter were also warded for Hamefucking and Oppression done to David Kincaid, junior, in the village of Dene.

Usurpation of the King’s Authority — Imprisonment — Theft, &c.
Apr. 23, 1532.—Roger Charters denounced Rebel, and his goods ordained to be escheated, for not appearing this day to underly the law for art and part of the Usurpation of his Majesty’s authority, in violently taking Edward Craufurd, burgels of Edinburgh, John Wilfon, his servant, and unque Robert Wardlaw, upon the Common-mure of the burgh of Edinburgh, and forcibly leading them to the Castle of Temptalloune, and detaining them therein in firmance: And for art and part of Reiving from them three horsefis, with saddles, bridles, &c. and 51. in money.

Oppression done to Laird of Congeltoun.
May 6.—Sir Patrick Hepburne of Wauchope, kneg, John Hepburne, son of Luke H., and others, dilated for art and part of the forethought felony and Oppression done to the Laird of Congeltoun, Sir Henry Hay, chaplain, and others, his servants.—The Lairds of Cragmelour and Swyntoun. Alex. Home of Polworth, and William Dowglas of Quhittingeame, and three others, were fined for not appearing on the Affile.—John Hepburne was denounced Rebel, &c.

Slaughter.
Jul. 3.—Roland Lindesay, Alan Lokhart of Lee, and William Mofman, Convicted of art and part of the cruel Slaughter of Ralph Weir.¹—Beheaded.

¹ Sir George Weir, chaplain, was replegates by the Archbishop of Glasgow to underly the law for the same crime. John Lord Erskine became cautioner that justice should be administered.
Slaughter.

Jul. 8.—WILLIAM BROTHERSYE Convicted of art and part of the cruel Slaughter of Thomas Smythe.—BEHEADED.

Mutilation — Minor sent beyond Sea to the Schools, &c.

Jul. 9.—JOHN INGLIS of Kilmarnock, Alexander his son and heir-apparent, John Mailuille young Laird of Carnebee, and others, dilated of art and part of the Mutilation of John Clerk. In consequence of the following remarkable writing, William Inglis, a minor, was ordained to pass furth of judgement without finding of any new souerte to vnderly the law.

JAMES, be ye grace of God, King of Scottis. To our Justice General, &c. in pat pairt, and to all vperis our offcers, lieges, and subiectis quhatsumever, to quhais pretres pjr our Letteris sal cum, Greeting. Wit ye we to have speacially Respett and Licenciat, and be pjr our Letteris Lervis and Licenciatis our iouis William Inglis, sone to John Inglis of Kilmarnock, to pass in ye pairtis beyond pe foy to pe Sicilis, with his eme* Walter Ramfay; and pare to remane and abyde for pe spacie of viij *zeris. And parefore, will ye be nocht callit nor accuseit for pe allegit Mutilation of John Clerk, because of his leis-age* and innocence he standis in, being bot ane burne, quhoc we have sent brocht in our presence, and vnderstandis him delaitit bot of his malice, considering his youthbeda. CHARGING 30W Herefore, all and sondry our offcers, liegis, and subiectis forfaydeis, pat none of 30W tak vpone hand to call, arreit, or jorney pe said William Inglis nor his souerteis for pe allegit cryme forfayde, during his away-biding and xv dayis parefter. Ditcharging 50W of your offces in pat pairt, be pjr our Letteris. GEIVN vnder our Signete, and subcrivit with our hand, at our Castell of Strieling, pe viij day of Aprilis, and of our regne pe xix zere.

[James R.]

Burning of the Place of Lag — Theft — Oppression, &c.

Jul. 27.—GILBERT GREIR, in Bardannache, Peter and Robert Greir, his brothers, dilated of art and part of the Fire-raising and Burning of the Place of Lag, under silence of night, in company with John Bell, alias Jonie, Andrew, his brother, Rolland Bell and their accomplices, common Thieves and Traitors of England and Liddifidail : And for the thefius Stealing from John Greir, sone of Lag, at the same time, of a horse and all his gudes, valued at 500 merks : And for art and part of the forethought felony and Oppression done to Alex. Castellaw, and others, servants of the Laird of Lag, and cruelly Wounding them, in peril of their lives.—Patrick, Master of Halis, became surety for their entry to underly the law at the next Justice-aire of Drumfreise.

Intercommuning with the Earl of Angus, &c.

ADAM LINDSEAY, of Dowhill, found caution to underly the law, at the next Justice-aire of Fife, for Refetting, Intercommuning, and Affittance given and afforded to Archibald, late Earl of Angus, and Archibald Douglass, his uncle, Traitors and Rebels—after their forfeiture, &c.

* Schools.  
* Maternal Uncle.  
* Minority.
Banishment.

Aug. 8.—ROBERT LEPREVIK was banished, by Warrant of the King, furth of the Kingdom of Scotland. He was sworn, in Judgment, to remove within xi days, under pain of death.

Treasonably Intercommuning with the Earl of Angus.

Nov. 8.—KATHERINE RUTHIRFURD, Lady Trakware, was denounced Rebel, and all her goods ordained to be echeated, for not appearing this day to underly the law, for treasonable assistance given to Archibald, formerly Earl of Angus, George and Archibald Douglas, his brother and uncle; and for Resenting, supplying, and Intercommuning with them, and daily communicating with them, within the kingdom of England, and secretly in Scotland, &c.

Abiding from the Naid to the West Marches.

Feb. 8, 1532-3.—SYMON MCULLOCH, of Myretoun, and a number of Galloway and Ayrshire Lairds, were denounced Rebels, for treasonably abiding from the Hoft and Army to the West Marches, towards England, with the King’s Lieutenant, on Jan. 5 last.—Many produced certificates of fickness, Licences from the King and Lieutenant, and were discharged.—The following is a specimen of the Licences which were usualy granted on such occasions:—

Licence for Mr William Montgomery of Stair.

Rex.

We, understanding that our moste Maister William Montgomery of pe Stare, is faik, and may nocht mak trawll without danger of his life; and that his stone and apperand are, with his boughald, according to his estate, is to depart to our Bordouris, with the dearest brosor, James Erle of Murray, our Grete Wardane and Lieutenant, for the defence of our realme, and refisting of our ald enemys of Ingland: Herefoirs we grant and gervis Licence to pe said Maister William to remane and bide at home fra the our Oift and Armye, now deviis to pes to pe Bordouris pe y day of Januarie instant, to the effect foresaid: And that he fall incur na danger nor shayth throw his remaining and awaybiding fra pe famyn, in his perfoun, landis, or gudis; and fall nocht be callit nor accusat peairfoun: Discharging all our Officieris prefent and to cum; peis, our Justis, Justis Clerk, and Thefuarine, and all vereis our Officieris and Minisferis of Court pairof, and of pair officis in pe pairt: And for his non-comperance to our said Oift and Armye, We, be pe tenour hereof, dischargis all calling or accusatoun pe may follow peirpoume, nochwitstanding ony our Letteris or Proclamationis maid or to be maid to pe contr: Anent pe quhillicis, We dispenfis with, be peir prefentis, subscrivis with our hand, At Edinburgh, pe second day of Januarie, the yere of God m.Vc. xxxij yeres, and of our regne pe xx yere.

[JAMES R.]

It has also been thought proper to preserve the following remarkable Act of the Privy Council, which is engrossed in the Books of Adjournal.

The Declaration maid be the Lordis of Council, ‘quhat is ane substantious man,’

APUD Edw., ix Feb., anno m. Vc. xxxij, in Hospicio domini Cancellarii:

1 Probably the Scottish printer. It is likely that his crime was printing and selling Heretical books.

VOL. I.

† X
SEDERUNT, Cancellarius, Candocease, Cambuskynteth, Kynlopes; Domini
Erskin, Sympli, Clerici Regisrij, Jacobus Hannntoun, Johannes Camb-
bell, Rotulitor, M. Ad. Ottoburne, Nicolaus Craufurd, Jacobus Lawison,
et Franciscus Bothwine.

The Lordis of Counsale, for declaration of the Actis and Proclamationis made
be the Kingis grace and Lordis of his Counsale, charging all Baronis, sirchaldaris,
and vperis substancius men of this realme to cum to his Bordouris, quarterly,
for defence of this realme, Findis and Declaris pat ane man, havand in his
poffeission one hundreth punds worth of gudis, stielbow and ferm of pat gere
alamelie except, is kaldin and reput ane substancius man; and is kaldin to
vnderly pe charge of pe Actis and Proclamationis.

Fire-raising — A woman sentenced to be drowned.

Apr. 26, 1588.—Jonet Andrsone Convicted of art and part of Fire-
raising and Burning of a byre of the Laird of Rofflythe, and sixty oxen and
eleven caws therein.—Drowned.

Murder — Stouthreif.

May 12.—Henry Bickerstoune Convicted of art and part of the
cruel Slaughter and Murder of Robert Sym, committed at Struther, in Fife, near
Catty-dene: And of Stouthreif from him of certain goods, at the same time.—
Beheaded

Letter from the King as to the ordour of Justice-Couris.

Jun. 16.—William, Bishop of Aberdene, Treasurer, presented the fol-
lowing LETTER from the KING; which was ordained to be recorded.

Rey,

Justice and Justice Clerk. Forfamekill as the ordour of our Justice Court is grautumly abusit, be
continuacionis and discharge pairol, and diakile, be discharge of fourestis for entering of per-
sonis at oure faidis Courtis, and of perfonis to enter to ye famyn, discharge ye vulawing of pare
fourteis, qutilkis paflis vadar our substipcouns and ye wifey: We, for remedie hereby, Will and afe
Commandus and charge 50w, ye 50, for name our wrightis, command, or privais takinnis, mak as
continuacionis of our faidis Courtis, nor flop nor last to held ye famyn, nor discharge oure fourteis
to enter any perfonisi to our faidis Courtis and daes of law, or of oure perfonis to enter to ye famyn;
nor sit discharge pare fourteis and vulawing of famen for oure our Letteris, commando and charge
mefliss, or priais takyne, in oure tymes comming; without ye half ye arife and conten of our Thesaurar
express pareto, be his hand writ or plane conent, vnder ye payne of tyniale of your Officis. Givin
vdar our Signote, and substipcouns with our hand, At Edinbughes, ye first day of February, and of our
regno ye xxv. yeris.

[JAMES R.]

1 Goods and "stocking," the property of the landlord, taken by no means uncommon, to encourage the industry of
the poor farmers. 2 The Editor has frequently had occasion to remark that this was the ordinary punishment
of females for crimes of lesser magnitude. In cases of Murder, Treason, Witchcraft, &c. women were
beheaded or burnt at the stake, according to their rank and aggravation of the offence, &c.
3 William Stewart, son of Sir
Thomas Stewart of Minst. 4 Greatly.
5 Binder; lat.
6 Loss; deprivation.
CRIMINAL TRIALS.

Destroying Salmon-fishings on the River Dee.

Jun. 21.—JOHN MANGELOUS' in Treif, Sir John Irland, Chaplain, and three others, delated of art and part of the Oppression done to Henry Bishop of Whitehorn, Commander of Dundranane and convenent thereof, in breaking their 'dooks,' and 'fishing in the water of Dee, under silence of night, and destruction of the 'symmeris' and 'bekkis' thereof: And for striking their servants. Robert Lord Maxwell was fined for their non-appearance, &c.

[Archibald Earl of Argyll, Justice General.]

Fire-raising — Destroying 'Paynd-faldis' — Deadly Feud.

Jul. 29.—JOHN LORD FORBES, John Master of Forbes, his son and heir apparent, William, his brother, William F. of Corffinday, and William Stewart of Pertarstoune, find surety to appear at the next Justice-air of Aberdeen, to underly the law for art and part of the treasonable Fire-raising and destruction, under silence of night, of certain 'paynd-faldis,' belonging to George Earl of Huntlie, built of wood, for the preservation of his cattle, in his Forest of Coriny. ¹

Murder of the Laird of Craiganis and his servant.

Aug. 19.—Sir JOHN SYMPILL, Vicar of Erkin, accused of art and part of the cruel Slaughter of William Cunynghame of Craiganis and Robert Alanisoune, his servant.—The Archbishop of Glasgow replegated the pannel to his Church Courts.—John Brisbume of Bischoptoune became surety for the due performance of justice.

[Archibald Earl of Argyll, Justice General.]

Murder of the Laird of Craiganis and his servant.

Aug. 20.—JOHN LORD SYMPILL, Robert Master of Sympill, his son and heir apparent, Gabriel S. of Ladymure, his brother, and William, his son, ² John Stewart of Barquy, ³ John Sympill of Foulwod, John Sympill, young Laird of F., ⁴ Mathew Sympill, ⁵ and a great number of others, found surety to appear before the Justice, on Nov. 17, to underly the law for the Slaughter of the Laird of Craiganis and his servant.—(Nov. 17.) The Justice General appointed Robert Lord Maxwell and Thomas Scot of Pitgorno to be his deputes

¹ Probably a clerical error for Mangelous, (Mangelaus?)
² Probably Cruive-dike.
³ Sometimes written simmer; the beams on which the stooks or spars, formed like a horse-rack, were fastened. The stook was regulated to be of a certain width, to permit the dry and smaller fish to escape for breeders to keep up the stock in rivers, &c.
⁴ Pin-folds; pens for sheep.
⁵ The amount of their caution was 1000 merks each.
⁶ Bascabe.
⁷ 500L. each.
⁸ 1000 merks.
for trying this case.—(Nov. 18.) A number of persons were denounced rebels, and put to the horn, &c.—(Nov. 20.) The Justices took surety of Lord Sympill, &c. to underly the law before the Justice, at the next Aire of Renfrew.

**Murder of the Laird of Craiganus and his servant.**
Nov. 12.—ALEXANDER PYNCARTOUNE and John Bryntichele convicted of art and part of the cruel Slaughter of the Laird of Craiganus and his servant.—BEHEADED.

**Stoutheirf—Clan-Gregor.**
Nov. 15.—MALCOLM M'Coule-kere M'Gregour, Duncan and Patrick, his brothers, accused of Stoutheirf, in company with sundry Rebels of the Clan Gregour, in October last, of xl cows, from Alexander Earl of Menteethie, and William Master of Menteethie, his son, furth of their lands and possession. Failing to appear, they were denounced Rebels, and put to the horn, &c.

**Feud between the Cunynghames and Sempills.**
Nov. 20.—ALEXANDER CUNYNGHAME, son and heir apparent of William Master of Glencarne, Andrew, his brother, David C. of Robertland, Robert C. of Auchinberry, Robert C. of Aket, and William his son, Adam C., Tutor of Laglane, John Campbell of Ardoch, Thomas Craufurd of Auchinamys, and thirty others, found caution, (viz. the Master of Glencarne, William C. of Genganok, John C. of Caprintoune, . . . . C. of Cunynghameheid, Gabriell C. of Craganis, David C. of Robertland, and Robert C. of Aket,) to underly the law at the next Justice-aire of Renfrew, for Umbefetting the High-way, by way of Murder, to WILLIAM LORD SYMPILL, lying in wait for his Slaughter, with a great company, between his Castle of Sympill and his Place of Lovell, on the fifth and seventh days of August last.

**Feud between the Cunynghames and Sempills.**
WILLIAM CUNYNGHAME of Genganock, David C. of Robertland, and Robert C. of Auchinervy, with sixteen others, found caution to underly the law at the same Justice-aire, for art and part of the forethought felony and Oppression done to Robert Snodgerse, Mark Sympill, and Patrick Young, coming with convocation of the lieges to the number of 100 persons, in warlike manner, on the (3d ?) day of September last, within the lands of the said Robert, and forcibly seizing and imprisoning him, &c.—The parties, both Cunynghames and Sempills, were bound over to keep the peace, under the pains of 5000, 2000, and 1000 marks each, according to their respective ranks.
MANIFEST and WITFUL ERROR on ASSISE.

Nov. 22.—BERTHOLOMEW HERYS Convicted for Manifest and Witfull Error, in his procuring or being with others his colleagues upon the Affile of John Makilrewy, James Makge, and John Scailis, and declaring them to be acquitted and innocent of art and part of the Theft and concealment furth of the chamber of Sir James Macbraar, Chaplain, within the burgh of Dumfreis, in the month of October 1532, of a box containing 400 l. in gold, and jewels worth 100 l., or thereby; together with sundry Letters, Charters, and other evidents belonging to Thomas Macbraar, burges of Dumfreis, and entirfed by him to the custody of the said Sir James.—To be INCARCERATED for year and day; and farther, during the King's pleasure. All his moveables to be efcheated.

[Archibald Earl of Argyle, Justice General.]

Hinderin the Wardens of the Marches, &c. from apprehending Rebels, &c.

Feb. 5, 1533-4.—THOMAS KIRKPATRIK of Clofberne, Gilbert and Cuthbert Greir, brothers to the Laird of Lag, (John Greifone,) William Johnstoun, alias Wytyke, of Eschecchells, and four others, become in his Majesty's will for Refletting, Supplying, and Intercommuning with John Blythe and sixteen others, Sep. 27, 1533, being servants of Sir Alexander Kirkpatrik of Kirkmichael, kn', and all Rebels to the King: And for assistance afforded to the said Rebels the same day, with Convocation of the lieges in great numbers, armed in warlike manner, and hindering ROBERT LORD MAXWELL, Steward of Kirkcudbmchyt, and WARDEN OF THE WEST MARCHES, and Ninian Crechtoun, SHERIFF OF DUMFREIS, from apprehending the said Rebels, by virtue of his Majesty's Letters directed to them; and thereby they could not be delivered up to justice, conform to the laws of the realm. The Laird of Clofberne, Wylyke Johnstoun, and Cuthbert Greir were INCARCERATED in the Caftle of Edinburgh. The others found furyet.

[William Earl of Montrose, John Lord Erskin, Sir James Hammiltoun of Fynmert, knight, and Mr James Lawfoun, Provo of Edinburgh, Justiciars specially constitted by Commision, &c.]

SLAUGHTER OF THE LAIRD OF CRAIGANIS and his servant.

Feb. 23.—JOHN STEWART, Cousin of the Laird of Barikb, Mathew Symill, servant of the Laird of Stanlee, and James Kirkwod, dwelling at the Kirk of Kilbarchane, CONVICTED of art and part of the cruel Slaughter of William Cunynghame of Craiganis, and Robert Allaneboune, his servant—BEHEADED.
Persons accused for being absent from the Aisle.

Alexander Drummond of Carnock, John Galbrayth of Polgave, John Grierson of Log,
Mungo Lindesay of Ballull, Pat. Buchubannane of Stanyflat, Eduard Synclare of Lofsnaid,
Humphrey Galbrayth, Tutour of James Edmonstone, uncle of the
Culcreuch, Laird of Dunstreith,

Gabriel Symphill was proved to be sick, by Sir Patrick Bryfoune, Curate
of Lochuingoch, and witnesses. William Lord Symphill (his brother) became
cautioner for his entry.—(Apr. 29, 1584.) Lord Symphill was fined 1000 merks
for his non-entry; and the said Gabriel denounced Rebel, &c. and all his move-
able goods to be escheated.

(Feb. 26.)—Robert Master of Symphill was denounced Rebel and put
to the horn, for not appearing to under the law; and all his moveables to be
escheated, &c. William Lord Symphill was fined 1000 merks for not entering his son.

Slaughter of the Laird of Craiginis and his servant.

Feb. 26.—William Lord Symphill, John Symphill, senior in Auchlod-
mont, John Cunynghame junior, Robert Symphill brother of the Laird of Foul-
wod, Murdoch Symphill, Robert Spreull, William Crag in Syde, and Patrick,
John, and Robert, his brothers, were all acquitted by an Affife, for art and part
of the Slaughter of the Laird of Craiginis and his servant: And for Refeting,
Supplying, and Intercommuning with David Symphill, son of the said Lord Symphill,
John Symphill junior in Auchlodmont, William Lufe (Love), Ranald Lufe, John
Spere, and . . . Gyllis, Rebels and at the horn for the said Slaughter: and with
others their accomplices, being also at the horn for the same Slaughters.

Assisa.

John Lord Linsdasy of the Byris, The Laird of Riddale,
George Lord Hume, Charles Mowat of Balbie,
Alex. Dalnaghoy of that Ilk, Arch. Dowglas of Cachogill,
Archibald Farnely young Laird John Cranfhoue of that Ilk,
of Braid, James Ker of Merlingtoun.

The following persons were aimericated for not paffing on this Affife.

Abjentes ad Affiue.

The Laird of Amysfeld, Andrew Ker of Grenebide, James Ker of Lyntoun, George Hopprin-gill
in Sanct John's Chapell, Mr George Hay of Minyse, Robert Borthik of Raichaw, the Laird of
Prestado, James Bowmaker of Cardone, the Lairds of Fawilde, senior and junior, James Hopprin-
gill of Tynnef, Walter Lekky of Croy, Richard Lekky of that Ilk, Mr Thomas Ker in Sounderlandhill,
and the Laird of Howpaled.

In consequence of this acquittal, the following Supplication was presented to
The Lords of Privy Council, and granted by their Lordships on the same day.

Supplication for Gabriel Cunynghame, son and heir of the deceased Laird
of Craiginis, to bring the above Assise to Trial for Wilful Error, &c.

My Lordis of Counsal, vnto your l. humelie menis (complaints) and schawis we your servisouirs,
Slaughter of the Laird of Craigakis and his servant.
Feb. 28.—John Sympilly of Foulwod. The following persons were
amerciated for not appearing to pass upon his Asfis for being art and part of
the same crime.

The Young Laird of Bargany, John Lenenax of Wodbede, John Crenstone of that Ilk,
Charles Mowat of Buffes, John Buchquannam, son of Eduard Synclaire of Leffisal,
The Young Laird of Gerefswod, Rob. B. of Drummakill, Thomas Makedwell in Suderig,

[Archibald Earl of Argyll, Justice-General.]
Judicial Arbitration for the Compromise of certain Wounding,
Mutilation, Invasion, &c.

Apr. 14, 1584. (Apud burgum de Striveeling.)—The quhilk day,
comperit in jugement before pe said Justice, David Somervile Young
Laird of Playne, one pat ane pairt, and David Schaw of Cammsmort,
one pat vper pairt; quhilkis wer compromittit, bund, oblit and fuorne be pe
faithis and treuthis in pair bodis, pe Haly Euangelis tuichit, to abyde, vndirly
and fullit pe sentence, decreit, and delieverance of pir personis vndirwritten:
That is to saie, ane nobill and mighty Lord, William Erle of Montros, Lord
Grahame, honorabill menne, James Colule of Bister Wemy, John Striveeling of
pe Kere kny¹, Robert Bruce of Erthe, Alexander Schaw of Sauchy, Maieter
Robert Creichtoun, Prouest of pe College Kirk of Sanct Gele of Edinbur², and
George Schaw of Knokhill, or any thre of þame, choifie for þe pairt of þe said
David Schaw; Nobill and mighty Lordis, Hew Lord Somerulle, Alexander Lord
Levingtoun, Alexander Lord Elphingstoun, Niniane Setoune of Tulibody kny³,
William Lawder of Haltoun, William Menteth of Weft Kerfe, Maieter
Alexander Levingtoun of Donyphace, and John Somerulle of Cammehane, or
any thre of þame, choifie for þe pairt of þe said David Somerulle, Juges Arbi-
tratoribus, and amicabil compositouris choifie betuix þe saidis pairties to knaw
and decide: That is to say, in speciale anent þe Hurting and Mutilation of
¹ Blood-relations. ² Manifest, evident. ³ Loss, or hurt and damage. ⁴ Found guilty.
CRIMINAL TRIALS.  A.D. 1584.

The said David Someruile, allegit to be commitit be the said David Schaw and his complices, and anent the Inquaishone of the said David Schaw, allegit to be commitit vpon him be the said David Someruile and his complices, pat famyn tyme; and generally, anent all yperis depatis,\(^1\) cauffis, querelis, actiounis and contrauerfis quhatfsumeuer, movit be ather of the saidis pairties againis yperis, in ony tymis bygane, vnto the day of the date heirof: And the saidis Jugis, or ony thre of the same choftin for ather\(^2\) of the saidis pairties, fall convene and meit in the Parochie Kirk of the burcht of Striueling, the first day of December nixt to cum, and tak the saidis actionis and debatis in same and vpon same, and commone\(^3\) pairintill; and delier in the samyn betuix pat day and the fest of the Purificatione of our Lady, callit Candlemas, nixt immediate pairerfter following: And with power to pare to proragate and contynew the geving of the pair Sentence for sic space as pat sall think expedit: And in case of discord, bai the saidis pairties hes choftin, with pair avis and confentis, ane nobill and michty lord, John Lord Erskine, honorabill men, John Campbell of Lundy kny\(^4\), Mr James Fouillis Clerk of our fouerane lordis Register, Thomas Scot of Petgorno, and Nicholace Craufurd of Oxingangis, Clerk of our fouerane lordis Justiciary, ourmen,\(^5\) all in ane voce to decide with the saidis Jugis in the saidis materis and debatis: And however the saidis Jugis and ourmen, or the maist pairt of same, Decretis and Delieris in the premisies, baith the saidis pairties ar oblit and fuorne, as said is, to stand and abyde pairat, but the reuocatione, appellatioun,\(^6\) or reclamatioun: And gif ony of the saidis ourmenne sall happin to decefe in the menetyme of the geving of the Decrete and deliuernce in the saidis debatis, the remanent being one life,\(^7\) sall haift power to decide and deliewer with the saidis Jugis in the samyn, fliclike and alse lauchfully as pai wer all one life: And quhill of the saidis pairties pat will nocht abide and fulfill the said Decrete and Deliuernce, eftir the geving pairof, bot paffis pairfra, the pairty nocht abiband pairat nor fulfilland the samyn, fall content and pay to the pairty kepand and abiband pairat the said Decrete, the sowe of the li. vseuale money of Scotland, in name of pane,\(^8\) for coftis, skaythis, and expenes fuftenit, and pat sall happin to be suftenit be him pairthrow, but fraude or gile.\(^9\) And baith the said pairties conferent and ordainit pis compromit to be inert in the buke of Adiornale, and the Clerk of Justiciary to gif to same the autentik copis and extractis of the samyn.

**Common Theft, &c.**

- [It is unnecessary to specify the very numerous cases of the description of the following, which occur very frequently in every period of the Record. The pannels, about the period of this Trial, were almost all Elwalds, Turnbuls, Armstrongs, and other Border Thieves, and the Record seldom gives any detail. Where details are entered into, such cases are uniformly selected.]

\(^1\) Debates, differences.  \(^2\) Either, viz. each.  \(^3\) Common.  \(^4\) Overmen, umpires.  \(^5\) Without.  
\(^6\) Appeal.  \(^7\) In life.  \(^8\) Penalty.  \(^9\) Honourably, without fraud or gulle.
22 Jac. V. CRIMINAL TRIALS.

Sept. 30.—JOHN TURNBULL, alias BLACK-FOW, Convicted of Common Theft, outputting and inputting thereof.—HANGED.

Wanplaying the Laird of Nudry-Marshal, &c.
Jan. 15, 1584-5.—SIR PATRICK HEPBURN of Wauchtoun, kn', Patrick Quhitlaw of that Ilk, the Lairds of West Fortoun and Efte Crag, George Sinclair of Hiesfield, Adam, Alexander, and John Hepburne, brothers of the Laird of Wauchtoun, Patrick his son and heir apparent, and twenty-six others, found sureties to underly the law on Feb. 12, for art and part of 'Umbefetting' the high-way to Gilbert Wauchope of Nudry-Marshal, for his slaughter.—(Feb. 12.) The Archbishop of St Andrews repelled Mr William Hepburne, and other two Priests, accused of the above crime. Thomas Cockburne of Clerkintoun, and others, were fined for not appearing to pass upon this Affaire.

Wilful Error on Assise.
Jan. 15.—ALEXANDER INNES younger of that Ilk, James, son of Robert Innes of Rothnakenzie, Thomas Urquhart, Sheriff of Cromarty, John Drummond of Innerpeffery, and others, were called upon to underly a grand Affaire, for their unjust acquittal of Robert Dwayne of Rate, of certain points and crimes for which he was indicted.—Their cautioners were 'unlawed' in the sums of 500, 300, and 200 merks each, according to their respective rank, for their non-entry this day.

Southreif — Oppression, &c.
Apr. 7, 1585.—HUGH LORD SOMERVILE fund surety (William Chancellor of Quodquene') to underly the law at the next Justice-aise of Lanark, for art and part of the Southreif and Oppression done to John Tweeddale in Carnewethe, in reiving from him two cows: And for art and part of the Southreif from the said John, of all his horses, mares, oxen, cows, and all his crops, viz. corn, oats, straw, fodder, hay, togedder with all his goods and utensils.

Feud between the MacLeans and Clanranald.
Jun. 4.—'The quhilk day, in preffence of pe Chancellor and Lordis of Comwall, HECTOR M'CULLANE of Doward compierit and contentit pat pe fouerteis pat were fouerteis for him of before, for his entre before pe Justice pe said day, and he as fouerte for his tua breper, and pe remanent of pe personis content in our fouerane lordis Letteris, rafit vpone him at the instance of pe CLANRAN-

1 See his Trial for Slaughter, April 24, 1586.
NALD, fulf stant fielike souerteis as pai wer before, vnto the x day of Junij instant; efter pe forme of our fouerane lordis vperis Letteris, vnder his signete and subscriptione-manuale, direct pairupone to pe Justice-Clerk: AND pe saidis Letteris direct vpoun him ' fulf stant in effect, quibill pe said day, as pai wer of before, and he to remain within the burcht of Edinbur' in pe meneyme.'

**Intercommuning, &c. — Murder of the Laird of Glorat.**

Jul. 20.—**Patrik Colquhoun** and Mr Adam C., sons of Sir John C. of Lufs, kn1, and twenty-five others, (among whom were Andrew Cunynhame of Drumquhaill and William C. of Fenyke,) found surety to underly the law at the next Justice-aire of Dumbarton, for refeting, Supplying, Intercommuning, and Affitting Humphrey Galbraith, and his accomplices, Rebels and at the horn for the cruel Slaughter of William Striueling of Glorat.'—Donald Macdow and fix others denounced Rebels, &c.; Sir John Colquhoun of Lufs and Donald M'manyys were proved to be fik; and Humphrey Colquhoun, Parish Clerk of Lufs, Mr Adam C., penioner of Lufs, and David C., clerk, were repigated by the Archbishop of Glasgow.

*Abientes ad Affit.*
Wm. Edmonstounne of Dunstrethe, Patrik Mcgregour, Walter Park of that Ilk,
John Sympill of Foulwod, James Freland of that Ilk, Wm. Flemynge of Barrouchean,
Robert Sympull, his brother, James Stewart of Ardgoware, George Flemynge of Kilmacolme,
John Maxwell of Stancelie, Geo. Montgomenie of Skelmorlie, Thomas Kelso of Kelsoeland,
James Park of Gilbertfield, Ninian Stewart, Sheriff of Bute, Hugh Raitton of that Ilk.

The above persons, and thirteen others of no note, were ameriorated, for not appearing this day to pafs upon the Affyte.

**Unlawfully denouncing Lord Sempill Rebel, &c.**

Jul. 30.—**John Lord Lile,** and James Soutar his servand, put to the horn, &c. viz. The said James for not appearing to underly the law for Ufurpation of his Majesty's authority, in putting certain Letters to execution against **William Lord Sempill,** demanding caution of him to underly the law for being art and part of the Slaughter of John Crawfurde of Previk, &c., and there-upon denouncing him Rebel, caution having been previously found by him: And the said Lord, for art and part of caufing his servand to execute those Letters, &c.

**Stouthrife — Piracy — Murder.**

Aug. 30.—**Alexander John Canochsone,** Angus Elvauch his brother, Gilleip Maktarlique his servand, Gilleip Donoche his son, Makcay1 of

1 Reference may be made to the Appendix to this reign for many illustrative circumstances.
2 William his son was among those who were also fined.
3 His Christian name not inserted.
23 Jac. V.  CRIMINAL TRIALS.  

Sanday, Maknachtene More, Officer of the West parts of Kyntyre, Eweyr Mac- 
cay of Auchincrieff, Officer of Kintyre, and thirty-three others (chiefly Mac- 
cay), were denounced Rebels, and put to the horn, &c., for not appearing this day to 
underly the law for art and part of Stouthreif from Andrew Mure, citizen of 
Glasgow, and his servants, of a small vessel called a 'Pickard schip,' with goods 
therein of the value of 300 l., furth of the Port of Portcroche: Item, for art 
and part of the cruel Slaughter of John Mure, his son, and other four persons, 
his servants; and Hurting and Wounding of the said Andrew, to the hazard of 
his life: Item, for art and part of the Stouthreif and Oppression done to the 
said Andrew and his servants, in reiving from them, furth of the Port of Loch-
riddene, of a great boat, and certain goods therein of the value of 50 merks: 
Item, for art and part of the cruel Slaughter and Murder of two servants of 
the said Andrew, being in the said boat: Item, for art and part of the cruel 
Slaughter and Murder of Andrew Mure, son and heir of the said Andrew, and 
other four persons his servants, coming upon them whilst they were sleeping in 
a small vessel, being in the station or Road-stead of Sanday, belonging to the said 
Andrew, loaded with merchandise and other goods brought from Ireland; com-
mitted upon the 15th day of July last: Item, for art and part of Stouthreif 
from the said Andrew, his son and servants, of 100 l. in money and merchandize.

Cattle-stealing—Taking prisoners, &c.—Stouthreif. 
Oct. 30.—Christopher Armestrang, Archibald his son, Ingram 
Armestrang, Railton, Robert and Archibald Armestrang there, John Elwald, 
called Laws-John, William, son of Alexander Elwald, and Robert Caruthers, 
servants to the Laird of Mangertoune; Thomas Gray, John Forreter, called 
Schak-buklar, Ninian Gray his servant, Thomas Armestrang in Grenichelis, 
Lang Penman, servant of one called Dikis Wilie, Ninian, son of the said 
Chrisopher, Thomas Armestrang of Mangertoune, and Symon Armestrang, called 
Sym the Larde, were all denounced Rebels, and their whole goods, moveable 
and immoveable, to be escheated, &c., for not underlying the law this day for 
art and part of Stouthreif under silence of night, on Jul. 27 last, from John 
Cokburne of Ormistrooune, furth of his Lands of Craik, within the shire of Rox-
burghe, of seventy 'drawand oxin' and thirty cows: And for art and part of 
traitorously taking and carrying off three men-servants of the said John, being 
the keepers of the said cattle, and detaining them against their will for a certain 
space: And for art and part of the Stouthreif from them of their clothes, 'quhin-

1 See notice prefixed to Trial Apr. 1, 1531; and Feb. 21, and Mar. 13, 1585-6.  
2 Brother of 
the celebrated Johnny Armistrong, and Chief of the Clan.  
3 Oxen used for draught, such as ploughing, &c.  
4 From numerous other entries they appear to have been much used for agricultural purposes.
yeares, 1 purses, and certain money therein: And for breaking of their Bonds made to the King.

[Sir James Colville of East Wemyss, kn', Sir John Muilrieve of Raithe, kn', and William Hammillown of Sanguhar-Lindejay, Justices constituted by special Commission.]

Invasion — Hamesuckin.

Jan. 24, 1535-6.—Sir Patrick Hepburne of Wauchtoun, kn', and James Craigiwallis his servant, convicted of art and part of coming upon James Sinclair, within the lands of Stevioustoun, with drawn swords, and invading him for his Slaughter: And for forethought felony and Hamesuckin done to the said James, setting upon him in the House of Quarrelpittis, and besieging him therein. 2

John Martyne in the Monastery, and Cuthbert Newton, were also convicted of art and part of the Hamesuckin done to James Sinclair, coming to the House of Quarrelpittis in company with the Laird of Wauchtoun, and besieging him therein.

[Sir James Hammillowne of Fynnert, kn', Justice specially constituted.]

Mutilation.

Jan. 26.—John Forbes of Pettigo, Alexander, his son and heir apparent, and John and William, also his sons, Alexander F. of Dalmanache and John his brother, John Cawdale, son and heir apparent of James C. of Afs lone, and seventy others, were denounced Rebels and put to the horn, and all their goods, &c. to be escheated, for not appearing to underly the law for art and part of the Mutilation of Michael Fraher, John Fraher, Mr Robert Anderoun, William Crawford, John Scot, John Gordon, and David Chene: And for art and part of forethought felony, and other crimes.

Slaughter of the Laird of Scottistoun.

Feb. 11.—Mr Robert Galbraith found caution to underly the law before the Justice on Feb. 23, for art and part of the cruel Slaughter of William Crechtoun of Scottistoun, under the pain of 5000 merks.—(Feb. 23.) Found caution of new, to appear on Mar. 27.—(Mar. 27, 1536.) He was replegiated by the Archbishops of St Andrews.

Cattle and Sheep-stealing — Burning of Howpaslot — Treasonably assisting the Armstrongs, &c.

Feb. 21.—Symon Armestrong, Convicted of art and part of the Theft

1 Whingars. 2 Sentence is not recorded. 3 See Oct. 30, 1535, and Mar. 13, 1535-6.
and concealment of two oxen from the Laird of Ormifstoun, furth of the lands of Craik, and a black mare from Robert Scott of Howpallot, furth of the lands of Wolcleuche; committed during the time he was in the King’s Ward, about Lammas 1585. Item, of art and part of the Theft and concealment of five score of cows and oxen from the said Laird of Ormifstoun, stolen furth of the said lands of Craik; committed by Alexander Armesfrang, called Evill-willit Sandt, and his accomplices, in company with Thomas A. alias Grenefchelis, and Robert Carutheris, servants of the said Symon, and certain Englishmen, at his command, common Thieves and Traitors, on Jul. 27, 1535. Item, of art and part of the traitorous Fire-raising and Burning of the Town of Howpallot: And of art and part of the Theft and concealment the same time of sixty cows and oxen belonging to Robert Scot of Howpallot and his servants; committed by Alexander Armesfrang, in company with Robert Henderfoune alias Cheys-warne, Thomas A. alias Grenefchelis, his servants, and their accomplices, common Thieves and Traitors, of his caufing and affittance, during the time he was within the King’s ward, upon Oct. 28, 1535. Item, of art and part of the Theft and concealment of certain sheep from John Hope and John Hall, the King’s shepherds, furth of the lands of Braidelee in the Forest; committed during the time he was within the said ward: Item, for art and part of the treasonable affittance given to Alexander Armesfrang, called Evill-willit Sandy, a sworn Englishman, and sundry other Englishmen his accomplices, of the names of Armesfrangis, Neksounis, and Crosaris, in their treasonable acts.—Sentence. To be drawn to the gallows and hanged thereupon: And that he shall forfeit his life, lands, possession, and all his goods, moveable and immovable, to the King, to be disposed of at his pleasure.

Common Theft—Murder—Fire-Raising, &c.
Mar. 13.—John Armesfrang, alias Jony in Gutterholis, and Christopher Henderfon, Convicted of Common Theft, Reflet of Theft, Outputting and Inputting, in England and Scotland: And of art and part of treasonably in-bringing Englishmen, common Thieves, and Traitors, within Scotland, and committing common ‘Herefchip’ and Stouthrief, Murder, and Fire-raising.—Sentence. To be drawn to the gallows and hanged as Traitors: And all their goods, moveable and immoveable, to be eschewed to the King.

Common Theft, &c. — Murders—Fire-Raising, &c.
Finlay Johnestoun Convicted of Common Theft, &c. of old and new. Item, of art and part of treasonably bringing the surnames of Grahamis

1 It is probable that, in this instance, Farm-town only is implied. 2 Cheese-belly. 3 Viz. of Etrick.
and Armstrongis, Englishmen, Dik the Devillis Bairnis, common Thieves and Traitors, within Scotland, committing Slaughters, Murders, Fire-raifings, and 'Herefchips,' upon the King's poor lieges.—Sentence. To be drawn to the gallows and hanged thereupon as a traitor; and all his goods to be echeated, &c.

Murder.

John Fischeare, in Leithe, Convicted for the Murder and Slaughter of Janet Symfune.—Sentence. To be hanged upon the gallows: And thereafter, to be beheaded; and his head to be affixed upon the gate of St Andrews. All his goods were ordained to be echeated.

[Sir James Colville of East Wemyss kn., specially constituted by Commission.]

Stouthrief of Title-Deeds — Oppression, &c.

Mar. 31, 1536.—William Cockburne of Scarning,¹ became in the King's will for art and part of the Stouthreif of a box, under silence of night, from Patrick Atkin, burgesses of Edinburgh, and certain evidents therein contained, pertaining to Alexander Crechtoun of Newhall, and in the custody of the said Patrick for the time, in the year 1528. Item, for art and part of the Violent occupation of the Lands of Kirkbrighill, belonging to the said Alexander, for four years preceding Mar. 12, 1533. Item, for art and part of the Oppreffion done to the said Alexander in the Violent occupation of his said lands from Mar. 12, 1533 to Whitunday 1534. Item, for art and part of the Oppreffion done to the said Alexander in the overthrowing of a 'faill-dyke'² built on the said lands. Item, for art and part of the Oppreffion done to the said Alexander, in inputting and keeping feven score of cattle and fixty horses and mares in the meadow of the said lands, and pasturing and defroying the said meadow, in August laft, 1535. Item, of breaking three several Letters of Protection granted by the King to the said Alexander. Item, for common Oppreffion done to the said Alexander in the premises.

The following remarkable Letter from the King is taken from the original, preserved among the Warrants of Court.

Rex,

Trast counselouris, We grete you weill, and hes refault your writingis anent be Laird of Scarning; and thinkis your avise and counsel beft, anent the publisfing of dome gevin aganis him. Quhair 5e mentione of ane Minut

¹ John Laidlaw, his servant, was Convicted of destroying the faill-dyke, pasturing the horses and cattle, and infringing the three several Letters of Protection. His sentence is not recorded. William Duncan, and three others, his tenants, were convicted of the two last points, and fined 101. each.
² A Turf division-wall or fence, for separating one field from another.
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send. We have sene none. Therfor, We pray you, that ye take travel to pase to him and declare quhow it standis, sua that his lyf and guddis is in our handis. Gif he cummis in will, We wilbe gracious to him; sallisand pairof (We) fal cause justice be kep: And pairafter that ye write to vs his anfuir, as ye will do vs singular pleur. GEVIN at Craufurdjone, the xxix day of Marche, and of our regne the xxiiij 3eir.

JAMES R.

(Indorsed) To our trait counsilouris, our CONTROLLER and THOMAS SCOT. 1

Slaughter of the Laird of Cormestoun.

Apr. 24.—WILLIAM CHANCELLARE of Quodquene, Robert his brother, and James C. americated in 300 merks for not underlyng the law for art and part of the Slaughter of Thomas Ballie of Cormesfoune. Their cautioners were Hugh Lord Somervile and Richard Broune of Cultermanys.—AL thi personis of the Chancelloris, eftir thi wer vulanit, enterit in judgement for thi said crime, and maist quyte' be une Aifle pairof.'

[Archibald Earl of Argyle, Justice-General.]

Slaughter of the Laird of Meldrum.

Apr. 26.—JOHN, MASTER OF FORBES, John Strathauchin, the young Laird of Lethinturk, William Stewart of Portariton, Patrick Forbes, burgefs of Abirdene, and Robert Forbes in Sunnany, produced a Remission from the King for art and part of the cruel Slaughter of Alexander Seytoun of Meldrum. John Lord Forbes, George Earl of Huntlie, William Forbes of Corglinda, James, his son and heir apparent, and Alexander Forbes of Brux, became cautioners to satisfy the parties for Suffixment of the Slaughter.

Besieging and Burning the House of Davy, &c. — Slaughter of twenty men, women, and children — Stouthreif — Resettling and Intercommuning with the Mackintoshes, Rebels, &c.

May 11.—JAMES GRANT OF FREWCHY, John Grant of Ballindalloch, and John Grant of Culcabok, found surety to the amount of 1000 merks each, to underly the law at the next Justice-aire (Inverness?) for art and part of the assistance given to Hector Mackintosh and vmq William, his brother, at the time of the Besieging of the Place and House of Davy, within Strathnaverne, belonging to James Ogilvy: And for the treasonable Burning of a great part of the Houses and buildings thereof, and the houfes and buildings of the tenants of Dyke, Ardrofere, and other lands: And for the Slaughter of women, men, and

1 Sent. 2 Thomas Scott of Pitgorn. 3 See I, * 169. 4 Acquitted. 5 See his Trial, I, * 162, &c. He confessed his guilt of this Slaughter on the Scaffold. 6 See also the concluding article of Appendix to the Trial of JONET, LADY GLAMIS, I, * 198.
children, to the number of twenty persons: And for Stouthreip and 'Hereschib' furth of the said Place and houses, and from the ground of the said lands, of all the grain, cattle, victual, goods, utensils, and household stuff, to the value of 12,000 li. committed by the saids Hector, William, and their accomplices, in the year 1534: And for Refettion, suppling, intercommuning, and afflittance given and afforded to the saids Hector, William, and their accomplices, after they were denounced Rebels, &c.

Bamesseker—Oppressing the Dean of Murray.

May 27.—William Douglas of Bonne-Jedburgh, Thomas Madowell of Maccairstoune, and John Moll of that Ilk, found caution to the extent of 1000 merks each, and Robert Douglas, and Andrew Makbrek, 300 merks each, to underly the law at the next Justice-aire of Jedburgh, for art and part of the Oppreffion and Hamefuckin done to Mr Alexander Dunbar, Dean of Murray, and his servants, coming upon them under silence of night, May 26 instant, at 11 o'clock; they being for the time in the company and house of the said Dean, and besieging him and his servants therein, and invading them for their Slaughter.

Oppression—Fire-Raising—Stouthreif, &c.

May 30.—Nicholas Lermanthe in Fluris, and Andrew his brother, having obtained Reffites, found caution to satisy the parties, for their being art and part of the Oppreffion done to Sibella Corby and James Gray, scourging them, and Burning their house: Item, for theftuously breaking a house in the town of Smalem, and fleasting goods therefrom, in company with Cuthbert, Andrew and Charles Dowglas, Rebeis, Thieves, and Traitors: Item, for Oppreffion done to John Edmonftoune of that Ilk, keeping his five merk lands of Ednem wafe for nine years, and cruelly Wounding and Hurting his servants: Item, for Stouthreif and concealement of eighty sheep furth of the lands of Raburne, from the poor Tenants thereof.

Theft—Reset of Theft, &c.

Jun. 8.—John Elwald, alias Jok Unhappy, Convicted of Common Theft, Reset of Theft, &c.—Hanged.

Slaughter.

Jul. 17.—Sir Robert Logane of Restalrig, kn', found caution (to the extent of 1000 l. Gilbert Wauchope of Nudry Marchell, and James Foreftar of Medowfeild being sureties,) to underly the law at the next Justice-aire of Edin-burgh, for art and part of the cruel Slaughter of Adam Purdy.
Criminal Trials.

Lady Traquair not to Intercommune with the Douglasses.

Aug. 11.—'John Hume of Coldane-knolls, William Stewart of Trakquaire, and Thomas Ker of ye 3are, are becumin pleggis and fouerteis, coniunctie and seueralie, for Katharine Rutherfurde, Lady of Trakquaire,¹ that shoch fall frathinfurthe obserue and keip gode rewll; And in speciell, fall nocht write nor fend any writinges to ye Dowglassis, our soueraine lordis Rebells, now being in Ingland, or Intercommune with thame any maner of way: And fall enter her perfoun in Warde, in quhatsumeuer place it fall pleise ye Kings grace, or his lordis Regentis in his abstinence, quhen shoch beis requirit pairto, vpon xv dais warnyng, vndir pe pane of ij" li.'

Oppression — Violent occupation of a Fishing.

Aug. 14.—Patrick, Lord Gray, found James Skrymgeour, Constable of Dundee, as cautioner for his entry before the Justiciar on Oct. 31, to underly the law for art and part of the Stouthreip and Oppression done to Sir Henry Luvell of Ballumby, kni, on Jan. 28 laft, in the occupation of his fishing of Dundervilheide, on the water of Tay, (lying to the east of the Castle of Bruchty) under the pain of 1000 l.—'All shir perfonis chargit to compere, be ye Justice and Justice-Clerk, in jugement, ye laft day of October next to cum, to pas vs vpon ye Assise of Patrik Lord Gray, ilk perfoun vndir ye pane of I" li.'

The Lord Saltoun, The Lord of Nadry Marshel, The Lord of Petkinds,
The Lord Ruthven, The Lord of Robertland, Thomas Wyntoun of Stricht-
The Lord Vchithe, The Lord of Kelle,² martyne,
The Lord Levingtoun, Alex. Fowlartoun of yat Ilk, The Lord of Kere.
The Lord of Newwark, The Lord of Monorgund,

¹ This Lady was the youngest daughter of Philip, and the sister and heiress of Richard Rutherford of that Ilk. She was married to James Stuart, the founder of the family of Traquair (natural son of James, Earl of Buchan), by Papal Dispensation, Nov. 9, 1505. Her husband fell at Flodden. William was their son and heir. ² From thenceforth. ³ Probably Kelly, in Fife.
(Oct. 21.)—'The Lords Regentis and Justice continewit pe actioune of cryme depending betuix pe Lord Gray and Lard of Ballumby to pe thrid day of pe nixt Justice-aire of Forfare, or vpoun xv dais warning, because pe fad Lord Gray producit in jugement before peame ane Respect1 granit to him be pe Kingis grace, qubilk pei wald obey.'

(Jan. 16, 1536-7.)—Lord Gray was proved to be sick and unable to appear.—Roger Charteris, and five others, were put to the horn for this crime, and all their effects to be eicheated, &c. (Apr. 17, 1537.)—They were denounced Rebels, and put to the horn. (Jul. 12.)—Robert Fresell, Thomas Gray, and David Lekky, denounced Rebels for the same crime; And for coming to the fishing diverse times, threatening his servants, breaking and destroying his boats and nets, and firing at them from the Tower of Bruchty.

Waylaying Lady Luss for her Slaughter, &c.
Aug. 16.—Walter Maffarlan found John Naper of Kilmahew and John Buntyne of Ardoche, as cautioners for his entry at the next Justice-aire of Dunbertane, to underly the law for art and part of Convocation of the lieges in great numbers, in warlike manner; and beftettivg the way to Margaret Cunynghame, relit of vmqui Sir John Culquhoun of Lufs, kn1, and David Farnely of Colmifoutoun, being for the time in her company, for their Slaughter; and for other crimes.

Oppression—Stouthreft of a Waggm, &c.
Aug. 25.—Mariota Hume, Countess of Craufurde,1 Patrick Crechtoun of Cannay, and seventeen others, found caution (the Lairds of Keir and Cranftoun), to underly the law before the Justice, on Nov. 24, for art and part of the Stouthreif and Oppressifion done to John Moncur of Balluny,2 in feizing from him of a 'wayne,' or waggon, with four oxen and two horses. (Nov. 24.)—They became in his Majesty's will, and found Sir John Striueling of Kere, kn1, and John Creychtoun of Ruthvennis, as cautioners to satisfy the parties.

Slughter of a Chaplain.
Sep. 20.—John, Lord Lile,3 and William, Master of Lile, his son, and

1 Respite.
2 Same of Alexander, second Lord Hume, and widow of John, fifth Earl of Crawford, who was slain at Flodden, where he had a chief command. Lord Hume led the van, along with the Earl of Hunsley, and was one of the few who escaped. 3 John, fourth Lord Lyle, who married Grisell Betoun, daughter of David Betoun of Greich, and niece of James, Archbishop of Glasgow. William, Master of Lyle, is not mentioned in the Peerages, and must have died previous to August 29, 1541, when John, his son, and heir apparent, got a charter of Novodamus of the Barony, on his father's resignation. Reg. Mag. Sig. xxvii. 188. John Lord Lyle died without male issue, leaving only one daughter, Jean, who married Sir Neil Montgomery of Lainslaw, and the title thereupon became extinct.
their accomplices, dilated for art and part of the Slaughter of Sir John Penny, chaplain."

Casting down a Mill, &c.

Oct. 16—Henry Atkinson of Sleichhouffis, Robert Brownefield, and Hugh Wod came in his Majesty's will for the Oppreension done to Elizabeth and Alison Hume, the heiresses of Faft Castle, and to Sir Robert Logane of Reftalrig, and Sir Walter Ogilvy of Dunlugus, their husbands, for their interest, in casting down the Mill of Hutoune, on August 24 last, and filling up the Milldam thereof: And for Southrief furth of the said Mill, of the 'mylne irnis (irons) and the mylne graithe.' Sir John Stirling of Keir, William Craufurd y of Lefnorigs, and John Lile of Stanypethe became cautioners for their satisfying the King and parties.

Selling Virtual and Sheep to the English.

Oct. 20.—Patrick Brownefield in Halvingtoun convicted of breaking the general Proclamation, in selling of a boll of viciual in England: And William Hoppringill in Toftis, convicted of selling thirty sheep to the English. Caution was found to enter them in ward in any of his Majesty's Castles as might afterwards be directed.

Theft of a silver 'pece.'

Oct. 31.—Andrew Dempsbar, convicted of art and part of the Theft and concealment of a silver 'pece' from the tavern of Robert Bertoune, in the burgh of Edinburgh.—Hanged.

Keeping of the Castle of Edzeartoun.

Nov. 8.—Walter Ker of Cesfurde, Warden of the Middle Marches, bound himself to keip the Castle of Edzeartoun, on receiving the profits of the lands for his trouble; and also to apprehend Robert Ruthurfrude, rebel.

Slaughter of the Laird of Westhall, &c.

Nov. 14.—John Bannatyne of Corehouse, Thomas his brother, James Hammiltoun of Stanehoufe, and nineteen others, found caution to underly the law, at the Juftice-aire of Lanark, for art and part of the cruel Slaughter of John Grahame of Westhall, Robert and John Grahame.—Some other persons were denounced Rebels, &c. for not appearing.

1 It is probable that the matter was compromised, as no farther notices occur of this case. **Vnius taffle argeni; a drinking-cup; a wassail-bowl.**
Slaughter of the Laird of Linthouse — Rape (Ferrible Abduction).

Nov. 14.—THOMAS WEIR OF BLAKWOD, and John Campbell, alias COX, found caution to underly the law, at the next Justice-aire of Lanark, for art and part of the cruel Slaughter of Archibald Tenent of Leuenax (now Linhouse) : AND for art and part of Ravishing the wife of Robert Hammitoune, dwelling at the Chapel of St Bride.

Oppressing and Wounding the Countess of Craufurd, &c.

Dec. 12.—JOHN MONCUR of Balluny,¹ and Mariota (May) Dowglais, his spouse, and four others, found caution to underly the law, at the next Justice-aire of Perth, for Oppression done to Mariota (May) Countess of Craufurd, in breaking up the soil and ditches of her lands of Potento, and Wounding the said Countess in the throat: AND for common Oppression.—Robert Carnegy of Kynnaird, George Arrot of that Ilk, and George Halyburtoun of Petcur, were americated for absence from the Affile.

Feud between Lord Hume and the Laird of Edmonstoun.

Dec. 19.—GILBERT, WILLIAM, and THOMAS HWME, came in the King’s will for Convocation of the lieges in great number, armed in warlike manner with lances, bows, and arrows: AND for art and part of the Hamefuckin, beletting of the way, forethought felony and Oppression done to John Edmonston of that Ilk, coming to his lands and heritage of Ednem, and invading him and his servants for their Slaughter, and cruelly Hurting and Wounding . . . . Wychtman with a lance, in peril of his life.—John Hwme of Coldenkholis became surety for the appearance of the said Thomas Hwme at the next Justice-aire of Berwik.

Supplication of William and Gilbert Hume to the Lords Regents.

My Lords Regents, ynto your l. huimlie mensie and schawis, we ȝour seruiours, WILLIAM HUME and GILBERT HUME: ... yre ydarr yng, vnder ȝc pany as we may find. AND your auuer huimlie I (we) beque.—(Indorfe) APUD EDINBURGE xviij Februaire, anno I° V°xvij. The Lordis Regentis Ordans pe Jtice Clerk to tak ficker² souterie of pìr complenaris, pe tis tauld obserus and kep gud reul in tyme cumynge, þer of þam vndir þe pane of V° hundreth merks: And alfo, þat þis tauld entir within ward in þe Castell of Edinburge, or ony þer Castell within þe realme, quhen it pleis þe Kingis

¹ See Aug. 25, 1596. ² A brell, scuffle, or quarrel. ³ Sure caution. ⁴ Either, each.
Oppression — Invasions — Wounding — Mutilation.

Jan. 30, 1586-7.—Gilbert Earl of Cassillis, Fergus Makedowall of Freuche, John Kennedy younger of Drummelane, Alex. K. of Glentig, James K. of Knokdene, and twenty-three others, found surety to underly the law at the Justice-aire of Air, for art and part of the Mutilation, besetting the way, forethought felony, Oppression, and breaking the King’s Proclamation in his absence; and coming upon John Dunbar of Blantyre, and his four servants, within the burgh of Air, upon Dec. 9 last, to the number of fifty persons, armed in warlike manner, cruelly invading them for their Slaughter, Wounding three servants of the said John, and Mutilating two of them in the hand and thigh.

Oppression — Mutilation.

Hector, George, and David Dunbar, Hugh Hammiltonoue, and John Gillis, found caution to underly the law at the next Justice-aire of Air, for art and part of the forethought felony, common Oppression, and Mutilation of Peter Rankin, coming upon him and James his brother, within the burgh of Air, upon Dec. 8 last, and cruelly invading them for their Slaughter, of forethought felony.

Sheep-stealing — Inbringing of Englishmen, &c.

Apr. 17, 1587.—Andrew Hall, called Fat-fow, and William Hall, called Wantoune pymitt, denounced Rebels, &c. for not underlying the law, for art and part of the Theft of certain sheep from William Dowglaue of Bone-Jedburgh and his neighbours: And for art and part of the inbringing of certain Englishmen to the Place of the said William Dowglas of Cunçartoune, and for art and part of Stealing certain corns furth thereof.—Perly, Cuthbert, and John Hall, called Wyde-hoife, and John Bennet in Schank, found caution to underly the law for the same crimes, at the next Justice-aire of Roxburghe.

'S Gunnalline' of Virtual — Selling Sheep to Englishmen.

May 30.—James Riddle, burgess of Jedburgh, convicted of art and

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1 The family of Bannatyn (of whom was descended the now famed George Bannatyn), long held office as Clerks of the Court.
2 This is the only instance this phrase is used in the Record. It is an order to delete, or blot out the old act of cautionery from their books.
3 Of Pitgormo, Lord Justice Clerk.
4 See Aug. 11, 1587, where it appears that these persons were afterwards slain by the Douglases.
part of breaking the Act of Parliament in 'girnalling' of victual. Delivered
over to the Captain of Edinburgh Castle to be kept in ward.—Andrew Rid-
dale convicted, at the same time, of selling three scores of sheep called
'hoggis' to Englishmen, contrary to the King's Proclamations. Also warded.
They both found caution, to the extent of 500 merks each, to appear before
the Justice on 1st, and afterwards on 11th days of June, when they were per-
mitted to compound with the Treasurer.

Abusing (Forceible Abduction.)
Jun. 10.—Thomas Kennedy, son of Thomas Kennedy of Knokreoche,
found James K. of Blarequann to be his cautioner, that he should underly the
law at the next Justice-aire of Air, for art and part of the 'Reiving' Kathe-
rine Kennedy, daughter of vmq" Alexander Kennedy, Girvane-manys.

Withholding the rents of Orkney and Shetland, &c.
Jun. 15.—Barbara Stewart, William, her brother, and eleven others,
dilated for art and part of the Stouthreif and detention from Margaret Lady
Sinclare of the rents of her lands and lordship of Shetland: And for art
and part of Stouthreif from the tenants and inhabitants of the Lordships of
Scheitland and Orkney of their marts, hides, swine, sheep, meal, butter, oil, and
malt. Ordered to appear on Jun. 23.—(Jun. 28.) Denounced Rebels, and all
their goods to be escheated.

Besetting the Abbot of Melrose — Oppression, &c.
Jun. 22.—John Hume of Coldaneknowis found caution (James Ker of
Mensingtowne) to underly the law at the next Justice-aire of Berwick, for Beset-
ting the way, of forethought felony, and for Oppression done to Andrew Abbot
of Melrose, on Jun. 15, lying in wait for his Slaughter, with Convocation of
the lieges to the number of 120 persons, between Moos-Roploche and the Monas-
tery of Melrose.

Stouthreif — Oppression — Wounding.
Jun. 25.—Robert Turnbull, alias Feblem Hob, denounced Rebel
and put to the horn, &c. for failing to underly the law for art and part of the
violent Theft and Stouthreif from Sir Walter Ogilvy of Dunlugus, kn', furth
of his set of the lands of Colbrandifpethe, of 20 head of cattle or 'nolt': And
for art and part of the forethought felony and Oppression done to William Bell,

1 Sheep of a year old, which have not been born.  4 Perhaps Lady Margaret Sinclair, the
third daughter of George, fourth Earl of Caithness, and wife of William Sutherland of Duffus.
24 Jac. V. CRIMINAL TRIALS.

William Small, and Andrew Stevinsone, his servants, cruelly wounding and hurting them with lances.—Six others were fined for not appearing to underly the law for the same crime.

[Archibald Earl of Argyle, Justice General.]

Treasurable Conspiracy against the King's Life.—Conspiring the Destruction of the Scottish Army at Bediburgh.

[The fate of the Master of Forbes has long been matter of History, and the details have been recorded with more or less accuracy by Buchanant, Lesly, Sir James Baifour, Pinkerton, and Arnot, in his Collection of Criminal Trials, has devoted more than usual space to the discussion of this, the introductory, Case of his Abridgement; which, however, he confuses in his ordinary manner, and colours it with his peculiar views. As Mr Tyler's History enters so minutely into all the leading public events, it is unnecessary for the Editor to attempt even the briefest outline of the circumstances. The only mention which it is deemed necessary to be given, in this place, is the following passage, taken from Calderwood's History of the Church of Scotland, and the reader will find appended to the Trial three important illustrative Papers. These documents contain all that is requisite, in the mean time, towards the formation of a clear opinion of the nature and merits of this remarkable Case.

'John Master of Forbes,' be the persuasion of the Earle of Huntlie, who had seduced one of his servants called Strachene to reveal and forge a Conspiracie intendit by his Master, was perjured and convict be one Afflal, as having some years before fought, with the Douglases, to slay the King. It was true he married the Earle of Angus his sister; but it could not be proven sufficientlie and clearlie, aither by Witneces or other evidences, that ever he had fach a purpose. It was knowne that the greatest part of the Assise was corrupted by the Earle of Huntlie. The Master of Forbes was Beheaded the 10 of July 1557; and Strachene the revealer was Banished, becaus, as was aledged, he had conveyed the Treafoune money yeeres. Howbeit, the people judged not the Master of Forbes to be guilie of that Treafoune, quibch was laid to his charge; yet, did they not lament for his death, becaus he had beene guilie of manie grievous offences otherways. The King seemed to repent of this fact soon after, for he received one of his brethren into Court, and the other he restor'd to his brother's patrimonie, and procured to him a good marraige.'

There is only one circumstance farther which need be noticed, viz. that the Master of Forbes, notwithstanding of his sentence, was beheaded and quartered, &c. his relations having been spared the more ignominious part of the sentence. Wood, in his Peereage, following Arnot's account of the matter, relateth that he was hanged and quartered, &c. Leslie, however, informs us, that 'he was heidit and quarterit at Edinburgh, and his head and quarteris affixit apoun the Portis'—and Baifour says, that 'be the mediation of some frindis, he had that sauor to be beheadit and quarterit.' On the scaffold he denied the Conspiracy against the King; but acknowledged that he deserved to

1 Buchanant, xiv, 53. 2 Lesly, Baw. Club's Ed. p. 154. 3 Annales, I. 267. 4 Hist. of Scotland, Quarto, I. 345. 5 Trials, p. 1. 6 M.S. Advocates' Library. 7 He was the eldest son of John, sixth Lord Forbes, by Christian, daughter of Sir John Lundine of that Ilk. Lord Forbes, as will be seen from the accompanying Papers, was also accused of the same Conspiracy, and was for a long time Warded in the Castle of Edin- burgh; but, ultimately, he received a free excemption from every charge of guilt. He died anno 1547. 8 George, fourth Earl of Huntley, who was slain at the Battle of Corachie, when his army was overthrown by the Queen's forces under the Earl of Moray, Oct. 28, 1562. 9 See Jul. 29, 1557, of this Collection. 10 Pitcairn says, he 'sware vpon the scaffold that he was innocent of these crymes of Treason quhairof he was convict; but he knew well it was the innocent Slauchter of the Laird of Meldrum quhilk had brocht him to that poynit.'—Lindsay's Chronicles, II, 353.
die for the Murder of the Laird of Meldrum. ¹ The Editor again begs to refer the enquiring reader to Mr Tyler’s History, where, doubtless, he will find a lucid narrative of the whole circumstances connected with this remarkable Trial.


Nomina assise elect. et admiss. super prefato Johanne Magistro Forbes, vis.


Laud sede Sententia Forisfacture reddita contra prenominatum Johanne Magistro Forbes, per os Willelmi Carwood sectatoris ³ dicte Curie, prout sequitur in vulgari.

It is fundin by the said Affiffe, that Johne Maister Forbes e has committit art and part of pe treffonble Conspiratique and abhominabil ymagiation of pe Slauchter and dractione of oure overane lordis maift noibill perfone be schott of culivering, oure said overane lord being for pe tyne in his burgh of Abirdene, for executione and administroation of juftice in pe North partis of his realme; And for art and part of pe treffonble feditioune rafig amang oure overane lordis laft Oist and Army, being at Jedburgh, for defence of his realme aganis pe Army of Ingland, in tyne of weir; treffonble conspirand

¹ Wood’s Peerage, I. 592. He got a remission under the Great Seal for the Murder of Alexander Seton of Meldrum, Oct. 10, 1530. Reg. Mag. Sig. XXV. 364. See also various entries in this Collection, and in the Appendix to the present reign.
² The case being so remarkable, the text is given untranslated from the Record. The Doom being inserted in vulgari, we have thus the entry in both forms.
³ Dempitare, q. d. doomsfler, whose office it was to pronounce the sentence.
and ymaginand þe diisctioune of ane part of þe ARMY OF SCOTLAND, being
for þe defence of þe realme aganis þe perfeyctionis and incurionis of þe auld
inymes of Ingland, being ypone þe faidis Bordouris, in apperand tynfall of þe
haill Army of Scotland, and apperand skaith and diisctioune of our foverane
lord, his realme, and Commone-weill of þe famin, for þe tressonabill help and
fappel of þe faidis inymes of Ingland.—For þe qhilk tressonabill crimes, the
faid John Maister Forbes hes forfaillt to our foverane lord his life, landis, and
gudis, movable and vnmovable: And fall be harlyt and drawin trow þe caisay
of Edinburȝ, and hangu 1 on þe galloufe to þe deid, and quarterit and demanyt
as ane traytour. And þis I gif for dome.

PAPERS ILLUSTRATIVE OF THE MASTER OF FORBES’S TRIAL.

I. JUDICIAL CHALLENGE OF THE MASTER OF FORBES, AS A TRAITOR AND CON-
SPIRATOR, BY GEORGE EARL OF HUNTLIE.

At EDINBURGH, þe xj day of Junij, the 3ear of God iijV 16 and xxxvij 3eris.
In prefens of þe KINGIS grace and LORDIS OF HIS COUNSALE vndirwrittin;
that is to fay, ane maift Reverend and Reverend faderis in Goð, Gawyne Archi-
bishop of Glasgowie, Chancellare, James Bishop of Roffe, William Bishop of
Dunblane; Venerabill faderis in God, David Abbott of Abirbrothok, Robert Abbott
of Halyruddoufe; Noble and michty lordis, Hew Erle of Eglintoun, David
Erle of Craufurd, George Erle of Rothes, John Lord Erkyn, Malcolme Lord
Flemynge, Walter Lord of Sanct Johnnis, John Erle Lindefay, Hew Lord Som-
eruile, Thomas Erkyn of Breching, Secretare, James Coluile of Æte Wemyss,
John Campbell of Lundy, knychtis, COMPERIT ane nobill and michty lord,
GEORGE ERL OF HUNTLIE, &c. one þat ane parte, and JOHN MAISTER OF
FORBES one þat vper parte, and þare þe faid Erle delatit þe faid MAISTER (OF)
FORBES to our foverane lord of þis cryme of Tressoun and Lefè-maiefòce efter
following; That is to fay, Ye faid MAISTER OF FORBES had imagynit and
conspirit his HINES dede 2 and Slauchter, be ane schot of ane small gwde or
culuerin within þe burgh of Abirdene. Qhilk cryme þe faid MAISTER OF
FORBES denyit, and faid it was nocht of verité; and offerit him to defend þe
famyn with his body 3 And becaufe þe faid ERLE OF HUNTLIE allegit þat þe
wordis wer faid to him, and þe siairis þairof wer nocht prefent; bot þat he fuld
bring ane landit or gentill manne 4 fayaris of þe faidis wordis to þe KINGIS
grace, to avow þat þai faid þir wordis, and þat at the þe day nemmit be þe KINGIS
grace: And failzieing þairof he hes tane vp þe plege. 5

1 Sir James Balfour, in his quaint manner, gravely remarks, that the Master of Forbes 1 had sen-
tence to be hanged and quartered; but, by the mediacion of some friends, had the favor to be
beheaded and quartered!—Annales, i. 266. 2 Sic. 3 This mode of
impeachment was generally done in form of a solemn challenge, in presence of the King and his
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† 2 A
THE quhilk mater being put to pe avisement of pe Chancellare and Lordis being present for pe tyme, for pe odiousnes of sa heichane crime, and pairwith being avisit, and pai referand pare counfale and avis agane to his hienes, in quhais prefens pe said George Erle of Huntlie hes bundin and oblit him, his landis and heretage, vndir pe pane of twenty thousand markis, to bring pe said landit or gentill manne, dilataries and sayaris of pe cryme forfaid, before our said fourane lord or his Justice in Edinburghe, or quhat vper place he pleis to affigne, pe firstt day of July next to cum. And pai for pe saidis Lordis of Counfale Ordanis ane Herald, or vper officiare, to pafs, and command and charge pe said Maister of Forbes to enter his perfoun in pe Castell of Edinburghe, vndir pe pane of Trefouene; and pai to remane quhili pe said day, or ellis pat he, within pe said pace, find sufficient cautione' and fouri to pe said Justice Clerk, pat he fall compere pe said firstt day of July, before our fourane lord or his Justice, to defend pe said mater, as accordis vpone pe law, vndir pe pane of xx" markis: And alse, to command and charge pe said Johne Master of Forbes, pat alse lang as he remanis within pe burgh of Edinburghe, pat he cum na nerrare pe Kingis grace bot to pe Nether boll' of pe famyn, quhill pe said day, vndir pe pane of Trefouene: And gif it pleis pe Kingis grace to cum to pe said burgh any tyme within pe said day, pe said Johne Master of Forbes being within pe said burgh, fall remane within his house and lugeing during pat tyme, and fall noct cum furth of pe famyn sa lang as pe Kingis grace beis within pe said burgh: And gif pe said Master of Forbes paffis, ony tyme betuix pis and pe said day, furth of pe said burgh, pat he cumocht nei to pe Kingis grace, within thre mylis, vndir pe pane forfaid.

(Dec. 11, 1537.)—II. Bond of Caution (taken by Warrant of the Lords of Privy Council, that John Lord Forbes, and William Master of Forbes, should not escape from the Castle of Edinburgh.)

In prefens of pe Lordis Chancellar, President, and Lordis of Counfale, Comperit Walter Innes of Touchis, Robert Orrok of pat Ilk, James Forbes of Carnebo, John Forbes of Drumdocht, and Williame Forbes of Ardmurdo, become plegeis and fouerteis, coniunctie and feuerrallie, renunciand pe benefice

The challenger, after 'delating' or charging the accused person of Treason, &c., threw down his gauge, or gauntlet, which the accused, if he denied the charge, took up; and 'offertit to defend the famyn (his assertion of innocence) with his body.' In absence, or failure of sufficient proof, the King frequently referred the matter to duel or 'Singular Combat,' as it was then termed, exclaiming, 'God defend the richt!' This Contest, like many other ordeals of a similar description, was founded on a deep knowledge of human nature; and seemed necessary, in these barbarous times, for the well-being of Society. The self-possession and innocence of the one party, and the boisterous arrogance, and confusion of the other, frequently, indeed generally, produced a termination favourable to the ends of substantial justice. Numerous instances could easily be adduced, if necessary, of the Judicial Combat having been authorized by Royal authority in Scotland.

1 His cautioners were John Lord Forbes and John Forbes of Pitsligo. 2 The Nether-Bow Port.
of diuision, to the Justice Clerk, in our fourane lordis name, for John Lord Forbes, and William Maister of Forbes his sole, now being within the said Castle of Edinburg, in Warde, that pai fall nocht echew nor depart furth of the said Castle of Edinburg, but fall remane pairintill, as in fre Warde, quhill pai be fred furth of the said James, by the grace, vndir pai pane of Ten thousand merkins.—Et hoc plenum captum fuit ex mandato Dominorum Confili.  

(Apr. 10, 1538.)—III. WARRANT to allow William Master of Forbes free Ward within the Town of Edinburgh.  

Rex, Justice Clerk, fiorfamekle as we haue changit the Ward of William Forbes, femme and apperand aire of John Lord Forbes, now beand in owre Castle of Edinburghe, to cum and remane in ward in owre Toune of Edinburghe: Quarefor, We charge now, that incontinent eftir the fyght hereof, ye tak sicker fouerte and sufficien to pay the said William keip and remane in Ward within the said Toune, and haue him honestlie pairin, and nocht to depair pairfra without our special licence granted and haud pairto, vndir pai pane of Ten thousand merkins. Subscriure with owre hand, at Edinburghe, the x day of Aprile, and of our regnne the xxv zugere.  

James R.

Conspiring the King’s destruction, by Poison—Treasonably Intercommuning, &c. with the Earl of Angus, &c.  

[One of the most remarkable passages in the history of the reign of King James V, is the detail of the proceedings so rancorously adopted and put in execution against Jean or Janet Douglas, Lady Glamis. The Editor considers it as due to the memory of a noble, and, as he conscientiously believes, a much injured Lady, whose character has met with an undue measure of severity from Historians, to enter rather more fully than usual into a statement of the facts of her case. It is probable that this injustice has arisen from the circumstance of its having been usual for succeeding writers to take for granted all statements made in the earlier Chronicles and Historians, without further examination; and thus, until Mr Pinkerton and Mr Tytler adopted a very different course, errors the most glaring were perpetuated, and handed down from one author to another.  

Jeanet Lady Glamis was the second daughter of George Master of Angus, (eldest son of the great Earl) best known by the name of Bell-the-Cat, by Elizabeth, second daughter of John first Lord Drummond. The reader may be reminded, that the undaunted old Earl of Angus, having remonstrated against the rashness and imprudence of King James IV accepting the challenge of the Earl of Surrey to fight, received what he deemed an unpardonable affront from his sovereign, who taunted him for his counsel, and proudly told him, if he was afraid, he was at liberty to go home. Retiring in disgust from the field of battle himself, and, as is related, with tears of indignation, he generously left all his followers with his two eldest sons, who both fell at Flodden Field, with two hundred gentlemen of their name. Bell-the-Cat, broken-hearted, thereupon withdrew from the world, and died the following year, 1514, at the Priory of Whithorn, in Galloway.  

1 John Forbes of Pitlargo and George Meldrum of Fyvie (Fyvie), 10,000 marks.  
2 Behave, conduct himself.  
3 Anno 1538.  
4 Wood’s Peerage, I, 194. Pinkerton’s Hist., &c.
The unfortunate lady who was the victim in the following Trial, married John sixth Lord Glamis, who died Dec. 12, 1527, leaving issue by her, John seventh Lord Glamis, then a youth. He was long involved in the consequences of his mother's misfortunes, and Elizabeth, married to Ross of Craigie. She appears soon afterwards to have married Archibald Campbell, who is styled by Historians of Kepneth. This gentleman appears to the Editor to have been Archibald Campbell of Skipnish (Skipinish), who was the second son of Archibald second Earl of Argyle. He obtained a Charter of the lands and Keepership of the Castle of Skipnish or Skipnish, Aug. 18, 1511, from King James IV. The Editor does not recollect to have met with the title of Keipnec in any of the Public Records, and thinks it extremely probable that Campbell of Skipnish was the second husband of Lady Glamis. At all events, it is very unlikely that a high-born Lady of so distinguished a family as that of Douglas would stoop to a matrimonial alliance with a small Highland Laird, unconnected with any noble family. It is proper, however, to state, that the Editor has no proof to adduce in support of this surmise. Being possessed of a masculine mind, and a large measure of that undaunted courage, which so long characterised the Douglases, she generously, but imprudently, braved the King's Proclamations, which strictly forbid all persons, of whatever degree, from 'intercommuning' with, or giving food, raiment, or shelter to the Earl of Angus, and other traitors and Rebels, under pain of death.

It must be borne in mind, that Archibald, the sixth Earl of Angus, Chancellor of Scotland, who was forfeited in Parliament, Sep. 5, 1528, along with George, his brother, and Archibald, his uncle, was brother-german to Lady Glamis, who was closely attached to him alike by the bonds of natural affection and of private friendship. With the unqueschable fidelity of a sister's love, she afforded her brothers and their uncle all the assistance in her power, and speedily drew down upon herself a portion of the implacable vengeance which King James V had sworn against the Douglases, it being known that he had taken a deep and solemn vow, that while he lived they should never find refuge in Scotland. This Noblemame, on the death of his first wife, Lady Margaret Hepburn, second daughter of Patrick first Earl of Bothwell (who died in childbed in 1513, without surviving issue), married, Aug. 6, 1514, Margaret of England, Queen Dowager of James IV, within eleven months after the fatal field of Flodden. The indecent haste with which this match was got up, and the ambitious views of the Douglases, who through this means obtained the custody of the young King's person, in reality accelerated their downfall, by exciting against them the jealoousies of a powerful faction of the Nobility. The King having made his escape out of Angus's hands, in July, 1528, the forfeiture of the Earl, his brother, and uncle, followed speedily after the meeting of the earliest Parliament, Sep. 4, 1528. It cannot be disguised that the violent and openly treasonable conduct of the Earl and his faction after this period was by no means calculated to restore him to royal favour, or to reconcile him to his injured countrymen. Having made many incursions into his native country, he retired into England, and became a pensioner of Henry VIII, who, in 1532, settled an annuity of one thousand marks Sterling upon him. The subsequent restoration of the family, after the death of King James V, is well known, and the outline of the history of his after life is unnecessary to be touched upon here, as being entirely foreign to the present subject.

So early as Dec. 1, 1528, she was summoned to answer before Parliament, along with Patrick Hume of Blacater, Hugh Kennedy of Girvanemany, and Patrick Charteris, for art and part counsel, assistance, &c., afforded to the Earl of Angus, in convocating the lieges for eight days immediately preceding Jun. 1, for invasion of the King's person. This Summons of Treason was continued to Jan. 18, 1528-9, when the matter, so far as Lady Glamis was concerned, seems to have been dropped, for on the next diet, Jan. 22, her name no longer appears. In a few years afterwards, on July 1, 1531, we find that Gawyne Hammiltoune got a Gift from the Crown of the escheat of  

1 See his Trial, Jul. 18, 1537. 2 For some particulars of that devoted family, see this Collection, Vol. III, p. 445, and Appendix, pp. 582 to 590. 3 Reg. Mag. Sig. xvi, No. 33. 4 See Extracts from the Privy Seal Record, in the Appendix to this reign, under that date.
all the goods, heritable and moveable, which had pertained to Lady Glammis, and had been forfeited on account of her 'Intercommunyng with our fourerane lords Rebellis, or for any vpyr crymes,' &c. On Nov. 29 of that year, Haldane of Kelour and several others were fined for not passing upon her Assise; and on Jan. 31, 1531-2, John Drummond of Innerpeffery became surety for her entry at the next Justice-aire of Forfar, for art and part of taking the life of her husband, John stock Lord Glammis, 'per intoxicationem,' which probably was meant to signify the employing of drugs, charms, or enchanted potions. This shifting of the ground, in relation to the charge of crime alleged against her, seems to have proceeded from the repeated refusal of the Barons to come forward as Assessors or Jurors on her Trial, and from the fear on the part of the public prosecutor that the Case would break down for want of legal and satisfactory proof of her being guilty of any Treason. Such suspicious circumstances naturally lead us to infer that her real crime was the political offence of her being a true-hearted Douglas, and as such a contumacious desipier of the Royal tyranny, which would attempt to force her to deny succour to her oppressed brothers and uncle, and other "Rebels." As Lord Glammis died Dec. 12, 1527, it is highly improbable that all legal proceedings would be allowed by the advisers of the Crown to be totally suspended for nearly four years against one who was, at any rate, obnoxious to the King. There were never wanting enough of officious spies about the Scottish court to ferret out the truth of even the shadow of suspicion of crime against those who were unhappy enough to lie under its ban; and had there been any just ground of accusation, Lady Glammis's career would have at once been cut short.

In farther corroboration of the feelings of the Barons, in relation to the innocence of Lady Glammis, it may be stated that, on Feb. 2, 1531-2, Fullerton of Ardoch, and a number of other Lairds, were amerciated for refusing to pass upon another Assise, which her prosecutors had again caused to be summoncd for her trial. And once more, on Feb. 26, Lord Ruthven, Lord Oliphant, &c., were fined for the same cause, as may be seen from the various entries, under these respective dates, in this Collection. Owing to the imperfect state of the Criminal Records, no farther notice of this ill-used lady can now be procured until the day of her Trial, when unprincipled Witnesses appear to have been brought forward, who gave false testimony; upon which the Jury were compelled to return a Verdict of guilty, 'without any subsistantiall ground or proof of matter.'

With regard to the articles of Dittay, they are only two—treasonably Conspiring and imaginig the King's Slaughter or defrutition by poison, and treasonably assisting, supplying, resetting, intercommuning, and fortifying Archibald, Earl of Angus, and George Douglas, his brother. The popular story, which originated in the blunders and fables of some of the Chroniclers and Historians of the age of Mary and James VI, has hitherto been, that the Lady Glammis was burnt for Witchcraft! The Records leave no room for imagining that such formed any part of the charges adduced against her. Assuredly, had it been possible to bring forward such an accusation, we may infer that it would have been strenuously urged against her, to secure the popular voice in favour of the King; and, above all, it would have been prominently recorded in the Dittay, and also in her Sentence. Mr Pinkerton, deluded by the frequent repetition of this fable, indulges himself by entering into extenuation of the conduct of James V, for sanctioning the prosecution of Lady Glammis for the imaginary crime of Witchcraft; and other authors, otherwise respectable, have fallen into the old vice of the earlier Historians, who have immemorially been in the habit of perpetuating each other's errors, by indolently taking for granted all that their predecessors had stated, without being at the pains of examining for theirselves Records and documents which were at all times within their reach.

Perhaps the fabulous story in regard to a charge of Witchcraft having been brought against

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1 Sir John Drummond of Innerpeffery, third son of Sir John first Lord Drummond, was the father of this individual, who married Margaret Stewart, Lady Gordon, natural daughter of King James IV, legitimated by Letters under the Great Seal, Feb. 1, 1556-7. 2 Letter from Sir Thomas Clifford to King Henry VIII. Mus. Brit., Caligula, B. iii, 187. Pinkerton's Hist. 11, 346. See also this Collection, I. * 198.
Lady Glamis, may have originated in the preceding attempt to fasten upon her the pretended guilt of taking away her first husband's life by charmed drinks or drugs. This, however, took place many years before her execution. A more plausible reason for reporting that she dealt in Magic or Witchcraft may have been the barbarous manner of her death; for, she having died at the stake, it is not unlikely that the popular report, fifty years, or even a century afterwards, would be that she was 'Burnt for a Witch.' In all cases of Treason and Murder, as well as in those of Witchcraft, Sorcery, &c., females of rank were invariably burnt at the stake, until a comparatively recent date, when decapitation was sometimes granted, in particular instances. In crimes of an inferior description, such as Theft, &c., females, and often infirm old men, were drowned. From not attending to this circumstance, and as Witchcraft was uniformly punished by burning at the stake down to the commencement of the eighteenth century, it was natural for the more modern Historians, who were well aware of the manner of her death, to repeat what they had met with in the pages of earlier Chroniclers, &c.

There is one circumstance which strikes the Editor as affording a very extraordinary feature in those proceedings. The truly amiable Magdalenque Queen of Scotland, who had only arrived from France on May 19, died on July 7, 1587; which plunged the King and the nation into the deepest sorrow. Never did a Queen-consort commence her reign under happier auspices, and with so entire a love of all her subjects. James V. had to all appearance abandoned himself to grief for her loss, and had retired from the pleasures of the Court and from all his usual sports and employments, when suddenly, in the very crisis of domestic and national affliction, these rigorous proceedings were adopted and perpetrated, with feelings of private revenge and hatred altogether abhorrent to human nature. Had such a course been previously determined upon by the advisers of the Crown, certainly the time was the worst that could possibly have been chosen; for even had this excellent Queen survived, Lady Glamis must either have been put to death by burning at the stake during the midst of the festivities which followed her Marriage and Public Reception, or at the very moment of the celebration of her Funeral Obsequies! The whole complexion of this shocking tragedy bears such savage traces of a furious and unmanly revenge against a noble and unprotected female, who was the only individual of her family on whom they could lay their hands, that it can hardly be compared with any other event, either in ancient or modern history.

The Editor need scarcely apologize for appending a few notices, which he considers as necessary towards the full understanding and illustration of so remarkable a Trial, and so painful a passage of the History of Scotland.


Nomina Assisa electa jurat. et admitt, super prefatas Joneta Domina Glamys, viz.

Johnnes Comes Atholie, Wil. Kirkpatrick de Kirkmychell, Johannes Maillull de Raith, miles,
Johnnes Comes Buchanie, John Creichtoun de Ruwennis, Jac. Towris de Innerleith, miles,
Robertus Dominus Maxwell, Jacobus Ker de Merfingtoun, Dauid Barclay de Mathers,
Wil. Magifter de Glencarne, miles, Gilbertus Comes de Caflillis, Johannes Edmonstoun de eodem,
Johannes Hume de Coldenknowis, Willelms Dominus Sympili, Wil. Makelleane, Tutor de Bondby.

1 Letter from Sir Thomas Clifford to King Henry VIII, B. iii., 187. Pinkerton's Hist II, 348.
SENTENTIA FORISFACTURE reddie contra prenominatam Jonetam Domi-
nam de Glammys, per os Wilhelmi Curwod, sectatoris dicte Curie, prout
sequitur in vulgari.

It is fundin be se said Affile, That Jonet Douglas Lady of Glammys
hes commit art and part of pe treffonabil Conspiratioone and ymagonatioune of
pe Slauchter and destruion of our fouerane lordis maist nobill perfone be
poyfyn: And for art and part of pe treffonable affissiitie, supple, resflett, inter-
commonyng and fortifying of Archibald, sumyme Earl of Anguse, and
George Douglas, hir brother, Traytouris and Rebellis, in treffonabill maner.
—For se quhiliks treffonable crimes, se said Jonet Lady of Glammys hes foir-
fallit to oure fouerane lord, hir life, hir landis, gudis movabile and vnmovable:
And pat seoch fall be had to Caftell hill of Edinbughe, and pair Brynt in ane
fyre to pe deid, as ane Traytour. And pat I gif for Dome.

PAPERS ILLUSTRATIVE OF THE TRIAL OF JONET LADY GLAMMYS.
I. NARRATIVE taken from the History of Scotland, by David Scott of the Inner
Temple.¹

The Lady Jane Douglass, &c. accused for Conspiring to Murder the King.

At this time, the Lady Jane Douglass, sifter to Archibald Earl of Angus (who then liv'd an
exile in England), was the most celebrated beauty in the nation. She was of a middle stature, not too
fat; her face of an oval form, with full eyes; her complexion extremely fair and beautiful, with a
majestick mein. Besides all these perfections, she was a lady of singular chastity, her mind wanting
none of these perfections a mortal creature could be capable of. Her modesty was admirable, her

courage was above what could be expected in her sex; her judgment solid, her behaviour affable
and engaging to her inferiors as well as equals: And as she was descended from one of the most
ancient and illustrious Families in the kingdom (the'at that time eclip'ed') she had been married to
John Lyon Lord Glamis, a most worthy young Nobleman of noble birth, but died soon, and left
this young lady with one son: And tho' fill mifrests of her perfections and a plentiful joyniture, yet
continued a widow for some years after her husband's death. During which time, several of the first
Nobility of the Kingdom had courted her; but she was so much inclined to marry for wealth and
title, as for merit; so that the place'ed her affection on one Archibald Campbell of Kepnewh, who
commanded the Third Regiment in the King's Army, to whom she was married, to their mutual satisfac-

¹ Polle, Westminster, printed by J. Cleer and A. Campbell, in King's Street, near the Abbey, 1797. Though no
authorities are cited by the author on the margin, his account bears marks of having been supplied with Drummond
of Hawthornes History, which is fuller on the subject of this Trial than any other. From his residence in London,
he had, probably, access to State Papers, &c. from which his Narrative had been compiled. It has been deemed
advisable to print it here, as the book is but little known; and indeed it only professes to be an impartial compilation
from previous Histories and Chronicles.

² There seems to the Editor to be no doubt that this gentleman was
Campbell of Skippoch or Skippness, as formerly surmised. See the Case of John Lord Glammys, Jul. 18, 1537.
first husband and child, and not out of any regard to his own person or merit; but, since she found that he had such designs, she hated the sight of him, and affixed him that she never would comply with such abominable crimes.

This resolute denial so distracted him, that he upbraided her with ingratitude for the great love he had for her, and told her, since he had oft so much time in vain, he would study to banish her from his thoughts. But his violent love, or rather lust, turn'd to as violent hatred; so that after that he never visited her, but studied revenge. Thus his passionate love being succeeded by vengeance, he took some time to invent a plot against her life, which he resolved to sacrifice to his resentment: And at last found out the most horrid contrivance that Hell could suggest. He accuse's the Lady, her husband, and one John Lyon, an aged Priest, and his own near relation, of having a design to poison the King. Whereupon they were apprehended and confined prisoners in the Castle of Edinburgh, their goods seiz'd, and a strict charge given to the Judges of the Judicary to proceed to their Trials.

Mean time the accuser, William Lyon, having too ready access to the King's ear, studied all means to aggravate the crime; and that he might dispose the King to treat them with all possible cruelty, he represented that the Family of the Douglases had been always dangerous and troublesome to his predecessors, and even to himself and his kingdom: And reminded him of the insolent behaviour of Archibald Earl of Angus, brother to the prisoner, in the time of his Majesty's minority, whose practices were so dangerous, that by a public Decree he was banish'd the kingdom as a disturber of the peace of his native country: That since that time he was become the Subject of King Henry of England, his Majesty's greatest enemy; and was now the cause of all the Inroads made by the English into Scotland: And since he could not be restored to his honours and fortune without great difficulty, revenge had incited him to plot all the mischief he could against the King's person, and who could be employ'd in such wicked designs more true to him than his own sister, who by the ties of blood was oblig'd to secrete; and had employ'd her in that Conspiracy, thinking that her sex, character and birth, would make her the least suspected: Therefore advise's his Majesty, that if he had any regard either to his interest or safety of his person, it was necessary to extirpate that race, which produc'd nothing but monstrous Rebels; and especially that woman, whom, if he spair'd, he put it in her power to accomplish her wicked designs.

The King, being ignorant of the malice which William Lyon bore to the Lady, order'd she, her husband, and Chaplain, should be speedily brought to their Trial, without any regard to their birth or characters. And the Lady Jane was brought to the Bar, according to custom, to hear what she could say for herself. And having made particular answers to the questions propos'd by the Judges, she imagin'd that her danger proceeded from her relation to the Earl of Angus; and with the greatest courage and confidence imaginable, the deliver'd the following Speech.

Lady Jane: Do you offer your Defence at the Bar.

' Those that hate my brother are enrag'd, because he is not in their power, that he might fall a sacrifice to their malice; and they now discharge their spite upon me, because of my near relation to him; and to gratify their revenge with my blood, they accuse me of crimes which, were they true, deferr'd the severest death. But, since it is the only prerogative of God to punish men or women for the faults of others, which belongs to no judge on earth, who are oblig'd to punish every one according to their personal crimes, you ought not to punish in me the actions of my brother, how blamable soever. Above all, you ought to consider if those things I am accus'd of have the least appearance of truth; for what gives the greatest evidence either of the guilt or innocence of an impeach'd person is their former life. What fault could any hitherto lay to my charge? Did any ever reproach me with any thing that is scandalous? Examine into my former conversation; for vice hath its degrees as well as virtue, nor none can attain to a perfection in either, except by long practice; and if you can find nothing reprovable in my conduct, how can ye believe that I am arriv'd all of a sudden to contrive
this Murder, which is the very height and perfection of impiety? I protest I would not deliberately injure the most despicable wretch alive. Could I then make the Murder of my Sovereign, whom I always reverenced, and who never did me wrong, the first effect of my wickedness? None are capable of such damnable and unnatural actions, except such as are in desperate circumstances, or such as are hurried into Piety by reward or revenge. My birth, and condition of life, puts me beyond the suspicion of the first of this kind; and for the latter, since I was never injur'd by the King, how can I be suspected to thirst for revenge?

"I am here accused for purposing to kill the King; and to make my pretended crime appear more frightful, it is given out that the way was to be by poison. With what strange impudence can any accuse me of such wickedness who never saw any poison, nor know I any thing about the preparation of it? Let them tell where I bought it, or who procured it for me? Or though I had it, how could I use it, since I never came near the King's person, his table, nor Palace? It is well known, that, since my last marriage with this unfortunate gentleman, I have liv'd in the country, at a great distance from the Court. What opportunity could I have to poison the King?

"You may see by those circumstances, which give great light in such matters, that I am entirely innocent of those crimes I am charg'd with. It is of the office of you Judges to protect injur'd innocence: But if the malice and power of my enemies be such, that, whether guilty or innocent, I must needs be condemn'd, I shall die cheerfully, having the testimony of a good conscience; and assure yourselves, you shall find it more easy to take away my life than to blast my reputation, or to fix any real blot upon my memory.

"This is my last desire of you, that I may be the sole object of your severity, and that those other innocent persons may not share in my misfortunes. Seeing my chief crime is that I am descendent of the Family of Dowellas, there is no reason that they should be involv'd in my ruin; for my husband, son, and cousin, are neither of them of that Name or Family. I shall end my life with more comfort if you absolve them; for the more of us that suffer by your unjust Sentence the greater will be your guilt, and the more terrible your condemnation, when you shall be tried at the great day by the Almighty God, who is the impartial Judge of all flesh."

The Judges represent the Case of Lady Jane to the King.

This Speech was deliver'd with such courage, and free from fear, that the Judges were extremely astonished at her heroick behaviour; and when they had consider'd what she had said in her own defence, they delay'd the Sentence, and sent two of their number to the King, to represent to him, that, though the Witnesses had prov'd the Articles of Impeachment, and that according to the laws of the land, upon the Evidence, she deserv'd death; yet, upon a serious consideration of the whole circumstances of the matter, they could not perceive the least probability of her guilt: They were afraid left the rigour of the law in this case should prove the height of injustice, therefore they wish'd rather that equity and mercy should take place, it being more safe to absolve a criminal than to condemn an innocent person: That time alone could discover the truth of the matter, by making known the characters of those Witnesses who had sworn against her, whether they were men of honesty, or had been bribed to accuse her: That nothing was more advisable than to delay the whole affair for some days, which could be no danger to the King, since those persons were not to have their liberty; and when there appear'd any clear proof of their guilt, they might suffer according to the law. As for themselves, they were tied up to the form and letter of the law; it belong'd only to his Majesty to temper and moderate their Sentence by his clemency: Upon which account, they address'd themselves to him, since in such cases wherein the life, honour, and effects of persons of distinction are concern'd, all possible caution was necessary.

1 Summa justitia summa injuria.
The King's Answer to the Judges.

The King, who was naturally merciful, had easily complied with this request of the Judges, had not Lyon (who contrived the bellish plot, and then feared that if they escap'd his wickedness would be discover'd) prevail'd with the King to return this Answer to the Judges: That the exercise of Justice was a considerable part of the Royal dignity, which he had entrusted them with when he made them Judges: That it belonged to their Office to preserve the Innocent and punish the Guilty: That the Book called Regiam Majestatem contain'd all the forms and rules which ought to determine them in such cases: Wherefore, he gave them full power to proceed in that matter, according to justice and the Laws of the land; and said, he knew nothing that could hinder them from doing their duty like men of judgment and honour.

Lady Jane Executed.

With this answer, those that were sent to wait upon the King return'd to the Exchequer, (where the Court of Justice then sat,) and reported to the rest of the Judges what the King had given them in charge. Whereupon the Judges gave Sentence against the Lady, according to the Law. She heard the Sentence pronounced without the least sign of terror or concern. On the day appointed for her Execution, she suffer'd on the Castle-Hill of Edinburgh; where she appear'd with so much beauty and little concern, that all the spectators were so deeply afflicted for her, that they burst out with tears and loud lamentations for her untimely end, and were so confident of her Innocence, that they desir'd to rescue her; but the King's Officers and Guards being present, hinder'd their attempting anything that way.

Thus died this most noble Lady, whose death was lamented by all that knew or beheld her, except the most inhuman barbarian who brought her to this lamentable end.

The next day after her death, her husband (Archibald Campbell) desir'd to make his escape out of the Castle of Edinburgh, being let down over the walls by a rope, which happening to be too short, or broke, he fell upon the rocks, where he was dash'd to pieces.

The King seem'd much concern'd after the Execution of Lady Jane and the death of her husband, and caused release the old Gentleman her Chaplain. But yet, the Young Lord Glamis was still kept in the Castle, till after the King's death.

William Lyon confesses his crime, and flies from justice.

After this most virtuous and excellent, as well as beautiful, Lady fell a victim to her inhuman lover, he began to reflect on his wickedness, and was so fill'd with horror that he was not able to endure the loathes of his troubled conscience. He lamented his crimes when it was too late, and having such confidence in the King's mercy, he confess'd the whole matter secretly to him. But finding the King abhor'd such wickedness, he fled from the Court, knowing that he could not escape being punish'd according to his crimes; and departing from Scotland, he soon after died in Flanders, in great misery.1

II. Narrative from The History of the Houses of Douglas and Angus, by Master David Hume of Godscroft.

The King's anger still continued against them (the Douglases) in such sort, that nine years after, in 1537, he was contented that Jean Douglas Lady Glamis, (who was Angus' sister,) should be accus'd by false Witnesses, condemned, and execute. The point of her accusation was, that she, and her Husband, (Archibald Campbell then,) and her Sonne, and an old Priest, had gone about to make away the King by Witchcraft. Their servants were tried and racked, but confess'd nothing; the Accuser, John Lyon, a kinsman of her first husband, when he saw how they were like to be

1 Folio, Edin. Printed by Evan Taylor, Printer to the King's most excellent Majesty's, 1644, p. 281.
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...used, and that the House of Glases would be ruined, repenting of what he had done, confessed to the King that he had wronged them; but it did no good.

She was burnt upon the Castle-hill, with great commiseration of the people, in regard of her noble blood, of her husband, being in the prime of her years, of a singular beauty, and suffering all, though a woman, with a man-like courage; all men conceiving that it was not this fact, but the hatred the King carried to her brothers, that had brought her to this end. Her husband, seeking to escape over the wall of the Castle, fell, and broke his leg, and so died. Her son was kept in prison, because he was so young that the law could not strike against him.

Others were committed to Ward, as Sir George Hume of Wedderburne, who was Angou his father's son, to Black-Neese, for whom his mother, Dame Alison Douglas, coming often to entreat the King for him, though he always used her courteously, and gave her good countenance, and that almost only to her of all their friends: So that his language was by way of excusing, without denial; yet she could obtain nothing, till a little before his death, about the Rode of Farla, when he began to signify their service, then he set him at liberty. His implacabilitie did also appear in his carriage towards Archbold of Kilpindie, whom he, when he was a child, loved singularly well for his ability of body, and was wont to call him his Gray-Steel.

Archbold being banished into England, could not well comport with the humour of that nation, which he thought to be too proud, and that they had too high a conceit of themselves, jostled with a contempt and despising of all others. Wherefore, being weary of that life, and remembering the King's favour of old towards him, he determined to try the King's mercifulnesse and clemency. So he comes into Scotland, and taking occasion of the King's hunting in the Park at Stirling, he calls himself to be in his way, as he was coming home to the Castle. So soon as the King saw him afar off, ere he came near, he guessed it was he, and said to one of his Courtiers, yonder is my Gray-Steel, Archbold of Kilpindie, if he be alive. The other answered, That it could not be he, and that he durst not come into the King's presence. The King approaching, he fell upon his knees, and craved Pardon, and promised from thenceforward to abstain from meddling in public affairs, and to lead a quiet and private life. The King went by, without giving him any answer, and trotted a good round pace up the hill. Kilpindie followed, and, though he wore on him a secret, or shirt of mail for his particular enemies, was as soon at the Castle-gate as the King. There he sat down upon a stone, and entreated some of the King's servants for a cup of drink, being weary and thirsty: But they, fearing the King's displeasure, durst give him none. When the King was sat at his dinner, he asked what he had done, what he had said, and whither he had gone? It was told him that he had defied a cup of drink, and had gotten none. The King reproved them very sharply for their discourtesy, and told them, That if he had not taken an oath that no Douglas should ever serve him, he would have received him into his service, for he had seen him sometime a man of great ability. Then he sent him word to go to Leith, and expect his further pleasure. Then some kinsman of David Falconer (the canonizer that was slain at Tantallon,) began to quarrel with Archbold about the matter, wherewith the King thought himself not well pleased when he heard of it. Then he commanded him to go to France for a certain space, till he heard farther from him. And so he did, and died shortly after. This gave occasion to the King of England (Henry VIII.) to blame his nephew, alledgeing the old saying, That the King's face should give grace. For this Archbold (whatsoever were Angouse's or Sir George his faults) had not been principal actor of any thing, nor no counsellor nor sharer up, but only a follower of his friends, and that noways cruelly disjobbed.

He caused also execute Sir James Hamilton of Eversdale, for divers reasons: But that which incensed him most, was his Correspondence and secret trafficking and meeting with the banished Douglaszen, especially with Sir George, whom he met with in the Park-head, as the King was...
informed. There was no man that he could hear had but received them into his house, but he caused apprehend, and execute the rigour of the law upon them. He caused the Laird of Blackadder bring to John Nisbet of the Spittle, and made him to be execute to death, for receiving (as was alleged at least) the Earl of Angus into his house.

'The fine Executions, proceeding from many Reports and Delatations given to him, bred great suspicion in his minde; all the woods seemed full of Theives. Many were put to death for the Douglases; this was a token that they had many favourites; many were offended by these executions, and so many ill-willers, by being offended. So his suspicion against the Nobility was daily increased; his jealousy grewes, cares multiply, his mind is disturbed, which would not suffer him to sleep sound, but troubled his head with dreams and fantasies.'

III. Narrative from Bishop Lesley's History of Scotland. 1

In this summer was taken the Lady Glamis, sister to the Earl of Angus, and David Lyon, her husband, and brought to the town of Edinburgh, and were accused and convicted be an Affyde for Conspiracie of the Kindis deid. And the said lady was burnt, and her husband hangit therefor. 2 The Lord Glamis, her fone, was convict for knowlege and Conspiracie of the famin, and that foor forfaltis his landis, and condamnites to dee. Bot becaus he was yonge and tender of age, the King spairit his lyff, and committed him to perpetuell presoun; quhair he remainit during the Kindis liff tyme, in the Caistell of Edinburghe.

Shortlie thereafter, John Maister of Forbes, and eldeast fone to the Lord Forbes, quhoo had maryit the said Lady Glamis sister, was accused in Edinburgh, and convicted be an Affyde for the like Conspiracie of the Kindis deid; and that foor there was heidit and quarterit at Edinburgh, and his heid and quarters affixt spoun the Portis. The Lord Forbes, his fader, being suspeit as that foor, was haldin in ward in the Caistell of Edinburgh; but he was thairstir releit.

IV. Narrative from 'The Genealogie of the House of Drummond.' Unpublished. 3

Another daughter of George Master of Angus, with Lady Elizabeth Drummond, was Jean Douglas, Lady Glamis, married to John Lord Glamis, called to a by-name, 'Cleane the Cause.' In the year 1587, she was accusing, by suspetyt witnessees, (if not false,) that she and her fone and some others had been about to take away King James the Fifth his lyfe by witches; whereupon she was burnt upon the Castell Hill of Edinburgh, with great commoration of the people, in regard of her noble blood and singular beautiis, the being in the prime of her age, and suffering with a masculine courage, al men conceving that the King's hatred to her brothers had brought her to that end.

Her fone John, who was next lord, was also condemned and forfault; yet, becaus he was a minor, resseved in prifon untill he should be of age to have his sentence put in execution. But after the King's death, in anno 1542, he was again restored to his lyfe, eflate, and honor, and was father to John Lyon, Lord Glamis, Chancellor of Scotland, whose fone was Patrick, the first Earl of Kinghorn, and married to Anna Murray, daughter to John, then Laird of Tullibardine, begot upon Catharine Drummond, daughter to David Lord Drummond; this Patrick, the first Earl, was grandfather to Patrick, now Earl of Strathmore and Kinghorn.

1 Bonaretine Club's Edin. 1580, p. 154. 2 These unpardonable errors show strongly how little is to be relied even on the most accurate of our old Historians in matters of this description. A mistake inadvertently made by one was sure to run through all future Histories, without examination. 3 Genealogie of the House of Drummond, Quarto, 1581, p. 145. Preparing for Private circulation from the Strathallan MSS. &c. The Editor is indebted to the learned Gentleman who conducts the publication of this Family History, for the present extract.
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The families lineally descended of this Lady Glames, by ydes Strathmores, are Duke Hamilton, Earl of Caffill, Earl of Merton, Lord Spyn, and

V. NARRATIVE from Calderwood's MS. History of the Church of Scotland.

Jean Douglas Ladie Glames, and fitter to the Earl of Angus, was indicted and convit by an Affile, having, with her second husbant, Gillespie Campbhill,1 her son, ane old Preest, and John Lyoun, her first husbant's kinsman, sought to have killed the King with Poyfoun. Howbeit, they dwelt far from Court, and nothing could be extorted from their friends or servaunts, quibich ane wife might serve against them; yit war they tortured and committed to the Castell of Edinburghe.

Jean Douglas was burnt upon the 5 day after the beheading of the Master of Forbes. Her death was greatlie lamented by the people, for her nobilitie, her youth, her beautie, her courage at her death, but most of all, because it was judged that hatred against her banished brother, rather than guiltines of ane crime committed, had brought her to that end. Her husbant, Gillespie Campbhill, while he preffed to escape out of the Castell be a cord over the wall, the end being short, he brake all his bonds,2 and died. His fone, a simple youth, scarce lyable to suppliacion for such a crime, was detainted imprisoned during the King's life; and after, restored to his patrimonie.

The accuser was one William Lyoun, a kinsman. He repented, too late, of the calamitie he had brought upon such a noble Hous, be his calamunie; and confessed his wicked purpose to the King. But the King resented nothing notwithstanding, either of his rigour, of the punishment, or of the forfeitour of the Lands.

Archibald Douglas of Killieside,3 quhom he loved singularly for his abilitie quhen he was a child, and called him his Greyfle, had come into the countrie secreitle, and fallen down upon his knees before him, and craved pardoun, quhen the King was returning from the Park of Stirling to the Castell; bot the King paft by.4 This gave occasioun to King Henrie of England to blame his nephew, and to allude the commun saying, 'a King's face shold have grace.' The Earl of Angus fitter-son, George Home of Wedderburne, he committed to wards in Blacknoffe, and determined him in award,5 till a littile before his death, that he had need of service at Fala Raid, quhen the King sett him at libertie, and gave him a white horse of rare spede. But for6 this present, his wrath against the Douglases was implacable.7

VI. NOTICE FROM Anderson’s MS. History of Scotland.

About this tyme, the Ladie Glames, his sone the Lord Glames, of 16 yeirs of age, his husbant, Archibald Campbhill of Keipmich, ane barbour, and a Preist, was accus'd for Trefon, in the Tolbuth of Ed'. The sait Ladie was condemnt and Brunt. . . . . . . .

Short qhyle after, followd ane wther judgment,8 in consideracion of the parentage accus'd, the novatid of the cryme, the crewelitie of the cryme and executidion, mose misterfull. Joane Douglas, fitter to the Earl of Angus, Johanne Lord Glames wyf, as is in manner foraid, was accus'd that fhe, his husbant, and fone was to payfoun the King, was brunt. Hir husbant being Waideit in the Castell of Ed', thinking to brak (Waide) and com away, be ane tow,9 the name was schort: He fell and brak all his banes, and died.10

VII. NOTICE FROM Sir James Balfour's Annals.

This yeir, also, the Lady Glames, fitter to the Earl of Angus, and her husbant, David Lyon.11

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1 Buchanan, in his History, generally designates Archibald Earl of Argyll, Gillespie. 2 Bones. 3 See this narrative at length in Home's History of the House of Douglas and Angus. 4 Edin. 1743, ii. 107. 5 Fins for his return, &c., for which he had forfeited his Bond. 6 Notwithstanding. 7 Calderwood's History of the Church of Scotland, MS. Adv. Library. 8 He proceeds this brief notice by an account of Lord Forbes's Treason. 9 Rape. 10 Anderson's MS. History of Scotland, Adv. Library. 11 Leslie's blunder repeated.
wer arran'd for Treason against the King's person. The Lady was burnt, and her husband was hanged, 1 and her son, the Lord Glamis, was forfeited, but his life was spared; because he, knowing, did not reweil his mother’s defences, and was sentenced to perpetual prison. 2

VIII. LETTER FROM SIR THOMAS CLIFFORD TO KING HENRY VIII.

Mr Pinkerton having repeatedly quoted this Letter in his History, as being illustrative of the proceedings against the Master of Forbes and Lady Glamis, the Editor deemed it proper to procure a Transcript of so valuable a document, proceeding, as it does, from the pen of such an eminent individual as Sir Thomas Clifford. Through the polite attention of Frederic Madden, Esquire, F.A.S., the Editor is enabled to lay before the reader all that is applicable to these Cases. Mr Madden remarks, that this interesting Paper 3 is a copy by Sir Thomas himself, inclosed in a Letter from him to the Lord Privy Seal (Cromwell), the latter of which is dated from Berwick Castle, 26th July (1587). The chief object of his Letter to the King is to inform him of the King of Scots’ secret visit to Dunbar, and provision of ordnance there and at other places. In consequence of which, Sir Thomas represents the defenceless state of Berwick, and desires aid and means of resistance in case of attack. The only portion of the Letter which refers to the execution of the Master of Forbes, &c., is the last paragraph.

1 As for other news occurring in Scotland, on Saturday the xiiijth day of this month instants, the MAISTER OF FORBES, both and heir to the Lord Forbes, was attacched of Treacon against the Kingis person; of such matir as he at his deth dyd tacie vpone hym pe he was facheis 4 off. Howbeit, he was the same day drawin, bedyt, and quartered in Edynburgh.

2 And on Tewiday nine followinge, the LADY GLAMIS, sufter to th’ erle of Angus, was burnt in Edynburgh for Treacon layd vnto his charge against the Kingis person; as I can perceyue, without any substantiall ground or proff of matir.

3 Ther is remnyng in Wayrd, 5 by the Kingis commaundement, the LORD FORBES, William Forbes, his souline germanye, the Lord Glamis, the Lord of Wetherburn, Hew Dougles, Edquiler, the Lord 6 of Whytingham, Petier of Carmygbell, the Lord 7 Glaybarve, Robert Dougles, Mr Davy Straywahm, 8 with divers other.

Concealing the Lady Glamis’s treasonable Conspiracy against the King’s life, by Poison.

[The circumstances attending the following Case have already been fully explained in the preceding Trial of John Lady Glamis, which renders farther remark unnecessary in this place.

On Jun. 13 preceding, this entry occurs in the Books of Adjournal:— The quhill day, DAVID, ERLE OF CRAUFORD, ROBERT DOGLAS OF LOCHLEVIN, THE LARD OF LAWMOND, AND ARCHIBALD CAMPBELL OF SKIPPYNE, 9 ar becam pleggis and foureteis, coniunctle and feueralle, vndir pe pane of twenty thouands marneis, pat pe LORD GLAMYS falle remane in Warde, within pe Castell of Edinburg, 10 and fall ooch espia nor escheu forth of pe famynge, quhill he have pe Kingis grace Licence, vndir pe said pane.

The reader is already aware that John seventh Lord Glamis, although sentenced to be executed, was merely imprisoned during the life of King James V. He was, no doubt, but a youth at that time; but it was the jealous policy of the King, reckoning on the revengeful spirit of the times, to put it out of the power of this young Lord to be tempted to avenge his mother’s cause and his own,

1 Both Leslie and Balfour fall into these gross mistakes. 2 Sir James Balfour’s Annals, 1, 267. 3 MSS. Cotton. British Museum, Calig. B. iii. f. 183. 4 Innoeunt; guiltless. 5 Ward; prison. 6 Laird. 7 Laird of Glanberry. 8 Strachan, or Strachan. 9 The same individual, it is believed, who married Lady Glamis, and who was killed on the rocks of the Castle of Edinburgh, in attempting to effect his escape from ward. This entry confirms the Editor’s conjecture as to this person’s identity.
either by secret Conspiracy against his life, or by an open appeal to the King's known enemies. Notwithstanding of the public acknowledgment of the young Lord's innocence, his estates were most unjustly annexed to the Crown, by Act of Parliament, Dec. 3, 1540. After the death of KING JAMES V, he brought a formal process of Reduction of his Forfeiture, which was legally rescinded, and his estates and honours were restored by Parliament, Mar. 18, 1543-4.

After his being thus restored, Lord Glammys married Jonet Keith, second daughter of Robert Lord Keith, and sister of William fourth Earl Marischal; and died anno 1558.]

Jul. 18.—JOHN LORD GLAMMYS, Conuictus de arte et parte prodictoris Conelationis et non reuelationis prodictoris Imaginacionis et Conspirationis diuictriis nobilissime perfone fereimissimi domini nostri REGIS, per venenum peffium, per dictam quondam Dominam Jonetam, ejus matrem, conpirat, et imaginat, et eodem Johanni ofen. et demonstrat. Et pro arte et parte cum dicta quondam Joneta, ejus matre, in dict. criminibus proditionis.

NOMINA ABBE elect. jurat. et adm. super prefato Johanne Lyoun, Domino de Glammis, et.

SENTENTIA FORISFACTURE data aduersus premominatun Johannem, Dominum de Glammis, per dict. sectatorem, prout sequitur in vulgari.

It is fundin be ane condigne Affile, That JOHN LORL DE GLAMMYS hes committit art and part of pe trefsonable concealing and nocht reueling of pe trefsonabill Conspiracioun and imaginacioun of pe diuictrioun of oure fouereane lordis mai$t nobill perfonne be poyfoun, yimaginat and conpirat be vmyq' Jonet Lady Glammys, his moder, to quhome be confentit and was art and part with hir pairintill; as at mair length is contenit in pe Dittay, &c.—For pe quhilk caufis he hes forfaitit to oure fouereane lord his life, landis, and gudis, movable and vnmovable, and fall be hängit and draw'n, and demanit as ane Traytour.

Reasonably concealing the Master of Forbes's Conspiracy to Slap the King.

[In the preceding Trial of John Master of Forbes, the reader has seen that John Strachan, or Strachane, was implicated with him in the same crime. Without recapitulating that case, the Editor merely inserts a short paragraph explanatory of the matter,1 which, so far as Strachane was concerned, seems tolerably correct.

1 About the time that this emba$y was dispatch'd, the King was alarmed with many false reports of plots against his life; and some villainous persons took opportunity to work up the King's suspicion to a belief of their horrid contrivance. The first person that was sacrific'd to that villainous re-

1 David Scott's Hist., Folio, Westminster, 1787, p. 344. 2 Cardinal Beaton and Maxwell, who were sent Ambassadors to France to conclude a Marriage with Mary of Lorraine.
venge was John Forbes (Master of Forbes), eldest son to the Lord Forbes, the Chief of that Name; a young man of great courage and good education, but had liv'd a vicious life, and had entertain'd one Strachan as a companion in his debauchery. This Strachan took opportunity to deface the gift of something from John Forbes, which not being convenient for him to give, he excused himself. Upon which, Strachan was so offended, that he swore to revenge him; and knowing the Earl of Huntly to be at variance with John Forbes, he went to the Earl and accused him of having for a long time designd to murder the King: And by this means found false evidences to swear to what he alleged'd, that Mr Forbes was resolve'd to affix the King, so that by his death the Dowglass may be restor'd to their ancient posseffions, titles, and honour. Whereupon John Forbes was impeach'd, and by the testimony of the said witnesses, found guilty of death by the laws of Scotland; and was beheaded.

"The King was so much concern'd for this Nobleman's death, that he banish'd Strachan, and restor'd the other brother of the Lord Forbes to his brother's estate and honour: And, in token of his favours, made him one of his Bed-chamber; and the third brother was, by the King's interest, married to a lady of great fortune."}

Jul. 20.—John Strathachin, son and heir apparent of Thomas Strathachin of Lethinturk, accused of being a participator in the Matter of Forbes's treason, having become in the King's will, the following LETTER, declaring the royal pleasure, was entered on the books of Adjournal, and sentence pronounced accordingly.

"James, be ye grace of God, King of Scottis. To all and sundry our lieges, and subditis, quham it efferis, (to) quhair knaunge pir our Letteris fall cum, greet: Forlawkell as John Strathauchin, son and apparend are to Thomas Strathauchin of Lethinturkis, in becum in our will, for arte and parte of trefnabill concealing, ymaginacioune and defiling of our destruccion, and Slauchter, be vmyhile Johny Mainstir of Forbes, with ane culvering, and other trefnabill dedis and words committit be ye fald vm" Johny; for ye quhilkis he was condemn and justiyt to pe dedi for pe famyne. We, herfore declaring our Will and written act, we said Johny in ye premisses, be ye tenour hereof, decreis, declaris, and ordainis him to pay and remane in Warde, beyond ye Watter of Dee, in quhat partis be pleis, induring our will: And if We, in proper perinose, happens to refert or cum beyond ye fald Watter, we said Johny to hald and outraw him fra we be ye space of xij mylis. CHARGING 30W, herefore, all and sundry our lieges and subditis, quham it efferis, that none of 30W tak Any hand to do or attempt any thing inconstr violacioune or breking of pis our declaracioune of oure mynd and will anset ye fald Johny, concerning ye premisses; and to suffer him to joiste and brouck peciabily, and to remane beyond ye fald Watter, in Warde, in maner forsakid, during ye space forsakid, abone writin, vndir all ye hiefe pane, charge, and offences pat ye is ike ane man' committ and inrin' agane oure Maistir in pat part. SUBSCRITT with our hand, and vndir our figuroe, At Halyrudehoos, ye xvij day of July, and of our regne ye xxiiiij yere."

[JAMES R.]

Bessettn the way — Hurting and Mownding, &c.

Aug. 8.—Michael Andsoun, John and Andrew Fortoun, and Walter Balwarde, americated for not entering themselves to underly the law for art and part of besseting the way to Mr Alexander Spens and Mr John Spens,
brothers, the sons of David Spens of Wolmerstoun, on June 28 last; and invading them for their Slaughters, within the burgh of Cowper: And for art and part of Hurting and Wounding them at same time.

Convocation of the Lieges — Invasion — Wounding, &c.

Aug. 8.—David Spens of Wolmerstoun, Mr Alexander, George, Robert, and Mr John, his sons, Andrew Spens, brother of John S. of Maristoun, Andrew Lindlay, son of William L. of Pyotstoun, Sir Alexander Spens, chaplain, and ten others, found surety to underly the law at the next Justice-aire of Fife for art and part of Convocation of the lieges to a great number, armed in warlike manner, and Befetting the way to George Arthe of Smetoune and his sons, Invading them for their Slaughter, and cruelly Wounding Nicholas, George, and Sir Walter Arthe, to the great effusion of their blood; committit within the burgh of Cowper, on Jul. 28 last, of forethought felony.

Mutilation.

Aug. 9.—John Cunynghame of Caproutoune, David Bofwell of Auchinele, George Douglase of Pennyland, and twenty-six others, found caution to underly the law at the next Justice-aire of Air, for art and part of the Mutilation of John Sampfoune, of the thumb of his right hand, of forethought felony.

Slaughter — Burning of Cunfartoun.

Aug. 11.—Mr Robert Douglas, brother to the Laird of Bone-Jedburgh, Mr William Ker, Rector of Auld Roxburghe, George Ker of Lintoune, Gilbert Ker, young Laird of Greneheid, Thomas Macdowell of Macarftoune, and eight others, found caution to underly the law at the next Aire of Roxburghe, for art and part of the cruel Slaughter of William and Andrew Hall.—(Aug. 12.) Persy Hall and others, found caution to the same effect, to answer for the crimes formerly imputed to them; and for the Burning of Cunfartoun.

Treason — Intercommuning with the Earl of Angus and other Traitors.

Aug. 16.—Alexander Hume, Convicted of the treasonable Assistance afforded by him to Archibald, formerly Earl of Angus, and George Douglas, his brother, Traitors and Rebels to the King: And specially, at the time of the Burning of Colbrandifpethe and Auldhamftokis, the said Traitors being with

1 David Spens, younger of Wolmerstoun, is one of the cautioners. 2 John, George, Sir Walter (chaplain), Thomas, and Allan. 3 Other indictments against several persons followed from the same squabble, unnecessary to be here detailed. 4 See Apr. 17, 1587. 5 See Ibid.

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the English Army: And for Intercommuning with the said Rebels in a treasonable manner: And for Intercommuning with other rebels, not being traitors.—BEHEADED.

Oppression — Treasonably assisting the Earl of Angus, &c.

Aug. 22.—John Mathesone, junior, Convicted of art and part of the forethought felony and Oppression done to John Lummisdale, dwelling in Clegborne, coming upon him at North Berwik for his Slaughter: And for art and part of the Oppression done to William Cokburne, coming upon him in the Harbour of North Berwik for his Slaughter, Committed after Christmas last. Item, for art and part of the treasonable affittance and Intercommuning with Archibald, sometime Earl of Angus, George Douglas, Little Alexander Jardin, William and Thomas Baty, George Downy, and others their accomplices, Rebels and Traitors, informing them in a treasonable manner of the secrets of the kingdom of Scotland, after the date of his Remission.—BEHEADED.

Concealing the Lady Glammis’s Conspiracy against the King — Poisoning the Earl of Rothes, &c.

Aug. 22.—John Lyoune, senior, in Knokcany.

[The importance of this and the following Trial, as appendages to those of Lady Glammis, &c. demands that the Editor should extract the entries from the record iteratim, so that the reader may be in possession of the minutest facts, as they are expressed in the technical phraseology of the period. It is unnecessary to offer any further observations on these proceedings, which are now for the first time made public.]

Laud sit Judicium forisfactum datum super quondam Johannem Lyoune.

Johannes Lyoune, senior, in Knokcany, Convictus de arte et parte proditorie conceationis et non revelationis proditorie et abominabilis Conspiracionis et ymaginationis discretionis nobilissime perfone Supremi domini nostri Regis, per (peffimum) venenum, vulgo le poysone, ymaginat. et Conspirat. per quondam Jonetam Dominam de Glamys, ejus filium, et eorum complicis ac participes; quibus proditoribus dict. Johannes affitebat, suppletionum, fauorem et auxilium prebut et exhibuit in eorum nequissimis, peruerfis, et proditoriis Conspiracionibus et ymaginationibus pro instructione dict. ferenissimi domini nostri Regis, per dict. proditoris ymaginat. et conspirat.: Et pro arte et parte cum eis in eisdem. Item, pro arte et parte proditoriis vitis et intromissionis cum dict. peffimo veneno le poysone pro distortione Comitis de Rothes, in proditoriio modo, contra Statuta et Acta Parliamenti, penas in eisdem conten- tas incurrere. et deferuien.—Pro quibusquidem criminibus et calumpniis dict. Johannes Lyoune florifecit suam vitam, terras, et possessiones suas qual-
24 Jac. V. CRIMINAL TRIALS.

... cumque, ac omnia bona sua mobilia et immobilia domino Regi eschae. Et TRAHITUR et DECOLLATUR.—Et hoc judicium five laudum redditum et prelatam fuit per os Willelm Carwod, sectatorem dicte Curie.

Making and selling Poison — Concealing Lady Slammis's Treason.

Aug. 22.—ALEXANDER MAKKE, Convict de arte et parte proditoriæ confectionis, intromissionis et venditionis veneni, le poysone, contra Statuta et Acta Parliamenti, penas in eisdem incurren. Ac etiam pro arte et parte proditoriæ concelationis et non reuelationis de dict. proditorio veneno, ipso cognoscente ex dicto Johanne Lyoune effectum propter quem ordinatum et emptum fuit: Et pro arte et parte cum dicto Johanne in dictis fuis proditoriis actionibus.—Pro quibusquidem criminibus auris dict. Alexandri abscondatur, et erit BANNITUS extra omnes partes Scotiae, preter Vicecomitatum de Abirdene; et ibidem manebit omnibus diebus vite fœ; et quod' exibi dict. Vicecomitatum, sub pena mortis. Et hoc reddition fuit pro judicio, per dict. sectatorem.

Slaughter.

Aug. 31.—WALTER LYNNE, Convicted of art and part of the cruel Slaughter of Patrick Mowat, committed on forethought felony.—BEHEADED.

Willful Error on Assise — Imprisonment for year and day, &c.

Oct. 23.—THOMAS LAWRIStOuNE OF THAT ILK, John Ramay of Halhouf, Henry Wardlaw of Kilbabirtoune, and four others, were tried by a grand jury, who found that they had ' wilfullie and manifeulte errit, periurit and þame felff manfworne, in purgeing and declaring of JOHN PENNYCULE OF THAT ILK, Alexander, his bruthir, James Creichtoune, and James Lawloune, quyte and but crime, of þe Mutilatioune of Roger Tuedy in Lyntoune of his tholme of his right hand, thay being vpone þe Affile of þe faidis perfonis in ane Court of Juiitsiarie, haldin in þe tolbith of Edinburghe, þe ferd day of October, þe 3ear of God 1550. xxxij 3eris; and þai feand with þare propri ene þe fad Rogeris tholme schewin before þame, for þe vndir part cutit away and mutilat; and fua, hes manifeultie and Wilfullie erryt. SENTENCE.—And par-for, all þair movable guidis fall be þe Kingis ESCHETE; and þai haue incurret þe NOTE OF INFAMITY: And þair perfonis to be PRESONIT for ane þear and day, and farther, induring þe Kingis Will.

Convocation of the lieges — Stouthreif — Oppression.

Oct. 26.—ANDREW Ker in Auld Roxburgh, William Ker in Stok-
frather, and Thomas, his son, with sixty-five others, came in the King's will for art and part of Convocation of the lieges, to the number of two hundred persons, armed in warlike manner, with targets, splentis, and other invasive arms, on Aug. 2 last; and for art and part of the Stouthreif and Oppression done to Helen Ruthirfurth of that Ilk, and her poor Tenants, coming to her lands of Hurdhouse and Theifknowis, lying on the marches of her barony, and the lands of Ruthurfur, and Stouthreif from her and her tenants of sixty 'fled-full' and sixty 'cart-full' of 'hader.'

**Besetting the Laird of Auchinamps for his Slaughter.**

Nov. 13.—Sir John Walcar, Chaplain, dilated of art and part of Besetting the way to Thomas Craufurd of Auchinamys, at his Filshing of Cart, and Invading him for his Slaughter, in company with William Lord Sempill, and his accomplices. He was repliegated by Gawin, Archbishops of Glasgowl, to his Regality.

**Slaughter of the Lairds of Pardowp, Lettir, and Ballindroicht.**

Nov. 15.—Colin Campbell of Auchinhowye, Convicted of art and part of the cruel Slaughter of Allan Hambilton of Pardowp, Robert Strueling of Lettir, and Andrew Striuling of Ballindroicht, committed of forethought felony, in company with Colin Campbell, younger, his son, William Campbell, his servant, John Campbell, his grandfon and heir-apparent, John Roger, his servant, and Charles Campbell, his porter.†—Beheaded.

**Sedition and Insurrection in the Burgh of Air.**

Jan. 19, 1537-8.—John Craufurd of Drongane, came in the King's will for art and part of the Sedition and Insurrection made between the neighbours and the Inhabitants of the burgh of Air: And for art of the common Oppression of his neighbours.—William Craufurd, young Laird of Leffloris, and John Lokert of Bar, became cautioners to satisfy the King and the parties.

**Namesuckin and Oppression of the Laird of Bargany in Air, &c.**

Jan. 19.—Alexander Lokert, burgrs of Air, Convicted of art and part of Convocation of the lieges in great numbers, within the burgh of Air, in

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1 By a marking on the margin of the Record, it appears that Andrew Ker was fined 40 s., William and Thomas in 20 s. each, and the rest in 20 s. each.  
2 'Cum caduceis.' It is by no means clear what is signified by this term, which, literally, denotes a covering; but it is likely to be used figuratively for some kind of shield or target.  
3 Armour for the legs, chiefly used by horsemen.  
4 Sledges full.  
5 Heather, heath.  
6 Hugh Lord Somervill, Robert Bruce of Byning, and Hugh Montgomery of Hesilheid, were amerciated for not passing upon this Assize.
Autumn last, against the tenor of the Acts of Parliament: and for art and part of the Hamefuckin and Oppression done to Alexander Kennedy of Bargany, his near neighbour, at the same time; coming to his house, within the burgh of Air, in warlike manner, with invasive weapons, and throwing stones at his windows and doors, and breaking and destroying the same. And for art and part of the Sedition and Inurrection made between the neighbours and the Inhabitants of the burgh of Air: and for common Oppression of his neighbours.

Taking captive, &c.—Ejection from certain lands—Murder.

Feb. 21.—THOMAS CRAUFURD of Auchnames and Archibald Prestoun came in the King's will for the compulsion and taking captive of Sir Thomas Craufurd, Chaplain, against his will, to the Place of Auchnames, and for detaining him therein in captivity and subjection, for a certain space, usurping thereby his Majesty's authority. He also came in the King's will, along with Thomas Rowane, for art and part of the unjuft Ejection and outputting of Margaret Lufe (Love), widow, and John Paterfon, her son, furth of their fi of the lands of Kibbecute, within the lordship of Auchnames. Hugh Montgomery of Heffilheid, the Master of Glencairne, and the Laird of Robertland, became cautioners to satisfy the King and parties.—The same day, THE LAIRD OF AUCHNAMES, James, his brother, along with Prestoun and Rowane, received the King's Repit for the cruel Slaughter and Murder of John Qhuite, committed of forethought felony. Craufurd of Hanyng became furety for the satisfaction of the parties.

Treasonably assisting James Douglas of Parkheid.

Mar. 21.—JOHN TUDY, in Lyntoun, convicted of art and part of the treasonable affiance given to James Douglas, formerly of Parkheid: And for art and part of 'way-putting' him; he being suspected of certain crimes of High Treason, and fugitive for the same; of the affiance, cauing, and counsel of the said John.—Delivered in Ward to the Captain of Edinburgh Cattle.

SOPPLICATION by John Pollock, Spous of John Tudy.

Serene Lord, unto your gracious presence humlie menis and hevalie complainis and schawis I your graceis femeis Jonet Pollock, Spous of John Tudy, in Lintoun, That quhare my fad Spous is hevalie trublit in your graceis Ward, in ye Castell of Edinbur, for caufis that he is innocent of, as, will God, fale be hisfuir clerly vadinfland to your grace; and he is straitly kepit in proufn, and is daily at greut expensis, and I haf no erldy guidis to giff him, but it is I beg at frendis: And lastly, my Lord of Morton hes put me furth of my maling,4 that fuld haf sufleinis my fad Spous and me, and our x (ten) harnis. Herefor, I befits your l. nobill grace to haf roysth and piete of my fad Spous, and gif command to ye Capitan to kep him in fre Ward, he fandand siuer Sonerté 6 that he sall nocht eschais nor

1 Effecting his escape. 2 Orig. among Warrants of the Court. 3 Excepting what. 4 A small piece of ground for which mail or rent is paid. 5 Ruth and pity. 6 Sure caution or surety.
efchew your graces Ward; and I and my ten barns fall pray daily for prosperité of your nobill grace bath in saule and body, for our lifyng. And your gracious assuer humlie I beseeke, for pé reward of God.—(Indorât) APUD ED. primo Augufth. anno 1xV. xxxvij. The Kingis grace Ordanis pé Justice-Clerk to refinance fonerte of jis complemar, vendir gret panis; j quhilk fowrte being fund, Ordanis pé Capitane to put him to fré Ward within pé Castell. 

JAMES R.

WARRANT from the King to put John Tueyd to liberty, &c.

REX.

Justice-Clerk, It is our will and we charge you incontinent esuir pé ficht heirof 3e caufe John Tueyd, now being in Warde within our Caftell of Ed; be lettin furth of jis famin to libertâ; and tak fonerte of him as 3e think expedient, 3at he fall entir anwe befoir our Justice, or his deputis, or within any Castell of ouris, quhen he beis requirit, vpoun xvi days warning, vendir certane gret panys; 3e kelpand jis for your Warrand. Subscrivât with our hand, At Lyulythg; 3e seconday day of Febrâr, and of our regne 3e xvi 3eir (1538-9).

JAMES R.

Leasing-making punished capitaly.

Mar. 26, 1538.—William Scot Convicted of art and part of transgreffing and breaking the Act of Parliament against Leasing-makers, for efchewing of discords between the King and his faithful Barons, and lieges; incurring thereby the pains of the said Act.—HANGED.

Murder — Stouthreif.

Apr. 15.—John Hendrisborne Convicted of art and part of the cruel Murder of . . . . . Hendrisbone, coming upon him at Crulkountainhauche, on the water of Heremyte, and cruelly Murdering him: And for Stouthreif from him of his cloathes, certain English Nobles, and his sword.—HANGED.

Stealing wool from live sheep.

Apr. 15.—John Corry Convicted of art and part of the Theft and concealment of certain wool taken off seven live sheep, under silence of night, within the Place of Wrichtis-Houfs, near Edinburgh.—His EARS CUT OFF, and to be afterwards SCOURGED through the burgh.

Lord Forbes's Treason, &c.

[It is extremely probable that the wretched individual, whose piteous 'Supplicationes' follows, was the person who betrayed John Master of Forbes, and who was, through the influence of the Earl of Hunsley, the immediate cause of that young Nobleman's execution.

This document, which was found among the mass of loose papers and Warrants belonging to the Court, is so remarkable, that it has been thought proper to preserve it in this place. The reader is referred to the Trial of the Master of Forbes in this Collection.] *

Apr. 26.—Maiit fouerane and gracious Prince under God, MAISTER DAVID STRATHAUCHIN, humey menyys, quhair I ame alutterly hereit' and

1 'I = li' marked on the Warrant. 2 A coin of the value of 6s. 8d. English. 3 Trials, I, * 183.  * See Apr. 26, 1536.  * Rained; literally, plundered, or 'harried.'
diftroyit in my gudis, throct my expenfs sutfaftly' making in Ward and lamit in my perfoune, be tormenting,' involwlyng my sel in det for furnesng of me and tuay seruandis; suay þat my wyf and x barnes ar hungerit and forfarne,' and hes tayne apoune credence,' becaus I had nay vperways to furnes of my awyne, xxx li.; quhairthrocht, and in my defalt of payment þairof, canne get nay mair, bot manne peryle for wantng of lyvye fyud,' wythout your gracios hines put remeid heiro: Befekng, in maiist lamentabill maner, sen suay is, þat of your greit meir mercy (þou) wald suffir me to pað hayme, ondir fic fouertes as pleisif your hienes to tak, þat I may caufe onder fowmes of money to enter and onderly your lawis, for ony manner of crymes; or þinne, becaus of my greit necessité and pouerté, þat your nobilnes wald put me wyth ony honest perfone þat may furnes my expenfs for my servuce, onder fycklyk fouertes, onder fowmes þat I fall nocht remwv, bot byde and onderly all chargis þat may be impot to me, as knawis God, quhome to I comitt my haile caufe, and to your maiist gratioufe nobilnes to dispone as 3e think caufe; quhome for, fall my dal ducione and prayer be for prosperité bavh of faule and body.—[INDORSED.] APUD STRIULING, xxxvº Aprilis anno Domini IIIVºxxxvij. THE KINGIS grace Ordanis the Capitaine and Keparis of þe Castell of Edinbro', to put MAISTER DAVID STRADAQUHINE, now being in the said Castell, to liberté and fredome, fwa þat he may pað to þe burght of Dundé, thare to remaine in Warde, induering his grace will; fouertes being first funding to þe Justice Clerk, and actitate in þe bukis of Adiurnale, that he falle nocht breik his Ward of þe said burght, vnder the paine of ane throifand pundis; the said Capitaine taking ane tikat' subscriuit with the Justice Clerk and the fouertes funding;['] and the Justice Clerk keping this charge for his and the said Capitane Warrand. JAMES R.

Conaboration — Wounding — Stoutreif — Oppression.

Oct. 2.—RICHARD LAUDER and twelve others denounced rebels, &c. for not underlying the law for art and part of Convocation of the lieges, to the number of 100 persons, armed in warlike manner: And for art and part of befetting the way to Andrew Cunynghame, sone of Sir William Cunynghame knt. Maister of Glencarne: And for cruelly Wounding and Hurting him: And for Stoutreif from him of his sword, ‘quhingar,’ belt, and purse, and certain money therein: And also, for art and part of his Majesty’s authority in taking and detaining James Cunynghame, servant to the said Andrew, and putting him in the Stocks for twenty-four hours in subjection and captivity, he being a free man; thereby ufurping the King’s authority, &c.

1 Truly, really. 8 He was put to the torture, repeatedly, to extort Confession. 8 Famished, like to perish. 4 Credit. 9 Necessary food or sustenance. 9 Ticket, bond. 7 The cautioners found. These were Alexander Strathauchin of Brigtoune, and Henry Ramsay of Lawis.
Convocation — Spuilsie of Teind-shaves — Wounding, &c.
Nov. 7.—George Lord Hume, Stephen Howat, and five others, found caution to underly the law at the next Justice-aire of Berwick, for Convocation of the lieges to the number of sixty persons, armed in warlike manner, upon Sep. 10 last, coming upon Thomas Lowry and Robert Lunnisdene, and other tenants of Stichell, whilst leading the Teind shaves of the Abbey of Coldingham, belonging to them by reason of their Leafe, and ‘Spuilsie’ of the said shaves; and for Hurting and Wounding the said persons.

Reseting Border Thiebes and Rebels — Breaking ‘the Band.’
Nov. 7.—Walter Ker of Cesfurd, James Douglas of Cavers, George Ruthirfurd of Hundolé, John R. of Hunthill, and Andrew Ker of Dolphigftoune, Convicted of art and part of the favor and affittance afforded to Robert Ruthirfurd, George R. called Cokburne, and John R. called Jok of the grene, and their accomplices, Rebels and at the horn; permitting them to pass within their bounds continually, for divers years past: For not using their utmost diligence to hinder them from committing sundry Slaughters, Stoutreifs, Thefts and Oppressions upon the King’s poor lieges; nor ejecting the said Rebels, their wives and children, from their bounds and bailliaries, but knowingly suffering them to pass within their limits, and to remain therein beyond the space of twelve hours, to commit sundry crimes during the time of their passing and rest within the shire wherein they dwell: And for not concurring with their friends, men, tenants, servants and adherents, against the said Rebels, and pursuing and apprehending them, that they might be delivered up to the laws, and put to death: Nor keeping the said Rebels furth of the said limits; thereby breaking, traingreying and violating their Obligation and ‘Band’ to the King, and incurring the pains contained in the said ‘Band.’

Usurping the King’s authority — Setting a Murderer free.
Nov. 8.—Alexander Forbes of Brux, and Alexander Forbes of Tolleisfe, found surety to underly the law at the next Justice-aire of Aberdeen, for art and part of Unfurting the King’s authority, in taking and detaining John Makanedoy, after the Slaughter of Christian Bowmane Lady of Bruxis, for the space of four days ‘red-hand’ after commissiof said Slaughter: And for disposing of his goods, which belonged as an escheat to the King: And for putting the said John to liberty.

1 The Earl and twenty others came in the King’s will for Hamesucken and Convocation of the lieges to the number of 200 men, taking the Teind-shaves furth of the barn-yard of James Kirkaldy of Grange, his Majesty’s treasurer, and factor for the Abbey of Coldingham, carrying off and destroying seventeen chalders of corn and Teind-bear (barley.)—The Lairds of Coldenknowis, Ayton, and Cranston, became surety for them.
Treasonable Intercommuning with the Earl of Angus.

Dec. 16.—ANGUS DINGLAY came in the King's will for art and part of the treasonable afflition, supply, and Intercommuning with Archibald formerly Earl of Angus, his brother, and their accomplices, Rebels and traitors, being at the horn; going with the said Rebels, and Intercommuning with them in Berwick: And for revealing and declaring to them the secrets of the kingdom of Scotland; THE KING being then in France.


[The Criminal Records do not afford us the extent of information which might have been expected upon the important subject of the Reformation of Religion in Scotland; but from them, and from the Register of the Privy Seal, &c., very interesting notices are to be met with. The reader will find that the Editor has amply availed himself of both of these sources. Referring generally to the well-known and valuable Historical works of the Reverend Dr M'Crie, Keith's and Calderwood's Church Histories, Knox's History of the Reformation, &c., for narratives of the persecutions against the early Reformers, the Editor shall merely annex a variety of contemporaneous and early authorities, for the purpose of exhibiting interesting reports of individual cases, in so far as they are illustrative of those proceedings which appear in other parts of this Collection. The labours of Dr M'Crie, Dr Cook, and others, who have entered into a full discussion of this remarkable portion of the history of our country, have long since met with the unqualified approbation of all who have turned their attention to the study of Church History, whether considered as a separate science, or as intimately connected with the political aspect of these eventful times.

It may be advantageous to prefix to the earliest notice which occurs in the Books of Adjournal, such Papers as have been selected by the Editor for the illustration of this subject; referring the reader more generally to the other materials which follow in the course of this work. This method may perhaps be more practically useful than inserting them among miscellaneous documents in a general Appendix.

Many readers may feel gratified by the following particulars, connected with some of the Narratives which are given in this work.

In 'Observations upon a Household Book of King James V,' by Henry Ellis, Esq.,¹ published in a recent volume of the Archaeologia, he remarks, 'The presence of the King himself at Edinburgh, at an auto-dafe,' is likewise noticed on the first of March, 1539, 'Acceptatio hereticorum

1 Archaeologia, xxii. 7. ² He returned to Linlithgow on the night of the 2d March. Ibid.

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et eorum combyftio, opus Edinburgh Regis praefete." He further informs us, that this happened when KELLER and BEVERGE, two Dominican friars, Sir Duncan Simson of Stirling, a priest, Robert Forrester, a gentleman of that town, and Thomas Forest, Canon regular of St Colms on the Forth, and Vicar of Dolar, in Perthshire, suffered upon the Castle-hill. A short contemporary comment upon this event, occurs in an Original Letter from the Duke of Norfolk to Lord Cromwell, preserved in the British Museum, dated Berwick, Mar. 29, 1539. Complaining of the bigotry of King James V, his Grace says, 'Dayly commeth unto me some gentlemen and some Clerks, wicke do flie out of Scotland, as they say, for redying of Scripture to Ingilishe, faigne, that if they were taken, they holde be put to execution. I give them gentle words; and to some money. Here is now in this town, (Berwick,) and hath be a good feast, the that was wife to the late Capitayne of Donbar;' and dar nor returne for holding our waies, as the faigne. She was in Englonde and fawe Queens Jane. She was Sir Patrick Hamilton's daughter, and her brother was bent in Scawlande iij or iiij years past.'

The other numerous instances of persecutions, for 'HERETICAL OPINIONS,' as they were then termed, though interesting in themselves, are already fully detailed by the authors before named, to whose works reference may be made.]

I. NARRATIVE of the proceedings against David Stratton, of the House of Lawriefloun, Mr Norman Gourlay, and others, Aug. 27, 1534.

In the month of August (1534) the Bishops, having gotten fit opportunities, renewed their battall against Iesu Christ. DAVID STRATTON, a Gentleman of the House of Lawriefloun, and Mr NORMAN GOURLAY, was brought to judgement in the Abbey of Halyruddhaune. The King him self, all cloathed with reid, being prescnt, great pains were taken upon David Stratton to move him to recant and burn his Bill; but he, ever standing to his defence, was in end adjudged to the fire. He asked grace at the King. The Bishops anwred proufliely, that 'the Kings hands was bound, and that he had no grace to give to such as were by law condemned.' So was he, with Mr Norman, after dinner, upon the 27 day of August, led to a place before the Rude of Grenefield, between Leth and Edinbrug, to the intent that the inhabitannts of Fife, seeing the fire, might be striken with terrour and feares.

David Stratton at the first hated the Premts onlie for their pride and avarice. The Bishop of Murray exacted of him the tenth fift. His answere to his fervents was— If they would have that which his fervents had gotten, it was resfloun they should come and revive it quhilk they gott the flock. And, as was contamflied affirme, he caufed his fervents caft the tenth fift in the fea againe. Proceeds of Curling was laid against him: which, quhen he contamned, he was summoned to answere for Hereflie. He had been befor vere fuborne, and defpised all reading, speciallie of good purpofes; now, he delighted in nothing but reading, albeit he could not read him self, and exerted everie man to peace and concord, and to the contempt of the world. He frequented much the companie of John Arritane, Laird of Dum, a man marvouflie enlightened, in respect of these times. When the Laird of Lawer-

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1 See Extract from 'Cald. MS., Aug. 1534. Dame Katharine Hamilton. 2 Calderwood's Church History, MS. Adv. Library. See also M'Crie's Reformation, I, 223. 3 Pitcairn, p. 120. Knox, p. 21. Spottwood, p. 66. 4 Their accuser was James Hay, Bishop of Ross, Commissioner of Cardinal Beaton. 5 The usual Judicial dress in Criminal cases, which is still red. 6 See Forze's Book of Martyrs, Fol. Lond. 1596, p. 896. 7 The form of recanting. See the close of this article, p. 211. 8 Constantly. 9 Pitcairn thus relates this proceeding: 'They condemned David Stratton because he would not abjure and burne his faggatt, quhilk they were verie earnest to have done; and the King himself procured (pleaded) for his lyff, quhilk the Bishopis graent, if he would burne his faggatt, quhilk the said David o naways wald doe. Quhainsir for the Vicar (Dean Forre), see articles II, III, and IV,) and he was both brunt... I know no case quhib, but that this David wold not pay his teenidz thankfullie to his Persons. And also Mr Normand Galloway (Gourlay) was brunt, because he was in the East-land and cam home and married ane waff, contrar the forms of the Forse's institution, becaus he was ane Privet, to whome it was not permitted to marrie; but if he had had ane thousand wheres he had nevr bein quarrelled.' 10 Forze attributes this act to Mr Robert Lawerence, Vicar of Eglintog. 11 Afterwards Superintendent of Fife.
Mr Normand was a man of reasonable erudition and knowledge, although it was joined with weakness. He had said their was no Purgatory, and that the Pope was not a Bishop, but an Anti-Christ, and that he had no jurisdiction in Scotland. James Hay, Bishop of Roff, capt in judgement, as Commissioner to James Drummond, (Arch) Bishop of Sanct Andrewes, so Mr Fox related.

To that diet was summoned others also, of whom some comparred in the Abbey Kirk of Hailrudehouse, adjured and publickly burnt the Bills. Others came not, but fled out of the country. Adame Doyes, or Dales, a shipwright, that dwelt on the North side of the bridge of Leith, was one of the number. Henrie Cornes, skipper in Leith, fled out of the country to the Eastern Seas. John Stewart, indweller in Leith, died in exile. Mr William Johnstone, Advocate, fled out of the country; returned in the time of Governour Hamilitoune: Reid, Bishop of Orkney, bought his house (being confiscat) with a small soume; so that it was thought great favour that he got the use of one chamber; but after his death he got no burial, neither in Church nor Church-yard. Mr Hector Henderson, School-master of the Grammar Schoole of Edinburgh, was after summoned; and in the end, for non compariung, was condemned as contumax and Heretic. He died in England. Sir William Kirkie, Prest, whither he compaire and adjured or fled, we can find no certaintie.

Mr Fox, refereth to this time Sir James Hamiltoune of Linthgow, Shireiff, and his sister, Katherine. James Hamiltoune was accused as one that maintained the oppinious of Mr Patric, his brother, to whom the King gave counsell to depart and not to compaire; for in case be compaire, he could not help him, because the Bishops had perfwed him the caufe of Hereifie did nowayes pertaine to him. And so James fled, was condemned as ane Heritick, his goods and lands confiscat and dispozed wnto others. His sister Katherine appeared; and being accused of Hereifie, to wit, that her owne works could not serve her, she granted; and after long reasoning betweene her and Mr John Spens, the lawyer, the conclusion in this manner, ‘Work heire, work there, quhat kinde of working is all this? I know perfectlie that no kinde of workes can serve me, but onlie the works of Christ, my Lord and Saviour!’ The King, hearing these words, turned him about and laughed, and called her wnto him, and caufed her to recant, because she was his aunt. And so she escaped.

A woman of Leith was detected upon this occasion. Qahan the Midwive, in time of her labour, bid her say, ‘Our Ladie help me!’ She cried ‘Christie help me! Christie help me, in whose help I trust!’ She was also constrained to recant, and escaped without condemnation of her goods, because she (was) married.

The publick Ceremonie of recanting in those times, was to beare a faggot of drie ficks, and burns it publicly; to signifie that they wars destroyng that quhich should have beene the instrument of their death.

II. NARRATIVE of the proceedings against Friar John Keilor, Dean Thomas Forret, Friar John Beverage, Duncan Simson, and Robert Forrester.

In February, the year 1539, or, as others account, the beginning of the year, the 25 of March, 1538, John Killor, Blak Frier, DEAN THOMAS FORRET, Vicar of Dolor and Channen Regular, John
Beveridge, Blak Frier, and Duncan Simpson, a Preist at Stirlin, a Gentleman, called Robert Forresten, in Stirlin, was summened be the Cardinall (Benton) and the Bishop of Dunblain. At the day of their appearances, they were condemned to the death, without any place for resurrection; because, as was alleging, they were Herefiarchs or Chief Hereticks, and teachers of Herefie; and especially, because many of them were at the briddel and mariage of a Preist who was Vicar of Tillibodie,1 befoile Stirlin, and did eat flesh in Lent at the briddel.2 They were cruelty Murdered upon the Caffle hill of Edinbigh, the last of February.3 That crueltie was use be the Cardinall, the Chancelour, the Bishop of Glasgou, and the inceansous Bishop of Dunblain.

Friar Killon set forth the History of Christ's passion in form of a Commedie,4 quibich was acted at Stirlin in the King's presensce, upon Good Fryday, in the morning; in the quibich all thinges were so lively expressed, that the very sime people understood and confesed that as the Preists and obstinate Pharitiees perwaded the people to refuse Christ Jesus, and caitif Pialte to condemn him, so did the Bishops and men, called Religions, blind the people, and perwaded Princes and Judges to percute such as profes Christ Jesus his blessed Godspell. This plain speaking so inflamed them thairefter, that they thirsted ever for his blood.

The Vicar of Dolor said to his servaunt, Andrew Kirkis, that 'he never heard a more heavenly speech all his lifetime, than out of the mouth of a Frier Killon, quhen he was imprisoned in the Castell of Edinbourgh;5 but Andrew could not remember the words. Buchanan sayth that 5 were burnt at that time, 9 recounteds, and many fled out of the country, of the quibich number he him self was one. The names of the recounteds we have not yet dones in our History; only be report we hear of Walter Couland, merchant in Stirlin, and James Watton, merchant, who burnt their faggotes;6 but as for the Vicar of Dolor, burnt at this time, we will set down a fuller Historie of his life and death than hath been yet extant.

Dean Thomas Forret, Vicar of Dolor, preached every Sunday to his parochiners the Epistle or Godspell, as it fell for the time; quibich then was a great novelty in Scotland to see any man preach, except a Black Frier or a Gray Frier; therfore the Friers invyed him, and accused him to the Bishop of Dunblain, in whoshe dioceze he remained, as sae Heretick, and one that shewed the mysteries of the Scriptures to the vulgar people in English, to make the Clergie detestable in the sight of the people. The Bishop, moved by the Friers' instigation, called the said Dean Thomas, and said to him, 'My joy,7 Dean Thomas, I love you well, and therfore I moost give you my counsell how you shall rule and guid your self.' To quoth Thomas said, 'I thank your lordship heerely.' Then the Bishop began his counsell on this maner: 'My joy, Dean Thomas, I am informed that ye preach the Epistle or Godspell every Sunday to your parochiners, and that you take not the cow—or upmost cloth from your parochiners, quibich is very prejudicial to the Churchmen; and therfore, my joy, Thomas, I would (you took) your cow and upmost cloth as other Churchmen doeth; or els, it is to much to preach every Sunday, for in so doing ye may make the people think that we should preach likewyes!' But it is enough for you quhen ye find any good Epistle or any good Godspell, that fetteth forth the libertie of the Holy Church, to preach that and let the reft be!' Thomas answered, 'My lord, I think that none of my parochiners will complain that I take not the cow nor the uppermost cloth, but will gladly give me the same, together with any other thing they have; and I will give and communicate with them any thing that I have; and fo, my lord, we agree right weel, and there's no disord among us. And quhere your lordship sayth, it is to much to preach every Sunday, indeed I think it is to little, and alfo would with that your lordship did the like!—Nay, nay, Dean Thomas,' said my lord,

1 Thomas Cocklaw. 2 See Forre, p. 1154. 3 Forre adds, 'Where they that were first bound to the stake godly and marystiously did comfort them that came behind.' 4 One of the Mysteries or Morailitics, which were so popular, among the Clergy as well as the people, during the Holidays. 5 Recounted. 6 My Joe, a familiar expression in use among very intimate friends. See this dialogue in Forre, p. 1153. 7 The mort- tarse and the chrismo. See Note at the end of the next article, p. #214.
III. Memoir of Dean Thomas Forrett, Vicar of Dollar.

THOMAS FORRETT, VICAR OF DOLAR, was a Gentleman of the House of the Laird of Forrezz, in Fife. His father was Master Stabler to King James IV. After he had got some beginning in the Rudiments, he went to Cullen and learned his Grammar, (and) be the help of a rich lady was sustained ther at schools. After he returned he was made a Channell in Sanct Colme's Inch, and was a servant Papist. Ther fell out a debate between the Abbot and Channons about their portion due to them for their maintenance. They got the Books of the foundation that they might understand better the quhat allowance was due to them every day. The Abbot took the book from them, and gave them a Volume of Augustine's to read and study in stead of it. 'O happy and blessed was that book,' said he many a time after, quhaiby he came to the knowledge of the truth. He converted the younger Channons; but 'the old bottelle,' he said, 'would not receive the new wine!' Therafter he was made Vicar of Dollar. He taught his flock the ten Commandments, and showed them the way of their salvation to be only by the blood of Jesus Christ. He penned a little Catechism, quibich he cautioned a poor child answer him, quhen any faithfull brother came to him, to allure the hearts of the hearers to embrace the truth; quibich indeed converted manie in the country about. He rose at six in the morning, and studied till twelve; and after dinner till supper, in Summer. In Winter he burnt candle till bed-time. When he visited aney sick person in the Parish that was poor, he would carie bread and cheefe in his gowns-fleece to the sick person, and give him silver out of his purse, and feed his soul with the bread of life. He was very diligent in reading the Epistle to the Romans, in the Latin tongue, that he might be able to dispute against the adherers. He would get three chapters perquirie in one day, and at even gave the book to his servant Andrew Kirk to mark quhate he went wrong in the rehearsing; and then he held up his hands to Heaven, and thanked God that he was not idle that day.

He was diversie times summoned before the Bishops of Sanct Andrews and Dunkeld to give account of his doctrine; but he gave such reasons and answers that he escaped, till that cruel Cardinall David Bothom got the upper hand.

Quhen he was brought to the place of Execution Frier Harbuckell biddeth him follow him. 'Say, I beleive in God,' fayeth the Frier. 'I beleive in God,' fayeth he. 'And in our Lady,' fayeth the Frier. 'I beleive as our Ladie beleiveth,' faieth he. 'Say,' said the Frier, 'I beleive in God and in our Lady.'—'Catechism,' faieth he, 'tempt me not! I know quhate I should say as well as ye, thankis be to God!' So he left him, and tempted the reft after the like maner. In the mean time, while he was faying to the people, 'I never minished the Sacrament but I faid, as the bread entereth into your
mouth, so shall Christ dwell by lively faith into your hearts!'—Away! away!' said one standing beside, with his jack on him, 'we will have no preaching here!' Another taketh the New Testament out of his bosom, and holdeth it up before the people, and crieth, 'Here! Here! Then the people cried, 'Burne him! Burne him!' He cried with a loud voice, first in Latin, then in English, 'God be mercifull to me a sinner!' After that, first in Latin, then in English, 'Lord Jesus, receive my spirit!' After that, as his manner was to end with some Psalms in his prayer, he began at the 51 Psalm, in Latin, 'Miserere mei, Deus, secundum magnam tuam misericordiam,' &c. and so continued till they pulled the foot from under his feet, and so wrirled him; and after burnt him.

This information Mr. John Davison receaue from his servaunt Andrew Kirkie, by a Letter, quich he translated in Latin in his Catalogue of the Scotish Martyrs. He addeth farther, that quhen the Pardonneurs would come to his Kirk, to offer pardon for money, he would say, 'Parochoners, I am bound to speak the truth unto yowe! That is but to deceave yowe. There is no pardon for our sins that can come to us either from Pope or any other, but only be the blood of Christ.

Quhen the Abbe of Sanct Colme's Inche would say to him, 'Will ye say as they say, and keep your mind to your self, and save your self?'—'I thank your lordship,' said the Vicar, 'ye are a freand to my body, but not to my soule!' Befor I deny a word that I have s poke, ye shall se this body of mine blow away first with the wind, in athes.'

When on of the number was wrirled and burnt before he, he said, when it was told him, 'Yea, he was ane wyllie fellow, he knew there were many hungry folks coming after him, and he went befor to cause make readie the supper!' Thus ended this faithfull servant of God, inveyd be the Clergie for his good life, diligent preaching of the word, and sparing the cow and uppermost cloathes, that is the mortuarie and the chrisome.

IV. DEANE THOMAS FORRET, Vicar of Dolkour, brunt in Edinburghe.

A lytle before this tymne one Deane Thomas Forret, Channon Regulare and Vicar of Dolkour, by fyde Striveleng, a verry vrych man and one of good lyfe and conversation, after a moneth or two of imprifonnemnt, was brought furth and accueld afore the Prelates and Churchmen in Edinbrughe for fum puyntes of Herefies, (as they thocht in thosc dayes,) whereof the heads were read and proponed by Mr. John Lawder, the accueller, as followeth. The Accueller. Fale Heretick! Thow sayes it is not

1 The jack, Fr. jaque, was a kind of short coat of mail.
2 Strangled him, at the stake.
3 In order that the reader may be fully aware of this shocking extaction of the Roman Catholic Priests, as then practised in the case of the corpse-present, the Editor cannot do better than give Dr. M'Crie's lucid explanation. 'The beds of the dying were beset, and their last moments disturbed, by avaricious Priests, who laboured to extort bequests to themselves or the Church. Not satisfied with exacting thistles from the living, a demand was made upon the dead. No sooner had a poor husbandman beled his last than the rapacious Vicar visited the family.'—The corpse-present was demanded by the Vicar, and seems to have been distinct from the ordinary dues exacted for the interment of the body and deliverance of the soul from Purgatory. This perquisite consisted in country parishes of the best cow which belonged to the deceased, and the uppermost cloth or covering of his bed, or the finest of his clothes. The "corp-present kow" answers to the beryeld horse, which was paid to the landlord (superior) on the death of his tenant.—Life of John Knox, I, 23, 349.
4 And als the Vicar, as I traw, He will not fail to tak ane kow
And upmaist cloth, thocht all bis bis busbandman;
Quhen that he lyst for til de, Having small bairnits twa or thré,
And hes thre ky withouten mo, Thae Vicar must harve ane of tho,
With the gray cloke that hapis the bed, Howbeit that he be purryly cled:
And gif the wyfe de on the morne, Thocht all the bis bis suld be forlorne,
The uther kow he cleikes away, With his pure oote of riboch gray:
And gif within twa dayis or thré, The elstid chyld hapis to de,
Of the third kow he will be sure. Quhen he hes al then under his cure,
And father and mother baih aird deid, Beg mon the bis, without rememid.'
Chalmers's Sir D. Lyndsey's Works, III, 105.
5 After this was prepared, the Editor observes that Pitscottie has the same interesting account of Deane Forret's Trial, almost in the same words, p. 350, &c. 6 Anderson's History of Scotland, M.S. Adv. Library.
leum to Kirkmen to tak þap Teyndes, and offeringes, and corfe prefentis,¹ theoth we hawe bhein in vle of them constitute be þe Kirk and King, and aliso our Holy Father þe Pape hes conformed þe fame? Deane Thomas Foret. Brother, I said not fo; but I said it was not leum to Kirkmen to spend þe patrimonie of þe Kirk as they doe, as on whooses, ryotous feastynge, and on faire wemen, and at playynge at cairdis and at dyce; and nather þe Kirk weill menteanned, nor þe people intructed in God’s Word, nether þe Sacremente dewlie minisitered vnto them, as Chryft commanded.—The Accyfer. Dar tho wy shi þwilk is oppiniol known in the countray! That tho wy gave againe to thy parochinaries þe cow and þe vynaft clotes,² sayyng, tho wy had no rycht to them?—Deane Thomas. I gave them againe to them þat haide more³ need of them then L—The Accyfer. Thow fals Heretick! Thow learned all thy parochineries to fay þe Pater nofter, þe Creed, and þe ten Commandements in English, which iscontre to all acts⁴ þat they fould know which we say.—Deane Thomas. Brother, my people are fo roode and ignorant⁵ they anderstand no Latine, so þat my confinciouns moved me to pite there ignorance, wjill provoked me leane them þe wordis of there salvatiou in English; that is, the Ten Commandements, whilk are þe law of God, whereby they mycht obserue þe fame. I taught them the Belesai, whereby they mycht knowe there faith in God, and Jesuf Chryft his fone, and (of)⁶ his death and resurrection (for thame). Maiover I teached (and learned thame) the Lords oawn prayer⁷ in þe mother tonge, to þe effect þat they fould know to whome they fould pray, and in whose name they fould pray, and what they fould ask and defyre in prayer, wjill I beleefe to be þe paterne of all prayer.—The Accyfer said, Why did thou that? By our acts and ordinance of our Holy Father þe Pape?—Deane Thomas anwered, I follow the acts of our Maister and Saviour Jesuf Chryft, and of þe Apostyle Paule, who fayeth in his doctrine to þe Corinthians,⁸ that he had rather spake fyve wordes to þe undersandinge and edfeyng of his people, then ten thowland in a strange tongue whilk they undersaund not.—The Accyfer said, Where finds thou that?—Deane Thomas anwered, in my book heir in my sleis.

Then þe Accyfer start with a bend⁹ to þe Vicare, and pulld þe book out of his hand (leigh), holding (it) vp to þe people, sayyng with a lowd voyce, behold, Sirs, he hes the booke (of Herefie) in his sleis, þat makis al þe din and play in our Kirk! Brother, saide þe Vicare, God forgive yow! Ye could fay better, if ye pleasid, nor¹⁰ to call the booke of þe Evangel of Jesuf Chryft the booke of Herefie! I affure yow, deare brother, þat ther is nothing in this booke but þe lyfe, Latter Will and Testament of our Maister and Saviour Jesuf Chryft, penned by þe four Evangeliasts, for our wholfin instruction and comfort.—Accyfer. Knowyes thou not, Heretick, þat it is contreare to our acts and expresis commands, to have a New Testament or Byble in Englishe, (quhilk is enough to burne the for)¹¹? Then the counsell of the Clargie gav sentence on him to be Brun, for the vicing of the fame buik, the New Testament in Inglis.

For thef, and þe lyke sentences, was he taken to þe Castell Hill in Ediburgh and most vnmercifullie Brun.

V. NARRATIVE of the Proceedings against Hieronymus (Jerome) Ruffel and Ninian Kennedy.

AFTER that this cruelie was used in Ediburgh upon the Caste hill, the rest of the Bishops behoved to shew them selues so lef fervent to suppres the light than did the Cardinal. Thers wer two apprehended in the diocese of Glascow, HIERONYMUS RUSELL, a gray Friar, a young man of a mean nature, quick spirit, and good understanding, and one (NINIAN) KENEDIE, quho had not paist the eighteenth year of his age; a man of good wit, and excellinge in Scottisch Poesie.¹¹ Mr John Loudar,

¹ See Note to the preceding article. "Piscocite." "More mister nor I had." ² Piscocite's reading is better, 'sure acts, that they should know what they say.' "Barbara, murm. Pits. ³ This word and the following are in Piscocites version. ⁴ "The Dominicalis Oratianus." ⁵ Pits. ⁶ 1 Cor. chap. xiv. v. 19. ⁷ Bound, spring. ⁸ Than. ⁹ Knox, p. 22, says he was 'of excellent ingyne for Scottische Poetry.' See also Spotswood, 67. Keith, 9.
Mr Andrew Oliphant, and Frier Mertman, were sent to affite the Bishop of Glasgow, at least to stir him up to dip his hands in the blood of God's servants. N. Kennedie, at the first, was faint, and would gladly have recanted; but quhen space was denied to him, the Spirit of all comfort began to work on him, the inward comfort began to burn forth, as well in a little as in tongue and word; for his countenance began to be cheerful, and with a joyful heart and loud voice he uttered thir words upon his knees. 'O Eternall God, how wonderfull is thy love and mercie quhich thou beareth unto mankind, and unto me the most miserable wretch and captive above all others; for even now, quhen I would have denied thee and thy Son, our Lord Jesu Christ, and so have cast my self into everlasting damnation, thow, by thy own hand, hast pulled me out from the very bottom of Hell, and made me to feel that heavenly comfort, quhich taketh from me that ungodly fear quhairwith before I was oppressed. Now I desire death: Do qhast yow please: I praise my God I am ready.'

Thefe Godles tyrants, the servants of Satan, railed upon godly and learned Hieronymus. He answered, 'This is your hour and your 4 Darkness! Now sit ye as Judges, and we stand wrongfully accused, and more wrongfully to be condemned; but the day shall come quhen our innocence shall appear, and ye shall see your own blindness to your everlasting confusion. Go forward and fill the measure of your iniquity!'

While the servants of God thus behaved themselves, a variance arisith betwixt the Bishop and the beasts quhich came from the Cardinal. The Bishop said, 'I think it better to spare these men than to put them to death.' The doctors said, 'Qhast will ye do, my lord? Will ye condemn all my Lord Cardinal, other Bishops, and we have done? If so, ye do throw your foes enemy to the Church and us, and so we will repute you, be ye assured!' The faithfeifs man, affrayed, adjudged the innocents to die, according to the desire of the wicked.

The meek and gentle Jerome Russell comforted the other with many comfortable sentences; oft sayyng unto him, 'Brother, fear not! More mightie is he that is in us, than he that is in the world!' The pain quhich we shall suffer is short, and shall be light; but our joy and consolation shall never have an end; therfor let us strive to enter in by that same strait way quhich our master and Saviour hath entered in before us. Death cannot destroy us, for it is destroyed already by him for quhoofe faith we suffer! With these, and the like comfortable sentences, they passed to the place of Execution, and triumphed over death and Satan.

Thus did these cruel beasts intend nothing but Murder throughout all the quarters of this realm, so far had that blinded and vicious man, the Prince—most vition, I say, for he nether spared man, wife, nor maid, after his marriage, more than he did befor; and had given himself to obey the cruel appetite of these bloody beasts—that he had made a solemn vow, that none should be spared that was suspected of Heresye, though he wer his own son!

Using Books suspected to be Heretical.

Jan. 10, 1588-9.—Robert Forestar, brother to Thomas F. of Arrgibbourne, William F., son to John F., burgess of Stirling; Walter Coalland, David Grahanie, and James Watfoure, found surety (Alex. F. of Killemuke, the Laird of Arrgibbourne, and Robert, his heir apparent, John Craggyncelt of that Ilk, John F. and Arch. Spittell, burgesses of Stirling,) to underly the law 'for breking of his hienes Proclamationes, in haifing and ving of sic bukes as ar fuelpst of Heresye, and ar defendit (prohibited) be the KIRK.'

1 Catiff. 4 Power. 2 Claiming, 1000 merks. See the Notice prefixed to these Narratives. That which refers to Robert Forester is on p. 210. Reference may also be made to Dr McOrie's works, &c.  * 500 merks. 5 500 merks. 6 500 merks. 7 500 merks.
MESSANGERS-AT-ARMS DEPRIVED FOR IGNORANCE, &C.

[The oppressions and irregularities committed by Notaries and Messengers-at-Arms, during the reign of King James V, were frequently visited with the most exemplary punishment, and in most of these cases, they were accompanied by deprivation of office. Frequent instances of this have already been given in this Collection, but the Editor cannot refrain from introducing in this place, a piteous 'Supplication,' by one of them, to the Lords of Privy Council, as an example of the lamentable straits to which some of these unlucky functionaries must have been reduced, pending the necessary enquiries into their conduct.—My LORDS OF COUNCIL, vnto your lordshipis huimlie mensis and sanewes I your seruitor, PATRICK DUNCANSONE,* notar publick, That quhare your l. ordanit me to produce befor you my prothogoll buke, as qhillik I dide; and senfynye, at your command, I haue remanit in pis ton, and hes fallin in hevy infirmitis, and my expendis failit; and, as I traft, my gudis at hame waisted and fjerpelit, throu my abisence, because I depastit sa schortlie to pis puntis, and left nane to overseke pe filmin: And albeit I haue happyhit rekelly to vary in pe dia of my Instrument, pe effect pajrol is of verite; and (I) meir committit sic negligense of befor, but (an) repute and holdin in all pe cuntre quhare I dace, ane trew, and autentic* manne. QUAREFORE I belfe your l. that, for pe consideratifion foirthids, ye wil deliver me my said Prothogoll, and licent me to pa fais hame, for my expendis is failit, and myself feiklie and evill dispoit. And your answere huimlie I belfe.]—[INDORSED.]

APUD EDINBURGH, tertio Decembris, anno IV. v°. xxxviij. THE LORDIS Ordainis pis compleare to compare befor pe Justice Clerk or his deputis and bynd. souertie, pat he full compare befor our soueraine lordis Justice or his deputis, and vnderly pe law for all sic crymes as falke impot to him, pe thrid day of pe nixt Justice-aire of pe shire, or souer, vponone xv dais warrnyng, vnder pe pane of ane hundrethe pundis; and pe souertie beand fundin, pe Lordis ar contentit pat he depairt hame as he pleit.]

Feb. 26, 1538-9.—JOHN GAIRLEY and fifteen other Messengers-at-Arms Convicted of common Oppression of the lieges, in the falce and unjust exercize of their office—frustrating them in their just actions, through their ignorance. THOMAS THOMSON and sixtene others were likewise deprived of their offices for the same cause.

HERESY.—KEEPING AND USING PROHIBITED BOOKS.

Feb. 28.—MARTYNE BALESKY* found caution to appear and underly the law on Mar. 7 next, 'for breking our soueraine lordis Proclamatione, in vfang and haifing of sic buiks as ar defendit (prohibited) be pe said Proclamation, vndir pe pane of ane thousand pundis.'—Mar. 7. He came in the King's will, and found Sir John Campbell of Calder, kni, Arch Williamfoune, burges of Edinburgh, and Robert Hoppingell, burges of Peebles, as his cautioners, under the 'pane of ij' li., that he fall abide and fulfill ye KINGIS grace plefoure and will.'

1 From the Original preserved among the Warrants of Court. 2 Or Robertson. Protocol—an official Register, into which each Notary was bound to insert an exact copy of each Instrument drawn up by him. Any violation of this book (which bore faith in judgment) was deservedly punished with severity; indeed, the offence was considered as an act of Perjury. 3 Dilapidated, scattered. O. Fr. Espargildée. Lat. Spargere. 4 Tenta; careful. 5 Walter Ogilvie of Boyne became cautioner for him. 6 See Remission, &c. in Appendix to this reign.
SUPPLICATION of Martyn Balleky to the Lords of Privy Council.

My Lordis of Counsil, viuo your l. huimlie menis and schewis, your seruirour, Martyn Baleky, burges of Edinburgh, That quhare I was laitlie put in frait Ward within pe Castell of Edinburghe, for quhat fat or canfe I knew nocht; bot allanerlie, because I refusit to deliuer my MATYNE-BUKE to pe Official of Lovellian, at his first command; howbeit, in that instant tymne, but ony day, I offerit pe famin to him: Quhareupon I menit me to pe Kingis grace, and his hienes referrit pe faid mater to my Lord Coaftjour of Sanctandrewis, and declarit his mynd pairintill to him, to be determinit be your l., conforme to justice. Herefore, I beseke your l. to haue consideratioun (of) me; and sen I was never reput ane gret treffallour, that pe will ordain me to be laitte in fredome; and pairstair, I fall fand sufficient cautione and fouenit, in presence of your l., to enter befor quhatlameuir Juda, spirituall or temporall, at ony terme or diis, sic as pe pleise to set and anfiuer, for ony maner of fact pe may be impute to me, anent pe denial of my buke to pe faid Official. And your anfiuer huimlie I beseke.—[Infered.] Apud Edinburghe, zvij Decembri, anno I. V. xxxvit. The Lordis Ordanis peis complene to fynd sufficient cautione to pe Justice clerk, pe he fall compeire befor our fouerane lordis Justices or his deputis, quhen and quhare he sall charge, to vindirle pe law for breking of pe Kingis grace Proclamatione, anent peis vand bukis dischargin be pe faid Proclamatione, vndir pe pane of 1m. ti. And pe faid securitie and cautione beand fandin, pe Lordis Ordanis him to be relait fret firth of Ward, and pat to fredome.

Slaughter.

Mar. 17.—Fergus Makdowell of Freuche produced a Respite from the King for art and part of the cruel Slaughter of John Makculloche, in Mochrame, of forethought felony.—Gilbert, Earl of Cassillis, became surety to satisfy the parties.

Oppression — Hamesuchin — Cattle-stealing — Stouthreif, &c.

Alexander Makculloche of Cardernes, John Mcuffe, William Makskalye, Gilbert Mculloche, and . . . . Gilchrist, came in the King’s Will for art and part of the forethought felony and Oppreッション done to Archibald Carnis and Henry his son, coming upon them with great Convocation of the lieges, armed in Warlike manner, within the Sanctuary of the Parif Church of Anvothe, and cruelly Hurtin and Wounding the saud Henry, to the effusion of his blood; committed upon Jan. 12 last. Item, for art and part of the Stouthreif and abduction from Gilbert Regall, furth of his set of the lands of Drummuklok and barn thereof, 100 bolls of horffe-corn, and 20 bolls of oats; committed within the last three years past.—Delivered in WARD to the Captain of Ed’. Cattle.

The saud Alexander also became in will for Stouthreif from James Makan of sixty sheep, five cows, and one mare, furth of Ardwell: Item, from Thomas Makmore of a black horfe and a mare, furth of Kirkmabrek: Item, from Sir Adam Sneries, Chaplain, of seven head of cattle, furth of Camray: Item, for forethought

1 This Supplication had previously been presented, and deliverance passed thereon, on Dec. 16, 1538. Reference may also be had to the Notice and Papers relative to the rigorous proceedings adopted against the early Reformers, I, * 209, &c. * Alone, only. * Without. * Complained.
felony, Oppreffion, and Hamefickin, done to John Makculloche, on his lands of Auchinlare: Item, for Stouthreif from him of eight oxen and a cow, from various of his lands: Item, from Gilbert Ker, of a horse: Item, for Oppreffion of the said John Makculloche, deftroying a plough, and Wounding his servants, &c. &c. And for common Oppreffion of the lieges.—James Kennedy of Blarequhan, and William McClellane, Tutor of Bundby (Bomby), became fureties for his satisfying the parties, according to law.

Wilfull Error on Affixe.

Alexander Stewart of Garulefe (Garlies), John Murray of Brochtoun, the Lairds of Garthland, Miretoun, Murdoch, Blairquhan, Roffle-Bonar, the Tutor of Bondby, and others of less note, found caution to underly the law at the next Justice-aire of the shires where they resided, for Manifest and Voluntary Error on Affixe, declaring Alexander McCulloch of Cardergie and his accomplices innocent and acquitted of art and part of the Mutilation of Henry Carnis, of forethought felony: And for declaring Fergus M'Dowell of French and his accomplices innocent and acquitted of the Murder of Andrew Schankis, and sundry other crimes of Oppreffion.

Stouthreif and Housebreaking, in time of Plague, in Perth, &c.

Apr. 21, 1539.—Gilbert Blair, brother of Alexander Blair, burgess of Perth, Constantine Fergusloun, Sir John Luivel, chaplain, Sir Henry Eldare, and Sir William Daudsfoun, found caution to underly the law at the next Justice-aire of Perth, for forethought felony and Hamefickin done to the Keepers of the Gates of Perth, in time of the plague, coming upon them under silence of night, on Oct. 24 last, striking and Hurting them in peril of their lives: And for breaking into and plundering several houses and chambers, by way of Theft and Stouthreif.

Slaughter.

May 22.—William Jamesoun, called Wantoun Will, Convicted of art and part of the Slaughter of John Forbes, coming upon him at Prestounpannyes, and slaying him with a stone.—Beheaded.

Slaughter of the Laird of Turnberry.

[The following Case affords an illustration of the expediency of having the whole of the Warrants and loose papers belonging to the High Court of Justiciary carefully examined, arranged, and bound up for future consultation. The great mass of such documents entirely precludes the possibility of the Editor, or any other private individual, consulting them. They have, apparently, for more than a century, been put into bundles, without the smallest reference to date or subject; and it would certainly require many months to reduce them to order. It seems obvious, that among these Papers many documents must exist, highly illustrative of the Criminal proceedings which took place for a great
period of time, and might even throw light upon many obscure points connected with the History of Scotland. A number of Royal Letters and Warrants, bearing the sign-manual of King James V, have already been found, which, it may be remarked, are seldom engrossed in the Record; for, doubtless, the Clerks of Justiciary could, at the time they were granted, easily refer to them when required. In the present instance, the original scroll of the 'Dittay,' the 'Supplication,' and King's Letter had been left in the Volume, and they have accidentally survived the changes and chances of nearly three centuries. They are given here as a specimen of the information which we might have expected in every Trial, had these Records been always valued as they now are.

In many Cases of the greatest importance we may still expect considerable light to be reflected from these documents, when properly arranged.

May 23.—James Reid Convicted of art and part of the cruel Slaughter of John Reid of Trumberry, coming upon him and slaying him of forethought felony.—BEHEADED.¹

DITTA.—James Reid, 3e ar indict and accusit for art and part of þe fel-loune and cruell Slauchter of vnq¹ John Reid of Trumberry, cumand vpone him in his avin landis of Darnadougall, in company with 3ouur fader Johne Reid, and 3our complices, to þe nowmer of ix personis, one þe xxiiij day of April laft bipaft; and cruellie flew þe faid vnq¹ Johne, apoun auld feid and forthocht fellony, and be way of Hamefucking: þat 3e comitit þe faid Slauchtir vpon pro-nifoune and forthocht fellony, 3e being at þe Wappin-fchawing in Are, quhen all 3our nychtbouris left þair jakkis behind þaim, 3e faid 3e wald nocht leif 3our jak behind 3ou, for 3e wald haue ado with 3our jak and wappinnis at hame: þat 3e comitit þe faid recent Slauchter vpoun auld feid and forthocht fellony, 3e þe faid James and 3our faidis complices, at Whittfunday laft bipaft, fett vpone þe faid vnq¹ Johne, at þe Leyn-held of þe Schaw, for his slauchter; and quhen he eschaipit fra 3ou, and quhen þair was ane concord and way dewifit to be had betuix 3ou, 3e faid 'þair fuld be may² betuix 3ou, quhilk³ ane of 3our skynnis wes cutit.' Item, one þe Sounday before þe committing of þe faid Slauchter, 3our fader cumand fra þe Kirk of Machlyne said to Johne Vdart, þat he could get na way dreffit betuix him and þe faid vnq¹ Johne, for þe heich of his fonnis: And þairafter 3e and 3our faid complices lay continewlie on þe Mois of Darnadougall, aawaitand þe faid Johne for his slauchter, fra þe Monunday quhill Fursiday,⁴ þat 3e flew him: And on þe day befoir, 3e flew his ferwandis doggis þat skéyit⁵ 3ou quhare 3e lay: And quhen 3e faw him cumand, 3e, þe faid James, and 3our brüper, ranne befoir 3our fader and flew him; and 3e war hurt and woundit in þe meyntyme, and had fled with þe remanent, war nocht 3e war hurt, and paffit to ane bauk⁶ and was fundin be James Logane, Sheref-depe of Are.

¹ This is the entire entry in the Record. ² For mair, more. ³ Until. ⁴ From Monday to Thursday. ⁵ Descrived, detected. ⁶ Beast, which generally denotes a reserved ridge, or stripe of grass between tilled lands, such as are very common to this day in many pars of England, where each alternate ridge is left in pasture.
**26 Jac. V.**

**CRIMINAL TRIALS.**

**LETTER by King James V. to the Justice, &c.**

Rex,

Justice, Thesaurer, and Justice Clerk, Ve greit sow well. Forhaymekill as it is howse menit to vs be our louit James Reid in Helar, that quhair pair vs ane Slauchter committit in his defens, and beause our Scherf of Air-principle is frend to pe manne þat is slayne, he hes fand hymme to be justisfeit by sow, and hes sunmod an Affile of þe contr quhair þe allegit cryme vs committit, bot tendis to tak certane priuat particular perfones þat var takkaris and conwayaris of hymme to sow to be on his Affile, and so to put hymme to deid, he beyng innocent, be ane suspet Affile. Our Vilt is heifur, and ve charg sow, gif it be as be befir hererhit, þat þe superfeld for xx or xxx days, quhill ane infl caveat Affile may be gottin; and keip hymme in firmane; or put himme vnder grit fouerteis in þe meyne tymne. And þis þe faill nocht to dow, kepand þis for you warraund. Subscrivit with our hand, at Sanct Androis, þe xij day of May, and of our regne þe xixij þeir. James R.

**SUPPLICTION by James Reid to the Justice, &c.**

My Lord Justice, Justice Clerk, and gour Deputis, vnto gour l. huimil menis and schewis I gour feruitor James Reid, font to William Reid in Clare: That quhare, laitile, I wes gandand vpon my fad faderis maling of Clare, pertaining to my Lord of Melrose, laird in þe lordship of Kilismure, within þe fchereidome of Air, veyand þe famen, and my fad faderis gudie gandand pairon, traifing na troubl on of any perfonis, bot to have levt vnder Goddis peax and þe Kings: Neuirtheles, Johnne Reid in Coigertoun, his wife, tonnes, and complices, to þe nowmer of ten perfonis, bodin in feir of weir, come iij mylis fra þair ayne honfis, vponne auld feld and forthoc felony, and be way of Hamefukin invalidit and perflwit me and my fad fader and his ferandis for his slauther, and chaceit him and his casale and ws of his fad malings: And in þe chaeing of ws þe hurt me in my bak: And quhenne we turnit agane to defend ws, þe fad Johnne, in his awin defalt, and our pure defence, happynit to get ane strilk, my vnwriting; throw þe quhil he is deid, and my inemes and vnfrendis of verray malice allegis þat I hane þe wyte þairof, quhilk is nocht of verite, hes callit me þairfore before your l. to put me to cummyre and trubill, without any lauchfull or refoonabill casus. HEIRFORE I befeke your l., for Goddis fake, of remeind: And fen I am ane pover child, innocent of þe fad crime, and hes na manne to do for me, bot God and your l., and knavis nocht þe peronis þat fad be vponne my Affile, that þe arlye wele quhane? þe put þaironne; and caus þame, be þair grete aithis, declare gif þai be kin frendis or alla to my party or his frendis, and hes gevin þame partial counsell in my contrare; and do me justice, and caus ane man of law speik for me, as þe will hane thank reward and mercy of God, and of your awin faulis þairfore. And your anser huimil I befeke.

**Composing and Supplying of Friar William Kelou.**

Rex,

Justice Clerk, þe fail deliver þe tua menne of Abidene, þe ane callit James Anderhouse, and þe yder Johnie Midyde, farthe of our Ward, quhilkis was put in þe samyne, for composing and supplying of Friar William Kelou; þe faidis perfonis fyndand sow sufficient cautionne till entir

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1 Intends, means. 2 Until. 3 Complainant. 4 'Mailling,' a small farm held on payment of certain rents or rents. 5 Inspecting. 6 Live stock. 7 Off. 8 Blame. 9 Difficulties. E. Chamber. 10 For remedy or redress. 11 Since. 12 A 'pair Child,' a poor lad or fellow. 13 Whom. 14 There is no information or 'delivery' on this Petition—but from the fatal words 'Conducts,' 'Decollat,' being twice entered in the body of the Record and on the margin, there seems no doubt of his having been Beheaded. 15 Orig. among Warrants of Court. See Papers as to proceedings against suspected Heretics, Jan. 1536-8. 16 A similar Warrant was granted by the King on March 25 preceding.
agane, any tyme þai be requirit, betuyn þis and All Hallowmes next command, onne fyftene dayis
warnyng, be þou, or þair Ordinar; vndir sic fowmes as þe think expedit; Ṣruding, þat þe said
John Mudy þaþ nocht benyth þe watter of Tay, vndir fouertein siclyk. Subcriuit AT SANC-
ANDROIS, þe seindy day of Junij, and of our regne þe xxvi þair.

JAMES R.

Oppression — Imprisonment of the Commissary of Caithness.

Jun. 6.—WILLIAM SUTHIRLAND of Duffois¹ Convicted of art and part
of the taking of Sir Alexander Gray, Commissary of Caithness, leading him to
the Place of Querrelwod, pertaining to the said William, and keeping him in
ward and captivity from the vigil of Christmas to Saint John’s day following,
he being the King’s free man; thereby usurping the King’s authority. ITEM,
of art and part of forcibly carrying back the said Commisary against his will
from the said Place of Querrelwod to the burgh of Elgin, and delivering him to
the Dean of Caithness, (Sir Alexander Sutherland); also thereby Usurping the
King’s authority.—ALEXANDER SUTHIRLAND and six others were Convicted
of laying violent hands on the said Commisary, in the outer bedchamber of the
Dean of Caithness, committed on Dec. 20 last: AND for violently taking the
said Commisary furth of his lodging in the house of Archibald Stronach, in
the burgh of Elgin, undir tilence of night, he being in his naked bed; and lead-
ing him to the said Dean’s chamber, and detaining him in captivity therein till
the vigil of Christmas, &c. Item, of art of carrying him back by force from
Querrelwod to the burgh of Elgin, &c. WARDED in the Castle of Edinburgh.

SIR ALEXANDER SUTHERLAND, Dean of Caithness, and four other Church-
men, were repigliated by Patrick Bishop of Murray.—Mr JOHN SUTHERLAND
and James Vrquhard of Alderne found surety to vnderly the law for the above
crimes, at the next Justice-aire of Elgin.

Using a false and forged Instrument.

Jun. 13.—THOMAS CHARTERIS of Kinfawshe Convicted of art and part
of using a forged and falsne Instrument, made by his consent and counfel, being
an acquittance or discharge of a certain large sum of money affrigned by THE
King to James Rois his servant, due to his Majest by the deceaf of Alexander
Bishop of Murray, as his heir; or granted to THE KING by the privilege of THE
POPE.—WARDED in Edinburgh Castle, during the King’s pleaour; and all his
moveables to be escheated.

¹ The before-mentioned prevous Warrant contains this clause, 'and alsna to coampair befor þe
Bishop of Aberdis þair Ordinar, quhat tyme þai be requirit be him.'
² To the northward of.
³ Fourth.
⁴ He found caution on Jun. 7, that he should remain in free Ward within the Castle
of Edinburgh, 'and nocht eschaip nor depaert furth of þe saide Castell, quhill he be freid be þe KING's
grace, vnder þe pain of 10l.'
SUPPLICATION to the Lords of Privy Council.  

Jun. 14.—My Lordis, of Counfale vnto your I. huimis menis and shewis I your seruantour,

Thomas Charteris of Kynstounes, that quair I am laitlie imput in þe Castell for sobir* causis, as I vnderstand, and baldis in to ane hooufe; and þe Capitane, Confabill and Kepars of þe Castell will nocht faif my feruandis to cum and repair to me, to þe effect þat þai may minifter to me in meit and drynk and all vper necessaries; howbeit, I am content to fynd cautioune þat I fall nocht evaid furth of þe said Castell, vndir sic panis as your I. thinkis expedient. Quhairfore, I befaik your I. of remeit, and þat þe wil gif command to þe Capitane, Confabill, and Kepars of þe Castell, to put me to fre Ward within þe said Castell, I fyndand cautioune þat I fall nocht evaid furth of þe saimyne vnder sic panis as your I. fall think expedient, and to faif my feruandis to cum and minifter to me like as vperis fre Wardaris hes within þe said Castell. And your answer buimlie I befaik,—(Indeued.) AFUD EDINBURGHES, xiiij° Janii anno I=V=XXXIX. Fiet et petitur, Cautioune being fundin to þe Justice Clark, vndir þe pane of I=li.

Suffering English Thieves and Captives to escape.

Jul. 21.—ALEXANDER HEBBURNE of Qhuitfum got a Remissiion for permitting and sufferin Clement and Robert Hall, brothers, and Thomas Pot, Englishmen, to depart furth of his place 'of Richartoun, they having been delivered in cufody to him as captives and Thieves.—WILLIAM COKBURNE of Choslie and Stephen Bukles came in the King's will for sufferin Anthony Pot, Englishman, in like manner to escape.

Breaking into the Tower of Ernsidle — Stouthrief, &c.

Jul. 24.—WILLIAM CUMING, Margaret Dowglis, and four others, were denounced Rebels, and put to the horn, for art and part of Convocacion of the lieges in great number, armed in warlike manner, coming to the place and Tower of Ernsidle, and breaking up the doors and gates thereof, and entering therein: And for Stouthrief from Alexander Cuming, fon and heir apparent, and the curator of Thomas Cuming of Ernsidle, his father, of all the goods and utensilis in the said house: And for detention from him of the said Place and Tower: And for Stouthrief from him furth of the messlage thereof, of one hundred and fifty-six bolls of corn, with the straw, eight oxen, and two horfes: And for Common Oppreccion, &c.

Laird of Macfarlan and Walter Macfarlan of Ardleische.

Jul. 27.—DUNCANE MACFARLANE OF THAT ILK, procured surety to the amount of 1000 li. in terms of the King's permissiion, contained in the following Warrant.  

The cautioners were Sir John Campbell of Lundy, kn', Sir

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1 From the Orig. among the Warrants of Court. The purpose of printing this Paper, is to show, practically, the manner in which what was termed 'free Ward' was obtained, for the accomodation and comfort of prisoners, whose offences were not very heinous; and who had influence enough to find high security, that they would not attempt to escape, if this indulgence should be granted to them.  
2 Trivial, trifling.  
3 From Orig. among the Papers of the Court.
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CRIMINAL TRIALS. A.D. 1539.


Rex,

Traisit couning and counsalour, We gret you hertie weill. Forfamekill as we wrat to 50w of before to refais Duncane Macfarlane of pat Ilk, to keip him surely in ward, quhil 3e had vpper command of us in pe contrare. Now, it is our will and mynd that he be in fré ward with 50w as 3e think expedient, he findand fountré to our Justic-Clerk, vndir 3e pane of ane Thousand l. nocht to brek ward; quhilk gif he dois, it falbe impute na falt nor cryme to 50w. Gevin vndir oure Signet and subscriuit with oure hande, At Falkland, pe xxv day of July, and of oure regne pe xxviij yere.

JAMES R.

(Addressed) To our trait couning and counsalour James Lord Ogilvy.

In a short time afterwards, as appears from another Royal Warrant which is still preserved among the Papers of the Court of Justiciary, a similar indulgence was granted to Walter Macfarlan of Ardleish, of whom were descended the families of Gartartan and Ballaggan, &c.1 He was son of Sir John Macfarlan of that Ilk, kn1, by his second Marriage, with a daughter of Herbert, first Lord Herries, and uncle to Duncan M. of that Ilk. The Warrant runs thus:

Rex,

Justice-Clerk, We gret you weill. In hope pe Walter Macfarlan, now being in sure Ward within oure Castell of Edinburgh, fall caus his frendis in pe partis do gode servise to ws in it, commitit to jame, We have ordnit pe Capitane of oure said Castell to let him to fre ward within pe damn, he findand fountré, first, to 50w, vndir 3e pane of Thé Thousand pundis, pat he falloch echew forth of our said Ward: Quhilk 3e falld nocht to tak of him; and pairefit cande him be put to fre Ward as said is. As 3e will anuer to ws jairuponne. Subscriuit with oure hand and vndir oure Signet At Sancandrois, 3e viij day of August, and of oure regne 3e xxxij yere.

JAMES R.

Another Warrant was two months afterwards addressed to the Justice-Clerk, which, however, does not indicate the crime for which the parties were imprisoned. It is likely the offence was of a treasonable description; at all events, it was very serious in its consequences to the parties concerned.

Rex,

Justice-Clerk, It is our will, and we charge soun pe say refaise sonerté of Dungane McPfar-
lane vnder pe pane of ane Thousand pundis, and siclyke of Walter McPfarlane vnder pe pane of Tsu Thousand pundis, pat pe fal al entir agane within ony Castell we pleas, vpon xx dayis warning: And pat 3e refais iij or iiij personis, ilk ane for peir swin pairt, fountré for pe said Walter; and pe said sonerté being fundin, pat 3e cauf jame (to be) fred forth of Ward, and late jaim pat hame, to pe effect pat pai may d0 ws gud servise in our xij Justice-aire to be baldin in Dumbarlane. And 3s 3e falld nocht to do; keipand 3s our Precept for your Warrand. Subscriuit with our hand, and vndir our Signet, At Falkland, pe tent day of October instant, and of our regne pe xxviij yere.

JAMES R.

(Oct. 13.)—Andro Lord Awendale, Henry Lord Methwene, and Sir John Hammiltoun of Fynnart, became fureties for Walter M. of Ardleishe,

1 See Douglas’s Baronage, p. 95.
for 3000 li. (Oct. 24.)—Sir John Campbell of Lundy, kn{}, became surety for Duncane M. of that Ilk, under the pain of 1000 li. in implement of the King’s Precept.

Fire-raising — Burning the Town of Ardochbeg — morning.
Oct. 4.—John M’Robart M’Farlane, Duncan Dow M’Kippounie, and Duncan M’Kilop, convicted of art and part of Fire-raising and of Burning the Town of Ardochbeg, and for common Theft and ‘ Somyng.’ — HANGED.

Besieging the House of Summerdaill — Slaughter, &c.
Dec. 16.—John M’Ewin M’Gillebreid, Gillepatrick M’ferquhar, Tormat M’donald, Alexander M’gilbetoune Makane of Rafa, and fifteen others, dilated for ‘pe Assgeing of Alexander Makclod of Dunvegane in his Hous of Summerdaill, in pe moneth of Mai last bipaft, and Slaughter and Refe committit be pat famyn tym vpone him and his tenentis; and vpersis grete crimes contenit in pe Letteris.’—Johne M’clod of Mynzone, in the Isle of Skye, became surety for the again-bringing of the Letters duly executed and indorfed, on Mar. 6, 1539-40.

Books of Adjournal.

[The loss of the Books of Adjournal, during an eventful period of nine years, embracing the close of the reign of King James V, and the commencement of that of Mary Queen of Scots, is singularly unfortunate, as many important public events are known to have taken place, and, during such stirring times, there would doubtless be numerous Trials. All the traces now remaining of the proceedings which took place before the High Court of Justiciary, must be gathered from the necessarily meagre notices which occur in the 'Liber Plegiationis f. d. n. Regis et Regine,' wherein memoranda of the Bonds of Caution, or surety found by persons accused of crimes, were engrossed. As will be seen, the Editor has, as usual, availed himself of all the information which he could glean from these and other authentic sources; but, in all those instances, the authority is uniformly quoted. The narrow bounds into which the Editor must compress this information, demand that these notices shall be

1 On Jan. 7, 1539-40, Robert M’gilphatrick M’ferlane, ‘in voarda exs. infra Cufrum de Dunbartane,’ found surety to underly the law for all crimes which might be laid to his charge at the next Justice-aire of Dunbartan. The nature of his crime is not alluded to.  
2 It is very probable that there are two Volumes lost, perhaps only one. The series of Volumes, as indicated by the oldest markings, is very incomplete, and many of the Books which now remain are the scroll or jot-books, from which, with the assistance of the Dittays, &c. the Record was afterwards made up.

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condensed as much as possible, leaving it to the enquiring reader to refer to the various original sources of information indicated in this work.]

Robert Master of Sempill.

Mar. 2, 1539-40.—The quhilk day Williame Lord Sympill, of his avne content, soforamekill as our souerane lord of his speciale grace and favouris hes grantit his Remissioune to Robert Master of Sympill, fone and apparrand are to Williame Lord Sympill, now being furth of his realme, fugitive fra his lawis, and at his horne for certane grete crymes, Prouding patt he fall na maner of way cum nor repare within pes realmes of France nor Scotland, without he obtene his gracis Licence and benuelence pairto: Therefore, pes said Williame Lord Sympill is becummen, and, be pes tenour of his prefent Act, becumis plege and fouirté to oure souerane lord, and his Justice Clerk in his name, pat pes said Robert fall, fra pes twenty of Marche instant, abstene fra cuming and reforting within pes saidis realmes of Scotland and France, and all pes boundis pairof, any maner of way, without speciale Licence of our said souerane lord, vndir pes pane of Five Thowand pundis: And gif pes said Robert failzeis ony maner of way herein, it falbe reput to him ane poyn of Trefbourne, and fall incur pes panyes pairof, and to be pynuift pairfor at our souerane lordis will.¹

Caution for Douglas of Parkhead’s son.

Mar. 11.—James Earl of Morton, George Douglas of Pennyland, John Inglis of Langlandhill, and Mungo Inglis of Wintermure, became sureties for William Douglas, in terms of the following Warrant.

Rex,

Justice Clerk and your deputis, it is our will, and we charge you, that incontinent esfur pes chicth hereof ye refaire sufficient caution and fouirté of Williames Dowolarse, fone naturale of James Dowolase, sumyme of Parkhale, pat he fall remane with our confing James Erle of Mortoun, and in his seruice, quhare he plesis, as in our Ward; and nocht to eschew pes famyne, vndir pes pane of Vtri, and registar pes famyne in pes Bukis of Adornale. As ye will anser to us pairpoune; kepand pis our writing for your Warrand. Subscriuit, with our hand and vndir our Signete, at Edinburgh, pes xxvij day of Februar, and of our regne pes xxvij here.

Caution for two Sons of Cumyn of Altyre.

Mar. 13.—Alexander Cuming and James his brother, sons of Alex. C. of Alter (Altyre), 'now being in Warde within pes Caftell of Edinbur', found

¹ There is this marking subsequently inserted on the margin—Deletur de Mandato Domini Gubernatoris, per suas subscripsiones manualem et signatum.
surety that they 'fall remane be-Northe pe Northe Watter of Eik, in Warde, induring our fouerane lordis will,' under the pain of 1000 merks.

Caution for Robert, Christina, and Duncan Macfarlan.
May 10, 1540, (apud Dunbertane.)—ROBERT M'FERLANE, 'in Ward within pe Caftell of Dunbertane,' found George Striueling of Giorat, John Sympild, young Laird of Foulwood, and Donald Campbell of Ardintenné, as sureties for him (100 merks), that 'he fall obserue and keip gude reuill in tyme cuming, and compere and vndirly pe law, eftir pe forme of our fouerane lordis writing direct to pe Justice Clerk.'—Jun. 12, (apud Edinburghe.) William Maitre of Glencairne became surety (100l.) for CRISTINA M'FERLANE; and also, on Jun. 30, (300 merks) for DUNCAN M'FERLANE, to the same effect. They are both described as then being 'in Ward within pe Caftell of Dunbertane.'

Forestalling and Repragting.
Aug. 6.—PETER BUNTYNE found caution to underly the law 'for pe Oppressioun done vpoune our fouerane lordis liegis, awaytand be pe way vpone nolt, scheip, horfe, and catall pat ar cumand to faris and mercatis to be sall paire, and byand pe samyn fra avnaris paireof; and paietir, bringand paire to pe smyn mercatis, forfalland and regratand thame to our fouerane lordis liegis, takand paiir for ane grete and exorbitant price, to pe vniuerfale skayth of pe cuntre.'—JAMES GEDDES became in will for 'bying of xij scheip pe sall day cumand to pe Houfe of pe Myre, and forstalling of pe mercate.' He found surety that the shep 'falbe furthcumand to pe KINGS proffeit and behufe.'

High Treason — Treasonable Conspiracy with the Douglasses against the King's Life.
Aug. 16.—No traces appear in the Criminal Records of the Trial of Sir JAMES HAMMILTON OF FINNART, kn. The event, however, is one so prominent in the History of the country, and Sir James was a person of such notoriety, that it seems proper to preserve some brief notice in this Collection. 'The Baitard of Arran' was principal Steward to KING JAMES V, and had been very high in favour with his royal master. His character appears to have been eminently distinguished by personal valour, intrigue, and tyranny. Letters of Legitimation had been granted to him so far back as Jan. 20, 1512-13;¹ and through the influence of his father JAMES, the first EARL OF ARRAN, and the King's personal favour and friendship, he acquired very extensive Estates.

¹ Other Letters were afterwards granted to himself and to Andrew and James, his natural children by Mariot Stewart; and also to ALEXANDER, another natural son, Nov. 2, 1539. Reference may be made to the Appendix for numerous circumstances illustrative of these events.
One of the greatest stains on his otherwise cruel and ambitious career, was the treacherous Murder of The Earl of Lennox at the Field of Linlithgow, Sep. 4, 1526, after that distinguished Nobleman had surrendered himself prisoner.

Without entering on a sketch of any portion of his life, which more properly belongs to the Historian, the Editor merely refers to the following quotation. Bishop Lesley\(^1\) also remarks, that, ‘befor his executeine, he protestit before God, that he had not offendit the King; bot affirmit, that gif he had bene als guid a servant to God as he was to the King, he had not dyet so shamfullly; and confessit that he deverfit that deith, becaus he offendit God oftymes for pleafour of the King; and theirfore prayit every one to taik exempill of his doingis.’

He married Margaret Levingstoun, Lady of Easter Wemyss. He was executed as a Traitor at Edinburgh, August 16, 1540; and his immense estates were forfeited, and bestowed upon numerous Courtiers. In 1543, his son James obtained a recall of the forfeiture.

\(^{1}\) About the same James Hamilton, Scheref of Linlithgow, and cowin german to Sir James Hamiltoun (of Finhart, baffard brother to the Earle of Arran,) com to Scotland, etfor long banifhment, quhilh as he avowid to accufe Baffard James be law, purchaffing Licenise to com in the contry for a certane space; and vnderfanding quhat dainger baith hismelf and thofe that profet the pure doctrine of the pure Gofpell fute in, fend his fone to the King, being in jornay towards Fyff, qbo com to him befoir he boited\(^2\) and frachit. The man, fulpitious of natour with baiffull newis, affyrmeing that it rade him to no leis nor\(^3\) his lyff, perrellous to the hail realme, wales he prevained\(^4\) the deid be punishmeint of the Traitor.

\(^{2}\) The King, qbo haifitd to Fyff, fend the young man back againe to the Excheker; qnahir he commandit James Leirmonte, his Maistir Houfald, James Kirkealdie, Grit Thelaurer, baih men of fum Religion, and Thomas Eykeine, ane earnelt Papeif, Secretar, to convein, willing thame to crediut that beirer as hismelf; and thairwithall tuik ane knawin ring from his finger, and fend to thame as ane previe taitkin. Thay, confullting vpone the mater, sprethidit James Hamiltoun, immediatlie efter his denner, and reddie to depair hame to his awin hous, carydit him to the Caftell, and impreflonid him. Thay, vnderfanding be their exploratoiries, that the King was moreid, vpone fute,\(^5\) to relieve him, befdies the commoun dainger of the contry, fleirig thame feluis, gif ane factius puifant man, ignominiuufly vid, fould efcaip scot-crie, not ignorant how bitterlie and crewelie he wald reveng hymsel; repairin with all expeditious to Court, agcrement all things alfe fupticioufie as thay poffiblie could, the prefent dainger, his mitchevous natural,\(^6\) his reddie wit, and girt subfance, perlwadit the King not to relieve a man baith craftie and baud, and now provokid be ignomie, vntydyd. Qhahirwpoyn, the King paif firft to Edir, from thence to Seyton, commandin in the memtyme to preval Sir James Hamiltoun of Finhart to judgment; qbikl, according to the criteone of the realme appontid, he was convict and Beheidit. Eftir his death (he was) quarterid, and his quarteris hung wp wpon the publict pairtis of the Towne, in Awefritt 1540.

\(^{1}\) Bannatyne Club Edit. Quarto, p. 126. \(^{5}\) Buchanan, Book XIV, cap. 37, gives a similar account of these transactions with this Narrative, which is taken from Anderson's M.S. Adv. Library. See also Keith's Hist. p. 11, and Patiscottie, 382, &c. \(^{2}\) See Papers prefixed to Notices relative to Reformation of Religion, Jan. 11, 1538-9, 1, * 209, &c. The Sheriff was brother of Patrick Hamiltoun the Martyr, to whose execution 'The Bastard Arran' had been mainly accessory. \(^{3}\) Busted, took ship to cross the Forth. \(^{4}\) Than. \(^{5}\) Prevented. \(^{6}\) Suis, emissaries.
\(^{6}\) Suit; Influence used. \(^{7}\) Dispositions, genius, bent.
The crymes laid aganis him war, that he wpon a day determinid to brek vp THE KINGS Chalmer to fay him; (and) that he had previe conferencis with THE DOWGLASSIS, declaird enemies of the realm. His death, becaus of his former wicked lyff, was lamentid of verrie fewe, except of his swin freindis and the Preffis, who had fai the hoip of the furetie of thair hail effait in him.

Efir this tymne, THE KING beganne to iufpect the Nobilitie. Solicitude pinchis his troublid mind; quhilk wanetillid, was trablid in the nicht be viifoones; quhairof ane is repoirtis of, verrie notabil. He thocht he faw Sir James Hammiltoun of Finhairt com vpone him with a naikid fword, and first curb his right airme, and nixt his left from him; and efir he had threatened, efir fchort fpace, alfo to tak his lyf, he evanichid. As he awalkid in ane fair, and resolued vpone the event of the dream, fchort fpace efir, he was adverteized that baith his fones war deceid, the ane at Sanctandrois, the wther at Struaelid, on ane day, and almost in ane hour.

**Slaughter of a Friar.**

Dec. 14.—FRIAR WILLIAM ROTHUENE found Robert Robertfone of Strowane furere for his underlyeing the law at the next Justice-aires of Perth, for art and part of the cruel slaughter of Friar Alexander Sloune.

**Caution for Sir Walter Scott of Branxhele, knight.**

Mar. 11, 1540.1.—WILLIAM EARL OF GLENCAIRN, John Hume of Coldaneknollis, George Meldrum of Fivy, James Twedy of Drummelzeare, Mark Ker of Littilldeane, Andrew Ker of Dolphingtoun, George Ker in Fawdounsfyde, James Ker of Merslingtoun, Ninnan Creichtoun of Bellyboucht, Adam Johnestoune of Corry, and John Carmichael of Modowflatt, became Cautioners for THE LAIRD OF BRANXHLEME, 'now being in Warde within pe Caftell of Edinburghe, pat he fall remane in Warde within pe burghe of pe famyne, and nocht to depairt pairfra, without he obtene Licence of our fouerane lord, vndir pe pane of xxm. merkis.'

(Aug. 8, 1541.)—Caution was again found, that he, 'within viij dayis nixt efir he be chargit, pa[s] and remain in pe pairtis of MURRAY, and vtheris be-Northe pe Watter of Spey, as in our fouerane lordis Warde, induring his will; and nocht to echaip furth of pe famyne,' under the pain of 20,000 merkis.

—(On the margin)—*Deletur de Mandato domine nostre Regina, per suam subscriptionem, domini Gubernatoris, et Signetum dicte Regine.*

**Caution for Johnstoun of that Ilk.**

Mar. 13.—JOHNE JOHNESTOUNE OF THAT ILK found caution that 'he fall remane in Warde within pe Tovne of Dunbertane, and pat he fall nocht evaid nor efchew pairfra, ay and quhill he get oure fouerane lordis difcharge in pe contrare, vndir pe pane of xxm. merkis.'

1 His cautioners were William Lord Creichtoun of Sanchare; the Lairds of Littledene, Coldaneknollis, Mersingtoun, Dolphingtoun, and Fawdounsfyde, David Scott, son and apparent heir of Sir Walter Scot of Branxhelme, Dm; William Kirkpatrick of Kirkmichael; William Maclellane of Nwntoun, Tutour of Boatby; Alex. McCulloch of Carderness; Adam Johnestounne of Corry; John Hammiltoun, called 'John of Clichtydale; John Hattie of Melawane; and Colin Campbell of Ardkinglass.
CRIMINAL TRIALS.

A.D. 1542.

(May 3, 1541, apud Jedburghe.)—He again found caution that 'he fall vse and repaire ane myle about pe Tovne of Dunbertane, as in our fouerane lordis warde,' under the pane of 10,000 l. Among others of the new cautioners were William Stewart of Trakware, John Mow of that Ilk, Walter Ker of Cesfurde, Robert Scot of Howpallot, and Gilbert Ker of Grenehede. — (Nov. 24 and Dec. 4.)—The King's Warrant was granted for again allowing him free Ward within the same limits, under the pain of 10,000 merks.

Caution to pass furth of the realm.

Mar. 18.—'Patrik Culquhoun, now being in Warde within pe Castell of Edinburghe, found Thomas Stewart of Gawftoune cautioner or suretey for him, 'pat he fall pats furth of pis realtime within pe space of xxx dais, and remane furth of pe samyn at pe pleisour of pe Kingis grace, vndir pe pane of Vº merks.'

Caution for the Laird of Blackadder.

May 5 and 6, 1541, (apud Jedburghe.)—John Hume of Blacader found surety that 'he fall remane within pe Tovne of Dunbertane, freedom pairof, and ane myle about the samyn, and nocht to extend pe boundis pairof, quhill our fouerane lord gif vthir command in pe contrare,' under the pain of 20,000 l.—His sureties were similar to the preceding, with the addition of William Cokburn of that Ilk, John Hoppringill of Smallercaig, George H. of Torwodlee, Robert H. of Blyndlee, Adam Johnesoune of Corry, George Nelbett, baroune of Dalzell; John Lummisidene, young Laird of Blenmerne; Andrew Haliburtoune, young Laird of Meroune, and Thomas Ker of Zare.

Caution for the Young Laird of Tuliduvy.

Jun. 28, 1542.—John Strueling, son and apparent heir of John S. of Tuliduvy, 'now being in Warde within pe Castell of Edinburghe,' found David Kincaid of the Cottis, Constable of the Castle of Edinburgh, &c., sureties that 'he fall ofberus and keip his Warde within pe burghe of Edinburh, and nocht efchew furth of pe samyn, quhill he be fred be our fouerane lord, vndir pe pane of ijº merks.'

Oppression—'Colping,' Forestalling and Negrating of Markets.

Jul. 7.—John Clerk, in Drumcorfe, and a number of other persons in the shires of Linlithgow and Lanark, found caution to underly the law for 'Colping,' Forestalling, and Negrating' and for common Oppreccion of the lieges in buying and felling oxen, cows, and sheep.

1 Until.
2 'Cooping' is a phrase still in use to denote bargaining, bartering, or exchanging one commodity for another, or for money. A 'horse-cowper' is a term universally employed in Scotland for one who deals in horses.
CRIMINAL TRIALS.

APPENDIX,

ILLUSTRATIVE OF THE TRIALS WHICH OCCURRED DURING THE
REIGN OF KING JAMES V.

I. Illustrations selected from the Register of the Privy Seal of Scotland.

Referring to the observations which are prefixed to the Appendix to the preceding Reign, the Editor has merely to Remark, in this place, that in order to save the necessity of numerous repetitions and copious Notes, he has thought it preferable to refer the reader, generally, to the Trials, &c., most of which will be found to be more or less illustrated by the following extracts. The General Index, to be inserted at the conclusion of this work, must ultimately render such references entirely unnecessary.

Aug. 23, 1515.—Ane Respibs,1 maid be avise of pe Gouernour,1 to Donald of the Ilis of Lachalsh, knygt., and with him thre fisc or persons, his kynsmen, freindis, or servandis, for all maner of actionis and crimes bigane, to cum and repaire to Edin., or any yer place within pe realmis, to commoun with pe said Gouernour, and do pair servandis, and retornne agane; for pe space of x dayis next to cum eftir pe dait hereof.

Sep. 6.—A Respibs maid to Lauchlane Marclane of Doward, and Alexander alias Alister Marcloid of Dunvegan, and all and sundry pair servandis, landit men, gentilmen, and yeomen, pe affittis and tak dis part wyth painis, for pair trefoinable art, part, assisitance, and supplie gevin in pe trefoinable Seignor and taking of pe Kings Castelles and Houles of Carnbeg and Bunskaith, and trefoinable withhaldin of painis aigned his authorty and command; for pair trefoinable maintenance, assisitance, confale, faveiris, and supplie gevin be painis to Donald Ils of Lachalsh, knygt., and his complicis, in pair trefoinable crimes, &c. Visto pe first day of January nixt to cum eftir pe date hereof to indure.

Sept. 23.—A Respibs to Matho Makkacht of Dungenche, for arte and parte of pe Seignor of vnq5 John of Dunbar of Mochrum, commitit and done be (Schir) Alexander Gordoune of Kenmure, Knys, with quhams pe said Matho was in company: To endure for a yer.

Sept. 25.—Respibs to Alexander Lord Gordoun to cum to pe Gouernours presence, or quhare he pleisis, and to pas and repaes with x or fifty men, in houssald; for pe space of x monethis next to cum.

Oct. 26.—Respibs to John Erle of Levenax, Lord Dernlie, and generallis to all his kyn, freindis, men, tenantis, and servandis, quhairerer jai be within pe realmis, that achtis faithfully at

1 Another Respibs was granted on Nov. 8 following, in the same terms.  
5 John Duke of Albany.
CRIMINAL TRIALS.

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The opinion of the Gobernour, in his Kingis name, and kepis lele and saifd paiire to hym for all maner of actionis, &c., committit or done be hym or same in ony tyme bigane. For five yeris.

Oct. 28.—Letter to Hew Erle of Eglistoun, makand him and his signoris Reparis outerleis, correcaris, and suppleris of the Isle of Uist or Cameray, to der, cunynge 4 and wild bestis being pairin, quhilk the Kingis perfyte age of x7 yeris; because Robert Hunter of Huntarelloun, Ferretor of heretage of his Ile, is nocht of power to resit the perfonis that waitis his samyn, without fulde and help, &c.

Dec. 1.—Remission to John Makkenze of Kystale, William Dingwell of Kyldun, and two others, for treasonably Taking and Keeping the Kingis Castle of Dingwale, with the Artillery and goods therein, &c.

Dec. 7.—Refitt to Andro Retta of Balnocard, for art and part of the Slaichter of David Blare; 4 committit thre yeris fyne with his mare. 4 For thre yeris.

Dec. 11.—Refitt to James Erle of Arane, Lord Hammilloun, with his honorable Howlhal, to cum to his burghe of Edin'; or any yper part within his realm, and pare to remane and reman the Lord Gobernour, and Lordis of Counsale, and soltit and do his lieffull eirandis he hes adoo; and faulifie and furrelle to pas and repas, with his said howlhal, &c. To endure the space of x3 yeris. (Subscript manibus Domini Gubernatoris et Dominorum Consilii, vic. Comitis, Craverdie, Huntle, Levenax, Rothes, Eglistoun, Caflilis; Dominis, Flemyng, Cancelleria, (Epif.) Dunblane, Ross, Lyndsey, Erkynye, Maxim, Prioris S. Andree, Abbatis S. Crucis, Archidiconi S. Andree et Postulati de Dunfermlyn.)

Jan. 16, 1515-16.—Letter to Kateryne Fynne, for hire gude and thankfull service done in the Nursing, fostering, and keeping of vmq 4 the Kingis brother, Alexander Prince of Scotland, for all the days and terms of his lyf, of x x, &c.

Jan. 29.—Refitt to Robert Elwald of Redeheuche, William of Lanerokteiniss, his bruer, Henry Nikkone, James Forrestar in Grenehauche, and Adam Crofer, and with payes perian x1 perfonis, pare kynsifinnne, freindis, or fervandis, for all maner of actionis, &c.

Feb. 2.—Refitt to David Ramsey, bruer to Neischle Ramsey of Banlle, for art and part of the Slaichter of vmq 4 David Blare, 4 committit in Effindy thre yeris fyne, &c.

Feb. 3.—Letter to Robert Lord Maxwell, confessing on him the office of Struadry of Kirckwabrecht, and keeping of our Castell of Crellis, with his landis, fychgingis, feis, and dweites pertaining pairto; for the terms of nynetene yeris, without any pairi 4 of males or dweitez pairor.

Feb. 4.—Remission to Robert Lord Creichtoun of Sanchquahar, James Lokart of Ley, Edward Creichtoun of Libree, John C., brother german of vmq 4 Robert of Kirkpatrick, Robert C., son of vmq 4 John in Elick, Patrick C., son of vmq 4 John in Carco, and seven others, for the Slaichter of James Douglas, committed within the burgh of Edinburgh, on foremost felony: And also to John Hare in Glenquy, John H., son of Nicholas, and Donald H. in Garglenne, for the Slaichter of John Dwayne, committed within the barony of Sanchquahar on foremost felony.

Feb. 8.—Respect to Niniane Creichtoun, bruer germane to vmq 4 Robert C. of Kirkpatrick, and George C., for the foremost felony and Slaichter of vmq 4 Robert Ferguson of Braconnegbe, and Alexander F., bruer to vmq 4 John F. of Cragistraracht. For xix yeris.

Eo die.—Remission to George Buchquannane, grandson and heir apparent of Walter B. of that Iik, Thomas and Walter B., and Walter Blare, for treasonably Besiegting, taking, and

1 Sincere; literally, one-fold, single.
2 The deer and rabbits.
3 See these Extracts, Feb. 2, 1515-16.
4 And further at the Governor's pleasure.
5 See these Extracts, Dec. 7, 1515.
6 Any payment of rent, &c.
4 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Detaining the Castle of Dumbarton from the King, and his keepers thereof: And for Fire-raising and Burning the gates and doors of Crenach, and certain buildings within the lordship of the Monastery of Kilwinning.

Mar. 6.—Remission to GEORGE FORMAN in Kilmany, specially named in the Signature of Remission granted to JOHN EARL OF LEVENAX, for art and part of the treasonable Besiegling, taking, and detaining the King's Castle of Dumbarton from the King and his Keepers thereof: And for the Slaughter of John Bute, committed within the lands of Kilmany.

Mar. 7.—Speciale Proteccione to JOHN MACKAY of ARDNAMURCHAN, Alexander John, Caynoch's son, Donald Mackenzial Wane, Nele Makenele of Gyys, Angus John-dowson of pe Loupe, familiaris and servandis to Culine Eris of Ergie. To endure for pe Gouvernours will.

Mar. 28, 1516.—Remission to JAMES SMYTHE, indweller in Jedburgh, for the Slaughter of John Payg, Sergeant, committed nine months since.

Apr. 8.—Respect to WALTER O'ILLY, and John Syme his servant, for Slaughter of John Piot, Crouther Repeuti within the chereedome of Forfarr. For three years.

Apr. 14.—Remission to JAMES MACCALZERNE, burgess of Edinburgh, for his treasonably Expecting gold and silver, coined and uncoined; and for treasonably Clipping and Cutting the Coin of the realm, &c.

Apr. 16.—Remission to DAVID KINLOCH, as an affiler and participator with Archibald Earl of Angus, Lord Douglas, in the High Treason committed by him.

Eo die.—Remission to HENRY ANDERSON, in Newcast, and seven others, as affilers and partakers with Archibald Earl of Angus in his treasonable facts, viz. for High Treason committed by them against the King's proper person, and his brother the Duke of Ross, perfusing and using their utmost care and diligence to take them forth of the Castle of Stirling, during their minority, where they had been placed, and were ordained to be kept, by the advice and consent of the Governor and three Estates of the realm, in Parliament: And for all other crimes, &c.

Oct. 19.—Remission to DAVID WEMIS of THAT ILK, and xxxii others, for art and part of the Slaughter of William Mosset, committed on forethought felony.

Oct. 27.—Remission to GEORGE HAITLIE of BRUMHILL, and Thomas Cranston of Doddal, for their treasonable act, part, and Assistance given to vnq' Alexander Lord Hume, in his treasonable Intercommuning with the King's Rebels, Thieves, and Traitors, &c.

Oct. 28.—Letter to ROBERT LORD MAXWELL, makand him Capitaine and Repare of the

1 James Monchet of Colgarthe, and seven other servants of John Earl of Lennox, also get a Remission of this date, for the same crime. 2 Historien. He may have been a Maker or Buffoon. The mention of 'Playards' are frequent in the old Records, Treasurers' Accounts, &c.

3 Many others were Remitted for the same offence, but, except in the cases of person of distinction, it seems unnecessary to enumerate them. 4 Alexander Loan Howe, and his brother Mr William Howe, were beheaded at Edinburgh, Lord Howe on 8th, and his brother on the following day, 9th October, 1516, and their heads were affixed on the Tolbooth. As a specimen of the contempt which our older writers seem to have entertained for chronological accuracy, Lecky (p. 197.) mentions the 8th, Buckman (xiv. 7.) says the 11th, and his authority is followed by Crawford in his Officers of State (p. 294.), &c., and Sir James Balfour (I. 245.) fixes the 26th day of October, 1516. Placards and others do not mention any date. The Perinies follow Lecky's authority. See Wood's Peerage, I. 755, &c. Those who are most familiar with the Chronicles, will easily recollect more serious discrepancies in matters of much greater moment. On Jul. 21, 1500, George Howe, brother to the deceased Lord, came to Edinburgh with a great company, and in presence of the Provost took down the heads of his two brothers from ' the Tolbuithes Gavin, quair thay war fast with iron.' They returned on the 25th, and ' causit solompe funerall and obsequies be maid in the Black Fryers, for the souls of the saids Lord Howe and his brudder; quhairat thair wes greit offerings and banquets maid, and returnit home to thair ain dwellings.' Lecky, 116. See also these Extracts, Oct. 16, 1516.

4 Several other Remissions were granted for the same crime to persons of no note.
Criminal Trials

Appendix

Oct. 30.—Refers to Lauchlan Makintoche, and to the owner of xi personas with him, for all crimes and offenses committed by him or his, in defense, and common defense with the Governor and Lords of Council, and all matters he and his has ado; and to pass and repay one horseback or one horse saddle, without harm, &c. To induce for the space of xi days next after his death.

Oct. 31.—Remission to Andrew Tochchier (of Manyvaud?), Laird of the fourth part of the Lands of Maggus, specially named in the Signature of Remission of James Earl of Arran, Lord Hamilton, &c., for withholding and retaining the Castle of Hamilton against the Regent's authority, &c.

Eo die.—Remission, with consent of the Governor, and the Raisation of the three estates of Parliament, to Thomas Huntair, for art and part of besieging and taking the Castle and Place of Glasgow, breaking and taking the King's artillery, and warlike stores therein: And for treasonable Convoication of the lieges, 'in favor of weirs,' against the foresaid Castle and Town of Glasgow, and the Lord Governor, representing the person and authority of the King.

Nov. 8.—Refers to William Elwald of Larestanis (Laverockfalanis), and seven others, and generally to all persons therein and friends of the Clanris and Surnames of Elvaldy, and ales to pier persons, all having, &c., for quaham, as war band in and his deliverit people, viz. James Foresfere and forty-seven others, for all manner of crimes of treason, slaughter, theft, perjury, &c. For the space of one year.

Mar. 12, 1616-7.—Remission to Alexander Makleud of Dunvegan, and all his kinmen, friends, and servants, &c., for their assistance and help given to Donald of the Is of Lochalsh, knight, at the time of his being with Alexander Lord Hume, in his treasonable deeds; and for all other crimes, offences, and actions whatsoever, without any exception.

Eo die.—Remission to Lauchlan Makclane of Dowart, Donald Makcline, Gillian Maknele of Barra, Duluid Makwydi of Vna, Neil Makkyins of Moine, and Lauchan Makclane of Argour, and all their kinmen, &c., in the same terms as above.

Mar. 14.—Remission to John Marclane of Lochboy, and all his kinmen, &c., as above.

—On Mar. 5, he got a Gift of the rents and dues of the King's lands of Evar, to be held by him during the office of the Governor, for his good and faithful service done and to be done, and for inhiring the King's Rents of the Southside of Ardmure, excepting such lands as pertained to John Makane of Ardmurukane.

Apr. 8.—Refers to Alexander Trottar, and six others, for treasonable art, parte, and Assistance given to vmo Alexander Lord Hume, his brether and complotis, for treasonable Conspirations contrare to King, his derrest couping, Tutour and Governor, and his realm, and szerps pair evill deeds; and for all other treasonable actions, &c., without exception. To induce for the space of six years.

Apr. 24.—Remission to Sir William Cunnyquame, knight, Master of Glencairne, son and heir apparent of Cathbert Earl of Glencairne, and xxvij others, for the cursed slaughter of Mr. Mairin Montgomery, Archibald Caldwell, and John Smyth, committed on foresaid felony: And for the Butchering of John (Master of) Montgomery, son and heir apparent of Hugh Earl of Eglintoun, &c.

1. Salera. O. Fr. juridille. 2. Many others got similar Remissions, &c., for the same crimes. 3. A great number of NSKINS, HARRISONS, &c., got a similar Bystle on Nov. 20, 1516.
CHRONICAL TRIALS

APPENDIX

May 18.—Refers to all and sundry ne Kings leigue of the Clansies and Surnames of Armstrong and Caus and all pair kynnesmenne, freindis and ferandis, and vperis dependand upon pain of ne Clansies at suit within the Reestable Land and Sheiles, pat will deliver to tou Gourournor suifisent pleignis to remane for gode renle, quhair pat falbe aitignit: To indure for ye space of a yer neext to cum.

Oct. 8.—Refers to William Borthuike of Cruston for ye Slaughter of vmo Vichard Kincaid. To indure quhill ye fift day of April neext to cum.

Jul. 21, 1582.—Remission to William Combe, son and heir apparent of William C. of Combe, for art and part of the treasable Slaughter of Sir Anthony Hargraves in Basty, hurt, Guardian and Lieutenent within the bounds of Louthiane and Merk: And for affilling the committers of the said Slaughter, after committing thereof: And for abounding with them, red-hand: And for art and part of affilling vmo Alexander Lord Hume, &c.

Oct. 23, 1583.—Remission to Mr James Kynningont for the Slaughter of vmo Alexander Kincaid, &c.

Mar. 18, 15834.—Remission to John Retay of Leicheshill, for the Slaughter of John Cruston of Hurdentige.

Sep. 6, 1584.—Letter to Robert Gin of ye Gift of the Service of Stereounship to the King, during ye King's will.

Sep. 11.—Letter to Robert Lord Maxwell, and James Stewart, brother germane to Anro Lord Anwadale, at ye taking of our authority vall and government of our realm upon our self, maltand ye said Robert Prinprighe Captains, and ye said James Prinprighe Lieutenent, for all ye dale of pare life, of our Sarge, Bante, and Company of Stangstrate, both Put-men and Horse-

Nov. 14.—Refers to James Twedy, son and appérands aie to John Twedy of Drummeilary, and to vperis xvij personis, for ye cruell Slaughter of bunlep Johane Lord Fleming, and treasable Taking and Presenyng of Maleme Master of Fleming, his fose and are, ye Kingis fete man; in private Presounne: And for Stff of certane godis fra pane and pare ferandis, ye fane tyme: For ye space of ane seeire to indure.

Nov. 22.—Letter to Elizabethe Lerdmonthe, ye relict of vmo Master James Wicarnt of Petterbrow, Clerk of Justiciaries and Advoctes to ye Kings grace, and to ye said Elizabethe small faderis barnis, to help to put pane to profitt, for ye said vmo Master James gude and thankfull servise done to ye Kings hienes, and his derrest moder, ye Queenes grace, of the Gift of the Mariage of Johane Wichefort, fone and are of ye said vmoshill Master James; and failginge of ye said Johane be deces vnurjalt, ye marriaghe of any vper are or are, &c.

1 These words are struck out of the Record. 2 This French knot had been appointed Lieutenant and Warden of the East Borders on the execution of the Earl of Hume, which gave great offence to the Scottish nobility, who naturally felt jealous of the appointment of foreigners to offices of such distinction. In the absence of the Governor, the Prince, the Hume got up a mock Siege of the Castle of Langholm for the purpose of drawing out the Lieutenant. Their plot succeeded, for De la Beauve left Drumoe with a pretty strong force, but fell into the hands of David Home of Wedderburn, who surprised him and killed him and four other Frenchmen, and affixed his head on the Tolbooth at Dumfer, on Sep. 19, 1517. See Lasd, p. 110; Helfour, l. 246; and Pithecatic, p. 307, which latter author, in his usual quasistyle, informs us, that 'being one stranger, and not knowing the-ground well, he halted his horse in one moe and their his enemies cam ypon him, and swel and murdered him vvere vnhonestely; and cutted off his hand and carried with thame. And it was said that he had long hair plott in his neck, quiblik David Home of Wedderburn haist to his middle-bow and helps.' The Scottish writer strangely disperss the name of this distinguished individual. He is called Bowry, De la Beauve, Beaulse, and finally, old Pithecatic distances them all, by dabling him Tullibarit. 3 Stirrup-holder. 4 Hire or waged soldiers; troops serving for pay.
Nov. 21, 1525.—Precept of a Letter to Nicholas Craufurd of Oxingangis, making him Justice Clerk.

Feb. 21, 1525-6.—Remission to John Keith of Rayvnniscrag, and Thomas Dalgarwoch, for their treasonably Assisting from the King's Armies at Melross, Wark, and Ruthven; and for art and part of the Slaughter of Gawan Murray, Andrew Stratoune, William Forbes, and John Smythsonne, &c.

May 12, 1526.—Recept to Alexander Hoppringill of Burnhouse, John H. of the Ilk, James and George, sons to John Alexander, James H. in Newboistill, and Charles Murray, for the Slaughter of William Thomeseune: For six years.

May 30.—Recept to John Murray of Strowan, Davud his brother, John son of Patrick M., in Dunfally, Andro M. of Abirochill, William M. son of Alex. M., John M. son of Davud of Lochland, and John Moyil younger, for the Slaughter of Newin Dewar and Davud Philean; For the space of six years.

May 31.—Recept to Charles Lowry for the Slaughter of William Skoulendis of that Ilk, &c.: For the space of six years.

Jan. 6.—Recept to James Tuedy, son and apperson air of John Tuedy of Drummedeir, John Tuedy of Kirkhall, David Newtone of Michellhill, William Portuine of Glenkirk, and twelve others, for the Slaughter of John Lord Flingyng, committit aponce for theft and felony: For six years. (At Struell.)

Jul. 11.—Recept to John Logane of Balure, Walter his son and apperson airc, Robert L. his son, and seven others, for the Slaughter of John Lord Symung, taking and withholding of the King's Castle and fortalice of Dumbarste fra his servandis, Kepairis pairof, &c.: For the space of six years.

Eo die.—Recept to George Buchquannane of the Ilk, and xxij years, extract furth of the Recept of John Erle of Levinack for the treasonable Assaying, taking and withholding of the fonsene lordis Castle and fortalice of Dumbarste fra his servandis, Kepairis pairof.

Eo die.—Recept to (Schir) Johnne Colquhoun of Luc, knyght, and Patrik Colquhoun, for the same crimes.

Jun. 18.—Recept to Gilbert Erle of Cassillis, Lord Kennedy, &c., James and Thomas K. his brethren, How K. of Girvenmyns, John, George, and Alexander his brethren, David Kennedy, eum1 to pe saud Erle, James K. of Knodone, John K. of Giltite, Patrick Ahannay of Sorby, Berthimo Craufurd of Kerlie, Robert, and Duncan his broder, William Cumynghame of Boquaxanne, Robert Grayme of Knodolene, Gilbert his broder, John Kennedy of Cylane, Gilbert K. of Balmacanochan,2 John Bar of Kihenye, Patrik Muir of Cloncard, John Muir of Aulclindene, John Muir his man, John Muir of Wodland, Thomas Corry of Kelwood, Thomas his son, Ricard Macgee of Mytoune, Thomas Davidfone of Greene, Thomas his son, John Ekles of the Ilk, James McE cyn nell of Barneill, James Muir of Byngart, James Blair of Midill Aulclindene, Alexander Mclounell, Tuteur of Gardlon, John Kennedy of Benone, John Ross of Drumgrange, Gilbert Kennedy, the Provostis sonne, Fergus Makdowell of Frenache, and two hundred and thirty-three others, for the treasonable Slaughter of John Farnis of Massetren, Bucheman,3 in the tyme of the kynne of our Parliament; and for all cryme and actione jest may follow pairupome: And for the Slaughter of William Martyn Kennedy, and Gilbert Makilwraithe: And for the utterzammmynge with our remis being at our house, &c. to pe dait beirof. For six years to induce.

1 Uncle.
2 Balmacannonian.
3 See Jul. 17 following.
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Jun. 19.—Remission to Robert Bertoun of Ouer Bertoun for his treasonable absence from the King's Army with James Earl of Arran, for recovery of the Castles of Hume and Wedderburne. And for his absence from the Army with the King and Archibald Earl of Angus for taking the House of Colbrandisghe, &c.

Jun. 20.—Precept of Remission to Sir Patrick Hepburne of Wauchopte, Kn, Patrick Quitlaw of that Ilk, John Hepburne of Woff Fortoun, William H. of Crag, Mr John H. and four others, and James Wawane of Stevintoun for their treasonable act and part and assistance given to unq\textsuperscript{1} Robert Hume of Wedderburne, his brothers, and accomplices.


Jun. 25.—Refert to James Douglas of Drumlanrig, James Gordoun of Lochinver, and 

xxxvij p\textdegree{}ers, pair kynnimen, freinds, and fernandis, for arte, parte, and Assistance given to Alexander Forestre, and p\textdegree{}ers his complices, Cristis and Cretours duelland apone Lebdir, in pair treffable dedis: And for pe Slauchtir of Thomas Macrellane of Bomby,\textsuperscript{1} committit apone forthocht felony, within the Town of Edinbughe, &c. : For xir yeres.

Eo die.—Letter of Gift of pe Elchete of pe above perfonis to James Maitland of Auchiingaffill and Michell Makubian, burges of Edinbughe, coimactlie and feueralie.

Jun. 28.—Remission to Thomas Sinclair and John Hume, Bailie of Hadingtoun, and generally, the Council and community, &c. thereof, for their treasonable act, part and assistance given by them to unq\textsuperscript{1} Robert Hume of Wedderburne, his brothers and accomplices, &c.

Eo die.—Refert to Robert Lawder of pe Basse for his treasonable assisitine and mainteining of unq\textsuperscript{1} Robert Hume of Wedderburne, being convict of Trefone, pe Kingis Rebell, &c.: And gevand full licence to pe said Robert to remane at home fra all Parliamentis, &c. and to pass in pe paitris beyond Sey, owber be fey or land, ony space and tymne he pleifs: For xir yeres, &c.

Jul. 1.—Refert to James Erle of Arane, Hew Erle of Eglintoun, Andro Lord Avandale, Hew Campbell of Loundoun, William Wallace, Tutour of Cragy, and James Hammiltoun of Fynart, knyght, with mony p\textdegree{}ers to pe nowme of V\textdegree{} or V\textdegree{}\textsuperscript{2} fa mony as pe said Erle of Arane will verify, be his hand write, and mak faithie pairepoune, pertenis, or ar mene or fernandis to him or paim, for pe treasonable arraying of Batell, Insurrection, and Feilding agans John Duke of Albing, &c. Tutour to pe Kingis grace, Protectour and Goverour of his realme, cummand with pe Kingisuctorite, and his Baner being displayit for pe tym, at Dittgreeshill, huywe Slanga; and for all cryme pat may follow pairepoune: And for all p\textdegree{}er Tresonis, Slauchtere, &c. in ony tymne bigane, Trefone in pe Kingis perfone, and arte and part of pe Slauchte of unquhile Edward Tunghame of Auchiingbarh alaneir except. For pe space of xir yeres.

Jul. 2.—Refert to Sir James Sandelanis of Caldor, kn, Robert Bruce of Aunchinbow, Richard Grahaime, and twelve others, for the cruell Slauchter of James Somerulfe, commitit on forthought felony.

Jul. 9.—Refert to John Halkhede of Petfurwe, Charles Denesftoun, William Spittall of Lewquat, and twenty others, for the Slauchter of James Greff, commitit on 'fuddanis.'

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\textsuperscript{1} Sir James Balfour says that he was slain by Sir John Campbell (of Calder); which person Lesley confounds with the Laird of 'Mchone' (MacKellis.) Annals, 1, 336. Lesley, p. 236. See also these Extracts, Nov. 12, 1609.

\textsuperscript{2} Five thouend or six thouend.
Criminal Trials. A.D. 1526.

Appendix.

Jul. 16.—Refsett to Cuthbert Earl of Glencairne, William, Master, pair of, James C. his brother, Robert C. of Athlone, Robert Boyd of Portnairn, Robert C. young of Wattertounie, William C. of Polquharne, John C. of Caprinsoune, Alexander C. of Laggan, Edward Mure of Midillitane, David C. of Bertanholme, William C. of Crignan, William C. of Cusinshealbeithe, Mungo Mure of Rowallane, William C. of Glengarnock, Robert Boyd of Kilernock, for pair treasonable art and part of Assurting of pe Castell of Struthning, in company with John Duke of Albany, past Governor of his realm, pe Kingis maist noble persone being pairin, in his tendir aige: And for pair treasonable intendment with pe Kingis persone at past tyme, in company with pe said John Duke of Albany, his Tutour, he being immediately to succede to him, and nacht able he po law, to have his persone in keeping: And for pair treasonable arraying of ane Setit and Battell againis pe said John Duke of Albany, his Tutour, Protectour, and Governor of his realm, and pretendent his persone, at Kittlehill breighe Glasing: And for pair treasonable Assurting, taking, and Withholding of his Castell of Dunbertane fra his grace and his seruandis, keparis pairof. And for po yeis crimines of Treason, Lest-maislie, actionis, trespassions, crymes and offensis quatiebisme, commititis or done be pe said perison, or ony of pain, in ony tyme bigane, vnto pe day of pe last heirof, without any excepcion. For pe space of xix yeris.

Jul. 17.—Refsett to William Lord Symple, Robert Master Symple, Davie and William, sonnis to pe said Lord, Gabriel his brother, John S. in Achnibodmont, John his soone, John S. of Brigend, Robert S., William Fleming young of Baruchane, and John Tyndall of pe Lawghe, and thirteene others, for pe treasonable shalstour of Cornwallus de Machethame, Bucheman, at pe Tolhuittie of Edin., in tyme of Parliament, &c. For pe space of xix yeris.

Jul. 22.—Remission to Robert Gentleman and thre others, for treasonably fortifying and retaining the Castell of Struthning, after the King had summoned it to be delivered up by his Herald, he being perfonally present to receive the said Castle, &c. (Apud Judenburgh.)

Jul. 31.—Refsett do David Spotteswod for pe treasonable Conbocationis of our foresane lordis liegis, and yeis Rebellis, Traitors and Inglismen; Ridand throw pe realme; beyond the Castell of Struthning and Palace of Sniffy: arrayand Battell againis James Earl of Arran, ane of pe Regentis of pe realme, &c.

Aug. 2.—Letter to James Earl of Moray, making him Lieutenant General of the Northen parts of the kingdom, viz. The Shires of Aberdfine, Kyncardine, Banf, Elgin, Forres, Narme, Inverness, and all other bounds from the North Water to Wyk in Cashines. For five years, and farther at the King's pleasure.

Aug. 6.—Refsett to John Lindsey of Colbyntounie, Rolland L. his broder, and foure others, for pair treasonable Restit and Intercomning with Robert Forrestar and yeis, Rebellis and Traitors, burlant and boone Leibin, in pair treasonabil dedis: And for pe cruell Shalstour of William Sir of Simachax, commititis be way of Mortbir, vndir slyence of mycht, in pe Channone-gate of Edin.: Aoutour Refsetta generally all his liegis and fudbitis pat hes ony wyfe Refett or Intercomnnit with pe said John and his complicis, pat being his Rebellis and at his horne. For xix yeris.—And with command to pe Schere of Laneker, &c. to relax pe said John, &c. fra pe processis of pe horne, and relife pain to pe peak, and gif pain pe wand pairof, &c.

Aug. 8.—Remission to James Earl of Moray, Mr Mowat of Buchebellie, Nicholas Roa, son of John Roa of Achnasho, and eights others, for art and part of the Induction and taking of
14 Jac. V. CRIMINAL TRIALS.

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unq* Alexander Earl of Huntly, the King's Lieutenant, within the Burgh of Perth, in company with unq* William Erle of Errol, &c.


Aug. 17.—Commission of Justiciary to Robert Lord Maxwell, constituting him Justiciar within the limits of his Office of Warden of the West Marches: For vve years; and farther at the King's pleasure.

Sep. 5.—Remission to William Earl of Montrose, and xxix others, for art and part of the Slaught of Charles Murray, and other slain in his company.

Oct. 18.—Refect to Robert Stewart of Mynto for his being with vmquible Johnn Erle of Leinax in pe Field of Linlithgo.

Oct. 19.—Remission to Nicholas Ramsay of Dalhousie for the Slaught of George Ramsay his brother; committed upon 'fuddantie.'

Oct. 25.—REX, We promit faithfullyis, be p(er) our Letters to our louit familiar Archibald Dowglas,* our Thesaurer, for his guide and thankfull servise done to us, that quhat tymne and how fone Johnn Lord Lindsay, now being vnder summondis at oure insance, for poyntis of Trefoure impit to him, beis convict pairof, and Dome of Forfoitour govin vpone him, his landis and gudis, that we fall pan incontinent gyff to pe saif Archibald, his airis and affignayis, our hale Erchett of the said Johnn Lord Lindsay's landis and gudis; and fall infest pe saif Archibald, his airis and affignayis, heretabilis, in all landis and annuells with pair pertinentis habdin be pe saif Johnn of us immediatlie; and fall prent pe saif Archibald in tenent heritable to pe saif Johnnis vper oure-lordsis, now habdin be him of pame, and fall mak him be infest of pe famyn; and fall mak him auffin be aneruer of our efechit of all pe saif Johnmis movable gudis, taikis, feidinagis, obligations, and vpere qusastis-fuerer: And pan as now, and now as pan, We gyf be thir prentis to pe saif Archibald, his airis and affignayis, oure hale efechit of pe saif Johnnis landis and gudis to be disposat at pair plefoure, in case pe saif John beis fforfaris, as saif is. Gevin vindir our Prine Sele, and subsercuit with our hand, At Edinburgho, pe xxv day of October, and of our regne pe xiiij yeris.

[James R.]

Oct. 28.—Remission to David Douglas of Pettindrieche and fifteen others for their treasonable Restetting and Intercommuning with Dunne Cymyn and his complices, Rebels and at the horn, &c.

Dec. 27.—Remission to Adam Lindsay of Dowhill for High Treason committed by him, by his persuas, labour, care, and diligence to take the King and his deceasit brother the Duke of Ross furth of the Castle of Stirling, where he had been placed with the advice and content of his Tactor John Duke of Albany and the three Eftates of the realm: And for treasonable Conurbation with Davie Erle of Aberdurne, his brothers, and their complices, Rebels and at the horn, &c.

* The noted Sir Archibald Douglas of Kilspindie, Lord Provost of Edinburgh, &c. For some notess of this remarkable person, who the King, in his youth, called his 'Grey-stel,' see Vol. I, p. 195. References may also be made for Hume of Godcroft's History.

* Over-lords, superiors.
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Jan. 10, 1526-7.—Remissio to David Balfour of Bursie and xv others for their treasonable acts and part of preparing, &c. the field of battle near Linlithgow.

Jan. 19.—Remissio to Patrick Ogilvy of Inchmertine and xvij others for being with unwrapt David Hume of Meldichburne, &c. (Apud S. Androm.)

Eo die.—Remissio to Alan Jameson, for abiding from the king's army with the governor, at Dunblane, Benkline, and other parts in the March.

Jan. 20.—Remissio to the Bailie and Community of Dundee for Intercommunicating with Andrew Cariseman, David Blantyre, and other Rebels; and for the slaughter of Gilbert Lindey.

Jan. 24.—Remissio to William Master of Rutherens and five others for treasonably besieging the castle of Kamessey and burning the town of Fute. (Apud Balmerinoch.)

Jan. 28.—Remissio to Walter Bonar of Kelty, and two others, for forthought felony and oppression done by them to Andrew Rollock of Duncrown and others his accomplices, in coming to the Parith Kirk of Dunyone, and for burning Godfrey Willbourn, at the same time.

Jan. 30.—Remissio to John Ogilvie of Innerquairiet and xvij others for abiding from the Holy at Erse. (Apud Perth.)

Jan. 31.—Respitt to Patrik Buchquannane, Walteris son, Duncane B. Walteris son, Alex. B. Patrikis son, Johane Makintosh, Patrik B. Johnis son, Patrik B. Johnnie Walteris son, Johane Malcom of Lautis son, and five others, for having treasonably art, part, and assistance given be name to George Buchquannane and Robert B. and vperis pares complicitia, our Rebels, being at our horse, in cause treasonable deed: And for pe treasonable raising of fire in pe lands of Arurchgute, pertenyng to McFarlane: And for pe crewall slaughter of Johane Laurencefone and certaine vperis being with him in his company, committit apone forthoch felony within pe Toun of Tughe: And for pe Assall, Sputisse, and Verging of pe said Toun of Tughe by same yme, &c.: For xix vperis. (Apud Perth.)

Mar. 1.—Letter to Patrik Sinclair, make him Master of Hunting to the King; and gevand him paidfore, zeirlie, pe loume of xli.

Feb. 5.—Remission the Provost, Bailies, and Community of Perth, for art and part of the burning of the place and houses of Craig, &c.

Apr. 11, 1527.—Respitt to James Hammiltoon of Innerwik, Johane of Newtonoune, and four others, for pair treasonable Arraying of Satell againis pe Gournoun, at Kitttersoat-hill beside Glascow.

Apr. 17.—Remission to James Stewart of Twedy for art and part of preparing the field of battle near Linlithgow.

Apr. 22.—Letter to Robert Lord Maxwell, how being Wardane of the West Marchis, gevand him full power within pe boundis of his Wardane to tak Inquisitioone hpon Chilt, Respitt of These, Slauchter, with all ye poynts concernyng his poware of Wardanne, during all ye tyme past, &c.

Apr. 30.—Letter to (Sir) James Sandelands of Caldor, knyt, Ratisand pe Licence gevin to him afores to pass for pe completing of his Pilgrimage at Rome: And ratifand siclike pe disposition made be him of his fons Mariage, &c.

May 2.—Respitt to Andro Galbraith of Culcrouch, and xlvij vperis, for pair treasonable coming againis the King in array of Satell beside Linlithgow.
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May 14.—Refsett to John Davidsone, burgafe of Edinburghe, for falsifie furthe of James Erle of Aran at the Methir-Hill (Port, of Edinburg.)

Eo die.—Remission, William Levingstoun of Kilsyth, for his treasonable coming against John Duke of Alabg, the King's Tutor, and against the Royal authority, at Ritterscall, near Glasgow, his Majestie's Standard being displayed, &c. (Apud Striuling.)

May 16.—Refsett to (Schir) William Sinclair of Rosling, km1 and viij vperis, for pare treasonable Arming fra Hulwag.

May 18.—Refsett to Henry Congiltoun of Fat Ilk and xviij vperis, for art, part, and Assistance gevin be pame to George Lord Hume, &c. (At Dalkeith.)

May 20.—Remission to William Graham, Master of Menteith, for his treasonably Abiding from the Army at Gullwag, &c. (Apud Striuling.)

May 22.—Letter to (Schir) James Hamilton of Fynnart, knight, makeing him Captane of the Castell of Dumbartane, for ix vreis.

May 22 and 27.—Letter to Andro Lord Avandale, in double forme, of ref parking of the Castell of Dumbartane; one of pame for space of nyne vries, and one vper for space of xix vries.

May 28.—Refsett to William Borthwic of Crukenstone, for art and part of pe Slauche of Vthred Kincaid.

May 25.—Refsett to William Cuningburgh of Sowelag, for art and part of pe treasonable Arrangiung of arte Field and Satell agane pe King, besede Limithquhou.

May 28.—Refsett to Andro Heriot of Trabroune, and xiiiij vperis, for pe samyn actione, &c.

Eo die.—Refsett to William Douglas of Qighingham, and xiiij vperis, for pe said actione, &c.

May 31.—Remission to James Ramsay of Coppenne, for treasonably Intercommunving with George Lord Hume and his accomplishes.

Eo die.—Refsett to Patrick Haliday, in pe Barony of Cambusnethane, for pe treasonable Restettiing of vmy Thomas Haimiltoun, alias Vjunut: For xix vries.

Jan. 1.—Letter to Hector Makgilleon of Doward, stone and air of vmy M. of Doward, charging pe Scherf of Inuries and his deputis and officiers of pe King to command Colyn Erle of Er الجديدة, Sir John Campbell of Calder, km1, his proper, paire complices, &c., pat pai mak na Oifing. Convocation of pe Kingis legis, or Invisioune sponde pe said Hector, his kynde, freyndis, and fernandis.

Jan. 2.—Refsett to Edmond Ruthurfurde of Achingorthie, and John his stone, for pe Refiving 1 of Helene Murray, committit be pe space of xiiij vries sune: To endure for nyne vries.

Jun. 15.—Refsett to Alexander Campell of Blairskeithe, for pe art, part, and afflience gevin be him to James Erle of Arane and vmy John Erle of Leinnax, in Arrangiung of Satell agane John Duke of Albany, &c.

Aug. 14.—Refsett to Johnn Bannatyne of Corhous, and xiiij vtheris, for pe Mutlitatione of Walter Weir, committit sponde fudandie.

1 Forcible abduction. Rape or Ravishing, in the modern acceptation, was then termed ' Forciring.'

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Nov. 28.—Remission to William Borthwick, in Johnstone, and ix others, for treasonably Intercommunicating with and assisting the King's Rebels, Thieves, and Traitors, affording them meat and drink, &c.: For one year.

_Eo die._—Remission, Thomas Master of Borthwick, and ij others, for the same crimes.

Dec. 6.—Remission to Sir William Sinclair of Rosling, kni', for treasonably Abducting from the Army at Sullway.

Dec. 12.—Respect to Alexander Mure, and four servitors, for pair treasonably Remaining and Abducting from the Old and Army of Sullway: For xix yeiris.

Dec. 22.—Lette to Gilbert Erle of Cassillis, of all his moveable goods pertaining to the King's grace, as his echete, throw committing of Wilfull Currour in the servyng of ane Breff, purchesed be William Cunynghame of Langlane, spone pe landis of Knokgulze, &c.

Feb. 8.—Remission to Gilbert Turing of Foverne, and xj others; Alex' Leflie, sonne of the Laird of Putnamwne, Thomas Reid of Colletteoune, James Creichtoune of Fendrauchit, and xxij others; Patrick Chene of Effilmont, and xxv others; John Forbes of Petllego, William Hay of Laisf, and xiiij others; Gilbert Dalgarne of Garnastoune, Gilbert Gray of Schevres; James Johnstone of that Ik, George Gordoune of Geicht, and xiiij others; Alexander Crag of Craigtnay, &c. &c., for Abducting from the Armies at Sullway and Wherk. _A Spud Abridene._

Feb. 7, 1527–8.—Remission to the Provost, Bailies, community, burgesses paying 'foot and lot,' and their servitors, actually residing within the burg of Abridene and burg marches thereof, for their treasonably Abducting from the Armies of Sullway and Wherk, and other Raids. _A Spud Abirdene._

Mar. 31, 1528.—Remission to Alexander Drummond, formerly of Cannok, and Alex. D. his servant, for treasonable Assistance given to Archibald, formerly Earl of Angus, his brother and uncle, &c.: And for treasonably Rebealing the King's secrets.

May 26.—Respet to Andre Herres, braper to Williame Lord Herres, Andro Cotwart, William Carleill, and James Hereis, for pe treffonsbill Mistaking of Fyre within pe realeme, Mistaking of pe Pelle of Knokschienoch: Slaughter of vnq7 Patrik Hereis: And Intercommunicating with Inglismen, in tym of Weir: For xix yeiris.

Jul. 1.—Remission to Hugh Campbell (of Loudoun) Sheriff of Arp, and xxxij others, for their treasonably coming against the King in 'Insquit Battell,' near the burgh of Linlithgow, on Sep. 3, 1526: And for treasonably Abducting from the King's Armies at Sullway and Wherk; And for art and part of the Slaughter of Gilbert, Earl of Cassillis. _A Spud Struiting._

_Eo die._—Remission to John Craufurd of Drongane, George Campbell of Glasnok, David Cathcart of Douchray, and John Clerk, for the same crimes.

Oct. 12.—Remission to William Cockburne and three others, for treasonably Resettling and Intercommunicating with Patrick Cockburne of Newbiggin, his brothers and servitors.

_Eo die._—Remission to Robert Haig of Bemerside and John Atkynsoune, for their treasonably Resisting the Castle of Stirling and Palace of Linlithgow. 8

_Eo die._—Remission to George Cowpar, for the treasonable Combating of the lieges with his Rebels and Traitors, and the English, riding through the kingdom of Scotland in hostile manner,

1 See _Historie of the Kennedies_; Edin. Quarto, 1830. _Leslie, Balfour's Annals, Pinkerton, &c._ 8 See these Extracts, Jul. 31, 1536. Numerous other entries occur in other parts of this Collection.
and besieging the Castle of Struiillting and Palace of Linlithgow, and Waging War against James Earl of Arran: And for treasonably taking down the heads of Alexander Earl of Home, and Mr William Home, his brother, from the Colbooth of the Burgh of Edinburgh, &c.¹

Oct. 28. — Refissit and Saugards to 'Schir Johne Campbell of Lundy, knt, Johne his sone and apparand sir, Finlay C. of Corfield, Johnne Mcgilhauche his sudbrother,² &c., and pare men, tennentis, &c.,' because he was 'now to passe in our Ambassade and service to pe partis of Flan-

veris.' (At Sanct Androis.)

Dec. 1. — Remiffion to Andrew Sibbald and William Robertson, for treasonably abiding from the King's Army for besieging the Castle of Cumnalloun.

Dec. 29. — Refissit to Johne Dunlop, for his treasonable part, and Assistance given to him to Archibald, sumtyme Erle of Angus, his broder and eme,³ and pare complices.

Jan. 4, 1528-9. — Remiffion to George Lord Setyioun and vj others, for their treasonably abiding from the King's Army at Sulluay.

Mar. 3. — Remiffion to Sir Walter Scott of Brankelme, knt, for his treasonably breaking Ward from the Castle of Makness.

Mar. 8. — Remiffion to William Carmichael of that Ilk and three others, for art, part, and Assistance given to Archibald, late Earl of Angus, his brother and uncle, &c.

Apr. 4, 1529. — Refissit to Hector Makintosche, Capitane of Clanquhattane, and Alane Keire, for pe trefusables art, part, and Assistance given be pame to Archibald, sumtyme Erle of Angus, his broder, and eme, &c.

Apr. 6. — Remiffion to Patrick Herburne, Master of Halis, for treasonable Assistance given to George Lord Hume, and David Hume of Weddisburne, his brother, &c.

Eo die. — Remiffion to James Edingtonue, and x others, extracted from the Signature of Remiffion of Patrick Earl of Bootheu, for their treasonably assisting George Lord Hume and unqui David Hume of Weddisburne, his brothers and complices, being the King's Rebels, and at his born.

Eo die. — Precepts of Remissions were also granted to Mr William Broune, Tutoor of Colstone, and four others, and to George Fawside of that Ilk, for the same crime.

Apr. 7. — Remiffion to William Douglas of Quebingame and James D. his servant, for treasonably intercommuning, refesing, and affilting Archibald, late Earl of Angus, George D. his brother, and Archibald their uncle.

Eo die. — Remiffion to Robert Laudor of Bass, and xj others, for the same crimes.

Eo die. — Remiffion to the Burgh of Dunbar, for the same crimes.

Apr. 8. — Remiffions to John Lord Hay of Zester, and iiiij others, and to William Hay of Talo, for the above crimes.

Apr. 27. — Remiffion to Mr John Bannatyne and William Flemming, his servant, for their treasonable Assistance given to Archibald, formerly Earl of Angus, George his brother, and Archibald his uncle, and their complices, &c. (Apud Struiillting.)

Jun. 3. — Remiffion to Patrick Hume, brother-german of Alexander Hume, Tutor of Weddis-

burne, for all crimes committed prior to this date, High Treason only excepted. (Apud Hadingshonton.)

¹ See these Extracts, Oct. 27, 1516, Note. ² Brother-in-law. ³ Uncle.
Eo die.—Refitt to James Lord Ogilvy of Earlie and xxxiiij vper perfonias, for art and part of pe Slaughter of vno David Skepper: For xix seris.

Jan. 11.—Refitt to Hew Kennedy of Girvanemanyis, for his treasonable art, parte, and assistance gevin be him to Archebald, Sumyme Earl of Angusse, his eone and broder, and pare complices: To indure for pe space of five seris; swa pat pe said Hew gas in Fraunce, within two monethis, and pare remane at his grace plefour. (At Jedburgh.)

Jan. 12.—Refitt to Johane Mailulle, Robert Clerk, and Schir Thomas Thomstyle, for art and part of pe Slaughters of vno John Maclanche of Bettev, Andro Traill, and Alexander Wemyss; committit vponne xulx lattis and forthbocht felony: For xix seris. (At Jedburgh.)

Jan. 22.—Refett to Mathew Hammiltoun, sone to Robert H. in Mylnburne, and Duncan Dundas, bruer-germane to James D. of Newiltoun, for art and part of pe Slaughter of vno Adam Hibet of that Ilk, &e.

Aug. 5.—Refitt to James Grant of Freuchy, his kynnefmen and servandis being in his cumpny; to pat effect, pat he may cum to our souerane lord, and commoun with him and his Thesaurer, and mak wats for outry and payment of his laders vettis, and formes of money quickishe he refitt awad to our souerane lord: For pe space of tua monethis xixt efir his cuming. (At Striniling.)

Sept. 20.—Letter of Licence to Dame Jonet Douglas Lady Glamment, &e, and Patrick Charteris of Cuthilgurdy to pass to the patries beyond sey, in their Pilgrimage, and otheris leiifull beyness, &e.

Oct. 28.—Letter constituting Archibald Earl of Ergyle Justice General, within the whole realm of Scotland, and Master of the King's Householde; for life. (Apud Drumfreij.)

Oct. 30.—Remission to Ninian Creichtoun of Bellbocht, for treasonably abiding from the Army at Salloth; and for all other crimes, Tresfon, &c., committed within one year luff past being only excepted. (Apud Drumfreij.)

Nov. 6.—Refitt to Johane Grahame, within pe sherfesdomne of Lanark, for pe Slaughter of vno James Leiningstoun of Bellingane: To indure vnto pe xxv day of December next to cum.

Nov. 8.—Remission to Symon Johnstone of Powdene, for all crimes before this bate, Tresfon, &c., excepted. (Apud Drumfreij.)

Nov. 12.—Remission to James Gordoun of Lochinver, and xxxix others, for the cruel Slaughter of Thomas Maclellane of Bombe. (Apud Quhilsone.)

Dec. 1.—Remission to Henry McCulloche of Kilasher, for the Slaughter of Andrew Mcallounne: And for treasonably abiding from the Army of Cantalloun, &c. (Apud Wigtoun.)

Dec. 6.—Remission to Herbert Murray, uncle of the Laird of Broctoun, for abiding from the Army of Cantalloun. (Apud Wigtoun.)

Jan. 11, 1539-40.—Precept of Remission to Patrick Culquhoun, son of Robert C. of Camftredane, for the Slaughter of Duncan McAlester McGibbounne, &c.

Jan. 12.—Refitt to James Edmonstoun of Duntreith, and ix vperis, for abiding from the Oist and Army of Cantalloun, &c.

* Provided; or, on condition that. 4 Valisane. 8 See her Trial, Jul. 17, 1537, 1, * 187, &c. 4 Bomby. See these Extracts, Jan. 23, 1538, and other parts of this Collection.
CRIMINAL TRIALS.

APPENDIX.

Feb. 2.—Respitt to Allane Stewart in Kirkton, and xij vperis, for pare treasonable Remanyngr fra the Gist of Selkirk, &c. : For pe space of xj vperis to indure. (At Glaice.)

Feb. 21.—Respitt to James Grant of Freuchy, and John McKinze of Kintale, maikand mentionne, peis peisaid James and Johnne ar to cum to pe burgh of Edinburghe, or to ony burgh or part of pe realme, quhair it fall happin our souerane lord be for pe tyne, and pare to folist and expied with his hienes and his Thesaurer, pair lefals erandeis and belynes : And pair for his grace Respittis peisaid James and Johnne for all manner of actions commitit or done be (the) pare in ony tyne begane, vnto pe day of pe dait heirof, and til indure vnto peisaid perfones returnyngr to pare contred, and x days pairrefir. (At Struiling.)

Feb. 24.—Respitt to Hector McClane of Dowart, his kyn, freinds, &c. to pe nomer of forty perfonis, for all manner of actions, altwele Treffounse as vperis crymes, quhills pe xxv day of May next to cum, to commounwe with us (the king). 'This Respitt havand srenthe fra pe day of pe said Hectoris furthcoming of his Howls of Dowart, commund agatwars to pe Kings grace, quhills pe said xx day of Maj.' * (At Dundie.)

Apr. 3, 1530.—Licence to William Abbot of our Abbey of Corragwell, Commandaire of Halywode, and Tutoir to Gilbert Erle of Cassillis, his Cheif, to pafs in France and vper partis beyond fey, to do his Pilgrameage, &c. ; and granting a Respitt and Saugarde to him, his kyn, freinds, men, tenentis, &c.

May 22.—Respitt to Thomas Macclelleane of Gilstoun, and xj vperis, for pare treasonable remanyngr, and at hame biding of pe Giff and Armpy of Selkirk : And for pe Slauchter of vme George Langmuir: For xix vperis.

Jun. 12.—Respitt to Malcome Forbes in Bulqhame, John his sonne, and Johnne Anderson, for pare Intercommmanyngr and affilting with George Keyth, our souerane lordsie Rebell: For xix vperis. (At Stome.)

Jul. 8.—Lettre maid to Robert Lord Maxwell, his alias and assignais, ane or ma, of pe Gift of all guidis movabill and raymovabill, dettis, takkis, obligationis, formes of money, gifts of nomentreis and vperis quhatisumeaer, quhilke pertenit to vmequhili Johnne Armeanstoun, bruer to Thomas Armeanstoun of Maynoertoun, and now pertenyn to our souerane lord, be refoune of echete, throo Justifying of the said buquehait Johnne to the vrd for Ghitt, commitit be him, &c.' (At Presthjauke, per Signaturem Rois et Thesaureris subscript.)

Aug. 2.—Respitt to George Nesbet of Dalzell for pare treffonabill art, part, and Assistaungr gevin be him to Aristbalb, sum tyne Erle of Angus, his bruer and eme, &c. : For xix vperis. (At Struiling.)

Oct. 7.—Lette to all and findry pe perfonis, men and wemen, Inhabitantis of Liddisdal, gevand pame fre liberte, protectione, facultie and frevome to pass and repare to all Mercatis, &c. & als full Licence and freedome to brook and jolfe peaceably all and findry pare auld heretage, &c. pai plefsand pe Lords of pe ground, for pe saidis refingis and rovmis, as erfferis. (At Dundie.)

Ocl. 9.—Remission to the Inhabitants of Liddisdale, for whom Patrick Earl of Bothwille gave his Bond and security to exhibit, excepting George Scot of Boo and his accomplies of Crammald, Fire-raizers, for their treasonable deeds, and Conspiracie against the royall authority, for indringing of Rebels of Scotland and Englishmen within the realme, &c. (Apud Dundie.)

1 A great number respited, at this time, for the same offence. * These words are added to the Respitt, which is engrossed in the Record at full length. * The redescribed Johnne Armeanstoun. See Notice regaridng him 1, * 126.
Oct. 10.—Remission to John Master of Forbes and four others, for their treasonably Abiding from the King's Army at Falkirk and Clerk, and for the Slaughter of Alexander Septon of Melvrum, &c. (Apud Dundal.)

Dec. 1.—Letter to Malcolm Lord Flemyngh, constituting him and his heirs Sheriff-Principal of Cyo and prime of Selkirk. (Apud Perthe.)

Dec. 9.—Remission to Alexander Gray of Ballegarno, and Robert Gray in Bowhouse, for art and part of the cruel Mutilation of David Cramby, junior: And for Inquisition of the said David, and David his father, violently dragging them out of their house, under silence of night: And for common Oppression, &c. (Apud Perthe.)

Jan. 4, 1550-1.—Letter to Torkil (Torquill) Macknele, Chief and principal of the Clan and Strainne of Macneille, of gentleman of malice, ferme, profiteer, and dewetate of all and every that lands pat pertain to vmq Gillecallum Macnele of Gaevy, land within the Shire of Fortrose; with the Nonentry and Relief, &c.

Jan. 21.—Remission to John Strathcavin, son and heir apparent of Thomas S. of Len- turk, for art and part of the cruel Slaughter of Alexander Septon of Melvrum and John King, son and heir apparent of William King of Bourtie: And for art and part of the Respecting of the Castle of Melvrum, 'Heresy,' and 'Spyglass' of goods, and Slaughter committed at the time of the said Siege.

Apr. 99, 1581.—Letter to Mathew Erle of Levisay, his airs and appurtenances, makand pame Captains of the Castle, strethe, and fortalice of Dunbarton, for six years, beginning at the feast of Witsunday, in the year 1581, &c.

Jan. 7.—Refsett to John Boyd, Chalmor-child to Archibald Douglas, and John Boyd, son to Gilbert Boyd, for the treasonable art, part, and Assisitance given to Archibald finlyme Erle of Angus, George Douglas his brother, and the said Archibald his ene, &c. (At Stranrair.)

Jan. 8.—Remission to Alexander John-Canichisone of Dunsewaco and Gyinnes, and three others, for their treasonable Fire-raising and Burning the houses of the lands of Rossellis, Lenanay, Craginche, and fundry others within the realm, with Burnings, Slaughters, and Heresies of the lieges, inhabitants thereof: And for High Treason, &c. to this date.

End.—Remission to Hector Makclane of Doward, and others for the same crimes.

Jul. 1.—Letter to Gawyns Hamblaintone and his aires, &c. of the gift of all gudis movabill and vanmovabill, dedit, taksin, Obligationes, gold, filuer, fowmes of money, &c. quhiliks pertenent to Jonett Lady Glammis, and now pertening or onywise fall happin or may pertene to our soueraine lord be refonnement of Etchete, throw hir being fugitivus fra he law, and at he borne, or connicte for Inter-communican with our souerain lordis Rebelis, or for ony vpyr crymes, &c.

Oct. 12.—Refsett to Hector Mcclane of Doward, &c. to ada mony as beis with him in companye to pe nover of xl personis, or within, faus to cum to our souerane Lord and pe Lordis of Counsale for making of gudis msgs amunt the reule of the rurte, &c.: For ix days next to cum efter pe day of pe dait heirof.

Feb. 11, 1581-2.—Refsett to Donald M'Alexander McMurquhe, and xv vpiris, being

1 See his Trial for High Treason, &c. 2 See his Trial for High Treason, &c. He confessed his guilt of the Laird of Melvrum's Slaughter on the Scaife. 3 See his Trial for High Treason, &c. He confessed his guilt of the Laird of Melvrum's Slaughter on the Scaife. 4 See Mr. Gregory's Work on the Cales. 5 See 1, * 197, &c. 6 See 1, * 12, &c. 7 See 1, * 12, &c. 8 Dec. 8, 1551. Another Refsett for him, &c. for as mony of his kin, &c. as he plesis to bring with him, &c. for to commoun and treit apoune sic materis as concernys ye welle of ye reale, and pacifying ye mony.
CRIMINAL TRIALS.

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APPENDIX.

in company with RORY McKEENE at pe Slauchter of vmq* . . . . . . . .Singhaile of Milburn, committit be him: And Spulze and away-taking of pe said Williamis gudis and geir at pe tym of pe committing of pe said Slauchter: And for art and part pairof and the said Spulze: And for all actionens, &c. before pe cunning of pe said Rory to our fowerene Lordis servise, pat is to say in the seire of God I*m, V*c, xxvij: For xix theis to induce.

Sep. 15, 1582.—Remissioun to JOHN HUME OF BLACATER, John Nesbitt in Spittale, Hector Furd, and John Focart, senior, his serviteurs, for their treasonably Intercommuning, &c. with Archibald, formerly Earl of Angus, his brother and uncle, and their accomplices, &c.: And also for Intercommuning with and asilting our enemies the English, &c.: PROVIDED that the said John comes to the King, along with Alexander his brother, and purges himself of the Slauchter of Davit Falleyn; and shews to the King, so far as he knows, who were the slayers of the said David. (Apud Faltlands.)

Oct. 12.—Letteur of Exemptioune to JOHNN BANNATYNE, Clerk and Writar to our fowerene lorde Signet, fra all passing to any or our Gistis, Taffis, congregatoune, and assemblis, and fra all walking, wading, washing, payin of taxis, or extenis, within our burghes of Edinburghe or vtruthe in tymes cunning, during all his lyfyme, &c.—he being now of grete age, feilkle and corpulent in his person, and hes suftenis and as sit suftenis divine in his leggis and vpe paitsis of his body, cumin of canld throw his ytheand1 and deligent lawbouris maid in our servise in our Instres affris haldin in tymes of winter, &c.

Dec. 15.—Refipt maid to JAMES STEWART OF CRAUGHALL, and ij servandis, for pare treasonbill Intercommuning and asiltsis gevin to our fowerane lorde Archielis, &c. For xix theis. (At Linlithgo.)

Jan. 9, 1582-3.—Refipt to THOMAS DONALDSOUNE M*KINSE, and v theis, for commounce Theft, outputting and inputting: And for art and part of pe thitue Stering and concluting fra George Erle of Huntlie of certane wyld horsis and meris forth of pe landis of Bra of Mar (Brunemar.)

Mar. 17.—Remissioun to Archibald Earl of Argyle, and lxxxij others, for their treasonable Fire-raising, with his Standard unfurled, in the Islandis of Mule, Tyre (Tyree), and Morernes: The King and his Council having dispened with the general Act, on condition of the Earl satisfying the kin of Donald Ballo M*Shuchin, Donald Crum M*cowsane, and Farquhar M*Sevir, and others having lawful claims.3 (Apud Melgo.)

Mar. 21.—Refipt to ALANE MCCLANE, sone to vmq* Lauchlane M*gillane of Doward, for pe treasonbill Masing of Fryre and Birynig of Honfils in the Ile of Malu: And pe Slauchter of Johnne M*gillane, sone to Johnne M. of Lochboy, and theis: For xix theis to induce.

Aug. 4, 1584.—Remissioun to JAMES HAMMYLTOUN OF STANEHOUS, for his treasonably coming 'in feir of weir,' with banniers unfurled, at Rittereshill, against John Duke of Albany, Governor of the realm: And for all other crimes, (excepting Treson, &c. Intercommuning with Archibald Earl of Angus and his accomplices, and asilting James Hammyltoun, the flayer of Thomas Flegare; common Oppression and Briganty, and destroying the Woods within the lordship of Douglas, &c.) (Apud Lanark.)

Dec. 5.—Remissioun to JOHN GRANT OF CULCABOK for certain actions committed by him, (High Treson, Slauchter, and Mutillation, after the making of the Act, and asiltsis gevin to Hector Makintosh and his accomplices, being alone excepted.) (Apud Elgin.)

1 Outwith. 2 Eident; constant, unremitting. 3 See Mr Gregory's History of the Isles.
CRIMINAL TRIALS

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APPENDIX.

Jul. 10, 1585.—Revspitt to John Charturis, sone to vmq. John of Cathigurdy, for all crimes, Trefoun in pe Kingis perounse alianly except; and to Indure for v. yeres: Providing alwaies, pat pe said Johnes remane furth of this Realme and the Realm of England, &c. (At Striuing.)

Jul. 28.—Revspitt to Donald Mky and to all peronis Inhabitaries of pe Landis of Strathnaverne, Athir, Achnahlis, and Arduranis, within pe sherifdom of Inness, for all actions, criumns, &c. Trefounse in our soverane Lordis perounse alianly except: For our soverane lordis will to Indure.

Jul. 28.—Remission to James Grant of Fruchi, and iiij others, for their treasonably Abiding from the Armies at Sully and Wark. (Apud Striuiling.)

Sep. 6.—Precept of a Charter to David Armstrang, son of Herbert, alias Halgo Armstrang, of the ve merk lands of old extent of Park, lying in Cloisdale, and shire of Drumfreife; proceeding upon the peronal refignation of Robert Lord Maynell. (Apud Cranmald.)

Oct. 29.—Remission to Robert Graham of Thorne, Adam Graham his brother, and Herbert Corry, for art and part of the cruel Slaughter of George Kirkpatrik, committed on forethought felony. (Apud Striuiling.)

Nov. 28.—Remission to William Kirkpatrik of Kirkmichael for Intercommuning with Sir Alexander K. of K., KN, his father, and his accomplices, Rebels, &c. (Apud Drumfreife.)

Dec. 2.—Remission to Thomas Kirkpatrik of Clousburne for Intercommuning with Rebels, &c. (Apud Drumfreife.)

Eo die.—Letter of Gift to William Lord Ruthvene of all gudis movabill and vnmovabill, &c. quhilkis pertenit to George Sorby of pot Ill, and to Sir William Stoby, Chaplaine of Gorby, Escapes throw being of pe saidis peronis fugitius fra pe law, and at pe Horne for pe Slaughter of Robert Murray of Newbath, &c.

Dec. 6.—Remission to John Greibounse of Lag for treasonably Abiding from the Army at Sully. (Apud Drumfreife.)

Eo die.—Remission to Thomas Fergusounc of Cragdarroch, for all crimes committed griver to this date, &c.

Mar. 1, 1585-6.—Revspitt to John, Thomas, and James Cranstoone, breper, for art and part of pe Slaughter of Andro Redpath of Birtingtoun: For xix. yeres. (At Sanctandrof.)

Mar. 3.—Precept of Remission to Thomas Fotheringham of Powry for art and part of the Slaughter of Walter F., &c. (Apud Faldland.)

Mar. 11.—Letter to George Erle of Hutchrie, his siris and assignis, of pe Gift of all gudis, movabill and vnmovabill, cornis, cattle, &c. gold and siluer, cunesite and vacuncite, jowarlie, and yperis quhitiumeir quhilkis pertenit to John Forbes of Pestigio, Alexander F. of Kynnauld, his fone and apparseid air, John F., William F., Alexander F. of Dalmanoch, John his bruper, Alexander, sone of David F., Patrik, sone to John F., John, fone to George F., Andro Schand in Tor- mare, John Cawdole, fone and apparseid air to James C. of Ailovne, John Fair, servand to pe Lord of Pestigio, Duncane his fone, Thomas and Johnne Hoggis, and Alexander Makferlane, now perteyning to our soverane lord as his echete, throw being of pe saidis peronis his Redbills, and at his Horne, as fugitius fra his lawes, for art and part of pe cruel Mutillations, Hurting, and Wound-

1 See Notice relative to Johnnie Armstrong, I, * 155; also the Gift of his Echete, I, * 245.

* James Kirkpatrik and all others got another Remission for the same crime.
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APPENDIX.

April 5.—Remission to Thomas Fairbarne in Gourdoune myll, Alexander his brother, and Cathbert Cranfoune in Manye, for art and part of the slaughter of Andro Maleph of Stirrele, &c. (At Striuling.)

April 11.—Remission to George Earl of Rothesse, James and John Lesley, brothers, Andrew Balfour of Montquhannay, William Lesley Captain of Rothesle, Robert Lesley of Kynnard, James and William Lesley in Hechame, brothers, Robert Arnott of Wodmyne, Walter Paterfoun of Drummure, Patrick Balfour in Demmyne, and forty-four others, for treasonably abetting from the Armies of Thirsk and Templotune, &c.: and also, discharging them and their cautioners of all pains and amercements for not appearing before the Justiciars at the Monastery of Landorgi and Kedarch, near the same, committed on May 17, 1532. (At Falkland.)

April 19.—Respit to William Johnstone in Foulardius, and viij vires, for treasonably raising of Fire within pe realm, and burning of pe Towne of Kirkmaquo. For xij vires, and forder for our fourene lorde will to endure. (At Striuling.)

April 23.—Remission to William Cockburn of Scarlet, for treasonably assisting the Town of Wedderburn, &c. (At Striuling.)

April 25.—Gift to Sir Patrick Hepburne of Waughtoun, knyght, of all gudis, movabile and immovable, &c., and petition to him of befor, and now to the King, be resoun of escheit throw his being Canvict be an Assize, Jan. xxiiij last bispell, of certane crymes committed upon James Sinclair, bruder to pe Lord of Rosling, and his complicis being with him. (At Falkland.)

May 6.—Remission to John Ross of Craig, and ix others, for treasonably abiding from the Army at Lushaw, &c. (At Striuling.)

May 9.—Remission to Patrick Hepburne of Waughtoun, kn., Patrick his son and heir apparent, William H. of Elt Craig, John H. of West Fortounie, Patrick Qhithlaw of that Ilk, John Carkettill of Finglenie, and fiftie-even others, for art and part of the treasonable Intercumming, Refetyng, &c., and abiding the Town of Wedderburn, and his accomplices, the King's Rebels, &c. (At Striuling.)

May 20.—Respit to George Elphinstoune, son and appernand air to John Elphinstoune of Hinderfountounie, and Thomas E. his bruer, for art and part vpon forfeiture felounie of pe cruel slaughter of vmq' Thomas Mure; committit be pame in pe Laistque of Aberdene. For xij vires. (At Striuling.)

July 16.—Remission to Margaret Lady Sinclair, and xi others, for their treasonably abiding from the Army at Templotune: and for usurping the King's authority, Conunartion of the Lieges, common Oppression, &c. (At Falkland.)

July 20.—Remission to James Turey, son and heir apparent of John T. of Drumelzeare, and xv others, for treasonably assisting the Town of Wedderburn, his brothers and acom-

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places: And for the Slaughter of John Lord Stening, committed upon forethought felony.  
(Atud Pittinwemede.)

Jul. 23.—Remission to Andrew Wood of Largo, John and Robert his brothers, Andrew and Thomas Wood, sons of Andrew Wood in Pittinwemede, Andrew Wood his servant, Alexander Spence of Lathallane, John Lundy of Strathalstie, James his brother, and twelve others, for all actions, &c. prior to this date, High Treason excepted.  
(Atud Pittinwemede.)

Aug. 15.—Remission (Schir) John Mailul of Raith, &c., James Kirkcaley of Grange, William Berclay of Touche, John Mailul of Wefir Touche, John and Patrick Ke, brothers of the Laird of Grange, and eight others, for all crimes, excepting Treason, &c. prior to this date.  
(Atud Struisling.)

Aug. 29.—Letter of Gift to David Armstrong, callit pe Lady, Andro A., sonne and arre of vmq Symon A. of Quithiehauche, and to Martyn A., bruer to the said David, pare airis and assignais, of all gudis, movahill and vnamovahill, dettis, &c. quhilkis pertenit to pe said vmq Symon, and now to our fowerane lord be resounne of Escheite, throw justifying of pe said vmq Symon to the treis for cromys commitit be him.  
(At Struisling.)

Sep. 1.—Reffitt to Alexander Forester, sonne of John Forester of pe Newtoune, for art and part of pe impert cruell Slauchter of vmq Andro Leirmouth, citizen of Sanctodrose: For xix years.  
(At Abbottighall.)

Jan. 28, 1536-7.—Reffitt to Lancelot Gray, for art and part of pe cruell Slauchter of vmq Adam Purdy, faudaire, burges of Edinburghe: And of Dismembering of William Purdy, his bruer, of his rycht ee; and spollitassoun of his suer; commitit and done apone suddante, &c.: For ix years.  
(At Paris, per Signaturam manus Regis subscript.)

Apr. 28, 1537.—Remission to Andrew Muncr of Slanis, Alexander his brother, and Andwer their batard brother, Robert Mailule of Herroune, and three others, for art and part of the cruell Slauchter of John Drumme.  
(Atud Montevole.)

Jun. 6.—Reffitt to Joanne Vause of Many, and Maaister John Gourdoun, for art and part of pe Slauchter of James Lounie: And Muttlistoun of Alexander Rushefare, son of pe Malties of Keithem for pe tymne, Maaister Eduard Menzies, and William Turnbull: And Defoutrance of pe Prybest and Malties pairof in executione of pare office, in charge of pe said John to pass to pe Tolbuth of pe said Burgh, for trublance done be him: And for communts Oppressione done be him and pe faillis Maaister Johno, Alexander (Knowis) and William (Gourdoun), vponne our fowerane lordis liegis, &c. For xix moneths to indare.

Jul. 15.—Reffitt said to Jonet Pyot, pe spoune of Williamo Sinclare in pe Myresfyle, for art and part of pe Slauchter of vmq Maaister George Lindsay: And of pe Muttlistoun of Patrik L., commitit vponne forthocht felony, and paffing away with pe committaris pairof with pe bludy hand. For xix years.

Nov. 7.—Reffitt to Robert Lauder of Bass, and v peris, for pe treasonabhill Intercommong with Inglesmen, in tymne of Weir, &c. For xix years.  
(At Struisling, 'v peris merkis.')

Nov. 12.—Letter of Gift to Archibald Erle of Argyle, his airis and assignais, sonre or ma of all pe gudis, movahill and vnamovahill, dettis, &c. quhilkis pertenit to Charles Campbelle of Bargoour, and now to our fowerane lord, be resounne of Escherte, throw being of pe said Charles fugitive frà pe law and at pe borne, or convict for art and part of pe Slauchter of vmq Anne Hummilloun of Barlowy, Robert Struisling in Calder, and Andro Struisling of Banoker.  
(At Linlithgo, 'v peris.')

1 Imputed, alleged.  
2 Probably Monticello, a town in the department of Lower Seine, France.
25 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Dec. 9.—Remission to John Vause of Many, for all actions, &c. committed by him prior to this date, Treason, &c. only being excepted. (Apud Falkland.)

Dec. 12.—Letter of Gift to Robert Maister of Maxwell, his sires, &c. of all takkis, steading, and wodletis, within the prison of Ewia, quhilkis pertenent to vmq." Symon Armbrug of Auchinraith, unjustifiit for certane crymes commitit be him. (At Linlithgow.)

Dec. 18.—Letter of Gift to (Scheir) John Strieling of Keir, knycht, his sires, &c. of all gudis movabill, dettis, &c. takkis, steading, cornis, castale, &c. quhilkis pertenent to vmq." Colin Campbell of Auchinhowe, unjustifiit for art and part of art Culp Houstheris of vmq." Alan Hamblytheone of Hardouis, Robert Strieling of the Littir, and Andro S. in Ballindroicht, and being at home for his failis Slachteris, (exceptand, &c. cornis, serta, and gudis intro新陈代谢 with be John Lord Esrken, Schereff of Strieling, for our furenane lordis vic.)

Dec. 29.—Letter of Gift to Jonet Logane, reliet of vmq." John Wallace of Crayg, in conferationoun that echis is of oure kin and blude, and hes nocht to leis vpoun, howbeit echis wes dotit substanlioufis be vmq." our derret fader of gude mynd, quham God afoile, be payment of large fowmes of money for bir tocher: thairfuir feign now pat hes landsis and torbship of Crayg ar fallin in oure handis be refiuone of Marde, We, willing pat hes faiet Jonet be nocht aliuterlei destitute of bir leving, hes gevins, &c. echis fowme of forty merkis of Penstoun yeirle, &c. (At Linlithgow.)

Jan. 6, 1537-8.—Refiiss to Robert and Jok Hammytounie, for art and part of art Slachter of John Campbell of Polfortour: For six zeres. (At Linlithgow.)

Mar. 23.—Letter of Gift to Thomas Kennedy, son and apperand are to Alex. K. of Bargany, his sires, &c. of all gudis, movabill and movable, dettis, &c. quhilkis pertenent to vmq." James Kennedy in the Shalneach of Glentis, and now Eftche, becaus be, and Neil Boyd his fereand, vpone pit . . . day of Marche infant, vpoun and thef and forthocht feloune, cruelly sich vmq." Patrick Melivrick of Crayne, and for breking of our furenane lord his fenisys and arrestis, and for Reesorcie of his Offirars, &c.

Mar. 27, 1538.—Refiiss to Robert and John Ramsay, for pare treasounfull concelling of the tresounfull wordis and langage herd spokyn be jame be Nicholace Ramsay of Dalhousie of Art Kingis grace: And for Assettung, suppling, and intercommorsyng with his Arhis, &c. For six zeres.

May 8.—Letter to Robert Lord Maxwell, Grete Admirall, makand mentiuone, pat his hienes hes direct him to be pairsis of France, for his sure conybeyng and accoypanyng of his reverst falle the Suerne to his realme fra je paid realme of France; that pairore his hienes, willing pat his paid couning, nor name vir Capitane, gentilman, skippers, warmane, or maryer, and all vir perfonis pafland in his companie in his service, incur ony damage, hurt, or skaid pairby, Will and Grantis, and of his autortic ryal and kinglie power, for him and his facceflouris, perpetuali answering, That giff it hapinnis his paid couning, or ony of je paidis perfonis pafling in his companie, to dece, or be flane ony maner of way, in pat cayce he gevis frelie to jame, and euer of jame, arte Wardis, relevis, and marriages, to be vvite and weile of pare airs, to be applyit to be behafe of pare airs and pare barnis, &c. (At Leith.)

Jul. 23.—Refiiss to James Forsythe of Nyde, for art and part of art Slachter of vmq." Thomas Sandford: For xv dais to induce; providing pat he paid James pass furth of the realme within xv dais nixt eftir he be chargit pairto: and nocht to returne sgane within jame sammyn, quhill he obtenis his graciis Licence pairoupoun.
CRIMINAL TRIALS. A.D. 1589.

APPENDIX.

Sep. 13.—Precept of Legitimation to Murdoch McGillboun and Charles M. natural sons of John McGillboun of Lambeg. (Apud Linkithne.)

Oct. 13.—Letters of Rehabilitation to Richard Rollock, burges of Dundie, dilatist of certane pertynis of Heresye, and Abhurat and Convict pairof, restoring, repoming, and reintegrating him to his gude fame, heretage, gudis, and wardie1 honouris, without reproche, murmur, detectione, blasphebmatione to be maid or done pairthrow to him, in word or deid, be any maner of way, in tymne coming. (At Abirbrothok.)

Oct. 31.—Remission to Thomas Lichtoun of Vllishavin, for the Slaughter of Andrew Tait, &c. (Apud Falkland.)

Dec. 13.—Remission to Thomas Turnbull of Rawflat, for art and part of the Oppression done to William Scott of Bassington, in breaking up a box belonging to the said William, in the house of Mr Nicholas Ruthirurd, within the burgh of Edinburgh, and for thefunsously abstracing therefrom two Letters of Reversion of the lands of Coppitrig, with an instrument, belonging to his wife.

Dec. 29.—Reipost to Williamse Cunynghame of Akinbar, for all actions done be him before pe dait heirof, TreTounse, &c. except: For xix genera.

Jan. 13, 1588-9.—Remission to James Gordon of Lochinver, William G. of Cunninghame, Andrew Agnew Sheriff of Wigtoun, George M'culloche of Torboune, David Gerdoun, John G. called John of Quhithorne, William Carnis young Laird of Orchardounne, and twelve others, for art and part of the Slaughter of Thomas Maclellan of Rowth, committed eleven years lastbypast, in the burgh of Edinburgh, &c.


Feb. 16.—Remission to Mr Adam Ottirbunse of Ridhall, for Abusing from the Army of Sulung, &c. (Apud Linkithne.)

Mar. 6 and 8.—Letters of Gift to Walter Cowlsland burges of Struiilang, and Robert Cant burges of Edinburghe, of their anve echete gudis, pertening to pe Kingis grace, be refounse of Eschete, throw being of pe saidis Walter and Robert Abhurat of Heresye. (At Linkithne.)

Mar. 12.—Letter to Martyn Balkealse2 remittance to him pe echete of all his gudis, &c. throug rumit in twiff of pe said Mariene, befor pe Justice, for breking of our souerane lordsis Proclamatione, in habing and being, eftir pe making pairof, of certane Ingils (Heretical) bukis, contenst in pe damynyn.

Mar. 13.—Letter to Mr James Fouline of Colintounse, Clerk of Regiister, of pe Gift of pe gudis, &c. with pe advocatione and donatoune of pe Chaplainie, foundit at Sanct Francis Altar, within pe College Kirk of Sanct Gell in Ed1, with pe richt of pe Patronage pairof, quhilkis pertenent to John Broune, burges of Edinburghe, now Eschete throw being of pe said Johnes diilat, accust, and Abhurat of certane erumnes and payntis of Heresye.3

1 Worldly, temporal. 2 He afterwards got Letters of Legitimation, Jan. 13, 1588. Reg. Secr. Sig. sib. 59. 3 See Notice, &c. regarding him. 1 * 217. 4 On Apr. 7 thereafter, he also got a Gift of certain of Broune's tenements, &c. in Edinburgh, which had been ejected for the same cause.
CRIMINAL TRIALS.

Mar. 24.—Letter to John Cowane, burgess of Stirling, and Janet Tennent, his spouse, of the gift of all gudis, movabill and vnmovabill, lands, &c. qublikly pertenent to William Forester, sone and appearen are to John F. burgess of the said burche, escheit from the thirfsoun of the said William for certane payntis of Arrey, confessit be him in Juegment. (At Linlithgu.)

Jun. 8, 1539.—Letter of gift to Mr Henry Lawer, Advoct to our souerne lord, of all gudis movabill, dettis, takkis, &c. qublikly pertenent to Andro Hyme of Nynwellis, and now to the King, be resoun of Eschete, throw being of the said Andro convict of Whilful Errour, in servynge of the Breif impetrate be Adam Neilisbe, lone and are of vmq. (Philp) Neilisbe of pat Ilke (At Sanctanderis.)

Jul. 8.—Remission to Alexander M'Cullocch of Cardinenss, for treasonably Abiding from the Army at Edinr. (At Falkland.)

Sep. 8.—Remission to Alane Mcgillespik M'condachy of Ballemach, for art and part of the Slaughter of vmq. John Mckilchychere-song, &c. : for xis yeris. (At Falkland.)

Sep. 9.—Letter to Helene, Agnes, Jonet, Margaret, Katheryne, Eglesbeth, Ilobel, and Marliene Swantonyne, dochteris to John S. of pat Ilke, consinnetis, and pair airs, of all gudis movabill, dettis, &c. qublikly pertenent to the said John, convict of Whilful Errour, &c. 1 (At Striuling. Compoitio, xxxiiij l. viij. viij d.)

Sep. 19.—Replitt to Eduard Sincler of Strome, Magnus S. of Werfettir, John S. of Telp, William S. of Houfe, Oliver S. of Helwn, James Craigy of Burghtye, John C. of Bankis, and twenty-four others, and generally to all their kyndismen, frendis, &c. within the Isles of Orkney and Zetland, being with James in company at the committing of ony crimyn, and art and part with James pairintill, in ony tym that be of the day be heir: for art and part of the Consewme of the gading of our souerne lordis liege in arraunt Beattis agentis buquhill John Earl of Cathness: and for art and part of the Slaughter of pat buquhill Johne, his frendis, servandis and pair-tals, being with James in company, at pat tym: and for all versus Slaughteris, Mutilationis, Oppressionis, &c. : Tresoun in our souerne lordis awin propri perfounne alaneleis except. For xis yeris. (At Striuling.)

Sep. 21.—Letter to Adam Lindsay of Downhill, of the gift of all gudis, movabill and vnmovabill, &c., qublikly pertenent to Alexander Ramsay of Kynmont, Eschete throw being of the said Alexander convict of the Slaughter ynounes ... Berceley, new reecnile done. (At Falkland.)

Oct. 15.—Remissio Thome Sinclare et Elizabeth Nesbit, fue spouse, pro arte et parte Mutilationis et Renmabrationis Roberti Hendirfonne, of sust testrulitis. (At Falkland.)

Oct. 19.—Remission to James Kirkaldy of Grange, and his three brothers, for all crimes committed prior to this date, Treson, &c. excepted. (At Falkland.)

Nov. 23.—Replitt to William Gourlay of Kincrag, Mr Andro his bruther, and three others, for art and part of the Slaughter of vmq. James Borthieik and versus, convict at Pettiweme : For xis yeris. (At Peeb.)

Dec. 1.—Remission to John Buchquhannan of Gartnavertane, for all crimes committed prior to this date.

1 See above, Jun. 8, 1539, where the same offence is recorded.
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CRIMINAL TRIALS.

Dec. 24.—Remission to Hew EARL of Eglyntoun, Hew Master of Eglintoun, Neill Montgomery of Langshaw, Charles Mowat of Balby, John Craufurd, brother of the Laird of Kilbirney, and twenty-eight others, for treasonably Abiding from the Army at Sulloway: And for all crimes committed prior to this date, Treason, &c., excepted. (Apud Linitique.)

Dec. 26.—Letter to Maister Thomas Bellenede of Auchnowinskill (Auchnowill), makand him Clerk of our sourcarme lordis Insititute, for all pe daies of his lyfe. (At Linitique.)

Jan. 3, 1589-90.—Remission to Thomas Huntar, for his treasonably going between Robert Bishop of Ross,1 then Abbot of Holyrood, on the one part, and Archibald, formerly Earl of Angus, and unq? Archibald Douglass, his uncle, Traitors, on the other part, for the despatch of certain their affaires. (Apud Linitique.)

Jan. 10.—Reptit to Iohn Guthre of Balnabrech for pe Mutilltoun of vnq? Patrik Annand, &c.: For xix geris.

Jan. 12.—Remission, Alexander Mcloyd of Dunvegan, and xxij others, for treasonably Resettling, &c., vnq? Bhadd Bhame of Medderburne and Donad Ils of Lochalche, kn', their brothers and accomplices, &c. (Apud Linitique.)

Jan. 18.—Letter to Iohn Lawson, makand him Curatour, gydour, and governour to Patrik Neilson, quhilk is daft, and hes na wit to gude him self; for pe weile and profitt of him and his barnis, quhill God send him witt and knawlege to rewle and gude him self, his barnis, and guidis, and mend him of pe faid ininfinit. (At Linitique.)

Feb. 11.—Reptit to Hector Mcclane of Dowart, for all crymes commitit be him in ony tyne bigane, vnto pe daite heirif: For xix geris.

Feb. 24.—Remission to George Meldrum of Fivy, and iiiij others, for all refutes committed by him prior to this date.

Feb. 28.—Letter to Oliver Scinlare of Pitcarnis, makand him Captaine and Repar of the Castell and fortalice of Tempilltoun, for all pe daies of his lyfe; with pe landsis of pe Manis of Tempilltoun, with pe landsis of Reidfye, medoisa, and cunyngarias: Payand pe faid Oliver, jerle, to our fouronne lord I'.ix merkis of male, alnerlie.

Mar. 4.—Remission to George Scinlare, brother-german of John S. of Blairle, for art and part of the Slaught of William Cristie of Stotttoun.

Mar. 5.—Remission to Robert Charteris of Lochtoun, for the Slaught of William Charteris.

Mar. 10.—Remission to Thomas Blaire of Bathyeik, for treasonably Abiding from the Army at Sulloway. (Apud Linitique.)

May 27, 1540.—Ane Protectione, Saufgarde, and Reptit to Oliver Scinlare of Pitcarnis, Katheryne Bellenede his spous, pair men, tenentsis, and fernandis: To inhibe quhil the said Oliveris retyrning againe fra the Ils, and xi daies pairesfit. (At Sanctandorina.)

May 29.—Remission to Thomas Craufurd, Captain of Craufurd-John, for treasonably Abiding from the Army at Sulloway.

1 Robert Cairncross. He was formerly Provost of the Collegiate Church of Cerrasphine and Chaplain to James V, and held the office of Lord High Treasurer. Having also obtained the Abbey of Farne, he resigned it in favour of his relation, James Cairncross, a Clerk of the See of Glasgow.

2 For all matters connected with the Isles, reference may be made to Mr Gregory's work.
28 JAC. V. CRIMINAL TRIALS.

APPENDIX.

Jun. 4.—Remissiion to John Crummy, for treasonably withholdings and defending the Palace and Place of Linlithgo against the King and his authority, be being present in proper person, with displayed banners, &c.: And for firing cannon, &c. against the King and his company, and the place wherein he then was, within the burgh of Linlithgo, &c. (Apud Falkland.)

Jun. 11.—Letter of Gift to Hew Craufurd, sons and are apperand to Lawrence C. of Kilbirny, of all gudis, movabill and immovabill, &c., quhilkis pertenis to the said Laurence, Escheeter for Falseing and Jenying of ane procurs of Apprising, led at his instance againis John Canynghame. (‘Ic. merkis’ of Composition.)

Jun. 12.—Remissiion, Alexander Ogilvy of that Ilk, for treasonably Abiding from the Army at Suttun.

Jun. 12.—Remissiion to Lawrence Craufurd of Kilbirny, for treasonably Abiding from the Army at Merch; and for all other crimes, Treason excepted.

Jul. 18.—Precept of Charter to James Bannatyne, Writer to the Signet, of a tenement in the Cowgate of Edinburgh, &c., escheeted to the King by reason of the Heres of Mr Henry Henderson, late Teacher of the High School of Edinburgh, of which he was convicted before the Spiritual Judge. (Apud Pelebry.)

Aug. 13.—Letter of Gift to Oliver Sinclair (of Pitcarnis) of all gudis, &c. quhilkis pertenis to Sir David Huchesone, Provost of Roslin, escheeted throw being pe said Sir David abstrac of certain paynts of Heres.

Aug. 16.—Remissiion to Alexander McAlstane of Lowp and others, for treasonably Abiding from the Army at Suttun.

Sep. 15.—Letter of Gift to James Erle of Arrane of pe non-entres, malis, fermis, &c. of pe landsis and Barony of Hanytloun, &c. &c., with pe releif pairof quhen it shal happen. (At Glamours.)

Eo die.—Letter of Gift of pe Gift maid be Patrik Erle Bothuile, Lord Halis, to vmoile (Schir) James Hamplintoun of Fynart, knyght, of pe nonentres, malis, &c. of Esir and Westir Blairmuiknis, &c., in scherfetdowne of Laner, quhilkis pertenis to our ouerlorn lord, be refoune of Eschet throw Forfaitour, led vpone pe said vmoile James for certane crimes of Cresseoun, &c.

Eo die.—Letter of Gift of pe Eschet of Over and Nethir Braco, Fynart, &c. to James Erle of Arrane, quhilkis pertenis to (Schir) James Erle of Fynart, knyght, balind be him as tenandris of pe said Erle and Alexander Schaw of Sauchquhy, and now pertenis to our ouerlorn lord, &c.

Sep. 26.—Remissiion to George Gorthy of that Ilk, Trifram his son and heir apparent, and George and John, alt his sons, for the Slaughter of Robert Murray of Drumdeman, &c.

Eo die.—Letter of Gift to Robert Dury of pe Ilk of pe takkis and fledingis of pe landis of Luscar, Eviot, Kilkerny, Kynnedder, &c. in regal. of Dunfermling and sh. of Fyff; quhilkis pertenis to (Schir) James Colitile of Est Wemyis, knyght, and now to pe King be refoune of eschet, throw being of pe said James convict of certane cyroms of Cresseoun and Lesmahaghe, &c. (At Falkland.)

Sep. 29.—Remissiion to Walter Leslie, son and heir apparent of Alex. L. of Kynmurray, for the Slaughter of Patrick Retray of Kinbalslie. (Apud S. Andreun.)

1 On Jul. 30, 1540, he obtained leave 'to sell, annale, or wedset ane part of his landis of Kilburne' and 'Garnok.'
2 See some notices relative to his Forfaitour, Vol. I, p. 287.
Nov. 22.—Letter of Gift to Oliver Sinclair (of Pitcairn) of all quidies, & c., quhilkis pertain to Archibald Douglas of Garlachgill, William his son, John D. and John Eddy, and all vperia pare complices, Rebels, and fugitives fra the laus, for nocht finding faste to vndirly pe fainyn, for pe art and part of pe cruell slaughter of vnq{:} Maister Hector Sinclair, Paisseoun of Milrigus. (At Holmebelkirk.)

Dec. 8.—Repetition to Robert Maule of Panmure, for treasonably striving from the Army of Shetland.

Feb. 3, 1540-1.—Repetition to William Stewart of Todaig, for treasonably striving from the Army at Pech tiêu and upon the Marches of the kingdom, gathered quarterly for refitting of our Enemies of England, & c.

Feb. 6.—Repetition to John Mow of pat ilk, and six vperia, for art and part of pe slaughter of William Burns, son to Robert Burns in Prymsyldoch, commitit at pe Kirk of Mow: For thre yeis.

Ea die.—Letter of Gift to Oliver Sinclair of Pitcairn and Johne Teennant of pe Carnys of pe takis of pe Kirk of Abircomie, now pertanyng to our fourene lord be refoume of estheit, throw Justifying of vnq{:} Sir James Rammynsoun, suntane of Fyngart, hir鲺, to pe deid for certane crymes of Trefoun. (Compotition *V* meriks.)

Mar. 8.—Warrant to make a third signet, in lieu of that which was stolen.

Secretar, Becaus we vnderstand that it is necessar pare be the small signetis for service in our Armie, Justice-arts, and for our aithor directions. Our Will is heifor, and we charge you, pat incontinent etur pe sithe heirof, pe cause mak ane third signet, in place of it pat was stollin, to be vit in our service, as faiid is: And to reforme pe vperia thre signetis, grete and smal, as faihe thocht expedient be pe Lordis of our Countie. And for pe maire securite of your Warrand, we ordand peis our charge to be infort in pe Bakis of our Countie, to be extract to 30i in form of Act. Subscrivit with our hand, and gevyn vnder our Princ Seile, at Linlithgow, pe viij day of Marche, and of our regne pe xxvij yeis.

Mar. 13.—Repetition to Sir James Sandelandis of Caldor, knight, for his treasonably Resetting, & c. vnq{:} Archibald Douglas of Mlespinny and his servaunts, Traitors and Rebels at the horn: And for taking two boris from the said Archibald.

Mar. 18.—Repetition to William Lord Symill, Robert Master of Symill his son, Gabriel S. his brother, David and John S., and William Pencautoun, for all crumes committit prior to this date, Treason, &c. exceptit. (Apud S. Andraum.)

Mar. 22.—Repetition to Archibald Ilis, alias Archibald pe Clerk, Alexander Mcconil Gallich, and twenty-eight others, for the treasonable Fire-raising and Burning the Castle of Alloa, Lennox and boste theast: And also of the peireisp of Renlacloch and Crousteman: This Repetition was declared by the King to be null, unleis they observed good rule in time to come.

Mar. 30, 1541.—Repetition to Johnnie Williamsoun, and fifty vperia perfumis, kynnismen andally of vnq{:} Hector Martintosche for all actions and crymes committit be same befor pe day of pe dait heirof, Trefoun in our fourene lordis perfoune slaneous except: For xix yeis to indure.

Apr. 9.—Repetition to Alexander Bane, for art and part of pe slaughter of Sirteur Willi- am Strhinsoun, Chaplane, commitit vpon pe Links of Kincrag, be pe space of ix yeis or pair-by. For xix yeis. (At Strickiste.)

1 See I. 227. 2 See Mr Gregory's Work on the Isla.
Criminul Trials.

Appendix.

Apr. 20.—Letter of Tak to Oliver Sinclair of Pitcarnis, his sires and signia, of all and every our funderd lordis landis and Lordschippis of Grimay and Netland, and of all pe Plis, pastis, bounds, and fichingis pairof, and all pair pertinentis; togidder with pe Constabulary and Keepyn of the Castell of Kirknnall; and als makand pe said Oliver, and his sires male, Justises, Sherifis, Assizes, and Appellis of all and every pe funderd landis and lordshipis, baith be frey and land: For thre 90 is Rix to cum cefir pe seif of Lammas laft bypass: Payand yerlie thre thousand merkis, at Beltane and Lammas, be equal portionis. (Apud Sriseling.)

May 24.—Respite to Schir Richard Purves, Chapiplane, for pe Slaughter of Henry Melandis, done and committit be him in his pure defens. For xix 90is. (Apud Sriseling.)

Jun. 4.—Respit to Charles Campbell of Skeringtoun, Colin C., sone of vno C. Colin of Auchinboye, William C. and John Peke, for pare trefonabill biding and remanyng fra our funderd lordis Army and Rait of Grimay; and for pe Slaughters of Alan Ramgilltoun of Hardstone, Robert Sriseling of Banker, and Andre S. in Ballingtrocht; For xix 90is. (Apud Sriseling.)

Jun. 9.—Remision to John Levingtoun, son of James L. of Warnehill, for the cruel Slaughters on forthought felony and 46th Feby of Archibald Ballie of Howgait, who flew the said John's father. (Apud Sriseling.)

Jun. 14.—Remision to Alan Lokart of Ley, for Abiding from the Amy at Clerk; And for Slaughters of Ralph and David West, &c. (Apud Sriseling.)

Jul. 13.—Respect to James Sinclair, for art and part of pe Slaughter of vno William Crechtoun of Brodstonoun, &c.: For thre 90is.

Jul. 25.—Letter of Gift to Oliver Sinclair of Pitcarnis of pe Marriage of William Sinclair, sone and ser of vno Alexander S. of Dunbute; and falsyng him be dece mortarty, pe Marriage of any yer ane. (Composition '14 merkis'.)

Eo die.—Remission to John Lindsey of Covintoun, Robert his brother, Harbert Johnstone, son and heir apparent of Harbert J. of Weel Raw, and five others, for treasonably Abiding from the Rait of Clerk, &c.

Oct. 21.—Letter of Gift to Oliver Sinclair of Pitcarnis of pe Echete of Robert Dickson in Bouchrig, and seven other Dicksons, fugityve fra pe law and at jure borne, for pe Slaughter of John and Edmund Gradane, and two others their brothers.

Dec. 31.—Letter of Gift to Normond Leslie, his sires, &c., of all gudis, &c., being within pe Castell of Est Wemyis, quhillis pertenent to James Colule of Est Wemyis, kny, Echete throw being of pe sain James fugityve fra pe law for certane crymes of Treason and Letemisteste, of pe quhillis he was convict in Jagement.

Jan. 1, 1541-2.—Respite to Schir Alexander Elisouno, Chapiplane, for art and part of pe Slaughter of George Buffet, committit vpoun suddanté: For xix 90is.

Feb. 8.—Remission to John Lausoun, John Scot, John Myllar, and John Scot senior, for their treasonably blesyng and breaking upp the gates and doors of the lodging belonging to James (Archbishop) of Sanctanbrots, situated in the Black Frier's Wynd, within the burgh of Edinburgh, for his capture and apprehension, he being within the said lodging at the time, &c. (Apud Falkland.)

See these Extracts, Aug. 31, 1542. *James Brown, who, according to McFarlan's MS., was 'the sixth and youngest son of James Banton of Balfour, by Marjory Bowne, his wife, daughter to Sir David Bowne of Balmute.' He died in the time of harvest, 1539. Sadler's Letters. Keill's Cat. of Bishops, p. 35.  

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† 2 K
Feb. 21.—Remission to Donald McMaster of Largie, in Kynstane, John his son and heir apparent, Rannald Boy, Archibald and John Makramal Vane, and twenty-four others, for their treasonably Abiding from the Rait of Hallsway: And for all other crimes, &c.

Mar. 6.—Respitt to Morise Dalrimpill, David Kennedy, and Thomas Horneour, for pe Abiding at Sancte Creigtoun, callit Lady Creigtoone, and having carnale daile with bir be pe fain Moris, incontrure bir will: For xix zeriis. (At Sanctandros.)

Mar. 12.—Respitt to Walter Portuis for pe Slauchter of David Olifer in Montcowper, committit apone fuddante be pe space of ten zeriis, or pairby: For xix zeriis. (At Petalby.)

Mar. 16.—Lette makand David Creichtoun of Nauchtane, Captaine and Repaire of the Castle of Edinburgh, for his lifetime—lij merkis to be pait to him zeriis, in his feec.

Apr. 14, 1542.—Remission to Andrew Murray of Blakbarony, for his treasonable art, part, assistance, Reset, &c. afforded to vmq* Archibald Douglas, and Isobella Hoppard his spoule, the time the said Archibald was Rebel and Crafter. (Apud Stricling.)

Apr. 30.—Remission to Hector McLaun of Doward, Donald his brother, and John McLaun of Ardouare, for Abiding from the Rait of Hallsway: And for disobedience shewn to David Wod cраг, Comptroller to the King, whilst he was in the Isles for settee the King's lands, and abstenting themselves from his presence: and for all other crimes, &c. High Treason alone excepted. (Apud Sanctandros.)

Eo die.—Letter of Regress to David Pitcott, great grandson* and successor of Finlay Pitcott of Loncardy, on the fourth part of the Haltoun of Loncardy, in the shire of Perth, alienated by the said Finlay to Sir Andrew Qahheidhel.

May 6.—Commission to Archibald Stewart, Captain of Dunnyvaig, making him Ruler and Governor within the bounds of Dunnyvaig, with power to execute the Office of Sheriff thereof; during the King's pleasure.

May 10.—Commission to Alexander Master of Glencarnie, making him Ruler and Governor within the bounds of Brighty, with power to hold Sheriff and Justiciary Courts, &c.

Jun. 11.—Remission to James Nasmyth, burgess of Linnitho*, for treasonable art, part, and assistance afforded to vmq* Sir James Nammstoone of Fynnart, knight, in his treasonable acts and deeds. (Apud Stricling.)

Aug. 81.—Lette of Tak to Olyver Scinclare of Pitcanie, his aires, &c. of the lands and Lorbshippys of Orkmy and Zeiland, and all pe his, &c. for five zeriis fra pe sait of Lammes 1543: Payand zeriis 8000 merkis, at Beltane and Lammes.

Sep. 1.—Respitt to Gilbert Fordeyce, for pe Slauchter of vmq* William Donald, alias Brownhill, committit zij zeriis fynne within pe Gryth* of Halyroth, apun sudante.

Sep. 19.—Remission to Mathew Windegaitis, for the Slauchter of Robert, alias Hob, Olyver. (Apud Cooper.)

Oct. 2.—Respitt to Alexander Lauder, for pe Slauchter of vmq* Thomas Bronstare; committit rekledle with pe schot of ane culvering, ane zierie fynne or pairby: For xix zeriis.

Nov. 4.—Respitt to David Schaw, and George Dreghorne, for pe Slauchter of umquhitte Johane Inruling of Ret, knight, &c.: For xix zeriis.

* Promotis. ** See Mr Gregory's work for illustrations of these and other matters connected with vmq.

[Note: *Sanctuary.* See these Extracts, Apr. 20, 1541.]

5
II. ILLUSTRATIONS OF THE REIGN OF KING JAMES V, SELECTED FROM THE ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND.

[The Editor presents here to the reader the result of a laborious and patient investigation of another portion of the truly valuable Records of the Lord High Treasurer of Scotland’s Accounts. If, in his eagerness to bring to light much important historical matter, he has erred, by collecting too many particulars, strictly speaking, unconnected with the nature of this work, it is hoped that even those who are least inclined for such enquiries, will readily excuse the indiscretion. It has long been the Editor’s conviction, that the real complexion of great public events are often most clearly understood and displayed by the investigation of such authentic sources as the public Records. The intricacy and extent of these documents, however, are such as to discourage, or altogether to deter, the generality of authors from even making the attempt at so serious an undertaking.

It has been thought best merely to add a few brief explanatory Notes, because the dates in general indicate the Trials illustrated by this and the preceding Appendices.]

Jul. 29, 1515.—Item, deliverit be Master George Langmure, in his Compt-giffaris name, to ALEXANDER CHALMOUR, PAYNE, for ane hundred and xii. Pagintit Armpis to the Obsequies of the sovereign lord King James the Prede, quhain God assillie, his day deliverit in SANCHEL GELIS KIRK, price of ilk peice twelf pennies, viij.:

Item, deliverit be his Compt-giffar to MY LORD GOVERNOUR, to offer at the Mass of the said Obsequies, xiiij.

Jul. 30.—Item, to ane rynarre at a bure ane Letter to Kethe Martebl, for my Lord Marschell, xvij d.

Jul. 31.—Item, to John Balfour, officiar, to pas to the post with my LORD GOVERNOURS Lettres to my LORDIS CHAMBERLANE, Maxwell, and to Serfurling, with all diligence, be thep paine, i. s. 1. 5.

Jul. 31.—Item, to John Balfour, officiar, to pas to the post with thes Lettres and credence of my LORD GOVERNOURS, with diligence, to 7 Lordis Erskine, Fleming, and Lord of Kinc, for myng of the Kinges grace, xij.
CRIMINAL TRIALS.

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APPENDIX.

Item, to Duncan, cartar, to paist with xxiiij hores, makand vj cartill, chargit with taim cult"r, drin-greynere, gyn-staunse, gyn-powder, and certane hachbuschis, ort of Edinburghe to Leith, and returnyi pe famyn day, ilk cart on pe day ix s. /summa, iiij s.  

Item, to ten pynouris at bure x hachbuschis, x s.  

Aug. 2. Item, to John Langlands, officiare, for to paist with diligence till Dundie and Forfars, to charge all issabelle personis mett my lord Gouernour, pe 2day of Augus, xviij s.  

Item, to tua rynara, paist with Letteris to Dalkeith, Newbottill, and Lefahrig, for help of Drin to the gunneis, iij s. iij d.  

Item, to Dukane (Duncan), cartar, for xj cartis quhilkis laurbor ane hale day, carenti Gunns, gun-staunse, poldmir, cofefris, and the Artalery out of the Castell and Abbey of Edinburghe to Leith; lasborand ane hale day, ilk cart on pe day ix s. /summa, iij li. xij s.  

Aug. 6. Item, to John Langlands for to pas with iij Letteris to the Scherles of Roxburghe, Berrie, Perlies, and Selkirk, to cairse pe Kingis liegis be in Edinburghe the 20 day of August, with xx dias victallies—for his wagis, xij s.  

Item, to Gilbert Rutherfurd, James Bisset, and David Lowry, Meffingeris, to pas with xj Letteris for pe famyn caiste to pe Scherles of Forfars, Kingardin, Fyffe, Dundie, Cowfars, Berrie, Perlie, Menteth, Cackmannanke, Strathern, Kinross, Kile, Cunynghams, and Renfrew, as pe Breviat beris—for par wagis, iij s.  

Aug. 7. Item, to David Purves, Maister, for to pas charis of my Lord Gouernour to the Lord Bakkere, in Ingland—for his wagis, to gud compt, liij s.  

Aug. 8. Item, to xij cartariss and xvj cartis ane hundreth and xx pynouriss and ix gaulmen, being carenti the Artalery fra Edinburghe to Streutling, and returniand agane, in xij dias labour, as pe Compt maid pairrupone beris in iij li. xij li. xij s. x d.  

Item, for pe wagis of xj hores, and v ferontouris with pane, quhilkis carret gun-staunse pe famyn tym, in foure dias, xij s. 

Item, to Sandre Jakson, Duncan Smyth, and tua ferontouris with pane, to maist pe Caritis aboust written, xxijij li. iij d.  

Item, pe famyn day, and pe xijij day of Augus tairefster, to Dokane, cartar, Thome Braewod, and John of Cunyngham, for fivre cartis in xj dias, and to William Gogar, beand with pane in xj dias, with ane cart, bringing with pane out of Glasgow to Edin' xj butlun gunns and ane brokyn, ilk cart one pe day, ix s. /summa, xij li. xij s.  

Aug. 9. Item, to Petir Gilles, Franceman, to paist xij pynouris quhilkis labort in pe Palice a day, ilk man viij d. /summa, xij li. viij d.  

Aug. 10. Item, to Ilay Herald, and a Monk of Newbotill, quhilk was acquaint in Ingland, to paist with Letteris of my Lord Gouernour to pe Lord Bakkere in Ingland, viij li. viij s.  

Aug. 17. Item, delinierit to Mathew Auchinleck, goldfyth, to mend pe hiltis of pe Kingis Brevi of Bourn, two vnces of siller, price of ilk vnce fourtenz schillingis; ane ducat of wecht to pe giltyn of pe famyn hiltis, and ane lycht Franche crowne for his labouris, /summa, iij li. xij d.  

Aug. 20. Item, to Galtir Robertson, delinierit to ane ferontour of pe Land of Cesfurd, quhilkis come with novelties fre pe Army to my Lord Gouernour, xvjij li.  

Item, to ane rynara, to pas to Dundie with Letteris to pe Balleis pairof, to seid in thair folkis to the Army, iij li.
3 Jac. V.  CRIMINAL TRIALS.

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Aug. 23.—Item, to John Balfour, mefflingere, to pass with Letteris of Summonis of Fortunator on the Lord Chalmerslan, to his expenses, xx s.

Aug. 24.—Item, to James Wallace and David Lowry, Officiars, junctio and servile, three Letteris of Summonis on the Lord Humie and his foure brepr, and on the 1st of Heryott of Trabroune to compere on xxij day of October next pairrefir, to here pame be Fortunator for canse, and one general Letter for Captioun—till kane of pame xxij s., and to one ryand man for to pass with paim, wele horsis, xlij s., summa, xlij s.

Item, for pe hyre of tua led horsis for to pass with pe said Officiars, xx s.

27.—Item, to Franciscus Fergusore, furnitur to Sir Anthony Barso, and in his name, for to pay xx gunnais for to pay pai day to the Castle of Dunbar, ilk man tua coronis of wech, in part of payment of pare wagis, to gud compt, xxviij lii.

Sep. 4.—Item, to Lyoun Berra, for to pass to the Lord Bakhire with writtis, to his expenses, iij li. x s.

Item, to David Cameroun for to pass to the day of Corin, and erandis to the Lord Bakhire, to his expenses, xlij s.

Item, to John Langleidis Letteris to call the Lord Humie his brepr and pare compeis for the Paying of Biscatire, and to leif pe famyn, deliuerit to his expenses, and iij Witnesses to pass with him, xxx s.

11.—Item, to David Lindsay, Repar of the Kingis grace, takand forty pounds in peniouroue, cervelis; deliuerit to him in part of pament pairof, to gud Compt, x li.

Item, to Lyoun Berra, for to pass, pe secund tyme, erandis of my Lord Governouris in Ingland, to the Lord Bakhire, to his expenses, iij li. x s.

12.—Item, to Duncan, cartare, for his cart lauborand in carping of Artaljery, barnes, habi, pickis, and speris, vj daes betux the Abbey and the Castell of Edinbur, as was contenit in Captaine Bakhitis Compt mad pairon, iij li. xviij s. viij d.

14.—Item, to Duncan, cartare, and his marrows, passing to Glasgow with xv cartull, makand lx horsis, for tua canmoune, and for powdr and vpir Artaljery; fra the xxij day forskaid, inclusn, to xx day of pe famyn exculisne, makand fyve daes, ilk cart on the day ix s., summa, xxxij li. xv s.

Item, to xij furnituris quilkeis helpt pe famyn caris, ilk man on the day viij d., summa, iij li.

15.—Item, to David Cameroun, and four other Officiars, to pass with lxviij Letteris to the Lords, Schirres, Barons, and Edisons of pe maist parte of pe realme, to provid for xl daits Victuallis apone iij dais warnyng; and for certane Lordis and Heidisman for to cum twart my Lord Governour with diligens—deliuerit to pe forshairdis Officiars to mak pair expenses, and to hyre pame horsis, because pair avne horsis cum wes flame, cum wes burvlyne, cum croukky, cum foppit be consideracione, amanis paim, vij li. iij s.

16.—Item, at fyve houres in the monyng, to Lyoun Berra, for to pass with my Lord Governouris Letteris to the Lord Bakhire, beand in Carlie, to his expenses, iij li. x s.

Item, to John Adamfrone for to pass with tua Letteris of my Lord Governouris, ane to the Queyn, heand in Biscatire, and pe toper to Band on the Ferughest; to his expenses, xlij s.

29.—Item, to John Adamfrone, Officier, for to pass pe Mans de Plais, Ambassadour to the King of Fransce, and Maister James Ogilvy to the Queyn and Lord Bakhire, and forthir after paires dircyoniis, deliuerit to his expenses, to gud Compt, xx s.

30.—Item, to Lyoun Berra, for supporting of hir in pe said Lyonis abens, benvv

1 The common familiar abbreviation for Andrew. 2 Afterwards Sir David Lindsay of the Mount, Lion King of Arms. 3 One of the Frenchmen. He is called John Bequeat, Commissioner of the Artaljery, Feb. 4, 1516. 4 Fellows, companions. 5 Chiefs. 6 Broken-winded. 7 Perhaps swapped or escaped, i.e. exchanged for other horses, on paying a difference or consideration. 8 Further, as he might be directed by them.
CRIMINAL TRIALS. A.D. 1516.

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in England, in v li.; and the xx day of December pairefer to his self v li., makand in pe hail x li., in part of pament of his fee, to gad Compt, xi li.

Oct. 1.—Item, to James Wallace tua Letteris of my Lord Gournours for the large in Struieling, Reportis of pe Kings persone, for gude reule to be put in Striueling, anent the Pestilence, delinuerit to his wagis, x li.

Oct. 14.—Item, to Dowgall Campbell, delinuerit be ye Lord of Kerr in pe name of pe Compt-giffare, for certane expenses beaid Dougall maid on Marthanes quhilkis he had with him in the Southre, for pe supporting of Makanis House, quhen it was first to be Seized be Extir Donald Plis, within pe tyme of pe Compt, xxxxiij li. vij. viij. d.

Oct. 20.—Item, to Davyd Cameroun for his passage with Master James Hay, before his day, to Harbostill in England; and for his passage pis day with diligis and my lord Gournours Writings to the Guene, beand in Harbostill, delinuerit to him, xliij.

Oct. 23.—Item, to the Witnesses quhilkis come out of Tavisleke to prefix pe executioone of any Fumondis (of Forefoure) saith on ye Lord Hume and his brother, xx ij.

Oct. 25.—Item, to Duncan Riche and certane vpiris beraris, for fals of Officaris, xxvij Letteris for a mony Schirreffeis and Stewartis of pe hail realme for putting doun of Jedwardisks, and for vying of spereis, axis, balbertis, bowis, and culhuerringis, delinuerit to par wagis, xliij.

Oct. 27.—Item, to Johnie Balloure and vpiris beraris to pass to Schirreffeis of Dunbar, Striueling, Lithqwe, Renfrew, and Lanark, for to warne pare schyris for pe Esme bringing of the Artaisie out of Gladwym, xxvij.

Oct. 28.—Item, to Duncan Riche for to pass with my Lord Gournouris Letteris to Setounes, Dunclaise, Fastcastell, and endlangis pe Cost, with diligis, for to gare mak Bellispeis and rait Gunnyis, for novelis of the Triumphis the King of France gat in Lambaichy, to his expendis, xx j.

Oct. 31.—Item, to Hare Lawone for to pass with diligis to my Lord Gournour, day and nycht, toward Hammiltoun with pare Writing at come fra ye Vnder-Captaines of Dunbar, anent pe Rising of Fire be the Kings Rebels, for his wagis, xx ij.

Nov. 4.—Item, for wax delinuerit to Davyd Anderloun for Helps to certane Letteris of Forfartoure, iij.

Nov. 20.—Item, for wax quhit and reid he bocht to pe Selvis of certane Letteris of Forfartoure and vpiris concerning my Lord Gournour, xv ij.

Dec. 1.—Item, to James Nebit, marseir, for to pass with the King of Francis Ambassator to the Lord Bakshire, and for till vie he said Ambassatoris directione, for his expendis, to gad compt, delinuerit xxvij.

Dec. 6.—Item, to Patrik Reoche, meellingsere, for to pass with my lord Gournouris writings to the King of France Ambassator, beand with the Guene in Harbostill, in England, for his expendis, xxxij.

Dec. 27.—Item, to Duncan Riche for to pass with Writings of the King of Francis Ambassatoris in Ingland to the Guene and King of Inglandis Commissionaris, beand in Morpeth, to his expendis and wagis, xliij.

Jan. 31, 1515-16.—Item, be my lord Gournouris command, to ye Bailies of Selkirk to pay pair Tax, becaus at that war berit he Thibis and Pestilence, xv li.

Feb. 4.—Item, to Johanne Bouke, alias Bukke, Francheman, Commissioner of ye Artisie, be my lord Gournouris command, gevin pairon to furnis certane caruis and carriage of cer-

Bell-free, Benfree, see Dr Jamison's Dictionary for the origin of the term.  
* Shoot, discharge.  
* Numerous payments are made, which prove a constant correspondance, at this time, between the Queen, the French Ambassador, Sir Anthony Darcy, etc.  
* Hurried, plundered.  
* See Sep. 12, 1515, &c. of these Extracts.
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APPENDIX.

Janet Artasy ell out of Glasgow and Dunbarrene to Edinbourgh, attir his compt payron, in lxxiij Francs crowns of wecht, fassma.

Feb. 18.—Item, pat famyn nycht, in Linlithgow, my lord Governour brand payron, to one man with horse path passit with clois Letteris spone pe nycht to Monsr. de Plants to Edinbourgh, at poit, viij s.

Item, pat famin nycht, to ane hofman path passit with clois Letteris to the Scherif of Striullying, at xij hours.

Feb. 19.—Item, pat famin nycht, to Hans Gunnar, quhilk hyrit ane horse to ryd to Striullying, at poit, for xabussus and Stanis,

Item, to Fohnne Balfour, Officier, to pass to Edinbourgh with clois Letteris to the Ambas-
sateur of France, at midnicht.

Feb. 20.—Item, to one man path passit with ane Lettir of my lord Governouris to Captane Jonet, to gar the Artasy be moband fra the Fawkyk.

Item, to one man pat path passit to the Scherif of Striullying, with ane Letter of my lord Governouris to gare all the Gyin of that schrie be reddy for Wrajin of the Artasy.

Mar. 4.—Item, bocht and fend to the b' Niskarlis and Murriss of the Kingis and bu-
quistle my Lord Dukis, his brother, xxvij elne of Rowane raffit, to he fane Gobanis, price of lik elne xij s., fassma.

Item, to one man pat buro ane Letter of Respett to the Master of Hali for pe Ins-
rumung of the Elmlandis.

Mar. 18.—Item, to Criestane Cockburne, one of the Princes buquistle Niskarlis, iiij elne of Rowane raffit and half ane elne of weloyd, to he fyr ane Gome, price of pe elne of raffit xij s., and of pe x elne of weloyd, xxv s., iiij li. xij s.

Item, for xij elne of clith, callit mylk and watter, to be iiij Almos Gobanis and Judis for the Kingis Almos, one Ce[n]a Domini, price of lik elne iiij s., fassma.

Item, for pe fauloune of pe faidis iiij gowmis and burls, viij s.

Item, to one man and horse to turis thame and pe fald clathis furth of Edir to Striullying, iiij s.

Item, to Henry Demperdale, quhilk gait to pe iiij Almosaris iiij purifs, and ilk ane iiij s., fassma.

Item, to one servitor to pass with clois Letteris to Scone, Duplyn, Alcaill, Dunblane,

and Ruthven, for pare Delfe to he put to ane Commissiouns to pass with the Ambassadours to England.

Item, to one servitor to pass with Letteris, at pe poit, to my Lordis of Errol, Mar-
schill, The Elect of Aberdene, and to pe Còmissiffir of Aberdene, sent the Gatherings by the E' Eroll and Lord Gardoun.

Apr. 10, 1516.—Item, gervin to Robert Hort, to ride (to) pe Captains of Dougalis and Campbelloun, with tua Preceptis of my lord Governouris to cause same cum to Dunbar, xiiij s.

Item, to Gilbert Rocche to pass to Ingland with Letteris of my lord (Governor), at poit, to Monsr. Plants, to Annivie.

* The French Ambassador.
* Bullets; gun-stones.
* He was in Glasgow on the 21st, and in Linlith-
gow on the 24th. Until the next extract, Letters were continually passing between him and the French Ambassador, &c.
* The Elwaldes, notorious Border Thieves. The name is now extinct.
* See illustrations of this cus-
tom in Sir Walter Scott's Antiquary, last edition. These entries are regularly repeated annually, with additional gowns, purses, and money for the 'Almosaris,' or the King's Beadmen, for each year of the King's age. It is only necessary to advert to such entries once, as the varieties which occur are generally very trifling, being chiefly addi-
tional furnishings for the Bedesmen, &c.
* Numerous other Messengers, sent for the same purpose to other Barons, &c.
* Alexander Gordon, third son of James Gordon of Haddo, ancestor of the Earls of Aberdeen. He died of a hectic fever, Jun. 29, 1518, having enjoyed the See only a short time.
* See Jun. 3, 1516.
* Alnwick.
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Apr. 15.—Item, to my Lord Chancellar to gif Lord Bakkardis man in the Castell, iiij French crowns, iiij. xij. 

Apr. 23.—Item, to my lord (Governor) to play with my Lord Legat, in Sanctandross, at the dice, x lycht Fr. cr., vij li. 

Apr. 28.—Item, to my lord Gouernour to play at the close, in Sanct Johnstounes, viji. xij. 

May 20.—Item, to my lord Gouernour, for the being of Buttie in the Abbey, be my lord Gouernouris command, xij. vij. d. 

Jun. 9.—Item, to one Serioud, x patas to Edy, for to stop the Stepping in the Castle of Marshell and Lord Forbes, in Ardene, xij. 

Jul. 1.—Item, to David Purves, for to pass, be my Lord Gouernouris command, to Berwick with Monseur la Prat. xviij. 

Jul. 21.—Item, to John Adamstone, to pass with viij close letters and one patent letter of my Lord Gouernour to pe Baronis and Lordis of Lothian, for one Affile upon the Masteris of Gienarne and Mongumry. xviij. 

Aug. 8.—Item, to Johnne Balfour and to Bifall, quhilk warrant the Lordis nearest Edinbro to ry to my Lord Gouernour, quhen he synde to Strugeling with the Inglesmen to se the king. 

Aug. 21.—Item, to the Erle of Argyle, Justice, remandis at the Aire in Dunbe xx dais, ilk day xli. Item, to THE CHANCELLAR remandis in Dunde in lykwise xx dais, ilk day li. Item, the Thesaurer remandis Fiscal, ilk day xxxi, fumma, xxxii. 

Aug. 31.—Item, to David Lowry, at passif with Letteris of my Lord Gouernouris to the Lord Marisell and to the Lord of Casturd, to keip the Bordouris, at na man fuld paus to INLAND without speciale Writingis and Licencis, xxxiiij. 

Sep. 24.—Item, to David Lowry, to pass with one Letter of our souerane Lordis, to poind xxvij Lordis and Lardis absentiis fra pe fadis Affile— and delierit to him pe Extract of the Aire of Dunbe to giff pe Schirreff-principall, for differencing of the same, xxvij. 

Sep. 29.—Item, delierit to pe fadis Langlandis, lxvij letteris to gif to pe Lordis and Lardis in Fye, Strathernis, and Angus, to keip pe vy and ix days of October in Edy, and to pass to the Bordouris pareifir, (Pat before.) 

Nov. 5.—Item, to David Purveis, maister, quhilk raid with my louris letteris to Berbuc, with Currence, and pareifir to Carlisle to Lord Barre, at my lordis command, li. 

Nov. 5.—Item, to one John Murray, quhilk tuk Symon Burne, and (qubo) yes justifyfit, pe half of the Eschet gevin to him, viii li. xij. d.

The word is erroneously written 'close' in the Record. 
* Building of temporary zvrs for Archery. 
* See Mar. 18 preceding. 
* La Fayette, the Duke of Albany's Messenger. See Pinkerton, II, 161, 8vo. 
* A great many others dispatched. Duncan Biche was entrusted with Letters for 'xxv Lordis.' 
* These entries occur yearly, where the Expenses of the Aire form part of the usual expenditure. This is given as a specimen of the rest. 
* Componisouris also generally attended, to compound for Requisitions, Sponsals, Escheats, &c. &c. 
* Similar Letters were sent all over the kingdom. 
* Clarkcux, one of the English Kings at Arms. Thomas Benolt was appointed to this office, Nov. 20, 1510; obit May 5, 1534.
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APPENDIX.

Nov. 12. Item, to Beaumont, squire, de mandato Domini, be Maister Gualter, primo die Parlamenti;

Dec. 17. Item, to Robert Haist, to summon Lord Astell, Shirreff of Hathingtowne, and disorder wther, quhill kepitt nicht the day of Crewe with Monse. Labawtys.

Jan. 3, 1516-17. Item, to Eycht ('meffinger') to ryd apace to Coldingham, Dunes, and Lawden, for executing of our soueraigne lordis Letteris on George Rolomte, de Mandato Gubernatoris,

Jan. 9. Item, to Eichb, &c. &c. to errce ('sarch') and seif George Rolomte, with fouerteis, vnder payne of Hornying;

Jan. 18. Item, in Perth, to Dauid Lindresay, the Kingis Wishlist, for his Martialmes fee,

Jan. 19. Item, to Clarence warne, quhill brocht ane Finche out of Ingland to Faulkland to my lord Gouvernour;

Jan. 27. Item, for pra Chancellare Expenses in the Acre of Perth, remand pair xxiiij. dais, ilk day 1 ij s., summa,

Item, for pra Justice expensis, the said tyme, 1 l.;

Item, for the Thesauraris expensis, the said tyme, 3 l. 3 s. 4 d.;

Item, for Lord Erskynnis expensis, the said tyme, 3 l. 3 s. 4 d.;

Item, for pra Justice-Clarkis expensis, in lyk wyse, xxiiij. d.;

Feb. 16. Item, gavin to Maister Gawin Dunbar, the Kingis Master, to by necesse thyngeis for the Kingis Chalmr.

Mar. 1. Item, to James Nethy, pet anys day, for expenses of himself and iij Christis that he brought out of Dunbritton to my lord Gouvernour, and had again,

Mar. 22. Item, deliniet to Gilbert Reanch, meffinger, xij Letteris to warn all the Lordis and Barrons of the West land to be in Edin, at the Calze of Coklysies taking, quhen pe Francis Embassator cumes;

Apr. 23. Item, deliniet be Mons Labawtry to Johnne Langleandis, Letteris of our soueraigne lordis to fomond and churge all the Thyspe and brocht men out of Cudtale and Cudtalle to thair swifr cuntre; quhill Letteris war Proclamit at pe Mercat-cordis of Roxbrough, Selkirk, and Jedwod.

Item, gavin to Robert Balme, for stirring of the Lordis Hato in Davids Cawr at the Castel, in Edin, de mandato Gubernatoris.

Item, de mandato domini, at Cringwalt, to xxv workmen herunt the half Munifioun, viz. pikkis, halbaris, billis, matokkis, spadis, schelis, halbrikis, with splenias, for the Captantis Cawr to the Comons-bouris ('Gun-house'), an hal dail and l half, ilk mon vij d. on the day, summa, xxvi. s.

Item, to xiiij pyanories, quhill brocht the Arthurers in the Castell, at the Kingis cuntres to this tainte,

1 One of the Ordinary Ministris. 2 These payments occur, termly, in every account. 3 A number of splendid dresses are entered in the accounts at this period, preparatory to this grand solemnity. Offerings were made in Sr Gilk's Kine, all the 'hangry,' or Tapestry, was brought from Stirling, and extensive repairs were made on the Palace of Holywood. The dressing consist of 'Clayt of Gold,' 'crammay satin,' 'purpeur vellous,' 'black velous,' 'gray velous,' 'garrawit satin,' 'blak trallor,' 'brun black taffias,' and 'red taffias.' One of the dresses, May 25th, is entered thus: 'Item, bocht fra Eumyldis, xvij else thre quarters and axe half of bok vellous, to be fajin, the seker, and otheris his campannone hoggotounis (hangystones), price of the cne xiiij s., summa, xviij. s. vij d. 4 There are numerous other payments for trein work (wooden or timber work) for the Garret How windows in the Castell,' 'gret gesell, double dalls, &c. for the Myr Chamer,' 'the Kingis kicher' (kitchen), and 'the new Court kicher,' in 'Davidis Toun.'

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May 11.—Item, to John Adamstone, quhilk raed to Bonhill to my lord Anguswe with our four son Lordis letteris, x i.

May 16.—Item, to ane manne pat passit to the Ert of Crayford with my l. Gournouris letteris; quhilk tarz vi or he come to Dundee, vii i.

May 17.—Item, to John Langlandis, quhilk raed with deligies, on pe nycht, to pe Kendale of the Myhill Marche, to be in Edinburgh pe xx day of Maj, with my l. G. Letteris, delinuir be Mairt Labhuts, xvi i.

Jun. 15.—Item, bocht to Colene Campbell, the Kingis ferrour, at the Quents cunin to Ed°, vij elne of grene Birgem lattene, price of pe elne xij . jumma, iij i. xij i.

Item, for iij quarteris and x half of blak vellous to begary pe said Collere cott, price xi i. vii d.

Item, for half an elne of fuselane to lynne the body of his cot, xij i.

Item, for iij elne of black gray to pe famin, price x i. iii d.

Item, for making of the cot, x i.

Item, for half an elne of Ingis reid to be Collein hoihe, x i.

Item, for lyning and making of the hoihe, iij i.

Item, for 1 bonat and 1 ruban to pe famin, for Colin, xij i.

Jun. 19.—Item, de mandato Dominorum, gowin to the Ingis man that presented the Churche of godis come out of Ingland to the Kingis grace, in the Castel, x light crounis, vii i. ti.

Jul. 5.—Item, delinuir to Johnne Langlandis ane Letter, be command of the Lordis of Confell, to pass for Schin Peter Craichtoun for delinering of the Quenteis gree out of the Mercat, vi i.

Jul. 11.—Item, pat famin nycht, at xj houres lait, to ane boy of Menis Labbuts, quhilk passit Etwart to pe famin effect (vis. for pe Baronis and Gentlemen be in Ed° incertain, bell houin.) v i.

Jul. 14.—Item, to Lorde Barcrave manne, be command of the LORDIS OF CONSELL, gowin him iij lycht crounis, jumma, iij i.

Jul. 16.—Item, be command of the LORDIS, gowin for bittailin of the Berk to pass about to the erst Sp, quhilk come fra my lord out of Bruitane, xx i. ti.

Item, to Johnne Herkyll, be command of the LORDIS OF CONSELL, for taking of ane Christ, quhilk wes hangit one pe Burrownvrre, vii i.

Aug. 21.—Item, to Johnne Adamstone, quhilk raed to Pehlis to comond ane Assise for the Lord of Crayftoun, xij i.

Item, to the Falconerts that passit to France with my Lord Gournouris or and mercisounis, be his command, for all expensis, wittualis, and fraucht, i i. ti.

Aug. 28.—Item, to pe manne pat brocht pe mercisounus fra the Lord of Spots to my l. Gournour; and parether delinuir tham to the Falconerts quhilk passit to France, for xij dais waigis, xij i.

Item, to Mairt Synoun Dunbar, the Kingis Maister, for expensis maid be him in reparraling of the Chamber in the quhilk the King is now in the Castell, iij i.

Item, be my l. Gournouris Precept, gowin for furnessing of the Schippis, and for cablis and wittalis, vi i. xj i. ti.

Item, gowin to my lord Gournour, in monie, as his Precept and acquittance beris vpon his famin, at the erst Sp, iij i. xj i. and l i. ti.

Item, for ij gret lokkis and kevis, with flottis and stapillis for the Kingis Chamber, he remand to Cramfylar, xij i.

See Wood's Peersage, (1, 378.) Alexander, sixth Earl of Crawford, is stated to have died in anno 1517. From this entry it is likely that he died on May 16 or 15, 1518. The chamber in which the King is taucht; the School-room.

This and the following entry were selected to mark the foot of rnx Kino's residence at Crug-
CRIMINAL TRIALS.

5 Jac. V. APPENDIX.

Item, to Robene Purve, for schoyne, bowies, breddil, and helsers bocht for the King's mile, xxv. vi. d.

Item, for two small stok-lokkis in Cragnilllaire, vi. i. d.

Item, for ij gest lokkis bocht for ij zettis in Cragmyllaire, be command of Mons' Labast, xii. s.

17.—The 17th day of September obist Labastye. Schir James Leimouth, xi. s.

Dec. 26.—The Summonis of Tresounes spoun Eddbirburne. 

Item, delivirit to David Lowry and to John Langlandis, Meffingeris, to Summonis of Tresounes direct spoun to Laird of Eddbirburne, and his complices to compere in Edinburghe pe xviij day of Februar nixt pairefir, xii. s.

Feb. 18, 1517-18.—Ynne and Eddbirburn, the Letters direct for the Raid in the Merse.

Item, delivirit to Gilbert Reuche, Letteris of our fourane lordis to haif to pe Heretiks of Menteth, Strathe, Perrie, and Clarkmannane, to pe Lordis, Baronis and bipartis substantialis men sully melt my Lord Arran, Regent and Liftenent, in Lauder, pe xviij day of Marche nixt herefir; under pe pane of lif, landis, and gudis, to paim pei commert noctis, xviij. x. s.

Mar. 6.—Item, to Andro Dalmahoy, ane Precept to warne all pe Gentilmenis Ofin, within pe Constabulary of Hadingtoun and Edinburghe to keip pe xviij (xviij) day, xviij. s.

Item, to David Cammeroun, 17 Letter to be repayd to pe Lord Barre, xii. s.

Item, for I tow of xviij faldome, bocht to draw the Gunyes for pe said Raid in the Merse,

Item, to (Robert) Borthulik, Master Gunner, to furnye thingis for pe Gunyes, be command of pe Lordis, xviij. s.

10.—Item, for ale to the Watch (watch) that nycht my lord Regent luytit in Lauder, to ane part of the Fuitband, xviij. s.

Item, pat famyn nycht to pe Francis Calharnis and Meinstralis, that watch and plaidit all that nycht, in aile, xviij. s.

15.—Item, ane berche to David Wachis that burn the Enynge, de mandato domini Regentis, xviij. s.

millar. The cause of the removal has been recorded by Bishop Lesley, who states, that 'The Queen being in England, hearing of the departing of the Govenor of the country, Scotland, returned to Edinburghe, the xviij day of Junij, with one quiet trayse; but was not admittit to visite the King in the Castell; quhill, in August thatefir, because thee was sum fort in the Castell, the King was transportit to the Cragmiller, quhair the Queen visitit him oftin. But thair-through rade ane great suspicion that he said ha be stolin away be her into Ingland; and that thee he was brought again to the Castell of Edinburghe, and was helpt thair to the returning of the Duke.'

Bannatyne Club's Edit. p. 109. Extraordinary precautions were accordingly adopted, and many payments are made for articles for the King's use and diversions. See also Pinkerton, II, 168.

1 Messengers were dispatched to all parts of the country, and the Session and Parliament summoned. See I. 235. Pinkerton, II, 170, relying on former authorities, fixes the date Sep. 19. See also Buchanan, B. xiv. 10; Lesley, p. 110; Balfour, 1, 243; and Pitcairn, 307. 2 It is unnecessary to add the other entries for summoning Witnesses, Assessors, &c. &c. They are numerous, and prove that the utmost vigilance and activity were employed to bring the Murderers speedily to justice. 3 These and the preceding notices appear to have been entered merely as explanatory memorandum, without any reference, except to the subsequent expenditure in the Account. 4 That. 5 Others were sent to the various shires, &c. 6 Notifications and warnings for attendance, &c. were sent to Lauder, Haddington, and Berwick. 7 A favourite abbreviation for 'an' at this period. 8 A rope of twenty-four fathoms. 9 It is unnecessary to multiply entries of a similar description. It appears that there were two Raids. The carters were allowed wages for 'the first Raid, 10 days and vij days furth at the vthir Raid.' 10 This person founded a great many Guses in the reign of Kings James IV and V, all of which he quaintly inscribed thus—(See Lesley, p. 81. Balf. Annals, I, 223, &c.)

MACHIMA SUM SCOTO, BORTHOEK FABRICATA ROBERTO, JACOBO QUANTO RAOE JUBENTE PIO.
CRIMINAL TRIALS.

APPENDIX.

A.D. 1523.

Item, to Schir Johnne Hemylytoun, for gathering of his first band, and for his gadding of same in pe cuntreth, in expensis, 4

Item, to Schir Johnne Hemylytoun, for his double pay, 4

Item, for pe said Schir Johnnis Enserving, 4

Item, to ij men in his band, 4

Item, to Capitane Glenne for his double pay, 4

Item, for his Enserving, 4

Item, to an hundred and ij men in his band, 4

Item, to Capitane Glenne v duid pais, 4

Item, to pe Master of the Artigarchy, 4

Item, for pe Mungis Baner, in all cottages, viz.: iij elne of double calais of Turky, price of pe shr x s., jamma, 4

Item, iij vice of reid and grene /ilk maid in frengyel, price of pe vice and werkmanchip, vij s.

viiij d., jamma, 4

Item, for ij bukis of fyne gold, price at pe buk, iij li., jamma, 4

vij li., 4

Item, to the Begynene for his werkmanchip, 4

viiij li., 4

Item, for one caife to tarfe he kep pe said Baner, 4

ijj s., 4

Item, to pe Constable of Dundie, Wermyns to the King, for his soe, de mandato Domini, 4

Ic li. 4

Item, pat samyn day to Morning's Jerold, quhilk raid with claise Letteris of the Lordis to London, in expensis, 4

xxx li. 4

18.—Item, to Schir Johnne Hemylytoun beth Fute-Band, at pair agane-cumne in Soutrap, for par supper pair, 4

xxij s. vi d. 4

Item, to Capitane Glemis Fute-Band, in likewise, pat nycht to par supper, par wages beand spendit, 4

vij s., 4

Item, to Schapen, Jerold of France, de mandato Domini, for his expenses, 4

jamma, 4

Item, pat samyn day to Morning's Jerold, quhilk raid with claise Letteris of the Lordis to London, in expensis, 4

xxxx li. 4

Item, to Schir James Hemylytoun quhilk passeit that tymne to France, de mandato Domini, for his expenses, 4

v li. 4

May 21, 1518.—Item, for a Letter of Summons raif vpone my Lord Drummond for pe bierce committit apon Andre Coschaw, 4

vij s. viij d. 4

Jun. 28.—Item, to Alexander Kermage, meffinger, quhilk summond pe Erle of North by Master of Lindsay to be in Edinburgh within iij dais next pairisfur, vndir pe pane of Treasoune, 4

vij s. 4

Item, to Cochran, pe Jerold of Bernsche, be command of pe Lordis, 4

Ic xiv li. 4

Aug. 1.—Item, to my Lord Arram, Regent and Litterent of the Herre, be command of pe Lordis, takand monethly in wages, Ic and I li, in complete pament of fevin monethis and ane half,

1 These mercenaries were then termed 'Bandes of Warrouris,' in contradistinction to the irregular troops who were bound to perform military service, by virtue of Feudal tenure, &c.

2 Seemingly the pay of five soldiers, who had died.

3 Probably 'Alexander Chalmour.' See July 23, 1515, of these extracts.

4 'The family of Seyrmyseour, Constables of Dunse, enjoyed the honourable Office of heritable Banner-bearers to the King; which post of carrying the Royal Banner, they could only claim in the event of the King's actual presence in the field of battle, or when his Banner was borne before his Regent. The Heritable Standard-bearer bore the Great Standard or Sconeis in Battle, in all Wars where it was ordered to be unfurled, whether the King or his Regent, or merely his Lieutenant or General, were personally present.'—See Apr. 30, 1523, of these extracts.

5 On Jul. 22 preceding, he got for his year's fee x x li., and 'for making of his expenses throcht Inland to my lord Gouvourn, Ii.'

6 Champaner.  
7 'Over and above.'

8 Of Pinnart.

9 Christians II, King of Denmark, an anciently, had applied for a force of 1000 Highlanders to assist him in subduing his rebellious subjects of Sweden. The demand was parried, on the score of the disturbances which had broken out on the Borders of Scotland, &c.
10 Jac. V.  CRIMINAL TRIALS.

APPENDIX.

Fra the first day of October, to the myddis of the moneth of Mai, within the tyme of his Compt.

27.—Item, deliveret to Robert Hart, Meffinger, a Letter of our sovereign lordis to summond pe Earl of Angus and Lenvox, pledis for Lord Crichtounis and Lord of Drumlanrig for breaking of Lauabowls, ilkane apon ane vthir, to be in Edinburgh the vj day of September next coming.

Sep. 4.—Item, to Henry Wardlaw of Kilabetounis, for one of his, queilkis was fayn vndir the grete owne at pe Maid of Wedderburne.

[AN unlucky hiatus occurs in the Volumes of the Treasurer's Accounts between this period and the year 1528.]

Apr. 2, 1528.—Item, deliveret to John Adamson, the Kingis Letteris, to be proclamit in Haddington, Dalkeith, Dunbar, and other places necessit, within the faydis boundis, pat all maner of men prepare paym, in payre belt scathone boden, and follow patyfile quhilkert hat first see any Balis of fyre, for resisting of Englishmen.

Item, to John Langlandis to be proclamit in Selkirk, Lauderdale, Roxburgh, and Forest of Etrick.

Item, siclike, in Edinburgh, Linlithgow, and Peebles.

29.—Item, at x hours lait, deliveret to Robert Hart, Meffinger, ane Letter subscrivit with pe Lordis, adventreand my Lord Arrane that the Ingilish men be cumand to sege Blacander; and raid pat nicht at pe poft to him, gevin to pe berare.

Item, siclike Letteris to my Lord Chancellour.

Item, siclike Letteris to pe Earl of Mortoun, Steibattill, and to pe Lordis of pe quarter.

Item, pat samyn nycht, send John Langlandis to pe Lord of Wedderburne, adventreand him pat my Lord of Arrane and suerurcis suly paeit thain to him, be command of my Lord Grosolyn and Lordis being in Edinburgh for the tyme.

30.—Item, pat samyns nicht send for the Baner to Dundee, and for pe Constabill and his servitors to ba promoted to Haddington to my Lord of Arrane.

Jun. 7.—Item, tend ane close Letter vnder pe Signete to my Lord Chancellour, icewand, pat the Ingilishmen becum and gatherand fast.

Item, send to Kynnele, for advertising of my Lord of Arrane, pat the Ingilishman becum and enterand within the realme.

Jun. 10.—Item, gevin to Albany, Bereall, ane Letter, &c. to charge the Earl of Lauderdale to chasse all gathering and Asseging of the Palitie of Glasgou.

Jun. 15.—Item, to ane man pat part with pe Officiale of Louthiane, Letteris to Lauderdale to be execute in pe Kirk, queilkis Letteris war takin be the gait and the man bastit and flitt.

1 A number of other payments are made to the Constables of Wedderburne and Edinburgh, and for vurchalling these Castles, &c.
2 James Beaton, Archbishop of St Andrews.
3 Pinkerton, II, 219, calls this personage 'Grosolyn, denominated Captain of Millan.' He was joined to John of Lord Erskine in the custody of the King, and 'with a guard of thirty-three Frenchmen was also to attend the Queen.' His appointment by Albany excited much disquiet among the nobles, who saw each fresh installation of foreigners into posts of dignity, with increased indignation. See also Oct. 16, 1529, of these Extracts, where he is called 'the Duke of Millan.'
4 The Sirgymour's were heritable Royal Banner-bearers. See Note to Mar. 15, 1517-18, of these Extracts.
5 A great many similar messengers were dispatched, unnecessary to be enumerated in this place.
6 Threatened and terrified. Repeated instances of violence done to public Officers occur in these Records.
CRIMINAL TRIALS

APPENDIX.

A.D. 1527.

Jul. 6.—Item, one Letter charging the Comptroller to produce burlinallis for fifteen persons to be Castell of Edn. for keeping the samyn from Englishmen. 

Jul. 16.—Item, required xij Letters direct to all Prelates of ye realm of for general processionis to be made for the welfare of our lord, prosperity of our Lord Gounour, for all Letters from Tay, North, xxvij. 

Item, ye viith half on South half Forthe, &c. 

Sep. 20.—Adventus domini Gubernatoris, xx die mensis Septembris, anno domini 1527. 

xxvij. 

Sep. 25.—Item, to Carrik Herald, de mandato Cancellerij, qublik convayt Clarence, Inglistan, to Dunbartan, 

x1. 

Sep. 29.—Item, to one man at past with secret charge of my Lord Gounour to Inglistan, 

x1. 

Oct. 18.—Item, to Johne Goulaw to arrest all the Schippis in Leith; and also to warn and charge all the Maltmen, bakers of Leith and Carnegatt, to have all and all ready for the Camp, 

ij. 

Oct. 22.—My Lord Gounour departed towar New Work (die) Juisis, xxij. Octobris, and that same day deliverit to Johne Scrimour, master, one Letter direct to the Serjeants of Perth, Strathernes, Monteth, Callmanan, Kinross, Fife, yet all shall men within boundis follow my lord Gounour, &c. 

xi. 

Oct. 28.—Item, one Letter to be execute and proclamit in Leith, &c. pat the Northlands men returne sure the Matter, to the same coming of my lord Gounour fra the Camp, but the pane of death, 

v. 

Nov. 3.—Item, deliverit to Androu Dalnaboy, the lordis_ansuere of the Erle of Hunteris, to be fied to my lord Gounour to the Camp, gevin to him, 

x. 

Apr. 17, 1524.—Item, deliverit to my Lord Grosley? the tyme of my lord Gounour left remanyng in France, 

ix. 

Item, to James Creuchtoun of Craufoun-Ridale, Capitane of the Castell of Edn., for expensi mayd be him apone the sustentation of Donald of the Hles, Patrik Willoune, Cammoune, Francemane, and diuerse other being in Ward, &c. 

xij. 

Aug. 25, 1525.—Item, for an herbe to bere the Kings Masts to Pribis, gevin to David Bonar, 

xx. 

Oct. 8.—Item, gevin to the Inglistan pat brocht Maltin hornis, luscis, and bog-cellaris, fra the King of Inglistan, 

ix. 

Item, to David Lowry ane Letter to sommond the Erle of Traurth, de mandato Dornorum, 

xx. 

Nov. 19.—Item, deliverit j Letter to David Cammenon to warn the Land of Henneerland and Adam Skoy11 to fynd pleigs, 

xx. 

Nov. 29.—Item, deliverit to James Kinolchj Letter to sommond Lord Ogilug and his complices to be in Edn., Dec. xij, to vnderyse the law for Davids Gardins hauchter, 

xx. 

Dec. 16.—Item, deliverit to him an Letter to sommond Ischir James Hinnmiton to vnderlie pe law, 

xiiij. 

1 Clarenceux King of Arms. See Nov. 1, 1516, of these Extracts and Note. 

2 A great many warrants were likewise dispatched to the different Smirpes and Religious Houses, to furnish all their carriage-horses and draught-oxen for the great Guses, &c. tents and palescoils, provision, &c. 

3 Mazer. 

4 Similar Letters were dispatched to the other Sheriffdomes. The ' Ferlars' (ferry-men) of Leith, Kinnessi, and Queensberry, were interdicted from raising ' any fraught but the said fraught, under the pane of deid.' And tenants, &c. under the same penalty, to take only the old prices for corn, straw, &c. 

5 The 'Calgears' and furnicars of Melsheburgh, Galins, &c. were ordered, ' that thal hase, ilk day, thare sheke to the Camp.' 

6 Until. 

7 See Apr. 29, 1523, of these Extracts. 

8 Portmanteau. 

9 Hunting Horns. 

10 William Cockburn of Henderland. 

11 Of Tuchselaw. They were both executed for their crimes, on May 10 and 18, 1530. See 1, * 144, &c.
16 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Jan. 1, 1562-63. Item, pat nycht, esuir supper, in Munnys, ii.

item. bocht for fynne-ris giftis, fynne famin day, of Kingis, xxxii lii. iii.

Feb. 16. Item, gervin to ane Inglesman, meslinger, Lettres of Assur to the Erle of Fife.

Item, for ballis in Cramnisse caiche-pull, quhen pe Kingis grace playit with pe Lord Glammis.

Jul. 10. Item, gervin to the Empriuris Persward, at pe King and Lordis command, xxx ii.

Jul. 17. Item, gervin at pe Kingis command, til yngre to whilk pe come gretand spure his grace, for eggis takin fra pante be his servandis.

Aug. 7. Item, delivir to the Gray Frereis, for liini vairis siler, stalin fra the King, and rebelit to thaim in Coissentoun; be the Kingis Precept, to pe men pat had the said siler work in wed,

Aug. 7. Item, for veluus to bind the Kingis froude bandis and to be ane glute till his sister band, with makin and fevin (sewing) filk.

Sep. 8. Item, to Gourley and Hoge, meslingris, to summond pe Erle of Cassill, pe Lord Simpil, and vpiris content in ane Sumondis of Coissentoun, for pair expenis.

Ocl. 16. Item, to Kinloch and Echt, meslingris, ane Sumondis of Coissentoun apon pe Erle of Crafurd, pe Lord Lindsay, and vpiris.

Dec. 6. Item, gervin to William Criffoun, meslinger, to summond Witten, vndir greter pannis, to prief pe breking of Latuderelinis be pe Lord Simpil vpon the Lord Caldwell.

Mar. 1, 1566. Item, to John Drummond, callit the Kingis Remp, be his Precept, xv li.

Mar. 13. Item, to the Secretaries servand, to gell an Inglinis pat brocht Letteris fra the Duke of Richmont to the Kingis bientes, complemand on the Armstrongis, Cradoris, and Bekedoris, with vpiris.

Apr. 19, 1567. Item, to Petir Ra, pat brocht writings fra the Duke of Richmont, &c.

Item, to the Jurisde that galt the King soorth, be his Precept.

Apr. 25. Item, to a Fute, callit Siffet-moldar, at pe Kingis command.

May 17. Item, to Crifeloun, meslinger, to summond the Lord Ardouise, his son, and pair complices, to vndirly pe law for pe Myliba at the Kingis Letteris, and to summond ane Affisle, &c.

May 29. Item, to James Bishat, meslinger, with a Lettre direct to Menteith, Strathern, Clearkmannane, and Kynross, with iij close Letteris to the Erle Montrose, Lordis Glammis and Oliphant, to convene at Edin. pe xx of Junij, with pair houfaldis, to ryse on the Thieffis.

Jun. 1. Item, to Champman, meslinger, to summond the Lord Culusoune to vndirly pe law for pe Slather of John Greiff.

1 See this Collection. 2 114, &c. 3 Another Messenger was dispatched on 1st March. 4 The game of Twain, called caichte sell, caiche, kachas, &c. in the old Records, was a very favourite game at the Scottish Court, during this and the preceding reign. There are numerous traces of it through the whole of these Accounts. The curious and valuable Register of Aberdeen also abound similar notices. 5 From another entry, on Jun. 29, it would appear that the servants had invented a foolish sport for the young King’s amusement, being a mock Assault of a Castle, the missiles on both sides being eggs. It may easily be imagined, in what a plight both victors and vanquished would be after a cessation of hostilities. 6 In pledge, or pawn. 7 The King’s Champron. 8 On Mar. 8, his servants, who were entrusted with ten couples of “rachis” (hounds), got fifty pounds for their reward. Their first achievement was to worry three sheep, for which the owner, “a pure woman,” was paid xx x. 9 The King’s Wet-nurse. 10 Probably so nicknamed for his dexterity in making grimmace. 11 Tearing in pieces. 12 Other Messengers were sent in different directions. See notice of this Raid against the Arm- stonos, &c. 135, &c. Reference may also be made to the preceding Appendix.
CRIMINAL TRIALS.

A.D. 1529.

APPENDIX.

Jul. 25.—Item, to a Inglishman pat brocht Letters fra the King of Engeland to the Kingis grace, ... xi s.

Item, given to William Lyell, be pe Kingis Precept, for lust, sale, and thorns diistrope be his servandis at the Huntting, ... v l.

Item, to James Bifit, to summone George Borthuik of Colynelaw to vndriely pe law for Slauchter of vnos" Philip Nehbitis dochter, ... vii l.

Jul. 31.—Item, gevin to Denz David Jamesoun, Servizmane of Stelbotthill, in recompenso of a gilt chalice stollin furth of the Abbey of Stelbotthill, the Kingis heneis being pair, be pe Kingis Precept, ... xv ii.

Aug. 12.—Item, to Peter Ra, Inglishman, pat brocht writinigis to the King fra the Duke of Arrunmuntis Consall, ... iij l.

Item, to Cristeun, to pas to Portbe; William Duncan, to pas to Schir James Hamblytoun; James Bifit, to summon the Lord Wibberle for Tresoun, for pair expansis, ... xlvij l.

Aug. 2.—Item, to the Lard of Spott, in recompenso of Stilisstis furnisht be him to the Cas- tellis of Hume and Weddisburn, and for cornis pat was brot and distroyit be pe Lard of Wed- disburn, for his damagis and fitth; be deliuerance of pe Lordis of Consall, ... l'l.

Item, to Lord Montgomery, Justice, remanand continuale at the Airis of Forfar, Perth, and Combray, fra pe ferd day of Januar to pe xxiiij day of Feburar, to his expansis, ... xxx l.

Item, to the Bishop of Galloway, one of the Compositours at pe said Airis, ... iij l.

Item, to the Thesauris, and ypr Compositours, for his and pair expansis, the Kingis grace baird diverse menaris isair, ... Pxxixij l.

Item, to Nichol Craufurd, Justice-Clerk, ... xl l.

Item, to (Scrib) William Scot of Balwery, kny, remanand continuale, in abundance of pe Justice, ... l l.

Sep. 6, 1529.—Item, to Dingvale, Parissiant, pat pat in with wrtyingis of pe Lordis of Secret Consall to the Erle of Thirteenthmont, ... xxx s.

Item, to Ilay, Herald, pat pat with the Lord Hume, for expelling of Sibh Hume of Blacxter, ... 

Sep. 18.—Item, to Champnay, messenger, pat pat with the Kingis writingis to warne ane condigne Assise to convene pe xiiij day of Oct, betwix the Lord Drummeir and the Lord Flem- ming, ... xxx l.

Sep. 22.—Item, deliuerit to Robert Monypenny, sith, in the Wood [Adm. Omitburn, ... xij lb of Spanye ime, to man pikkis and muttonis for carying of the Cornnis that past in the Jelis, price ... iij l. x l.

Sep. 24.—Item, deliuerit to Andro Edgare tus ellis of Pierre blak, to be (ane cloth?) ... to pe King, to ryde to the Huntting in Argotland, price, else, xxx l, (summa,) ... iij l. t.

Oct. 16.—Item, to ane servand of Mr John Chefolmis pat presentit being and arraigned to the King, ... xx l.

Item, to the Duke of Millane, at pe Kingis command, ... xl l.

Nov. 24.—Item, gevin to the Lord Fleming, at the Kingis command, in manner of tauchir to his sirrit, ... iij l. l.

1 The sum is torn out. 2 It may be here remarked that this phrase throughout these Accounts merely denotes the articles to be purchased (not literally taken, which implies force) from certain persons. In many instances, were this circumstance not kept in view, an ordinary reader would infer that the King had often sided upon the property of burgesses, &c., and had afterwards, on their importunity, remunerated them for the violence he had employed. The quaint language employed in these Records requires considerable attention, and a minute know-ledge of the phraseology of the period, to appreciate their full import. 3 Under date Oct. 2 there is another payment to the same person, for 'tw rws elne pyle gray to be ane cloth to the King, xxx l. viij s. viij d. — Item, for schoring of the samyn, iij d.'
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APPENDIX.

Jan. 8, 1592-93.—Item, for carrying of the Haligonsis¹ fra Pethyls to Weggletoun, (to the Hunting) and again, iiij li.

Item, for ane eene and ane half of treyle, for ane gonne of black brest, lynit wth clath of goDr, grant to the Ambassadour of Ingland,² vi. Mar. 14.—Item, to Thomas Quarter (Whatson), ferrand to ye Erle of Northumbe-

land, þat come for redrefs and remant, iij li.

Item, to David Lindsay,³ þat þat with him, xvi. lii.

Item, to Haldolme the Sulke, be ane Precept of the Kingis, three eene rulfate, price xxxvi. lii.

Item, fiye quarter of treyle, price vi. lii.

Item, to the Italiane, þat come with ye Architene of Santandvors, xlii. li.

Item, to John Horslie, Inglishman, be the Kingis command and Lordis of Counfale, xxlii. lii.

Item, to Thome Marchale, cuke, passand with the Secretar to Ingland, Franche, Italie, etc.

Item, to Dingvale, Herald, þat þat with the Secretar, xij lii.

Item, to Anthone, talbonar, as þat Kingis command, xvii. lii.

Item, to the Secretar, Ambassadour, iij, xxviij lii. vij lii.

May 12, 1590.—Item, to Hoge, meffinger, þat þat pass in Ingland with the Kingis writingis, xij lii.

May 25.—Item, to Ormond, Purvevant, and Ergoile, meffinger, to pass in the Hid, as the King and Lordis command, xii lii.

Item, to the Egyptianis þat vnsit þe King in Halyrudhouse, xii lii.

Jun. 1.—Item, delincurit to the Lord of Bukcleuch, for þe taking of Penman, þe eene and half of clath of filser, price eene ix lii, summma, xxxii lii. x.

Jun. 18.—Item, to Hecht, (Echt, meffinger,) þat þat to the Lord of Sandelandis for þe tuo Frattis Christis, xii. lii.

Jun. 26.—Item, xxiiij halbaris for the King, price pece viij d., summma, viij lii.

Item, delincurit to David Baris for the Kingis grace, þre Isaacum hettis,⁴ ane in Strin-

ling, ane in Edinburgh, the thrid in þe Wardrop of Edinburghe, be Johanne Drummnd, price xx lii.

Jul. 6.—Item, to ane Purvevant þat þat to Peblis, Salkirk, and vijr placis with the Kingis Letteris, Visichurig all manner of presentis of resetting of the Christis gudis,⁵ xx lii.

Item, to Ilye, Herald, þat þat fro the Kingis grace to stop the Frisip, (against those) þat þat fro the Army, etc.

Jul. 20.—Item, getyn to Gawyne Hammilton and his company to vyd to Melrose, v lii.

Jul. 21.—Item, for twa lang malis, with twa lang braillis to jame, to carry the Kingis Lit-

turkump and Stule ⁶ to the Oist, of findrye prices, iij lii. xiiij lii.

Item, for cairfly, to coivr þe paid Stule þat þat to the Oist, price viij lii. vij lii.

Item, for ane Strir-bonet,⁷ price xii lii.

Aug. 2.—Item, to Kynstyre, Purvevant, þat þat to ye Erle of Northumbe with directionis of the Kingis, iij lii.

Item, to Oliphant, Purvevant, þat þat with þe paid Gawyne to Melrose, xx lii.

Item, to Marchmonde, Herald, to þat þat with Letteris to Aberden, to Arreit the Sep-Rabris (Pirates), iij lii.

1 The Royal Pavilions. These entries are noticed to mark the event of this great Hunting.
2 It is unnecessary to specify all the furnishings, among which are 'acht soone of poynis,' 'vij' and 'xvij martik skynis,' &c. Numerous dresses of 'gownis,' 'clotikis,' 'mantillos,' &c. were made for the King at this period of 'velvet,' 'silk,' 'satyn,' &c.
3 Sir David Lindsay of the Mount.
4 O. Fr. Lit du camp. The King invariably took one of these to his Hunting excursions and to the Field of Battle.
5 Several similar payments.
6 The sum obiterated.
7 His 'Stule of else.'
8 A great variety of similar entries at this period.

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Criminal Trials. | A.D. 1530.

APPENDIX.

Aug. 8.—Item, to William Mure, pat paist in Annendale and Cumbra, to warne pe Lardis paiof to bring in their pligeis agane pe xxv day of August, and presoners, xi.s.

Item, to William Strutherne, meflinger, pat paist in pe West cuntre to summond ane Affle, and to summond James Wallace of Carna for Tressanse, xi.s.

Item, to John Fardlawne, mefer, to summond certane Lordis to be vpon pe Lord Bys of Kestrie Astede, pe xxv day of August, xxx.s.

Item, to Gawan Hamilton, and vsir, servandis of pe Kings, pat brouct the Abbot of Melrose ship to Linlithgm, attour vii.i. gevin of before, iiij.t. x.s.

Item, gevin to James Gondoun of Lochinver for his Remisoun, and vpiris threty personis, his kynounmen, as pe Kings Precept beris, iij.s.

Item, to the Lochman of Ed, pat come to Linlithgow pe xxv day of August to bange certane Thrisid, xiiij.s.

Item, for baying of the said Thrisid, viij.s.

Item, to pe Larrd of Johnstone and Edward Maxwell, for taking of ane Thrisid and bringing of his hert to Ed, in contentatione of iij.t. gransit be pe Kings grace to pame, lii.

Aug. 15.—Item, to the France Ambassadoure, for his rewarde, iij.t. lii.

Item, to Agnes Quibhe, for his langinge, pe tyme he was in Dundie, iij.t.

Item, to Marchmond, Herald, that past in France the Kings erandis, lii.

Aug. 23.—Item, to King Cristal, servand, xx S.

Aug. 29.—Item, to ane servand of Schir William Chir, Ingilismanne, that come for Walkis, vii.t.

Item, to ane Purevane, to paist to convey pe said Ingilismanne, with thaim Walkis, send fra pe Kings grace to pe said Schir William, iij.t.

Sept. —Item, to ane Perlewant to paist with Letteris to pe Llad of Bucleuch de for apprehending of pe flaris of Maiater Johnne Balfour, iij.t.

Oct. 1.—Item, to ane boy pat ranne furthe of Dundie to Ed, for ane summonvid ono pe Lords Forbes, xxij.

Oct. 2.—Item, to pe Ingis Boware, for hoteis to the King, iij.t.

Item, to pe Secretar, the tyne of his first passage to Rome in Ambassadry, sixty

Item, to him fen fine, in parts of payment of ane Precept of viij.t.

Item, to sumys of pe necesaris of the Place of Tempalloune, pe Lords Precept, xx.t.

Oct. —Item, to Maiater Johnne Bellentyne, be pe Kings Precept, for translating of the Cronphill,

Item, to Mathew and Archi Hammylloune for pe Escelt of Robene Murrayis menne of Lagg, gevin to pame be pe Kings grace, and catt agane be the Thesaurer, for one li.

Item, for thir careis horis to turse the Arresse-werks quhilkis beng in the Abbey, pe Kings Monis, Arrowis, and vpir geir of pe Wardrob, to Strueling agane Paische,

Item to Johnne Bog, to mak ane passage doun fra the Castell of Struelcing to the Park, vij.t.

Over and above. * This seems a very extraordinary measure, unless it can be interpreted to indicate, that L.100 was remitted to him of the amount of his Composition. * The Hangman, or public executioner. See Dr. Jamieson's Dict. and Sir Walter Scott's Novels for explanations of the term. * Watching. * See Note to Jun. 16, 1532, of this Appendix. * There is no date affixed to this and the six following entries, which commence the accounts of ' Money at the command and Precepts of the Kings, deburts to sundry persons.' * These payments continued for a considerable time. In the next account other entries are made, as Oct. 4, 1531, &c. Many similar traces of the King's liberal patronage of literary men are to be found in these records. * Re-purchased. * A number of other payments for transporting geir of the Wardrob, &c. &c. These entries occur annually at Paische, or Exche, and often at Christmas, &c.
CRIMINAL TRIALS.

Nov. 2. — Item, to the Duke of Albany's servants: that brought the great horse to the King's grace.

Item, to the Franche Armorer: that came with him.


Dec. 18. — Item, to Adam Stewart, mefllinger, to pass to Renfrew, Kyle, Cunynghame.

Dec. 25. — Item, to ane Herald, to ride forth with Striueling to Edinburgh, to convoy Carle, the English Herald, to Striueling, to the King's grace.

Item, to the said Carle for his wages, with the last of the Heraldis, on New-year's Day, x li.

Item, to him, qhillik remanit here from New-year's Day to Palm Sunday, xli.

Dec. — Item, to the said David (Bouner) for aij double hanks of gold, qhillik war deluer'it to David Lindseyis wyff, to be the Kingis sarkis, price of ilk hank x vii.

Item, be the said Nicholas Cancreile to David Lindsey, Herald, iij elis black velvett, price of the said cloth x vii.

Item, to him vii elis Parolis black, price of the said cloth x vij.

Feb. 9, 1590-1. — Item, to Duncan Riche, to pass with ane Summumis of Trésouve to the Monze of the Isles, to be execute in Inverness,

Mar. 1. — Item, to Wilsame Quhite, mefllinger, to pass with Letteris to Sanctandrois for apprehending of Johnne Wyllie of Cullipallane.

Mar. 16. — Item, to William Mure, mefllinger, to pass with Letteris to the Bishop of Sanctandrois and Brechin, to rum to Ed for degradation of any Priest.

Item, to ane boy to tyme to the Bishop of Dunblane with sicyke letteris, iij.

Mar. 27, 1591. — Item, to Anid Hammyltoun, mefllinger, to pass with Letteris to the Eris of Ergile, Montroui, and the Lord Erkine, to convene in Ed for justifying of the Lord of Cullipallane.

'Robene Hude.'

Apr. 5. — Item, to the v day of Aprile, for vj quarteris gray taffat of Jeynes, to be ane part of the Kingis Robene Audis Baner, price of the said cloth viij. viij d.

Item, for vj quarteris salloow taffat to the said Baner, price of the said cloth xxiiij.

Item, for vj quarteris red taffat to the said Baner, price of the said cloth viij. viij d.

Item, for ane quarter quhite taffat, to be Coris to the said Baner, price paid, iij d.

Summa of the said Baner, iij li. ix. iij d.

Item, at the Kingis command, to Johnne Bog and Johnne Lawfoune, to be jame liberys to pass with the Kingis Robene Hude, v elis gray velvet, to be tame iij Doublettis, price of the said cloth ii. viij. d.

Item, for vi elis lyning sustane to tame Doublettis, price of the said cloth iij. viij. d.

1 The usual 'Ladronis' given to the Heraldis in each recurence of that day.
2 Payments made at same time to 'Memmingis of Midlburne, viij li.'— Habrintoun, Inglieman, June 6, v li. — 'The French Ambassatoire, Jul. 30, xxxvi. li. iij. viij d.'— Horslin, Inglieman, Aug. 2, xx lii. — 'Garis, Inglieman, qhillik came with writingis fra my Lordes Deares to the King, iij li.'— Alex. Mure, Herald of Denmark, Aug. 2, xxlii. — 'Other payments made 'for Warning of the Contre,' and to 'provide for schippis and vthir vescheis' for the 'passage to the Isles.' See Sir Gregory's work for the particularities of this Expedition.
3 'Johny Doullis.' See those Extracts. Mar. 1527-8. A great number of similar entries occur for some paid her for embroideries, &c. This is entered among the 'Letteris at the Feast of Zole.'
4 For the Murder of James Ingles, Abbot of Celsis, the same day. See 1, * 151.
5 Sir William Louthon. Ibid.
6 Messengers were also dispatched for the Lords of Montgomery, the Erle of Mortonne, and Lord Seytoun.'
7 So many notices have occurred, in the course of this Collection, relative to Hoon Hoes Games, that the Editor thinks the following extracts will be acceptable to all readers. Reference may be advantageously made to Brand's Popular Superstitions (Ellis's Ed.), Dr Jamieson's Dict., and Sir Walter Scott's Works, though it may be affirmed that the present are the most interesting and minute which have hitherto been laid before the public.
CRIMINAL TRIALS.

A.D. 1533.

Item, for viij quartar is canvece, to stent per Doubletis, pe price

Item, for tna skiriet Benettis to pamme,

Item, for ix quartar is french grey, to be pamme franc pe Hoile, price of the elne

Item, for vi quartar is grey hemp, to be pamme franc pe Hoile,

Item, for ij elnis grey taffety to draw pamme hoile, price of the elne

SUMMA of pis lifray,

Item, to James Erskyn, the Kings Robyn Knave, x quarters grey fatynye, to be him

ane Doublet, price of pe elne xxiiij s.

Item, for kenvece to it,

Item, for quhyt futiane to lynne it with,

Item, for makeine of it,

Item, for ane elne furage grey, to be him ane pair of hoife, price

Item, for ij elnis taffite, to draw pamme and nef pamme,

Item, for half ane elne and ane half grey fatynye to couir pe hypis of pamme, price of pe elne

SUMMA of pis lifray,

[A great variety of other costly linenrare occur under the same date, but no mention is made of Robin Hood. It is probable that they were all procured on the same occasion.]

May 20.—Item, to David Lyndsay, Heraty, be the Kings Precept, xij elnis blak fatynye to be him ane gowne, price of pe elne xxij s.

Item, for ij elnis blak weluet, to begarie pe famynye gowne, price of pe elne l s., viij li. xij s.

Aug. 4.—Item to Gounlaw, meffinger, to paik to Menteith and vthir places with Letteris to
	
warne pe Gentilemenne of pe curtze to the Kings Hunting in Megellan,

Oct. 4.—Item, to Master John Ballentyn, be the Kings Precept, for his transc-
	
lating of the Grantes,

Item, prefet, to pe said Master John, be the Kings command,

Oct. 5.—Item, pe v day of October, to ane Inglisman (‘Inglis Ambassador’) for brooch
	
writings to pe Kings grace, quhomo to his grace givin presence in Kirkaldye,

Item, to Master George Forest in Leith, to mak pe said Inglismanis expenses, in Leith
	
and Kingorne, for ane day, at his cuming to pe Kings grace,

Oct. 19.—Item, to ane Inglisman, quhilk come with writings to pe Lords fra the Erle
	
of Northumberland,

Oct. 28.—Item, be ane Precept, to ane xulli taffiten man, in Struingel, callis Alane Stew-
	
art, in alundis,

Item, be ane Precept, to ane pure man, quhatis horse fell our the Castell in Rail of Strine-
	
Ung, and brak his nek,

Item, to the Kings Precept, to William Duncan, Purveyer, quhilk was hurt in Mouthart,
	
ridand, be the Thes, and his hors tane fra him,

Dec. 8.—Item, to Castill, Heraty of Ingland, be the Lords command, quhilk come with
	
writings to the Kings grace and pe Lords,

Item, to the said Thomas Scott, (‘Ambassador’) to be ane part of ane riding cote, iijij elns
	
blak weluet, price of pe eln l s., summa,

Many other messengers sent to different parts of the country.

1 These entries are selected to notice the generosity of the King, whose acts of benevolence appear in almost every page of these Accounts.

2 He is above styled one of the ‘Commissionarie on ye Bordouris,’ along with the
Land of Balway, Sir John Campbell of Lundy kinyal, and the Land of Amisfield. On the margin, opposite this entry, is ‘Scof, Ambassador.’
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APPENDIX.

Jan. 12, 1581-2.—Item, to David Blyth, Pursuivant, to pe to Lundoun with Letteris to the King of Ingland, for the Conduct to pe Ambassadouris; xxv li.

Ambassadouris in France.

Feb. 26.—Item, to Sir Thomas Erskyn of Haltoun, kny, Secretaire and Ambassadour in France, to his ordinaire expensis in France, pe space off four monethis, ilk moneth eftimatis to xxxli dayis, ilk day havand to his ordinarie expensis as fald is, viij frankis, ilk frank extending to x s. viij d. in Scottis money. Summa of pe frankis ix li frankis; summa of pe Scottis money extending to viij li.

Item, to my said Lord Secretaire, be pe Kingis speciall command, to his extraordinarie, lxxxix Angell nobilis, pece extending to xxxix s.; summa, xlvi li. viij s. And alsa to his extraordinarie maid in France ij'xiv frankis iiij sowlis, ilk frank x s. vij d.; summa of pe frankis, in Scottis money, lixiv li. ix s. vij d. Summa totalis of pis extraordinarie, ij'xiv li. viij s. vij d.

Item, to my Lord Bishoppe of Ross, Ambassadour, pe sumny tyme, to help to his furnesling ij'xiv frankis, price of ilk frank, in Scottis money, x s. vij d. Summa of pis frankis, in Scottis money, extendis to

Item, to David Lyndesay, Herald, to his expensis passyng with pe said Ambassadouris ij' frankis, summa.

I' ri.

Item, to John Bog passyng with certane Burgis and Hundis send be pe Kingis grace to Madame Dobin, to his expensis ij'xli frankis, summa, lxxvi li. Apr. 2, 1592.—Item, to Henry Kemp, callicus be debarrit for pe Kingis sone, gotten upon Elizabeth Schaw, and his naturis expensis, xx li.

Item, to pe gentil womane pe testitat pe Kingis sonis, xi.

May 11.—Item, for granting of the Ambassadouris ligeice of Flandres, 'quilibet bring the Empereouris Collar to pe Kingis grace,' as one Bill gervin be Maister John Scrymgour Maister of Werk, beris, iiij li. vij d.

Item, to pe said Ambassadour, to his reward, ij' fifty Angell nobilis, summa, iiij li. vij. Item, to the Herald of Flandres, callic Burghenze Herald, to his reward, I' li.

Item, for tway purfissis to putt pe said money in, viij s.

Item, to the young man that sung the Ambassadouris fairIsaid, xx li.

Item, to pe gudewaspe of pe house quhare pe Herald of Flandres was layit, for his house-maill pe tyne of his beyng pare, iiij li.

Item, to Carill, Herald, quilibet come with wriitngis to pe Kingis grace and Lordis, and remanit on his anfuer quilibet pe Parliament, xi li.

24.—Item, to Nate, Pursuivant, to pass to Lundoun with wriittingis to the King of Ingland, xi li.

Jan. 16.—Item, to the King of Cipir ('Cipre,')

I' li.

Jul. 4.—Item, to Alexander Murr, quilibet come with wriittingis for the King of Denmark, xi li.

1 A great many more payments are made for dresses, provision for the horses, and 'ij oggys to my Lord Osbourn,' xi li. to Guilliam Franche, Pranco post, &c. &c. 2 James Asser or Kelds are Melanne, a pupil of George Buchanan. On Oct. 8, 1584, he got a charter of the Estates forfeited by the Earl of Angus. Reg. Maj. Sig. xxv. 341. Obiit 1558, nine prole. His mother was of the family of Sauchie. 3 These words are inserted, in larger letters, on the margin. In this and the other instances 'Spanze' had been written and 'Flandres' substituted. 4 'Cipre' on the margin. It does not appear, from any other entries in these Accounts, who this kingly personage was. The Editor is inclined to believe that the 'King,' 'the Prince,' and 'the Moor,' belonged to one or more of the numerous bands of Gypsys or Bohemians, who infested various countries of Europe at and previous to this period, in such overwhelming numbers, as eventually to call down upon them the crusel, but perhaps necessary, severities which continued to be practised against that devoted race for nearly two centuries after this time. For numerous interesting particulars relative to this remarkable people, see this Collection, 111, 590, &c. 5 King Carl von Wall, mentioned under date Aug. 23, 1590, of this Appendix, was likely another of those artful wanderers.
Jul. 20.—Item, to Carlill, Herald, 1 li.
Item, to Bute, Pursuivant, to pass with writings in England, and depart with his paid
Carlill, ingly Herald, by xx day of Juli, xxxvi li.
Jul. 21.—Item, to be pris womane gubhlik had his husband slane with one Gunnis boch
forth of Petercell, xi
Aug. 11.—Item, for his life to the Prince of Czape, xi li.
Item, for samnaye day to the More, to the King's command, xxx li.
18.—Item, furnisith to the King's command to my Lords Bishop of Ross and Secretar,
Ambassadours in France, and to the Lord of Gavistoone and David Lyndsay, Herald,
being with fane, in frankis for two monethis expenses; off pe q nihil to my Lord Bisp of Ross,
xvi frankis; to my Lord Secretar, vi frankis, to the Lord of Gavistoone, vii frankis; and to David
Lyndsay, five frankis; price of ilk frank made in finance with Hew Dowglais, Nicholl Carneccole, and
Paterfonou, burgesses of Edinburgh, xvi.

Sep. 16.—Item, for the Usd with the raise, and one doane of manis by; cost in Glasgow,
and send with Troilus to the King's grace in Stratmore, vii.
Item, to per fostaid Troilus to turfe pe famyn, xvi.
Sep. 27.—Item, for cariage of pe Kingis bed to the Hunting in Glenarnay, and for
carriage of pe famyn out of Ed[inburgh to] the Parrish, xxv.
Dec.—Item, for the Kingis Precept to Master John Borche, v elnes tanny chamlet,
price of one elne xvi.
Jan. 1591–2.—Item, for the Kingis Precept to Cristiane Rae, queenis said Queen of
Bane, vii
Feb. 28.—Item, to two carins, pat one to turfe pe black kist with the Chappell grafit to Stru-
keling, and pat vir with the Arrese gisgaris, viii.
Item, for one loch mending and one new key to the Black hest that kepis the Reliques, xvi.
Item, for one boll of iron, and leid to sett pe famyn, to the Compi-boune dureu, vii.
May 17, 1592.—Item, to Duncan Reche, Pursuivant, to pass with Letters to the Bishop of
Sanctandros to adverte to him of the Change in the Viett of the Accusatyon of the
Lutheranes, vii.
Jun. 9.—Item, for one trentall of Messes for the Kingis grace, in Qubborne, xxxv.
Item, to the Chappel destruttor of pe famyn, ii.
Aug. 11.—Item, to xii Cheplains to say Mess for the Kingis grace sois our Lady of
Paislay, xvi.
Aug. 21.—Item, to Schir John Jordane ('Cheplove') to the Aimouse, vii.
Dec. to him, in compleit payment the Kingis Aimouse, fra pe xxv day of August 1432 to
pe day of jun compt, (Sep. 26, 1533) takend ilk moneth xvi.
Dec. 2, 1592.—Item, to the English bowar, for the wosane of Bowis and vij doane of
Arrows deliverer at the Kingis command to Alexander Carneesone; and for iij doane of Arrows
deliverer to the Kingis grace, for his abe schuuting, xxvii.

*summa dierum foliorum precedetium, (all expended for Ambassador, Herald, &c.) liii."vii vixi vii d.*
*over and above, besides, forby.*
*See also Aug. 5, 1535, for another entry relative to the King's Dwarf.
*He also gets 'doubtly, huge, and bonnet' on this occasion, for his 'Zula Layrwy,' and on Sep. 27 preceding he had a payment of 12p. The Editor is of opinion that this is the individual Dwarf for whom the well known Poem in the Bannatyne MS., entitled 'Ane Litill Interlude of the Deochis Part of the Play,' was written.
*There have already been given some instances of the King of Bane in the course of this Collection. The custom was similar to that still observed in England on Twelfth Night. See 1, *115, and Note, &c. The Editor does not recollect to have elsewhere met with a notice of the QUEEN OF BANE.
*Bowis, bow. *A number of other entries about the Blak kist and Reliques.
*On Jun. 9, xii li. were paid him for the same purpose. The public
Alms given by King James V, at this period, was Sixteen pounds, monthly, besides his numerous benefactions and
private charities. See Aug. 21.
19 Jac. V.

CRIMINAL TRIALS.

APPENDIX.

Jan. 9, 1592-3.—Item, to pe Maister of Forres, be pe Kingis command, xl li.

Item, be pe Kingis Precept to John, piyar of Sanct Johnestoune, in Toqueri with Katherine Sinclair, Ixxiiij li. viij d.

Feb. 11.—Item, for ane trentall² of Messis done for the Britonaris sauls qublikis prist at the Port of Aire, xx xi.

Feb. 11.—Item, to Patrick Kincard, Maister Broystar, xvij li. vii.

Apr. 12, 1593.—Item, to Schir Henry Hunter, for the Kingis Dirige singand, in Striueling, xii li.

Item, for mending of the Organs, in Striueling, ij li.

Apr. 12.—Item, to pe L. L.⁴ be pe Kingis command, ii li.

May 13.—Item, to Walter Cumynghams wyfe in Striueling for ane how qublik the Kings grace staw with ane endering, xl ii.

May 15.—Item, to Maister Hector Baile, Principall in Aberdine, for pe tane ¹ half of his Pensione; and pe vpir half pair be pe Comptroller, xxvii li.

Jun. 16.—Item, to William Haldane and William Brovne, for the Slauchter of ym² Dig Richertsoune, ane commone Cheif, and taking of ane biste Chief callit Bartlmew Taylorbour, xxx ii.

Item, to Maister Johnne Ballantyne for ane new Cornishle gebn to the Kings grace, xii li.

Item, to him in part of payment of pe Translat Coun Pe Titus Lenuus, xii li.

Jul. 20.—Item, to William Edwart be pe Kingis Precept, be David Bonar, for elaste tane fra⁵ him be pe Kingis command to ane Gentill woman, ('S. D. ')⁶

Item, deliverit to my lord Secretar in pe Quenis Colleg to do secret materis of the Kingsis, ij li.

Aug. 24.—Item, to Maister Johnne Ballantyn in part of payment of pe Translat Coun Pe Titus Lenuus,² viij li.

Aug. 28.—Item, to Robert Horfie, Ingilfman, qublik come with writtis fra pe Earle of Northumbriland, complemand on the bred of the Bordauris,² vii li.

Sep. 5.—Item, to David Blyth, Pursuivant, qublik past to Andounes toursis of certane Merchandis of Ed,² and send with him Letters to the King of Ingland, schewand pe complagat of our Bordauris vpon pe Ingilissen,

Item, to David Crichtoun of pe Gardrobe, to feo tua careage horsis to turfe pe Kingis bed and vper grathe to the Huntin in Athol, and for pe space of viij days pair to remane; to ilk hors on pe day ij, seumma, xxviiij i.

Sep. 7.—Item, to ane boy to pass furthe of Sanct Johnestoune with Writings to the Legat in Ed,²

Item, to George Leiche to pass to the Kings grace in Inverness, viij li.

Item, to ane man to pass to convoy him, xxvii i.

Sep. 15.—Item, to James Litiljohais seruan, to pass with butis and schobue to the Kings grace, in Edgils, xx.

Sep. 16.—Item, to ane boy to ryn with ane Letter to my Lord Chancellar to caufe him baist to Ed, iij i.
Sep. 18.—Item, to William Creftoune, meffinger, deliveriet Letters to pe Scherffisde of Forfar, Elgin, Forres, Kincardine, Inverness, Cromertie, Nairn, Aberdeene, and Banff, to be proclamit within pair boundis, charging all men, betwix lx and xviij years, mak pame reddye, ypoure xxiiij hours warning, to pas habite, &c. with the Kings grace or his Lieutenent, with viij daie wittalis, vnder pe pane of tytypale of pair lyvis, landis, and gudis. And allia delieverit Letteris to pe Earlis of Murray and Huntlie, Lordis Saltounis and Ogilvy, charging pame to cum with diligence to avise for defense of the realme agains the enemys of Ingland;

Sep. 21.—Item, to Cuthbert George, meffinger, to pas with Letteris to the Earl of Northumbrie;

Sep. 24.—Item, to William Duncane, meffinger, to pas with Letters to pe Lord of Bille, charging him to help surrifice his House of Bille, vnder pe pane of dovmacthing of pe samyn, and tisfall of his heritage,

Oct. 23.—Item, to Adam Stewart, meffinger, to pas and summond pe Lady Eddinburnne and pe Lady Craquar to compeire in Edº; on Nov. viij, to heir pame accuit of trassonabil Intromonyming and affilance done to ARCHIBALD Szymyne ERELE OF ANGOUSE and his complices, ourt souerane lordis Rebellis; and to summond ane Assise of pe fychis quahair pai duell, to beire witnesseing purpoune; and to his wage,

Nov. 12.—Item, to Cuthbert George, meffinger, to ryd with Letteris direct to pe Scherffis de Air and Balle of Bille to bring ARCHIBALD CURRE, in Sandesfarde, before pe Lordis of Counsell in Edº, on Nov. 21 infant, to anfuer at oure souerane lordis infaunce for pe Intromonyming with ane purse of money extending to viij li. quhilis pertinent sumyde to Inglandsme that brudit ore the root of Air; and als, deliveriet to him, sicilik, Letteris charging pe Prouet and Bailles of pe burgh of Aire to bring Robert Nele, John Fallisfale, and Thomas Stevinoune, to anfuer pe day and place afoir expressit, for pe samyn cause, and to his wage,

Dec. 7.—Item, delieverit to Andro Ditchtounue, meffinger, Letteris to pe WARDANIS OF pe EIST AND MYDDELL MARCHIS, to charge all liegis within pai boundis to shaw throup the Incumynge of ane Arm of Ingismen, and resit the same, &c.: and als charging all Baronis and gentill men havond Castellis or strengthis, opir in kepynge or heretage, to defend pame, abyding haistly reloch of pe Kings Army: and delieveriet to him Letteris to pe CONSTABIL OF HADINGTOUNE, to warne all personis within pai boundis of his Office to be in Hadingtoune pe x day of jis momeht, weill bedin, &c. to hepe our souerane lordis cuming pe pace of viij daies; and to his wage,

Dec. 16.—Item, to ane fercu of my Lord Hyme, quhilik come with Writings to pe Kings grace, and tythingis frae the Northweir.

Item, to John Mortoune, quhilk brocht tythingis frae the Wardane of the Myddell Marchis to pe Kings grace, at pe Kings command,

Dec. 26.—Item, to Adam Stewart, with ane Missive Letter to pe Lord of Scotty; and altius to him Letteris to pe Maitser of Halis for sproting of Halis; and ane Letter to be proclamit at finde Burrowis, in Lothaine, for fururishing of twalitatis; and to his wage

Dec. 28.—Item, to Sym Pernando to pas with Letteres to pe Lord of Ballecawe and yperis, aduentand pame of pe Ingismen coming to the House of Hylls.
CRIMINAL TRIALS.

APPENDIX.

Jan. 13, 1582-3.—Item, to John Gurlaw, meslinguir, Letteris to charge pe Abbostis of Kelso, Dryburgh, Melrose, and Jedburgh, to remane in their Abbacyis, substantiously accompangeth, welli bodfire, &c. for defense at the realme; xx s.

Jan. 27.—Item, to William Mure, meslinguir, quhilk raid at pe poist to Newbottill, Melros, and Caustrev, to cause provisone be made for Restading at the Franche Ambassator callit Stephanus Aquus, xvi s.

Feb. 10.—Item, delinuir to David Blair to pas with Letteris to Johne Carsoure and Lord Marshall, to cause same cum to pe King, welli accompanyit, for defense of the realme, viii s.

Feb. 28.—Item, to John Browne, skippair in Leith, for pe fraught of his schip in pe quhilk my Lord of Aberbrothok, Ambassaitour, pas in France, xviij li. xiiij s. liij d.

Item, to Merrasmond, Herald, quhilk pas with pe forsaid Ambassaitour, xlii s.

Mar. 1.—Item, to William Mure, to pas with ane charge fra pe Lordis to pe Lord of Dundass for rynging of the House of Invergario, viij s.

Mar. 13.—Item, to John Cob, to pas with Letteris to pe Abbottis of Newbottill and Melrose and Prioris of Caustrev, for Restading of the Legat, xx s.

May 28.—Item, to William Cuffe, to pas to Caustrev with Writingis fra pe Frauncis Ambassatoris to be send to the Crie of Northumberland, xx s.

Jun. 13.—Item, to Ormond, Pursvant, to pas in the Nis with Writingis of pe Kingis for the Ingilis Schipis quhilk Marlame take, viij li.

Jun. 22.—Item, to ane boy to ryne to Newbottill, with ane Writing, sconwand pat the Ambassaitour, Bewes, and the Commissioneris, would be with him on the mornis, viij d.

Item, to Alexander Mure, quhilk broch Writingis fra the King of Danmark, to his rewarde, xviij s.

Item, to James Murray to pas to Caustrev, at pe poist, all night, with ane Writing to pe Prioris to produce for Murr, Bewes and the Commissioneris, xviij s.

Jun. 24.—Item, to Andro Duffenstone to pas to Caustrev at pe poist with ane Writing fra Monsour Bewes to pe Erle of Northumberland, for ane Condukt to aur Commissioneris, xx s.

Jun. 27.—Item, to Maistir Johne Lauder to pass to Nazer in the Kingis trandis, maid in fyance, viiij francis, xij s. liij.

Item, to my Lord Maxwell for his Service thow hauire the Harbaur, be pe Kingis consideration, and Precept pairmpounoue, iij xxij s. viij s. viij d.

Jul. 11.—Item, to John Gurlaw, to pas at pe Poist to pe Kingis grace with Letteris fra pe Lordis, certifying his grace of the same cumming at the Commissioneris, xij li.

Jul. 16.—Item, to Mr. Hoge to pas with Letteris to the Hescastell to the Commissioneris of England, iij li.

Jul. 24.—Item, to Ormond, Pursvant, to pas with Letteris to John Carsoure and Marshall for the Kingis Schip, xlii s.

Item, to pe Walismun (Welchman) quhilk come heir, propynit, callit James Griffen, x s.

with thirty days' victuals; those of Fife, Forfar, Perth, &c. on Feb. 7, with thirty days' provisions; Inverness, Aberdeen, &c. on Mar. 9.

1 Other Religious Houses, North of the Forth, &c. were commanded 'to send their Houseldis to the Bouchour, with the mizt Quarter.' In other districts the lieges were ordered to accompany their 'Welemanis,' (Chiefs,) as soon as 'thai be warmit be kelis, (bonfires,) or whitenight.' 2 On Feb. 15, a messenger was dispatched to Fyttingham to get a 'schip reddy within vij daus for caring of the Asce of Aberbrothok Ambassaitour to the partes of France.' 3 Other proprietors and Captains of Castles, &c. got similar commands. 4 Messengers were also sent to Orkney, &c. 'to desist fra all making furthe of Walisoune to intrude the Inglesmen, for well of Peace.' 5 Many other payments for dresses, freights 'of ane littil Schip in the quhilk he pas in Flandres, &c.

VOL. 1.
Item, for one purle to put pe said money intill,  

Jul 25.—Item, to David Dromane to paus with Letteris to pe Scriffissis of Edw. Bervik, 
Peblis, Roxburghe, and Selkirk, and to pe Jurats of Dunbar, &c. chargeing all maner of 
men he trwyk vpone eiiijiiij houris warming, with eixij dis wittalis for Refilling, &c. And als Let- 
teris to be proclamit at Dunbar, Hadingtoun, and Lauderdale, chargeing all personis on pe Coi-
stairs to auctur that pe English Eschipe arriue that umpaurme, and to his wage;  

Jul 29.—Item, to one boy to rynne with Writings to pe Kingis grace, in Sanct Josue-
noun (Perth),  

Aug 4.—Item, to one boy, &c. in Falkland,  

Aug, to William Mure, to paus with one Letteris to be proclamit at Selkirk, Peblis, and 
Moffat, that pe man hunt in Megallanv, Askdale-Mure, Tweed-Mure, &c. but pe Kingis 
cuming.  

Aug 6.—Item, to Caustlaw, to paus with Letteris to be proclamit at pe Bordounis, fur eiiij pe 
Talis abstricins.  

Sep 26.—Item, to Andro Hammell to, to paus with Letteris, chargeing pe Wardanis of 
pe Myddill Marchis, & pe Lord of Buchleuch, &c. to raise the custur to pass, arriue pe 
Chriftis, to releif pe Gentillmen laitlie takin be pane, and pair gudis—and to his wage,  

Summa totalis expensorum Regii et organis (The King's Hounds), iij liii d. xij s. ix d.  

Oct 7.—Item, to James Fielde, Ingismar, be pe Lordis command, at his haste 
passing.  

Oct 10.—Item, to George Herbet, Goldinthe,  

Nov 29.—Item, to Master Johnne Ballentynye, be pe Kingis precept, fur his laubris 
name in translating at Liute,  

Dec 31.—Item, pe last day of December, delinuer to Schir Michell Dyart, and his 
marruissis, be pe Kingis Precept, to pe thair Play-Cittis, agano fello-Kenitray, xxv elinis bu-
raim, reith and jafflin, price of pe elne xxiij d.  

Jan 3, 1553—Item, delinuer to pe Kingis grace, quhilke his biens gait to pe Jeitny 
clairaistheitar.  

Jan 7.—Item, to Cuthbert George, to paus with Writings to cause pe Erl of Murray 
cam to Edw. to adisse agarne pe Ambassadors degreche,  

Jan 29.—Item, to Master Johnne Drochit, be pe Kingis Precept, to be him ante Guthrie 
and ante Nugtounce, eiiij elinis gerge, price of pe elne xiiij.  

Item, to be him ante Burhill, an elne doune worsel, price  

Item, to be him ante Burhill, price  

Feb 19.—Item, to James Murray, to paus with Writings to pe Erl of Montrose and Schir 
James Hammiltoun, chargeing pane to help the way of Justiceris with the Symptills and 
the Currympairmis.  

1 Similar Proclamations were made throughout the whole kingdom, and ' for assenting of the Ingis Schiffer.'  
2 Large payments made to James Calvile of East Wemyss, Courtsoffler, for his servis at Newcastle, ' to tract the peace,' and to the Secretary for ' his super expenses quhen he was in France,' and for socails (jewels) 

gevin be him sindrie tyme to the Kingis grace.  

On Aug. 18, a Proclamation to be made that this cessation from hostilities should be ' kept, quhil the xij day of September.'  

4 Similar Letters sent to Lord Maxwell and the Laird of Johnston.  

5 Probably grandfather of the celebrated George Heriot, the founder of the Hospital.  

6 Stoors, dogs.  

7 Fellowes, companions.  

8 An Irish (Erse, or Highland) player on the Clarsach, which was a kind of Harp.  

9 Moncrieffe says, ' The strings of the clarsachs are made of brass- 
wire, and the strings of the harpe of sinews.'  

10 See Watson's Coll. ii. 6.  

11 See i. * 166, &c., for notices relative to these deadly Feuds, which caused a great excitement in the country.
21 Jac. V.

CRIMINAL TRIALS.

APPENDIX.

Mar. 25, 1584.—Item, to Adam Stewart to pay with Letters to Lord 3estir to cause him bring certaine Chelles quhilk he take, to be Justified, and to his wage, 2 xiiij.

Apr. 18.—Item, to Roffesay, Herald, to pass to the Earl of Roffesay to restore the Castell of Sanctandros, 3 xviij.

Apr. 27.—Item, to Roffesay, Herald, delivereth Letters to Dundie, Perthe, Sanctandros, Dunfermingill, &c. to indure their Captive for harboring of Magogouris. 4 And Letters, et cetera, for Captivation: Allen delivereth to him Letters for Bulks and defences to be made at Dundie, Sanctandros, Carale, Pettineme, Anstruther, Dysart, Kirkauld, Kinghorn, and Innerkethen; and to his wage, 5 vi.

May 4.—Item, to one man quhilk come from the Prior of Caustreame with Saillis, tingis new run off at France to Mons a Bevis, Ambassator, 6 v.

May 20, 1584.—Item, to David Lindeay, Herald, paid with the saidis Ambassatour, to his expenses, ij' frankeis, iijm.

Jun. 14.—Item, to Malcolm Gourlaw, delivereth for carriage horse turando ph Kingis grace premied to the Huntling, pe space of ix days; and one horse quhilk brought the Fourth furth of Stralading, ix li. iij.

Jul. 3.—Item, to the Archbishop of Durame, Inglis Ambassatour, quhilk came for Confirmation of the Peer 7 to his reward, one hundredth Angel nobillie, iijm.

Item, to Maister Magnus, fidlyke, Ambassator, ij' li. 9

Item, for two puris of crannely kin to put pe said money in till, xxij.

Item, to the Inglis Botar, 3 xxiiij.

Item, to Herbale, Herald, i

Item, to pe Archibald that shott with the Kingis grace, 9 xxv.

Jul. 9.—Item, to the Abbot of Kinloss, quhilk paid to London to resolve the King of Ingland with the (outh) sparse the Confirmation of the Peer, 10 Palvij.

Item, to Maister Adam Otterborne, paid to Lundy for treting of the Peer, and pair remand thare fra xxvij day of November to pe third day of Junij last past, to his expenses, viij.

Aug. 27.—Item, delivereth to John Murray one blak bonet, to rubir one Steil-Bonet to the Kingis grace, price pairof, xij.

Item, to be one yppet to the said bonet, and one yppet to one vir Bonet, one chie taphety of pe cord, price pairof, xx.

Item, delivereth to the Kingis grace an Cloth of Sanct Butha, set in filuer, weyand xxvij vnce iij grave wecht, price of pe vnce iij., iijm.

Item, for making of pe famyn, viij.

Aug. 31.—Item, to John Drummond, wrach, for bringir at the thre Command furth of Drumfreis, in all expenses, xviij.

1 Two Messengers-at-arms accompanied him.
2 Hired soldiers; mercenaries. This was the first step towards the formation of a standing Army. Considering the precarious character of troops formed of raw levies of country men bound to military service, and the indifferent manner in which they were equipped, it is truly extraordinary how such bodies should have been able to withstand the onset of the well appointed and disciplined forces of the English. When these circumstances are kept in view, the rout of the Scottish Army at Flodden ceases to be matter of surprise. 3 Similar commands sent to the East and West Coasts, &c. throughout the kingdom.
4 Large payments made at this period to the 'Ambassatours,' Mons. de Fleuris, Mons. Bevis, and with thame the Almacie,' (German.)
5 Large payments made to the Secretary during his Embassie to France. The rate of his personal charges was viij francs, or liij liij, per diem.
6 The 'Letto-camp,' (lit.-du-camp), regarding which numerous entries are to be found in this and the preceding Appendices.
7 Pirketoun, 11, 325, asserts, that the Order of the Garter was remitted to James by the hands of Lord William Howard, brother of the Duke of Norfolk; and the young monarch soon after received that of the Guelph's Exeche from the Emperor, and that of St Michael from France. See the Appendix, 1, 269, under date Jul. 13, 1537.
8 The Prothonotary.
9 Many other instances of the King's urbanity are to be found in these extracts. The present probably arose out of a challenge to the five best Archers in the Ambassador's train.
CRIMINAL TRIALS. A.D. 1535-6.

Sep. 3.—Item, to Edward Stewart, Salarium, to mak his expences, and thre servandis, paffin with Walshis to the King of England, viij li. xiiij s. liij d.

The Expensis made unten the Schip and Marginaris feis, fene seho come to Dunbartane.

Item, in primis, to xij mariannis pat wes found hame fra ye Schip, be ye space of thre oukis wagis fra ye third day of September (1584), xvj li. xxvij lii.

Item, payt in Glagow to xiiiij men qabik war left with ye schip to bring the King out of Argyll, for one monethis wagis, begyanand ye said third day of September, vii li. xxvij lii.

Item, to ane servand of Coileus, qabik bracht fra his Maistir ane Bynk, intulat etc., to his reward, lii.

Oct. 11.—Item, to Thomas Myller, carter, to paye to fetche ane brakth Gun of the Lord Maxwellis furth of the Langbushie, to be brocht to Ed* to ye meling, deliuerit to him, v li.

Item, to the Lord Maxwell, be Lordis Auditoris of Chekar command, for ye xii Promissis remanand with him at ye Bordouris, qabik wes omittit in our last Comptis, xlii li.

Oct. 21.—Item, to James Greoun, Wulfraninn,1 commandit be ye Lordis to be gevin at his departing tward Flandervis, lii lii.

Item, to my Lord Maxwell, for ye Keyping of the House at Arntage and Reveling of the Inhabitants of L. W. d. x. To be ye space of fevin monethis, viz. fra ye last day of November to ye fyrit day of Julij, havand in ye moneth Is. li., viij lii.

Oct. 22.—Item, ane Barret to James Stewert, price xx s.

Item, to be ane Sather to the Kingis gracis Warchter, iij elnis veluet, price pairof pe elne liij s. *summa,* vij li. xvij s.

Item, to be ane Birtill, x quarters satyne, price of pe elne xiiij s. *summa,* liij lii.

Item, to lyne pe samyne, vii elnis suftiane, xx s.

Item, to be ane Sather and held clathis, vi elnis Holane clath, price of pe elne vi s. *summa,* xxvij s.

Oct. 24.—Item, fend to the Kingis grace with George Steill, xij doflane Luft stringis, price of ilk doflane v s. *summa,* liij lii.

Item, fend with pe said George certane fyre Picturis of Flandervis, coft fra John Browne, to the Kingis grace, price pairof, xvj lii.

Item, xiiij elnis Drinkyn ghistis for the Kingis grace, xli s.

Nov. 23.—Item, to be schabing clathis to the Kingis grace, iij elnis small Holland clath, price of pe elne xiiij s. *summa,* xli is.

Dec. 28.—Item, (in Struiling) for iiij elnis and ane quarter rad grene, to caw the Law transis* in the Kingis Stewpy, price of pe elne xiiij s. iij d. *summa,* iij lii. iij lii. iij d.

Item, to certane Play Sowartis to the Kingis grace to pass in Machine, xliij elnis Sceutis quhigis, price pairof, vi li. xvij s. vj d.

Item, to be tothir half of pe saidis Sowartis, xiiij elnis Sceutis blak, price pairof xij li. xvij s.

Item, to Robert Spittal, for makynge of pe saidis Sowartis, iij lii.

Dec. 29.—Item, deliuerit to the Kingis grace, in Struiling, to play at the Cartis, xlij lii.

Jan. 13, 1534-5.—Item, fend with Weddaill, futeman to the Kingis grace, in Struiling, ane rudane Luft stringis and xij bankis of small byre, price pairof, xx s.

Item, to Thomas Rynd, goldfinneth, for certane Sowartis werck, coft be William Hammitoun to the Kingis grace agane N. Ezra Mes, as ane Compt, subscirvits be ye said William, beries, P.xxxvii li. xij s.

1 These two entries form the commencement of the Account, which occupies five folios, and amounts to L.502, 13s. 11d. There are no interesting items, the payments being for wages, victuals, timber, cables, &c. No date is added to the general account, but it appears to have been rendered early in October, 1534. 2 Diss, O. Fr. Latins, latrin.
CRIMINAL TRIALS.

23 Jac. V.

APPENDIX.

Item, for garnering of xviij busts, &c. at the rent of 2s. to ye King’s grace, filuer, and sailoune, xxij. l.
Jan. 31. Item, for viij dozen of xviij strings to ye King’s grace, deliverit to Wm. Cobden, l. l. l.

Jul. 28, 1555. Item, to x careage hors, turstane at the King’s grace at the Rentie in Megallan, be ye space of xviij days, ilk hors ane day, xxij. l. summa.
Item, to Malcom Gourlay, for his aye wages, turstane and sternet at the Rentie Rentie, xxij. l.

Item, to ij careage hors, turstane at the Rentie, at ye said Rentie, be ye space of xviij days, l. l. l. l.

Aug. 5. Item, to the Beveres, to be my Lord Theolairis command, to losse his clothis frak the therie, xxij. l.

Aug. 15. Item, to David Dronar, to pajes with ane charge to my Lordis Maxwell and Fleming, to stepp meting with the Inglesmen for Lordis Dunbar, xxij. l.

Aug. Item, furnesit to the Farnbarynuris, to vpplet ye inlaid of ye iiij. Crowne givin be his grace, extending to v. of every Crowne, sylrick extended in ye bail to l. frankis, summa, v. l.

Item, to perforres ye bail fyance sylrick ye Towne of Ed. said hane furnesit, sat wantis ij. frankis, summa, l. l.

Oct. 1. Item, to James Lindefax, Falconer, to pass with Balzie to the King of Imp. land, to his expenses, l. l.

Item, to ye said James, for his childris expenses, ye tymes his hies was at the Rentie in Megallan, l. l.

Nov. 2. Item, to Katherine Hammilton, to be ye King’s grace command, in compleit payment of ye sum of xxx l. for his Artillery, xxij. l.

Item, to ye King’s grace command, to Richard Hume, Inglis manne, syllick sum la mark Uplis to ye King’s grace, to brye for ye finn, xxij. l.

Dec. 29. Item, to . . . . Makear, Nureis, to ye King’s grace command, to brye brye for furstore of ye King’s grace Midster, xxij. l. l. l. l. l.

Item, to Inglis Bowar, for xviij busts of Balieis, deliverit to hm, at ye King’s grace command, to ane fervand of John Canredarriis, l. l.

Dec. 29. Item, to ye Lord Erakynnis sme, syllick past in France, xxij. l.

Item, to George Wallace, for untering of the King’s grace ship towart Deip, and fra thyme to Burteyn, payand his Marchairis half byre in hand, and be remanent in Deip; as ye said George compt particularlie beir, l. l. l. l. l. l. l. l.

Dec. 30. Item, to my Lord Secretar, to his expenses retornand throu Scotland to my Lordis Farnbarynuris in France, l. l. l.

Item, to my Lord Aber of Kynloss, syllick he gait to the Ingllis curriইr, at ye King’s grace command, l. l. l. l. l. l. l. l.

Item, to ye said Aber, to his expenses command throw England with my Lord Secretar, deliverit to my Lord Chambre in France, lx. vi. l. frankis, summa, l. l. l. l. l. l.


Feb. 1. Item, for xviij App to ye King’s grace, l. l.
Feb. 18.—Item, to be ane schort coit to Lord James, 1 vj quarters blak satyne, price of pe elne, xxx s. xlv s.

Apr. 26, 1536.—Item, send to pe Kingis grace, with Schir Constantyne Abaynay, ane doofane Late Stringis, price vi s.

Sep. 24.—Item, to But, pursuivant, to pas to summond are advisis to the Lord Shane and Lord of Dunestoun, xx s.

Sep. 25.—Item, to James Bisset, Meffinger, to pas with Letteris to pe Provost and Bailies of Dundee and Sanct Jonestoune to serche and seik John Blacat and George Lwett, suspect of the harsinnis of the Image of Sanct Francis; and to his wage, xx s. 

Item, to Erchit, meffinger, to pas and charge pe Lord of Dundas and Capitane of Dunbertanis to ke surtis the Lady of Macdurie and Jonestoune, xx s.

Oct. 10.—Item, to Peter Thomefoone, to pas and summond the Lord Shane and Lord Eumestoun, xi s.

Oct. 18.—Item, be pe Kingis gracie Precept and speciall command, gbris at his gracie Departing, to thre frundis pat feruis pe Ladyis in Cowpar, to be pays thre Gownis, xix elnis raffatt, xlvij s.

Oct. 31.—Item, to James Coluill, meffinger, to pas with Letteris, charging all pe Gentillmen within pe scheriffdom of Lyneleyquow, Strueileng, Perthes, and Menteith to pas with my Lordis Regentis to the restitutio of Eystounes, xx s.

Nov. 2.—Item, delinuir to Schir Henry Balfour, Chaplane, to be gbris in Almarbys to the pure harsibniss to pray for the Kingis gracie prosperus returnyng, viij s.

Nov. 12.—Item, to Arthe, meffinger, to pas with Letteris to pe Erle of Morteone, Erle of Mariquhill, Abbots of Newbostow, Abbots of Marloch, and Lord Seytoun, for ane Cambertizoun, to be had in Edin, pe xvij day of pe fesyn monethe.

Nov. 15.—Item, to Johnne Coh, meffinger, to pas to summond are advisis upun the Theif calld Ladeis, quhilk was tan be my Lordis Regentis in pe toune of Jedburgh, xliij s.

Nov. 29.—Item, pe pennale day of November, delinuir to pe said Sr Henry, to pe effect for-said, x lib.

Item, be command of my Lordis Regentis, to McLaweretisch, halving in Warz in the Castell of Edinburgh, for gude rewill of pe cuntre, to his expens, x lib.

Dec. 21.—Item, to Pateresone, pursuivant, to pas and summond are advisis to the Lord Wendis merrie, vij s. viij d.

Jan. 1536-7.—Item, be my Lord Regentis command, to Robene Harle, alias the Kynys Berevall, in recompense of his travell at the Kingis first DepartING, because he was at pat tymes bot wagt to Lundoun, xx s.

Jan. 26.—Item, to Ra, Inglishman, quhilk come for ane Conduit an auft Balfour, Inglishman, iij s.

Feb. 24.—Item, to Ra, Inglish PURBESANT, be pe command of my Lordis Regentis, iij s.

Mar. 6.—Item, to Ra, &c., be pe command, &c. xi s.

Mar.—Pursuivants and Meffingers got large payments to pas with Letters to the Barons, &c. for their harest preparing againe the Kingis gracie home-coming, &c.

Apr. 1, 1537.—Item, to the Chapellanis of Lawrette, to pray for the Kingis grace, xliij s.

1 The King's natural son, afterwards Earl of Murray, Regent of Scotland.
2 They were again summoned on Nov. 7, following. They also got 'doubtatia' boles, and 'bonetia,' to correspond. An number of messengers were sent with similar warnings to 'the Mainber of Antleris,' to the Lord of Cefurd, to ly about Eystoun.—'to cause Owh be redy at ye coming of ye Gownis within thaire boundis,' &c.
3 Prayers appear to have been publicly offered throughout Scotland.
4 Other summonses sent in various directions.
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Apr. 15.—Item, to Ra, Inglis Pursevant, quhilk come with Writingsis fra the Duke of Northfolk for deliurance of pe Charltonis,

Apr. 23.—Item, to Rothesay Barroon, to pass to Ingland to pe Kings grace, being pan in France, with Writings fra my Lordis Regentis,

Item, to Wm Fray Mordis, to pass with pe said Rothesay to Londoun, and to returne again with sic nouellis and instructionis as pleis pe said Rothesay to fend with him,

Apr. 25.—Item, to Ra, Inglisman, quhilk brocht Writingsis fra the Duke of Berphirk to my Lord Regentis,

Item, to William Mure, meffinger, to pass and charge Thomas Kirkpatrik of Closhurrie, to present the Sheriffis takin be him in pe Tolboithis of Edinr, pe ix day of Maij, and to his wage, xx s.

Item, to Thomas Hanmiltonoune, maier, for his lauboris done in Serching of the Hereditis in the West lanis,

May 19.—Item, to pe said Rae, Inglis Pursevant, quhilk brocht Writingsis, iij li.

May 25.—Item, to Cuddy George, meffinger, to pass to summan the Mercis of Ayr to compeir befor pe Lordis, anent pe gair of pane quhilk was comit of Berreddy,

Item, deliverit to William Mure, Lettiris to pe Scherifis of Kincairdin, Drumfrase, Sterling, Peles, Selkirk, Perthe, and Abirdene,

1 The Queenis Grace (Queen Magdalenis) Enray in Edinburgh, and Coronatius.

Item, fliclet Lettiris to pe Sheriffis of Ediburghis, principall, and within pe Constablibrie of Haddingtoun and Berlic, for the Coronatius of the Baronis to the Queenis Grace enray in Ediburghis and Coronatius, and to his wage,

Jul 7.—Item, to one Master to pass to Leith, to charge Wallace to have his Hepby ready, viz. pe Mary Willybe, incontinent, to the Raebis,

1 The Queenis Grace Tyrement.

Item, to one Pursvant, to pass till Dundie, to charge pe Inhabitantis pairof to bring thare Maikis to Ediburgh, incontinent, for the Queenis Tyrement,

Jul. 8.—Item, deliverit to Phantaurcis, for iij s. Armyd at the Queenis Obit,

1 The Queenis Obit, nono Julii.

Jul. 9.—Great quantities of Black 'Scotlais Claih' and 'Francis Mark' were purchased for 'Gowis, Cottis, and Hudis,' and 'Bonepis,' &c. to the retaineris and servantis of the Court. As the subject is so remarkable, pretty copious selections shall be given.

Item, refuitt fra Master Adam Ostinburn, thresty elles Wollandis claih, deliverit to James Serymgeour, to be Taisit to the Francis Ladis, price elne viij s.

Item, xij, else Quyntye Satyn, to be Taisit upon the Velvet, price elne xxvij s., summis,

1 By another entry, on May 25 following, he was ordered to deliver 'Niaiawe Denweit' and his narrow, under the paine of putting to the horse.' These were the twa Sheriffis alludit to. * All the other Sheriffs got similar notice.

2 There can be no doubt that this was the day of the Queen's death. Without multiplying authorities, see Jul. 7, 1539, &c., of this Appendix. The date of the Osequies, performed in Jul. 1539, is carelessly left blank.

3 Interim; or, Funeral obsequies. For many curious particulars relative to the amiable Queen Magdalen, see Mr Pinkerton's History. Mr Tyler's researches also may be expected to throw much light upon the History of this period. Pinkerton, following Buchanan's authority, fixes Jul. 7 as the day of Queen Magdalenis's death. Leslie, p. 133, says, * Sco decolit the xth day of Julij, and was bursit in the Abbey Kirk of Hallyruie-hous.' * All authors are agreed that the public regret was so great, that this was the first occasion of a general public mourning. Indeed Buchanan, who was an eye-witness, says it was the first instance of Mourning Dressis having been worn by the Scottis, * which even now, after forty years, are not very frequent, although public fashions have greatly increased for the worse.'—Buch. Book XIV, 22.

4 This date refers to the period when 'Master Thomas Marlerick andke' entered into office as Clerk to Robert (Cairncross), Abbot of Holywood, Lord High Treasurer. The merchings for the Funeral Osequies were expended under different heads; the 'Breadstar,' or embroideror; the 'Maister Stabilley,' &c. had each the charge of their own respective departments.
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Item, aucthe elne velvet delinieret to the Exprester, 1 price elne l. summa, xii li. 1
Item, xxvij Holland clathit, price elne ix s. summa, xij li. xij s. 2
Item, ten elne vierreyn to be ane Goun to ane Francse Priest, Coit and Hude, xij li. viij s. viij d.

Item, tua puid saxe vace of blak sewin silk to be freightis to the Gurris Cumes, 3 xii li. xij s.
Item, tua grete hunke of gold to the Brocquister, xij li. xij s.

Item, 4 sex grote armys 5 and sex small, price of pe Werkmanchip and fawing of pe Grote Armys, 6 iij li.

Item, for pe small Armys, ... 7 xij li. xix s. vij d.

Item, for making of the Crucis, ane grete and ane small, xv s.

Item, fortye elne grote freightis, xv s. 8

Item, twentye aucthe elne smail freightis, xij s. viij d.

Item, aucthe socrates and saddel 9 making, xij s.

Item, to my Lorde Cadrerer ij fleikes 10 blak Sulfut, contentand xijli, price elne lvj s.

summa, 11

Item, mair to him, vij elne iij quarteris and ane mull blak velvet, xij li. xij s. vij d.

Item, xix elne smail Holland clathit, xij li. vij s.

Item, fra Master Francis Boithulis Wyke, to the Gurris Eymerent, 12 elne Purpur selurt, price elne iij li., summa, xij li. xij s.

Item, fourne elne of Franche blak, to be ane Fute Mantill and ane harnesing to the Ringis Grace Hufe, price elne xxx i. summa, xij li. xij s.

Item, tua elne bukrum, to lyne pe faike Fute Mantill about pe bordouris, vij ti.

Item, tua elne tua quarteris Franche blak delinieret to Patrik Sklatar to edeke ane Sward to pe Kinges grace, iij li. x s.

Item, five elne frencis of blak silk to pe samyn sadder, xij li. vij d.

Item, fra William Keris wyke, sex elne Scottis blak to be harnesingis to Mulatis, xij li. s.

Item, iij quarteris Scottis blak to complete forth pe faike harnesingis, xij li. s.

Item, tua dwayne cordis of silk, price of iij dowe iij s. vij d. to knyt pe Harnesingis of the Ringis sward, xij li. vij d.

Item, four dwayne cardis 13 to feffin pe clath apon pe harnesingis, xij li. s.

Item, six blak belts to pe sex Mulasis, v li. xij d.

Item, trene elne canvases to lyne pe teis of pe Mulatis, xij li. s.

Jul. 10.—Item, to the Ringis Eymerent for pe Abhyndnis and Testimentis pe har wair maid for pe Quennis Eymerent, vis. ix elne, price elne viij li., summa, xij li. 14

Item, to pe Quennis . . . Testimentis, iij elne iij quarteris blak . . . 15 bukrum, price elne viij li., summa, xij li.

Item, for half ane puid blak thred to pe hem day, iij li. s. iij d.

Item, half ane elne Crewaydy Smyrte, xij li.

Item, delinieret to Robert Harvar, seruvior to my said Lord, 16 to the Gurris Eymerent, xij li. xij s. xij li.

Jul. 11.—Item, deliniet to pe Kinges grace, in pe Abbey, ane Pilseane of Male 17 and ane Sward, 18

1 The person who had charge of the Tapestry and hangings. 2 Probably a kind of superfine cloth. 3 There are furnishings of additional silk from various merchants, amounting in all, with the above Funeral Pall, &c. to L.50, 15s. 9d. 4 This and a number of the following entries are in 'the Holabriders Compt.' 5 Coats of Arms for the Funeral Pall and Canopy, &c. 6 Fringes. 7 Knots and tassels or bunches. 8 Web, pins, cords or strings. 9 These left blank in the account. 10 Robert (Carncrow) Abbot or Holy- ness, Lord High Treasurer. This part of the Accounts was given by Mr. Master Thomas Marbreybanke, as Clerk to ane venerabil fader in God, Robert, &c. 11 A sort of gorget or defensive armour of mail for the neck. 12 This and the other Tournayng weapons were delivered by William Smattheird, Armourer.
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Item, for granting and dichting of the Visservis of Maithe to be Kings grace, and the Meingsan of Maithe, with one certane nalis outgilt to one pair of Brigantyns, x s.

Item, for being of xxij Selhryngis and one Blak stand of Harneys to be Abbey, viij d.

Item, for one Grite Durett haryng to the Abbey and fra the Abbey agane, xij d.

Item, for dichting and grasing of four Bastere of Baldertis, quhilkis be Kings grace had shone the Sey with him, xliij s.

Item, for being and grasing of the Viscelle Reyburgstallis, xriij s.

Item, for grasing and dichting and tynnyng of ten Thre-hantitt Suerdis, s ii s.

Item, for dichting of (ane) nine hantitt Suerdis, s iii s.

Item, for the gravel of the Mappers, s iii s.

Jul. 12.—Improvis 6 one sleek 6 of Black Velvet contentand xxij elene j quarter and 8 quarter, price of one elene ij s., summa, lix l. xij s.

Item, lauid one sleek of Serrettis black, contentand xxvij elene, price one Swiss ss., summa, xxvii l. liij s.

Item, mair to my Lord Thescawur one sleek of Maiten 7 black, contentand xxij elene, price, xxxvii l. xij s.

Item, deliverit to Thomas Arthure to be one Calt with heater in the Kings grace, iij elene viij quarter, of fyne Parisl blak, price elene iij t., summa, xj t. viij s.

Item, to lynne the forfayrd Calt with, iij elene 6 of fyne blak Taffattis of cord, price elene xx s., summa,  
iiij t. viij s.

Item, to David Joncr, furrow, 6 for Murraysart and part of Ghyngeskeynris to Lyne the bairn 8 of the Kings Wyldis to Scortis in the land of Dumfermily, liij t. xij s.

Item, deliverit to the Master Annister 6 to be Den John Willoum, lxxx l.

Jul. 13. Item, to one boy to pass to Melrose and Dryburgh to furze pe Abbottis to the Guertis grace Eyrment, 6

Item, givin in aris 11 of thre sleek 12 of Claghe of Scotis yacht in the Kings grace in Lynes, and quhilkis his grace resistent agane in Paris, iij t.

Item, cost to his grace, felik, in Lynes, the grette Iparris of Turk (Turkey) (ek), 13 price pairosf, Flxxx l. xij t.

Item, cost to his grace, felik, in Lynes, the grette Iparris of Turk (Turkey) (ek), 13 price pairosf, Flxxx l. xij t.

Item, for my Lord Erkynnis upheare, pe tympe he was in Ingland, for saltaturum of pe Kings grace in the Ordur of the Gardern, send unto his grace be his name pe King of Ingland, as was particularis examinat apone pe Compt givin in be pe saif Lord, xliij t. xij s. xii d.

The Guerti nynge 9 Pisgah and three Maplepis got black Doublatis, Heife, and Bonetis. 16

Jul. 15.—Item, to Thomas Arthure, servand, callit Thomas Craig, to be the Kings grace are Ryding Calt, four elene of fyne Parisl blak, price elene iij t., summa, xij t.

Item, to lynne the forfayrd Ryding coits, fyre elene of blak taffattis of cord, price elene xx s., summa, v t.

Jul. 16.—Item, to Thomas Arthure, one elene of Parisl blak to be the Kings grace 17

Sherris, 18

1 Habergeon. It is sometimes written Hoobradeuse, and Ausbrochuse; being a coat of chain mail, wanting the sleeves.  
2 Armour for the thighs and limbs.  
3 Javelins.  
4 When he went to France on his matrimonial expedition.  
5 This forms the commencement of another branch of these Accounts.  
6 Pieces or web.  
7 Race.  
8 Pieces or web.  
9 Probably mats or Turkey-carpets.  
10 Table-covers.  
11 See Jul. 3, 1536, of this Appendix, I, * 283. Although the repayment of Lord Erskine's 'supercapses' is entered here, the date of such King's fusturture must have been a considerable time previous to this time.  
12 It is unnecessary to give the details here.  
13 Sherris.

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Item, delieverit to Robert Gib be pe said Patrik (Skilat) to pe Kingis Grace are shawfull certifit with blak of the mtnlasse, furnyit with gyrtius and ledzcris to pe famin falsill, price, xi l.

Item, for ame Harrenston of black leder, certifit with blak of the Franchese lassent, price, xx s.

Item, for twa pair of girthis and wamebrasis for Armyn falsill, vij s.

Jul. 18. Item, to Thomas Crap, fyve elne Paris blak, to be pe Kingis grace are ligiitn Gourne with ame Ruds, price elne li l., summa, xij li. x s.

Item, thre elne and 3 quartar of Paris blak to be pe Kingis grace are ligiitn Clerk, price elne li l., summa, vii li. xvi d.

Jul. 19. Item, fevin quarteris, ane saile lef, of fyne Paris blak, to be pe Kingis grace are pair of Russe and ame Ruds, price elne iij li. x l., summa, vii li. xvi d.

Item, tua elne and ane quarter of Tafftyis of cor, to lyne pe Kingis grace are pair of Hoise, xlv s.

Jul. 22. — Item, tane fra Mungo Tenmand to be the Kingis Bulle-Catt and Ruds,2 and for pe making of pe famin, x s.

Item, for poystis to pe tua Ctisis and doublante, xvi d.

Jul. 24. — Item, coft4 fra Henry Lillie, and delieverit to pe said Tapiseri, twa steikis5 of Double Dunpseystage to hing about the Gouris, quhaire pe veluet hang, vii l.

Item, fra Thomas Todymar, sc.6 thre steikis xiiij eil ane quarter of Double Dunpseystage to hing as said is, xlii l. x l.

Item, fra John Dowgall feyn eil ame Millanis, suffisam to pe Lordis command, to put in the Chapell in the Palace, price elne v l., summa, xxxv l.

Item, fra pe said John, for falldurne curris7 to pe samyn effect, xiii l.

Jul. 28. Item, to William Edre, Expedis to pe Kingis grace, xx li.

Jul. 30. Item, to Gillem the Gurnis Ferrrum, xx li.

Aug. 4. — Item, to John Gourlay, to pafts with thre clofis Writings to pe Kingis grace at Tempillair, vii l.

Item, to John Forbythe, to pafts to Baniff, Elgyn, Forres, Inverness, and vpiris plaics neidful, to discharge the Erle of Murray of his Lieutenantdric in the North partis, to his expenses, i l.


Aug. 20. — Item, to Patrik Wemyes, to gyf amayg the Franchese men and women at thare Departing to France, iijj li.

Item, four elne 8 quarteris of gray, to be Hoiffing to pe Kingis Standard of his Kettleramp, xij s. j. d.

Aug. 21. — Item, delieverit to William Calderwood, for ame pair Organiz to pe Kingis grace Chapell, price of same, lxxij l. xiiij s. iij j. d.

Item, to Master George Buchquhannan, at pe Kingis command, xx li.

Aug. 22. — Item, to William Smeithberd, for pe mending and grafting of twelv steilis Farthusis of pe Kingis, iijj li. iij l.

Item, for bukkillis, pendantis,11 and vpir geir tane12 be Robert Gib, iij j. iij l.

1 A number of similar entries but too minute to be noticed here. 2 Literally Bully-bonds. Preparations for the Tournament are strangely mingled with the funereal trappings. 3 The mourning Coat and Hood. 4 Purchased. 5 Webs, pieces. 6 Dr Jamieson, on the authority of Colgrave and Rogerfou, considers this to have been a kind of Tenmelling or tamnly, from G. Fr. Tastade. 7 A demy otside, cut in panes like a Spanish lether jerkin, Colgrave. 8 In consequence of the sudden and unusual demand, the purchases were made from a great variety of tradesmen. 9 Milan. 10 Six fathoms of cords or ropes. 11 After the execution of Janet Lady Glaumiss, and the Forfeiture of her son. 12 Purchased.
25 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Aug. 24.—Item, refusit fra William Haw, thretene elne verteine, to be four *Fure*-Mantillis and four *Verris-*singingis to pe Franche ladis sadders, price elne xxxiiij s., *firma*, xv li. xij s.

Item, tulefe elne Franche blak, to be thre of the gretest *Fure*-Mantillis and thrue *Verriss-*singingis to pe gretast Ladys, price of pe elne xxxiiij s., *firma*,

Aug. 25.—Item, to Biffate, Messinger, to pas to Glasow, and rper places in pe WEstLaND, for Persis to the Gurnis Ladis,

Aug. 28.—Item, sype elne Parfe blak, to send ane Litter of ane Ladygis, price elne xxxiiij s., *firma*, viij li. x s., viij s.

Item, auch fcoir and auch Buchillis to pe faerfILD ladis, price of the pecce viij d., *firma*.

Item, an hundred *Verris-*singingis 3 and sex, price of pe pecce viij d., *firma*, xij s.

Item, gevin for pe *Verris-*singing of the Pendillis, plaitis, and bukillis, xij s.

Item, for making ane covering to the Chariet, xx s.

Sep. 4.—Item, gavin to Patrik Wemys, Master Houhald, xxij Crownis; to my Lord Secretar, vi Crownis, to gif ane part of the Franche men, at there harp-passing, *firma*, xxvij li.

Item, gavin to my Lord Secretar, lat he delerfit to the Franche Lievetary and her husband, at pare away-passing,

Sep. 14.—Item, gavin to Patrik Wemys, to gif the Expedestery man that past to Franche, (France.)

Sep. —Item, to Twa dochteris of the Lady Glammis 4 twa pair doublill solis schone, price of pe pair ij s. ij d., *firma*.

Item, gavin to jame the *Furis.*

Item, tane fra James Corby, an elne of blak to be *Furis* to jame,

Sep. 17.—Item, delerfit to sex *Franche* Ladis, *sier* Sohillis.

Item, sype elne Federillis to pe Franche Ladis, furnejy with brydillis, barnessing, and girthis, price of ilk sadiill iiij s., *firma*.

Item, ane pair of Girthis to ane slappe, price, xij s.

Item, delerfit to ane Francheman ane sadiill, to rpyre with the Franches Ladis, price, xl s.

Item, to diserfe men and wyfa in pe Cannygat, for pe furigeing of the Franche men pat past away, in part of payment of ane Bill particularly writin and subfriuit with Master Johnse Cowdanis hand, lxxx vii li. viij s.; payit pat to pe faidis men and wyfa, lixxx vij.

Summa totalium *Expenses* (a Junij iiij ad Sep. xxvij, 1537),

1 Various similar entries.
2 A number of other *littar* for the French ladies occur in these Account.
3 *Pendants.*
4 What the names of these unfortunate young ladies were, the Editor has not been able to discover.
5 The *Ferriss* mention only one daughter of John, sixth Lord Glammie, *Elizabith,* married to *Ros of Croiy.*
6 It will afterwards be seen, that the King and Queen regularly took up their abodes at Glamis Castle during part of the Hunting season; and doubtlesse the rents of the large possessions belonging to the young Lord were paid upon by the Crown whilst this young Noblemen was imprisoned in Edinburgh Castle, from which he was not liberated until after the death of King James V.
7 It is extremely probable that these young ladies were given in charge to the Princes of North Berwick, to be brought up as Nuns in that Monastery.
Criminal Trials. A.D. 1538.

Summa totalium Expenarum (qui supportationem Expenarum Regis in Francia, & c.)

Sep. 20.—Item, servus Amathus, Franch man, for the gratifying and beholding of the Queenis grace, lib a deo.

Item, cost for Thomas Arthur, a throne for six takers, to be four Franche Loyal Bule Gunnis, viz. vij lib. iiij s. vij d.

Mar. 1537-8.—Item, to John Dowglas, the serje of the Lady Mandevile of the Muthric, at the Kings grace command, as the Preceptor beris, xli lib.

Apr. 1538.—Item, to Katherine Bellenden, for buying and setting forth he Queenis grace of the Mingricus mother, at his grace’s command, because he take the det on him, $v. liv. xiiij s. liij d.

Item, deliver to John Moifinnen, to make one square Barne of Gold to the Kings grace, with Knoppis.

Item, the one of the said Honis’s silver, to compleit the said change with, quhilk went quhen it was refait again from him, mair pan he refait, ix Crownis of wechis.

Item, to him for making of the said Change.

Item, for mending of the Kings sword and Targett,

Item, for gold to it, mair pan he refait.

Item, for mending of the Crown of Silver and the gilt of it,

May.—Item, for xij else o’ these Seintis Seintings to be arn Seintis to his grace, quhilk was lynyt with freis, claithe of gold, and paimentit; quhilkis lynyt and paimentis was tane furthe of the Wardrop: price of these else of these Seintings, xiiiij s. s. xx j.

Marriage of King James V to Mary of Guise.

"Expensis duaraat, at the Kingis command, vpon the (iiij) Trumpetouris, (iiij) Tabernaris, (iiij Quhulasaris) and the rest paid in de Schippis to France, for hame bringing of the Queenis grace." The dresses, &c. were very superb, and "Ketheray Etchitis" were also provided for Serants of the Royal Household, with "Gunaris," "Schalmeris," Minstrels, &c. and including "ix Paxis, iij Alacayis, iij Moltar, y Trumpetouris, and iij Armorariis." The particulars, though very interesting, are too voluminous even to admit of selection. On adding up these expenses, they are found to amount to . . . .

Item Drefles for the Kings grace Durst, being one Kirtell and Gonne of French (French) tourist of blak fastyne of Venise," blak vetuet to wast" (wast it), and to "mak hire hude of the Franche fort," with linings of "crammefastyne," &c.; and for "one chafforne of gold Parieh werk, quhilk went in gold x Crowinis and ane half," amounting in whole to . . . .

Item, to John Goulaw, for passing with the Kings Letters to the Queenis feri and Leith, for Proclamatione making till all Marineris and schipieten of hemm to parelie in Leith, the third day of Mai, and reRYPTOYY Wagis for passing in France, in the Kings Schippis, for Stame bringing of the Queenis grace.

This Account immediately follows the other, and contains the receipts of the New Tax on the Spirituality and Temporality, imposed on them to meet the King’s expenditure in France. The amount of William Bishop of Aberdeen’s expenditure, from Sep. 18, 1536, to Sep. 27, 1537, as appears by his Account, which precedes the two former, was L.357, 11s. 4d.

These words have been deleted by another hand, and "Anatomy (anatomizing)" and laubouris made amentis the Queenis are interlined.

The charges for spices, &c. fall under the Household department. As Selections from the Household Books of James V. are in the course of publication by some Members of the Barony Club, it is unnecessary to give any extracts from that source.

The furnishings to this Crown, two doubles, and horse, the particulars of which occupy three folios, amounting in all to L.174, 5s.—Another "Contr or Purposes Sat’ing" and "brawdling" cost L.125, 19s.—but the items are too numerous to be noticed here.

Similiar notices were sent to Abirdene, and other parts betwixt Leith and Abirdene, to cause the land mensis cum to Leith and reysse their wege, and for the Hig Gunnis from Dunbar. And warnings were also sent to the Barons the till cum to St. Andrews to the Queenis landing."
CRIMINAL TRIALS.

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APPEAL.

Jun.—Large payments for Drestes to the King; and for caring and shippings of the King's geir and clothing fra Edinburgh to Santandrois, and geir bocht to the King's grace.—Drefis to M. Jane, the King's dochter, and her Naurese, Norman Lois; &c.—Tappesciere, Comparsionis, and jomais, and other Juuting geir.—' Munitionis css be Johne Berton in France,' (extending to iiij. xxviiij h.)—Gold Rings, enameling, dye-mantles, and goldsmith work, among which are these Tent of Gold, with Anne Marmalynne in it of dye-mantles, of the King's swin gold; the workmanship of which cost iiij ti., &c. &c.—The total expenditure of that month was xx. viiij.

Jan.—Item, to John Paterfowne, Purveyor, for carrying with Letters to Cooper, Falkland, Kirkaldy, Dunfermingie, ane Edinburgh, ira honest repute in the service of the Queen, Entering, [Queen Mary of Guise's Public Entry,] xx. viiij.

Jun.—Item of the King's grace Bawre, ten Witsunday last bays, viz.

In primum, deliveris to John Tammade, the Membranis, for the Iron of ilk bow x. price of ilk bow x., summa, iij ti. x.

Item, to the King's grace self, and the ten of the Membranis, x. I.

Item, to the King's grace self, in Halilhousie, ane dramat berint Arrows, xx. I.

Item, &c., ane baun, with ane dolane Arrows, xx. I.

Item, to John Tammade, at Temptallon, tua dolane of Arrows, xi. I.

Item, to the King's grace, pair, ane dolane Arrows, xx. I.

Item, for the fathering of three dolane Arrows, x. I.

Item, deliveris to John Tammade, ane baun to the King's grace, xx. I.

Jul. (7.)—'The Expenis deburante vpon the Queenis SussMen and Birsis, quibus God assistis.' (See the particular articles, under the date Jul. 7, 1537, being the day of her death.) Item, to Schir Thomas Cragy and ane per with him, for making of iij dolane of Arrows, iij ti.

Item, to the Membranis, xx. viiij.

Item, to the Presbyter, deliveris to Dauid Lindsay, Lyneurit Arrows, ane croune of wecht, xx. I.

Item, to Chaplainis, being at the Birsis and SussMen, the tyme of the Obsequyis, ilk Chaplaine havand iij ti., extending to vij x. (150.), summa, xx. viiij.

Jun.—The Kingis Captacheris, and peris his geir, were transported further of Sanctandrois to Edinburgh, Cowper, Falkland, Dyuart, Dunfermingie, and Linlithgow, at various times during the present month. No minute dates are preserved in this Account. The expense of turret, 'grasing the Mulatis,' 'fraucht,' &c., amount to xlij. I. iij. d.

The expenis deburante vpon the 'Carage of the Queenis geir.' (A few of the Items of which Account follow.) Ixij ti. j. is. d.

Item, to Alexander Naper, for murdered of the Queens Jurists and her Chirstis, in Sanctandrois, xij. x.

Item, for carrying of bodint and caretis, with lynnyng claithis; and ane coffeir of the Malter Stabilier to the Queen; ane chiel and ane butir to the Queen, fra Sanctandrois to Cowper and Falkland, and fra Falkland to Raynuinheuche and Dunfermingie, the space of iij days, ilk day ij cartis and iij horsis, price of price of cart on day ij. vij. d., and hoorse on day, ij. is. summa, iij. I.

Item, for carrying of the fald geir furthe of Dunfermingie to the Ferry, v hoorses, ilk hoorse xijij. d.

Item, for carrying of the Barners at Barnuris beidris fra Dunfermingie to Edir, iij. x.

Item, for iij elin grene velvetis, to be carrii of ane skirl to the Sullis, xij ti.
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Item, for xij vernce sallow silk to be frysted to pe said sallill and harnessing, price of pe vernce v. iij. jumma, ij ti. v. iij. xxvij. ti.

Item, for wyrting of pe said francis, ...

Item, for x elinys of blank velvet, delinwyry till Purtik, saidlar, to be se a

The 4 Expensive debarfate yponne Maistre Martrulis carage furthe of Sanctandris, and

Item, to Robart Daufon, for ferching of Kalkis furth of pe Illis fra Melons, v. ti.

Item, to John Halden, in Kirkaldy, for the Falcruis bocht fra him in Falkland, vij. ti.

Item, for xj elinys of Partile blak, to be Maistre George Balquhannane and Gaunne, at the

Maistre George Balquhannane, be se speciall Precept, at pe Kings command, ... xij. ti. v. iij.

Item, delinwyry till Johne Coib, messingleir, for passyng with our seerane lordis Letteris to pe

Wardane of pe West Marchis till charge all Borderaris and yperis pat name mak Mercate with

besides the ordinary testified, are Breasted, sic. for ix Paiges, iij Allakais, x Grevis

of the Stabill, v Grumis of the Questis stabill, sic, but too lengthened to be inserted here.

Examining to ...

Item, for xij elinys of blank velvet, to be him and Hugtonne cote, ...

Item, for xj elinys of blank fatynnye, to lynye pe foder quarteris and fleirs of pe said Gonne, price

of pe elny xij. v. iij. jumma, ij ti. v. iij. jumma, ...

Item, for xj elinys of blank fatynnye, to lynye pe foder quarteris and fleirs of pe said Gonne, price

of pe elny xij. v. iij. jumma, ...

Item, to Johne Patersone, Purfivant, passyng with fiscle Letteris to Dunbar, Hadingtonne, ...
CRIMINAL TRIALS.

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Item, for the fasson of his said Croce, .......................... vli.
Item, to Bernard Arselis, at the King's command, .............. xi li.
Item, to John Fitchere, for merchandise tane's be Madame Montrule, at the King's command, be ane Precept, ....... xxxvij li. viij d.
Item, to William Hill, for mending of his munificent in the Courte of the Abbey, at the King's command, .................. vli. x 2.
Item, to John Creiche, skippar, in compleat payment of ane frauacht at his ship quhilp past in Denmark for pulpersis and surmis, ................... viij li.

Sept.—Item, deliuerit and gevin to William Smeibird, for dychting of stirrups, rappendis, harrestis, stirliss收割, Josephs-stablis, and puris Mappinis, to the King's grace, deliuerit to Robert Gib and Johnne Tennand, ....... xxiiij li. viij.

Item, deliuerit to William Elde, Tapefichere, for furnyflying of the Franche Marris' Espernsis sene the Queen's grace same-coming, and his husband and pair farraris expansis: and for his Macht, in lykewyse, for ane monethis expansis, maide be him at the King's grace command, xxij li.

Item, gevin to Duncan Campbell of Drumfad, for ane borde of his pat wes flane turband pe Kingis Vermuthane out of Gientificial, at the King's grace command and Precept, vii li. viij d. ........................... xiiiij li. viii d.

Item, to Sir James Inglis, Chaplaine, signifying for the Seal of King (James) the Third in the Abbat of Cambyskneth, ............... xiiiij li. viii d.

Oct.—'The Cartage of the Kingis and Queenis giet fru Ed' to Strulling' and amounts to .......................... xiiij li. viii d.

Nov.—'The Espernsis debaris one the Queens grace and his Lady's,' 'Lady Jane,' 'Lord James Abbot of Kelso,' &c., are curious, but too lengthened to admit of particular notice. Similar entries also occur, with Liveries, &c. in the following and other months of these Accounts.

Dec.—Item, to Thomas Rynne, goldsmith, for Chryses of golis, gold rynsis, tabillis, and vyr goldin werk deliuerit be him to the King's grace, again Aet Aris Mass, and gevin in Aet Aris Sittis, .......................... xij xxix li. xix.

Item, to Johnne Kyll, goldsmith, for thre Chryses and two parts of Gold, deliueris, as paid is, at Aet Aris Mass, &c., .......................... xiiij li.

Item, to Johnne Moctann, goldsmith, for certane tabillis, chenyes of gold, and rynsis and flanya, reischit the tymne foresaid, ......................... liij li. x 2.

Item, to him for pe making of the Grete Basing of Gold, weyand x pond wecht ane vnce and ane vnce: and making of ane Schip, two brasfullis, and making and trailling of diverses chenyes and ringis of the Kingis grace, and eking' of gold of his awin, .......... lixxij li. vii.

Item, for ane grete carise of letters to pe Grete Basing of gold, lynit with yollow, .......................... xxxv 2.

Item, for x elinis of blank Rubains, to byng tabillis gevin in Aet Aris Mass be the Kingis grace, .......................... xli.

Jan., 1538—9.—Item, deliueris to ane Inghismanne pat come fru Borsouris with Writings thusch the Ballat med of the King of England, .......... iij li.

Feb.—Item, deliueris to twa Inghismenne pat brocht Writings to the Kingis grace, pe tane fra the Counsale of Zark, and pe topur fra Sir Wlliam Ebris; pe tane x li, and pe vpir iij li, summa, .......... xii li.

1 Purchased.
2 The Artillery and fortifications.
3 The Queen's Nurse, who came along with her suite from France. The attentions paid to Foster-mothers and their families in those days are well known.
4 It is written colourready.
5 In September preceding he is styled 'Lord James, now Provost of Saintandrea.'
6 On requiring of His Majesty's Goldsmith, what the cost of such a piece of plate of the plainest workmanship would now be, the Editor was informed that the lowest charge would, at the present price of Gold, amount to L.788, 10s.
7 Ewing, adding.
8 Black ribbons.
CRIMINAL TRIALS. A.D. 1539.

APPENDIX.

Mar. 8. Item, to Helene Robs, to take one Matting Bage (Matin or Prayer Book) to the Queen's grace, iij quarterls 3 quarter of Purrep weyvot, and to be ane polk 3 to the fynam, price of the same, iij li. x s., *summer.*

Mar. 9. Item, for 1/2 elne half quarter of Reid downe (damask) to lyne the said polk and covering with, xxiij d. vij d.

Item, to David Chapman, for mining and laying about the said bage with Gold, x s.

Item, to Helene Robs, for iij sigill hanks of gold, to bordour the said bage and polk, and be knoppis paitro, and for silk to string the same polk with, and workmanship of all, iij li. x s.

Mar. 10. Item, deliverit to Johnne Paterson, for the making of ane raise to the King's grace Stewart of Honour, at Johnne Tennandis command, iij li.

Mar. 11. Item, deliverit to Archibald Heriot, messflinger, to passe and ferche parc good schilling for the Abbot and delivir Paterfisit, in Edinburgh and Stirling, xij d.

Mar. 12. Item, Dresses to the Earl of Leven's first sister, in Linlithgow, of 4 black velvets, black satin, twa Franche Hats, twa Gowns of Freifs, and twa Kiruilis of Sating bordouris with velvets, twa collars of weyvot perlatis, twa babtisn, and twa light collars, amounting to xvi s. xij d.

Mar. 13. Item, to Munsure Lashen, the Franche man, in xij day of Marche, quhilk come last in Scotland after Kilshe frae the King of France, in ane purf knoppit with gold, iij li.

Item, to the Mensation of Moravely, Master Houseold to the Duke of Grocest, in ane vijd skillik purs, iij li.

Item, for the twa purses, viij s.

Item, to the Perscherant that come forth of France, callit De la Plume, xlii d.

Mar. 25, 1539. Item, to be schone to the King's grace, v quarterls of Qubite velvot, price of the same, iij li. x s., *summer.*

Item, v quarterls black velvot to be schone to his grace, price of the same, iij li. x s., *summer.*

Item, to be uppinc curthisis to the King's grace yet, ix quarterls of Holand claise, xij d. vij d.

Item, to Linlithgow be Katheryne Bellendene to the Queen's grace, thir pound of selling Gold, price parof.

Item, ane pound of selling slarre, xij d. vij s.

Item, ane vace of black Parge silk, liij s.

Item, xij lang hbonnis, price of the same, xij d. *summer,* liij s.

Item, xij short hbonnis, liable at vijd, viij d. *summer,* liij d.

Item, iij bolts of Parge rubans, * ilkane contene and xij d. elne, price of the same, viij d.

for thar collars and handies, *summer.*

Item, xij elnis of qubite small rubrants for Couns, price parof, viij s.

Mar. 27. Item, to the Inglish Herold that come with Writtingis frae the King of England, xlii d.

Item, to Mhghgh, Perscherant, quhilk come in with the said Inglish Herold that fer chase tyme, vij d.

Item, to Strianling, agane Paliche, vijd elnes of lycht blew Purrep weyvot, to be ane Gowne to the Franche Broc, *price of the same, xlii d. *summer,* xlii li. xij d.

For ane elne iij quarterls of blew taffisit of cord, to lyne the said gowne with, xxxiij d. vij d.

1 Pock, bag.
2 There are various entries of the same kind for the King and Queen's books.
3 Shoes.
4 There are also many entries for towels. 'To rub the Kingis hede,' and 'to dry the Kingis hede.'
5 They appear to have been used all the more, and are often monthly, amply to prove her great industry, and the numerous works of embroidery and tapestry which she and her Ladies of Honour must have executed.
6 Rubric.
7 A French female dwarf.
8 There was also a male dwarf, called 'Johnye Ducha,' or
APPENDIX.

Item, for sustaine to lyne pe flavis and body of hir Goune, price paireof, iij s. ix d.

Item, for ane elne of grene to lyne hir Kirtill, and blak grey to stuff pe plynis of hir goune with, x s.

Mar. 31.—Item, delinierit to Johanne Young, Brovddlar, iij elnies elne of CRAMMACY SATING, to the stand 1 of CHAPLey of GODS warkand to the KINGIS Chapell, price of pe elne iij. l. x s., summa, xij l. v s.

Dresses were given to Lord James of Kelso, Lord James of Santandrois, and Lady Jane 2 of Kingis grace sonnis and dochter. The dresses for my Lordis consist of Gownis of gray Sating of Venyfe, Cootis with flavis of Purpure Weldon, walit with gray velvot, House of Rifillis blak lynit with blew, having blak Taffitos to draw theame with, twa weldon Bonnetis with Pateniris of flik, and ane Marrabas Bonet, Beltis and garnis of taffitos, blak weldon chonne. There was only charged the waiting for a Night-goune of Lady Jane of blak taffitos and weldon, and lyming of pe famin goune with cotonas, and pe foir breidis with mertriik fahill. The amount was lxxvij t. xv s. viij d.

Apr. —Item, wrocht be Katherine Bellendene, to the Ringis Surmaill, of variant colorit weldon, xiiij knopps and stringis offering pairto, qulhik take xv ance of sewing silk, price of pe unce vij s.

Item, to Duncan Croyghame, for furnying of stringis of Waleis to pe KINGIS grace, viij li.

May —Item, for vij quarters of grene velvot, to be ane cover to ane grete Makynge Buck of pe KINGIS grace, cleisfit with gold, qulhik be gat fra My LORD SECRETARIS, and to be ane polk 3 till keip pe famin in, price of pe elne iij. li. v s., summa, iij li. xij d.

Item, for iij quarters of Reid dammes, to lyne pe said polk and pe breddis 4 of pe Bucke, price paireof, xxvij s.

Item, for twa dowlill hankis of sewing gold, to be knopps to pe said polk, and bordour pe monthe of it, price of the hank xx s., summa, x l.

Item, to Helene Rob, for making of pe said knopps and stringis to pe said polk, and making of pe polk and covering pairto, x s.

Item, for the Wirting Buchis of parchment, bought to his grace in Falkland, viij s.

The Kingis personal expences this month, for Ringis, goldin werk, dyamantis, chalforionis and chenjesis of gold, small chenjes and tabillatis, to gift away among the Sentill wemen, amount to, iij xi li. xis s., iij d.

Item, to Thomas Arthuris fernand, till hau to Santandrois, xiiij elnies elne of Reid crammesly weldon, to be ane GAUNTE to Greswore to pe Marisge, price of pe elne viij li. summa, Ivij li.

Item, the other furnishes for her Wirting of quhite velvot, and Gownis and Kirtillis to the Erle of Leburnay thos sisters, amount to, iij xi li. xvij s.

Item, delinierit to twa pure wemen, for iij ky, the tyne that the Mann was Sgrynt for heressy in Eap, price of pe ane xi l., summa, iij li. x s.

Jun. —Item, to pe Falconeris, for same-bringing of halkis furthe of Cuthness, at pe KINGIS command,

Jul. 7.—The Expensis deburrit vponne pe Suffrage of Genee Magnawern, quhame God assolige.

Item, delinierit to the Pauour, for by nessane of Armes to put about pe Queri, and vponne torchis and candillis, price of ilk doane xx s., summa, x l.

Item, to pe Erle of Murray till offer the Pompenny

Item, to pe Tapishere, to by nails to byng up the Weldon and blak clathis; and pynouris taking vp and doun pe famin, x s.

1 Embroiderer. 2 Salt or set. 3 Pole, bag. 4 Boards. 5 Preparatory to.

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Item, to the College and Chapellains that sang servers and Senvo-Messe, extending to ijx Chapellains, ilkane havand ijx, fumma, xixi li.

Item, to the Helman, iij i.

Jul. — The Expenses deburfit be Johnke Bertone vpoune the Kings Clerk calit the Salamander, fra the homcoming of the Queenis grace pat now is, to the seif of Winstouny left, amount to liv li. xj i. x d.

Aug. — The expenses deburfit vpoune the lishis new Bank consist of charges for making the 'tanynnis, Anseynis, striarnis, and banaris; painting the 'Armynis and facis about the saind barks, colouring of same with gold and aubre, and painting of hir mastis, sailis, and siries, with olye colouris; 'Making of the King and Queyns 'Chalmeris; 'carving of the carvit work; 'and 'vistalling of the Tynysis and furnishing of hir, the tyme scho past furth to selt the Pyrotiis. The amount is, xjxxi li. xj viiij i. xj i.

Item, for ij ij i. qwartis of ane vnce silver eikit to ane turrer Stolp for infringing of the Kings Collacionis, qwhik beyit ix xvnce ij i. jquarteris, delieris in Struininge pe vj day of April, xj i. vj d.

Item, for workmanship of ilk vnce of pe saind Stolp, ij i. xixt i. xj i. xj d.

Item, for ane turrer Salamander with ane lang chancie, qwhik was gevin at pe Kings command to the Patroune of the Shippis, weyand xj vnce ij i. quarters of ane vnce, ix li. ij d.

Item, for pe fassoun of pe sainyne, iij li.

Sep. — Item, to vj Falconar is pat brocht pe hulles furth of Cathness to the Kings grace, xjxxiij elnes of Colonderoy to be pame Coitins, price of pe elne xj viiij i. xixt i. iij i. xj d.

Sep. 21. — In the first, send to Hitland Gerisnow to mak paymentis, at pe Kings command, xj xj xj furth of seling golds, price of pe pund xj li. fimma, xjxxi li.

Item, to the Lady Lochleven in contentationis of ane Penisoun awing to hir yerelle, be ane Precept, vj xj i. xj viiij i. xj d.

The King and Queyn passid from 'Struininge to Glenarkney' to the hunting of Glenfrcol tis.

Oct. 5. — Item, gevin to Johnke Mosgram for making of the Queens Crewase, and furnishing of stakis paito, qwhik beyit xj xxv i. vnce of Gold of Mynde, xlv li.

Oct. 6. — Item, to Oliphert Sinclair at the Kings command to the Marketis at Tantallon, xjvi li. xj viiij i. iij d.

Oct. 9. — Item, to pay ane Frensheaman, qwhik was sert with the shot of one gonne in the Sorthy, and miltist of his finger, in Affishment, xxii li.

Item, to William Schaw, in part of payment of Iij i. xj li. xj viiij i. remain aword to him for the new Capalmeris brek last furth of Flenmeris, xjxxi li. xj xj i.

Item, gevin to ane boy pat come fra Lundoun, fra the Ouche Mystirois, in drinkfiluer, xxii i.

Nov. — Item, gevin to Hector Minto schie, to mak his expenses gupen pe brocht Mariy furth of Colomibll, iij li. viiij i.

Item, the Expenses deburfit vpoune the Munitionis and Crafetmen wirkand, ij i. Castell of Eds, from Nov. 17, 1588, to Sep. 17, 1589, amount to Iij xjxxxlii li. xj i. viiij d.

1 Added, for repairing. 2 Stewor or faggon. 3 The modern cost of the plainest silver plate of this weight would amount to L. 109. 6s. 4 The prices of making and furnishing, &c. are elsewhere charged. 5 One of the King's Mistresses. She was Margaret, daughter of John, twelfth Lord Erskine, and wife of Sir Robert Douglass of Lochleven, and bore to the King, James Earl of Murray, afterwards Regent of Scotland. 6 Gold from the Royal Mine, furnished for this and other similar purposes. There are many payments to 'Franchis Mistirais' and Flemish and German miners were also employed in considerable numbers, as and previous to this date, in the Mines at Crawford-Muirs. There are instances of charges for interpreters 'to pass with them, quhill that lerne the langis.' 7 Many other payments were made for the same purpose. 8 Some of the numerous Dutchmen and other foreigners who were employed in the Royal Gold and Silver Mines at Crawford-Muirs.
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Dec. 12.—Item, to Johnstone Leslie, bono to the Earl of Rotherham, to be him clothed with the King's command; viij li. vj s. vij d.

Dec. 20.—Item, to Thomas Melville Wisbe, in Falkland, at the King's command, for repairing certain Pettis, and mending of the same, viij elvis lyne Frenches black to be hir ande gowne ande kirtill, price of iiij elvis xxxij s., summa, xij li. xvij s.

Item, to wait the famin, and to begary the breit of hir gowne, vj quarteris black velvett, iij li. xvij s.

Dec. 31.—Item, to Johnstone Leslie, goldsmith, for gold and wrought tane fra him be the King's grace to give in summa, iij li. iij s.

Item, for his/Web work shall be him to the Queen's grace, jxxxlii li. xij s.

Item, to Johnstone Leslie, goldsmith, for his silver work to be him to the King's grace, iij li. xij s.

Summary of the King and Queen's personal expenses, for drefs, goldsmith's work, &c. this month, xxxvij vii. li. iiij d.

Jan. 3, 1599-40.—Item, to Thomas Arthur (Master Tailor) to be ijij Play Cosis against the day, vj elvis half one reid, and vj elvis half one sallow, Taflette of cord, price of one xij s., summa, xij li. iij s.

Item, to send to him to be ane gude Cape to ane of the Playfrs, vj elvis purpur Taflette of cord, and ane elsin of reid Taflette to be ane Cape, price of one xvij s., summa.

Item, to send to him to draw the Callis of the saund Play Cosis, twa elsin reid and sallow Taflette of twa reid, price of one xij s., summa.

Item, to Johnstone Leslie for making of his Play Cosis and Cape, xxxi s.

Jan. 6.—Item, to Johnstone Leslie for the making of ane Belt of Gold of the King's Crown to the Queen's grace, weyand xiv ounces half auncis, xv li.

Item, for ane Saphir to be haid Belts, vii l.

The Queen's Coronation.

Jan. 7.—Item, to Johnstone Leslie for carriage of the Coffer at Struueling to Linlithgow at 3wi, and fra Linlithgow to Edinburgh to the Queen's Coronation, as his bill of compt bairis, vii l. vj s. viij d.

Jan. 15.—Item, for making and fastening of the King's Croune, weyand iij pound weicht x vnces, and pair of Gold of the Mynde xij vnce quarter vnce, xxx li.

Item, for xxiiij francs parlo, of his quhilkin pair was iij grete Garnetis and ane grete Amethyst, price of one iij, vj s.; and price of one pece of one vj francs, xiiij s., summa, xiiij li. vj s.

This Croune belliure of the King in the Palace of Holyroodehouse, pe viij day of Februar following.

1 This individual gets numerous presents at different times. He was the fourth son of George, third Earl of Rothes; and was taken prisoner by the English, and ransomed from Henry VIII, Jul. 1, 1543, on payment of 200 marks sterling. The celebrated Norman Leslie, Master of Rothes, was his brother by a former marriage.

4 These Furs consisted of Parroquet, monkeys, peacocks, swans, &c. &c. &c.

5 Purchased.

6 Against.

7 There are also numerous entries for carriage of 'Gair of the Wardrop, Tapecherry, &c. fra Linlithgow to Edinburgh,' on occasion of the Coronation.

Emerald.
Item, gevin to him for ane King, ane Turques, deliverit to pe Kingis grace, pe xxixij day of Januar, iij li. 
Jan. 21.—Item, deliverit to Thomas Arbure to be pe Kingis graces Rob-Knall, Martll, and Hubre, xxvij ejins Purpur Veluet, Fxxij li. x s. 
Item, for xxvij dolan spottit ARMING (Ermine) to lyne pe Kirtill with, price of pe dolane xi s., summa, iij li. 
Item, for xiiiij dolan of pe said ARMING to complete the Naip and Hubre with, xxvij li. 
Item, deliverit to the burns graces Taljour ane fleke1 of Purpur Veluet, contenand xxij ejins half eino, to be for Rob-Knall, price of pe eino iij li. x s. Ixxvij li. x s. 
Item, x ejins quhyte Tartisote of cord to lyne it with, price of pe eino xx s., summa, x li. 
Jan. 22.—Item, gevin to William Purvelle for dog-chenyise, ruche-cuppelis, and memebng of the Knuh, viij li. xiiij s. 
Item, to Johnne Dowglais of Anthornedene,2 for certane Cris tane fra him to the Kingis Schoippis furth of his Wod, xx li. 
Jan. 25.—Item, gevin to Oromonde, Purveuent, and Alex. Hutoune, Meffling, for passung with cloute Writtingis to the Lordis and Lhdjes to run to the burns Coronatoun, pe xxy day of Januar, iij li. viij s. 
Item, to William Hardy, meffling, for passung with siclyke Letters to the Cris of Huntlle and his Lady, the Erle Marschell and his Lady, in pe Northland, xxij s. 
Item, gevin to twa Officialis of Armes pat passit in Anouse, pe Westland, Northland, and vner pairis, to warn the Dammes to run to the Coronatun, iij li. vij s. 
Item, to pe Justice Clerk and thesaurer Clerk for pair expenses passung to pe Bordanour at the Schting of the Commissionaris of Ingland, being furth x dayis, ilk day xi s., summa, xx li. 
Jan. 31.—Item, to Thomas Arbure to be iij Sornaysis and iij Comparisounis to the Kingis grace, xx ejins blak Armering Taffifie, price of pe eino xxxij s., summa, xxxij li. 
Item, for twa pund wecht twa vnes quarter vnce black seweng flik to be knappis and lassis3 to pe fadis Comparisounis, price of pe vnce v s. viij li. xij s. iij d. 
summa. 
Feb. 7.—Item, for xxvij ejins half eino blak Broderie Veluet to pe Sornaysis,4 price of pe eino x s. 
Feb. 14.—Item, gevin to Lord Maxwell, for being and memebng of pe (Castle of) Aresmyllage, at pe Kingis command, I li. 
Item, to him for ane hors of the Lord Carillis, brocht to pe Kingis grace, xxij li. xiiij s. iij d. 
Item, gevin to Rethisay, Herald, for bankeating of the Inglesman, at Sule, pat brocht pe hors to pe Kingis grace, vi li. x s. 
Item, gevin to Johnne Mofman, to pay for ane pece of hart-cloth, Sold of the Muhn, quhilh loss send to the Duke of Gupye, in France, xiiij s. 
Feb. 21.—Item, gevin to Morvenh Leslie, at pe Kingis command, xx li. 
Feb. 26.—Item, gevin to William Shaw, in complete payment of 2466 Crowns of pe sune xviij s., for (Eupescher) bracht hym be him to the Kingis grace, as his Compt and Precept direct pairoupeis bera, ane thouanf Crowns of wecht, summa, Ixli. 

1 A web or piece. 2 Clock. 3 Hawthornden. This property did not pass out of the Family of Douglas until long after this period. 4 Knobs and tassels. 5 There are numerous other furnishings of "lyngingis, points, frensels of slik," &c. The dresses to the Lady Jane, (the King's natural daughter,) and all the numerous dependants of the Court, were very splendid and costly. The whole expenditure of this year fills a large Volume. 6 Numerous instances may be found in these extracts of large pieces of solid Gold and Ors being sent as presents, or else purchased for satisfying the King's own curiosity.
Item, gevin to James Befiat for passyng with ane Wringit to Dunbar, to caus provishoun be maid to resoune Raunt Isbhillar, Ingolman, x s.

Feb. 27.—Item, deilivery to Robert Gibb, to kepe pe Jornality, Compartisounis, and bannitiis, ane grete coffnier, price, iij ti. vii. s.

Mar. 16.—Item, gevin to Johnne Mosman for pe mackin and sousounne of ane pair of Brivis to pe Kingis grace, weyand xvij vnesc gold of his graces awin gold, deliureit of before to pe sayd Johnne, in Ridaris, Angel-nobilitis, and Reif-nobilitis, xvi. ti.

Mar. 22.—Item, gevin to Johnne Young, Brodifier, for staff and brouddering of lxvij pece of Cribonis, Names ("Jacobus Quintus") and Cristisillis, for vpon tos Cynmacillis of Canny Oelis, qublik wee pe lynyst of ane Soune of Claithe of Gold of pe Kingis, price of pe pece x s., simma, xxxiiij. ti.

Item, for vj elnia bukrem to lynse pe similis Cynmacillis with, price of pe elne jij. viij d., simma, xvj s.

Item, for xxvj elnia of Rubennis to same, price of pe elne viij d., siumma, xvij s. iijj. d.

Item, for brouddering of ane Vestment of Canny Oelis with xliij Names, Cribonis, and Cristisillis, vij ti.

Item, for cammes to staff pe oraphis of pe famin, v. s. iijj. d.

Item, for staff and brouddering of iijj Armes to pe admir Cynmacillis and Vestment, vj ti.

Item, for brouddering of ane Compartisounis of his graces, with billis of fizioyn ynnand aboute it, x. ti.

Mar. 24.—Item, for pe sousoun of lxvij vnesc exitt to the Kingis grace Cherise, of pe qublik pair wey xvij vnesc gold of pe Mynde; and ane Cheris qublik wey bocht for ane hundreth x ti, chargiu in Junij following, be ane Precept, and for pe sousoun of ilk vnesc xv s. siumma, xvii. ti. xvi. s.

This Cheris delivered in Stuuning to pe Kingis grace pe last day of Marche.

Item, gevin to Maister Robert Forman to by him ane Caist-Armour, at his Crooteoun Perelevent, at pe Kingis command, x. ti.

Item, gevin to pe Chaipmanis of pe Kingis Chappell, being in Edinburcht at the Queris Cantratoures, fra pe xliij day of Febrary inculusive to pe xiij day of pe instant moneth, to pe number of xj persons, ikane havynd one pe day ij s., siumma, xli. ti. xvj s.

Item, gevin to Dumby Carpitane to by him clathis, at pe Kingis command, vj ti.

Item, to my Lord Secritar, to give ane Duchman peis come fra the Paissgrafft and his Countis with ane Wringit to pe Kingis grace, xliij ti.

Item, to Arthur Sinclair for pe rest of his Compis for the Duche hys brescht furth of Denmarke, at pe Kingis command, xliij ti. xix. iijj. d.

Apr. 10, 1540.—Item, gevin to Maister Andro Kirkaldy, for expensi deburfit be him ynnand Officeris send with Wringitis to harree the Kingis to come to the Queris Cantratoures, and for pe cariage of ane coffner of pe Kingis grace fra Linlythogt to Edi, iij ti. x.

Apr. 15.—Item, deliureit to pe Fresche Telgour, to be ane Cote to Ferraty the Quenis

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1 See a curious instance of a similar entry, Mar. 30, 1541, of this Appendix. 
2 Ribbons. 
3 There are also charges for "xvj elnia fronses," ane set of "knapis," "famis," and "string of ilk." 
4 This is evidently O. Fr. orfervor, gold embroidery, which is often written orfeyre and orfrey in ancient writings. 
5 Charges for "burstrem," "rubennis," sec. 
6 Embroidering. 
7 There are other furnishings too numerous to be detailed. 
8 Made by Johnne Mosman. 
9 There were likewise furnished other creanno, brocaldi, sec., to a considerable amount, also made of the King's awin gold. 
10 Probably a dumb favourite at Court. 
11 King James V, like the other Princes of the Stuart family, was passionately fond of fine horses, and had a most extensive variety of all kinds. He sent messengers to Spain, Denmark, France, England, and Flanders, sec., for the purchase of stallions and brood-mares; and besides this, received from foreign Princes, and from his own and the English nobility, numerous presents. Besides the Grooms and under-stallangers, there often appear in these Accounts payments to above twenty 'children in the Stablins,' (Stable-boys, sec.) for livers and wagens. There are no data to ascertain the extent of the Royal Stud, but the number of servants employed may lead to a pretty accurate conjecture.
CRIMINAL TRIALS. A.D. 1540.

APPENDIX.

Stole, 1 vj quarteris deme-grane, and vj quarteris Frenche gallow, price of pe elle of demegrame ziiij s., and price of pe elle of gallow xx s., summa, iij li. vj s.

Item, to be hir ane Birtilt and ane Yule, vj elles green Birle Sating, price of pe elle x s., summa, iij li.

May 10.—Item, deliverit to Katheryne Bellendene, 2 till complet ane Sark to pe Kynge's grace, built with gold and silver barks, half ane dowhill bank of some gold, price pairot, xij s.

BIRTH AND BAPTISM OF JAMES, PRINCE AND STEWARD OF SCOTLAND.

May 11.—Item, gevin to James Biffatt, meyling for passeng with certane close Writings to tume ane certain Lords and Ladys to be in Sanctandros at the Birth of my Lord Prince, xx s.

May 14.—Item, gevin to George Steil, for pe frauch of ane Bot to Sanctandros, at Witsunday, with Expecherie and Chalfe of gold, and certane vperis small expensive deburrit be him for carriage of pe Tapecherye at findry tymes; as his compt gevin pairouane beris, iij li. xij s. iij d.

Item, gevin to Thomas Tulloche, for carriage of certane of the Wardrope gait, (geir,) deburrit be him, xij s.

Item, gevin to him for ane horse-carriage with certane geir at the Birth of my Lord Prince, x s.

Item, gevin to pe Tapesar, for chisling and grasing of pe Tapechery, and making of ane Paill, 3 above the Princess Dow of Staat, and for certane vperis thingie, xij li. x s.

Item, to Andro Manfloune, Frenche man, for making of my Lord Prince Cuddill, and stuff furnesit be him pairto, xij li.

Item, gevin to Balfor Howtair, Dacheman, and Richart Wardlaw, to pas to Campbello, to serche the Metalles and ore of siluer, 4 xij li. iij s.

Item, to Johanne Paterfonne, for making of one case to the Kingis Say of siluer, iij li.

May 21.—Item, delinerit to Thomas Arthure, to be ane Cote ane ane pair at Brekis to pe Kingis grace for the Sea (sea), x elles Reid crammedye velvet, price of pe elle vij li. summa, lxx li.

Item, for vnesse Pademantis of gold to it, xij li. xv s.

Item, for pointstis to pe Cote and brekis, and ane tulest to pe Cote, 5 iij s.

Item, send to Sanctandros with Johanne Beg, xv elles quyhte talfiesse of Janis, to be Servisletis to halde the Torchis at the Baptyme of my Lord Prince, iij li.

Item, gevin to Johnne Paterfonne, for ane Caixe to the Scripturis (Scripttris), xij li.

May 22.—Item, gevin to ane man to pas with close Writings of the Wardrope pe xxij day of May, to the Esle Marschell and the Esle Huntbiss, 6 xij li.

Item, pe samyn day, gevin to James Biffatt to pas with Letteris, and denunce in all partes in Lethian and pe Meres, the Birth of my Lord Prince, xij li.

Item, to Alexander Hatoune, &c. to all partes of pe Westland and Southland, to warn the Lords and Barrounes to cum to the Baptyme of my Lord Prince, iij li.

May 25.—Item, gevin to George Elphinsfonne to pas to pe King of Ingland with pe advertisment of the birth of my Lord Prince, xij li.

Item, gevin to Schir Thomas Craige, Chaiplane, for Painting of the Armes, furnesin of camesses and vper stuff pairto, at the Baptyme of my Lord Prince, xij li. viij d.

Item, to Johnne Paterfonne, for making of ij hastis to the Kingis Silver barks put in pe Schippis, xij li.

Jun. 1.—Item, gevin for ane Chemy, delinerit to Johanne Moismon to melt with vper Gold to be the Kingis grete Chemy, x iij li.

1 See Jul. and Aug. 1538. 2 There are numerous previous entries of gold and silver thread to sew and embroider the King's 'saker' throughout the whole Account. 3 Partition. 4 Silver ore. 5 There are many other similar outlays. 6 This appears to have been the Prince's Birth-day.
27 Jac. V.

APPENDIX.

CRIMINAL TRIALS.

THE KING'S EXPEDITION TO THE ISLES.

Jun. 3.—Item, to ye Tapseran, to hing the Kingis Chalmier in the Schip, xviij. elinis half elne French grene, xv lii. xv i.

Item, to cover ane stoice of ris of ye Kingis graces, for the Schip, ij elinis half elne tannie Velvet, vj li. xvij i, vj d.

Jun. 4.—Item, to be currieng and ane couer to ye Kingis Bed in the Schip, xxv elinis ij quarteris blak damas, xlij li. xv i, vj d.

Item, to ye Stremarys to the Kingis Schippis, ix score elinis red and yallow som, and till complete pe camp, xv elinis serge, xlij li. v.

Item, to William Smeberd, to lyne ye Kingis grace Sorjetts and Gilbuis of Plats, half ane elne blak Velvet, xxvij i, vj d.

Jun. 4.—Item, to Rs, Perewant, Inglishman, qhillik brocht Wriettis fra ye Capitane of Berbury, iij li. v.

Jun. 6.—Item, to ye Inglishman, qhillik came fra the Sunnarall of Ingland with Wringtis, xlii li.

Item, to ye man that came fra Uessi with ane Armes to ye Kingis grace, xj li.

Item, delivirrit to Malcolme Gourlaw to ye Renold Lethome, Page, that passit in France with the Erle of Murray, to be him ane Cote with flevis, vij elinis blak Velvet, xix li.

Item, at ye Kingis command, xx Crownis of pe fane, xxij li.

Item, to William Straberke, messer, to paist to Dunbertane, Irving, and Air, with Letteris to charge pame to send Botis and Schippis with Sticullis for ye Kingis grace in the Ils pe vj day of Juli next to cum; and to remane in Dunbertane and ye Lovinax for inbring of ye east of pe Air, iij li. v.

Jun. 7.—Item, gevin to Maister Andro Chytyelaw, for fraucht of ane Bote furth of Leith to Levingis mouth with ye Siller warck, and for careage parefs to Sanctandrois, at the Baptyme of my Lord Prince, iij li.

Jun. 8.—Item, send to Sanctandrois, to be ane Courier to my Lord Prince Chrystli, iij elinis half elne crannefeyl velvet, xxij lii. x i.

Item, to be ane vper Courier pairsto, vij elinis reid velvet of grane, xxij lii. xv i.

Jun. 10.—Item, to be anesentz 1 to the Schippis, xviij elinis reid and yallow taistfle of cord, xlij li. viij i.

Item, to be ye CNotes pairs, iij y elnes quhyle taistfle of Janis, iij li. viij i. vj d.

Item, to be ane Courier and Curtingis to the Kingis Bed in ye Nether Chalmir in pe Schip, xviij y elnes Grena damas, xxxij lii. v i.

Item, to ye Frunyets pairsto, ane pund and half pund wecht Grena silk, extending to xxij y laces, vj li.

Jun. 12.—Item, for ye making of vj Stanwartis, qhillik was delivirrit to Johnne Bertone to ye Schippis, xj i.

Item, gevin to him for ye making of iij Copelathis and iij Flaggis, xj i.

Item, for Arrom-jneris, delivirrit to Johnne Tenent, xlij i.

Item, to Schir Johnne Kygour, for Painting of ye Stan of Herrnes to ye Kingis grace, xxx i.

Item, to Mr. Roch Streingel, Patefar, 2 to pay for ye making of the Tuis (ovens) in ye Schippis, vj li. iij i. viij d.

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1 A variety of other similar entries for furnishing and repairing warlike dress and arms.
2 The same person got doublet, cloake, hose, belts, and gardentis, with a blak velant bonet, and a 'Ane terget to his bonet,' cost i. lii.
3 The residue or balance of the Exchequer due to the Crown from the proceeding Juniores airs of Dunbarton.
4 Fringes of red silk and blankets of white fustian also provided. 
5 Encloses standards.
6 Pastry-cook.
CRIMINAL TRIALS.

A.D. 1540.

APPENDIX.

Item, delinuir to Johane Mosman, for making of twa gret Chandolartis, two Catuspils with coveris, and ane squire to my Lord Prinse, with ane moriar to pe Kings grace Euthering, quhill wee of fliner, delinuir to him of before, in ij, xxiiij, and xxxvj days of May last bippaid; pai is to say, ane fliner stop, weyward xij punts wichten twa vices; ane vper stop, weyward xij punts xij vices, ane Water Pot, weyward xxvij vices; the Parise lyth felt, weyward xij punts, quhill extendis to xxvj punts wichten and xij vices; and to him for euerill valley working, iiij li, summa, xij li, xij.

Item, for two redels to pe Chandolartis, vij.

Item, given to him for the making of ane Sibisell of golde to pe Kings grace, weyward xij vices, 2 ij. y Veuncirne wechit, delinuir to his grace in iiij day of Junij, iiiij li, viij.

Item, to William Myller, for two draunchis of Palisartis, and ane draunch of beddouns, fra pe Abbey to Leith, to be put in the Schippis, iiij.

Item, given to Johane Dikfoune, Ross Herald, for his expenses passing to the Empireour, in money and clothing, lixiv li.

Item, to (Sir) Balfour Lindsay, (Sir Lion King of Arms) and John Douglass, be ane Precept, vijxli li, xij li.

Jan. 29.—Item, to Nathansay Herald, for his expenses passing with Wringvir to Schir William Erbus, be delinuirance of pe Lordis, pe xxvij day of Junij, iiij li, viij.

Item, to Johane Paterfoun, for passing with close Wringvir fra pe Queenis grace to (the King in) the 31st, iiij li.

Jan. 29.—Item, to pe Tapetar, for pe acquit of ane Bote with the Tapetisirga fra Sanctandrus to Leith, vi li, xijj.

Jul. 7.—Item, the expenses debarit vpayn the Sibargue of Quene Maylawne, quhome God aforde; in pe first givin to pe Belmont pe xij day of Julij, iiij.

Item, to iijv Chapllans, ilkane iiij li, summa, xij li, x.

Item, given to the Offerung, xij.

Item, to pe Tapetar, for furnishing of nails and hinges of the Blak Clastis and pinoris fes, x.

Item, for vij dosane of Armes, ilk dosane iiij li, summa, vii li.

Jul. 10.—Item, to Johane Paterfoun, at his returning fra the 31st, in complete payment of his wages, iiij li.

Jul. 18.—Item, delinuir to Thomas Artburne to pe Queenis grace, in Pitlech, at pe Kings command, xij ssis Tanny taffete of xij theird, xxxvi li, vij li, xij.

Item, to be Shalbertis to pe Kings rapers, v quarteris Blak velnet, iiij li, xvii.

Item, to mak Freyts to his grace Skirr-Moynfis, vij vices blak sewings ilk xvii, and Warkmanchip iiij.

Jul. 27.—Item, given to the Lady Maistres for expenses debarit be her for covering of my Lords Prinse Crust, gilt nails pairto, and vperis expenses, vii li, xij.

Jul. 30.—Item, to Johane Mosman, goldsmith, for the making of ane Sibisell of Gold of Myntis, weyward xij vices half Veuncirne wechit, with ane Dragounne annamult, delinuir to pe Kings grace pe penulti day of Julij, iiiij li.

Jul. 31.—Item, to Andro Micheloune ane gowbre of Parise blak, vii li, xij.

Item, ane Cote of Serge, Bonat, &c. This Journey was given to him for bringing of tit-bings to the Kings grace of the Actuitie of my Lords Prinse.

1 His wife. 2 Such charges are very frequent in these Accounts. The scabboards are covered from time to time with such materials as might suit the King's fancy and the fashion of the day. 3 Numerous entries of furnishings to the King, Prince, Lady Jane, &c. 4 On this day Routhsaiy Herald was despatched to London. He got a Gown of ' Armoys blak Taffete,' L.15, 6s.—a 'Doublet,' L.9, 1s.—for his expenses, 40 Crowns of the Sun, L.44.
27 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Item, given to Robert Blak, master, for passing to Dunbar, Tampallowne, and the Bass, to tomboy the Religions men their... xxiiij.

Item, given to him for passing with one close writing to the Bass, to one Religion man to send to Mr. Johnson for James Carmichael brother... xi.

Aug. 2nd.—Item, to Johane Barbour to be halfjudeus to the Kingis Majestie, liij viij. xi.

Aug. 6th.—Item, to Johane Petersone, Perlowan, for passing with Letteris with diligence to warneth Barrattis in Angus and Abernis to come to Edinburgh pe xv day of pe monethes... l.

Aug. 12th.—Item, to Sute, Perlowan, for passing with one close writing to Allane Stewart in Lorne... ijij viij.

Aug. 18th.—Item, given to Johanne Molman for viij vnces inches to be one Clarisjellow to keep... liij xxvij. xvj d.

Item, for pe jaffonse and gilting of it... xi.

Aug. 14th.—Item, given to Johane Teart, Croce-bow-maker, for stringis and gilding curvis to the Kingis grace... liij li. xiiij.

Aug. 16th.—Item, to Robert Blak, master, for summoning of one Asse to seich James Happlerur... for Wyne brocht in to the Jared being vponne his Inquest... xv. x. d.

Aug. 20th.—Item, to one Cumy Baber yet to the Kingis grace... xij.

Item, for two vnces half vnce siller Psammitis to the Hyne cote, (Baff-Coat or Jerkin,) with fythe tabletis... liij li. viij. viij.

Item, for one doun siller buttentis to hy... xvij.

Aug. 27th.—Item, to be one Gowne, cote, and dowblat to Lord Robert, the Kingis grace... xviij elmis grey Satyn releved, price of pe een... xxiiij li. xviij.

Item, to cover one jaffil and harnesing to Lord James of Wesco, iij elmis black velvet... xij li.

Item, given to Johane Grove for handbook of his schip send to the Queene grace forth of Sanctandrois to Grang... to the Kingis grace with Writtingis... xx li.

Item, to Florence Cornetoun, quhilk he deliverit to James Sycmenrow at his passing to France... with citedvatis of my Lord Princes Statute... xj li.

Item, to the Lord of Cricht, in parte payment of his Tusher with Madame Grismore, at the Kingis command... iijxxij li. viij. viij d.

Item, to Robert Moxet, in the Grandoun, for the draperying of thir Echide queile in... Insitiffis... iij.

Aug. 30th.—Item, given to Archibald Stewart to pay iij Gunnaris a monethis wage in the Castellis of Dunbar, and Inward... xij li.

Item, to Schir George Capperoun, Maister Elinosoner, to the Kingis grace... per tempus Composit, extending vkkie (weekely) to liij li... iijxxij li.

Item, to Johnet Logane, Lady Crugis... xij li. xij d. iij li.

Item, given to Johane Tenent to furnishe the Kingis Purse... per tempus Composit... (viz. Sep. 17. 1589, to Dec. 2, 1589.)... xxiiij lii. x. viij d.

Item, to William Purvis, Knob-maker... and smith... for his Pensound gratis to him be the Kingis grace... under his gretfe... xx li.

1 These were the Hostages given for observing 'gud reule' to the Ile of... 2 Close writtingis sent to Lords Seytoun, zest, Somerville, Earl of Arna, Cassillis, and Eglentoun, to cum to Edinburgh...

3 See Jul. 1544 of these Extracts, &c. 4 A number of other dresses, &c. to the King, apparently for Field sports. 'Thir clathis send to Falkland the x day of August.' The Queen also gets dresses, 'riding cloke,' &c. and a charge for 'xvii' Halm buitt occurs on the same page.

5 It is unnecessary to enumerate all the other furnishis.

6 'The Eale of Loundar statis' gets a Gowne. L.45. 10s. Kirtill. L.11. 10s. &c. &c. this month, (20th.)

7 There are many payments to this Lady. 8 There is usually a monthly charge for 'the Purse.' In a few instances, such as the present, the Treasurer entered the gross amount at the end of the year.

* Clock-maker

VOL. I.
 Item, to the Gentill woman that was lastly absente to my Lord Prince, for his service and reward, be he Kingis Precept.  

Summa totalium Sperneirum (a Sep. 17, 1599, ad Sep. 2, 1540.) xxxviiij li. v. x d. 

Summa of the Munitkis and Craftsmen, wirkand pairpoun, within the Castell of Edinburghe, Leith, &c., for the same period, 

Iv. xxiiij li. xvij s. xij d. ob. 

Item, gevin to tan pynouris for done-taking of xxx Chalmis of the Heid of Bawdies Towris, (in the Castell of Edinburgh,) and carting of pe famin with whir Chalmis and Munitoun, after the Coronation, to be be had again to Leith, 

xi. 

Item, gevin to pe careris for done-taking of pe famin to Leith, extending to vij draught, price of pe draught iij s. vj d. Jamma, 

xx. 

Sep. 19.—Item, to Alexander Huton for pasling with Writtingis furthe of Edinburghe to Slakentis to pe Kingis grace. 

iiij. 

Sep. 24.—Item, gevin to one Pershean pat dwellis in Leith to pas to Lanark and sumnument James Donoglass of Parkheid for Trystoun. 

xij s. 

Item, gevin to Ormond, Pershean, for bringing of tythandis to pe Kingis grace of pe taking of George Macfarrane, and for his passing alone at his grace command to the Nith, xij li. 

Sep. 25.—Item, gevin to George Carmichal for ane per of Gold of the Myntis delinuer be him to pe Kingis grace of before, in Sanctandrois, wayward two vnces quarter vnce great weich, price of pe vnce viij li. viij s. Jamma, 

xxiij li. iiij s. 

The expeusis vpon pe furnesing of pe (the) Shanknay Hors and (the) Walsis sent to the King of France, the Dolephyn, and Duke of Swes, with Johnne Bog, iiijxliij li. vi. x d. 

Oct. 2.—Item, gevin to Schir Johnne Campbell to furnes his expenses in passing to the Imperator to Writtingis, 

iiij. xxxiij li. 

Item, to the Imperatoris servand gudlik brocht Writtingis to pe Kingis grace, iv li. 

Oct. 7.—Item, to pe man pat taker George Macfarrane, at pe Kingis command, xlij li. 

Item, to the Pershe man that bracht the Hors to pe Kingis grace farther of France, iijj. xxxiij li. 

Item, to his servand pat kept pe fader hors, xxij li. 

Oct. 9.—Item, delinuerit to Johnne Mofman xij vnces quarter vnce filuer to be ane Relique to ane Vane of Sanct Mahago, ix li. iiij s. iij d. ob. 

Item, gevin to gilte pe fader Relique with, twa Rais-nobillis, viij li. vj s. 

Item, gevin to him, to be ane Relique to ane Vane of Sanct Andriane of May, vj vnces quarter vnce Gold of Mynde, xiij li. 

Item, to him for making of pe famen, 

viij li. 

Item, gevin to him for making of pe vper Relique of Sanct Mahago, iij li. 

Item, to Johnne Paterstone for making the Cattalis to the said Reliques, iijj li. 

Oct. 11.—Item, gevin to Johnne Mofman, for making of the Princes Armes vpon Schir James Hamiltonis Chapell gair, pat is to say, ane crois of siluer, twa chandelier, ane Hali-watter-fatt, ane styx, twa crowettis, ane bell, ane boist to keip Hoistis in, and ane couer to serve for pe Pax, all delinuerit to Thomas Dudingston, Master of Howhald to my Lord Prince, and for meynuyng of twa lances, xx li. 

* At this period the King's advocate had only L. 40 per annum of Salary. 

* The particulars of this branch of the public Accounts occupy 35 pages; but though they are very interesting, it is not possible to give suitable extracts in this place. Only two entries need be noticed here, which immediately follow this article. 

* A small piece of ancient Ordinance. "Chamber" are mentioned by some of the early Dramatists, and sometimes in the Stage-directions of Battle-Scenes, we find, "Chambers are let off in the distance." 

* He had been despatched, along with Walter Macfarlane, to Kyntrye, to the Master of Glencarn, on Sep. 4. 

* There are numerous similar entries which prove that, during this reign, Gold was found in pretty large masses in "the Mynde" at Crawford-Muirc. 

* The various items for harnessing, five saddles, dresses for Bog, and "vij childerin (lads) that passit in France with the said horis (horses) and halis." The items occupy above three pages. 

* A vat or vessel to hold Holy-water. 

* A box to keep the Host or Eucharist. 

* A flagon.

Item, to ane servand þat paidis to þe Oldeye fra þe Lordis with Writtingis to þe Kingis grace, xxiij. s. 

Nov. 7. — Item, delivried to Johanne Mofman to garnis sixt tuittis to my Lord Prince, and vnc two Unicorns half Unicorne weicht of Gold of Mynde, viij. h. viij. s. 

Item, to him for making of þe famin, x. s. 

Item, for gifting of an illel garnisfing of ane Horne to my Lord Prince, iij. s. 

Nov. 15. — Item, to Thomas Arbrur, for furnishing of clothing to Schir Johnne Campbell of Landy, ky, at þe Kingis command, wther þe be deportit to the Imperator, iij. h. 

Item, to Maister Robert Forman, Ross Urquh, to by him clothis, passung with þe said Schir Johnne in company, xxiiij. h. 

Item, to Thomas Vdward for ane blank furrung of cennyng (comy, robbit) skynnis, thre Bowis, thre doane Arowis, and ane quaver broucht furth of Inglandis, delivried to David Ferry and Johnne Tenment, xxiiij. h. 

Nov. 19. — Item, to Alexander Hwotune to pass and paynd the Lord Maxwell for certaine dettis, xxiiij. s. 

Item, to William Hardy for his expensis passung to warris þe Lairdis of Lothiano to ryte to the Burghur with the Kingis grace, xiiij. s. 

Dec. 15. — Item, to William Hardy to pass to the His and tak depurging of MacRangis landris, vii. s. 

Dec. 19. — Item, gevin to þe young Tartecher, for carriage of the Episcopris to Glathumes and vj jr places, vii. ii. xiiij. d. 

Dec. 28. — Item, send to Strineling to be ane Gowne to Seratt, vij echis grene Velvet, xxij. h. 

Item, send to be geryng with viij quarters yellow Velvet, iij. h. viij. s. 

Dec. 31. — Item, gevin Johnne Mofman for checels, ringis, tablaltis, bracelettis, tartegis, and vjør gold warke refusit fra him in Strineling, þe Kingis grace being present, to be gevin in þamyr Sittis, iij. x. h. 

Item, gevin to (Charis) Murray, for xx Shielkynghis brocht furth of (Duc) Holland þe, price of þe pece half Angell nobilli, summa, xvij. h. 

Jan. 9, 1540. — Item, gevin to ane Ducheman þat playit, before þe Lordis, to mak his expensis, xliii. s. 

Jan. 20. — Item, gevin to the Strathmear, servand to þe Queinis grace, at his departing to France. 

Meme, delivried to Johnne Mofman, in þe Array of Haltrudhows, þe xxiij day of Julij last bipart, þe Kingis grace being present, þe Gold-merk and Smeutis after following, qubike wex of William Hwms escher; þat is to say, Thre Cheynys, with ane brokin chynge, xj Sutis of golde, l Sutis of Amurstis, with xj Sutis of Francys cronums, twa Clacksis, thre small burnis of belussi, hed and pendes of golde, viij ringis, thre hingaris, ane croce, ane hart, twa collisis, ane lefart, and ane small bel, all wayand xxiiij vnc two Unicorns, delivried to him, with vjør gold warke, to be metit for ane grete lingot, þe price of þe pece viij. h. x. s. 

And þe famin tymo delivried to þe Kingis grace, in ane box, þe litill Cupard of filleur, with certane stowockis, perle-bedis, belussi, and vjør small gair contenit in þe saidis boxis.

1 The items are too numerous to be noticed. 
2 Probably used instead of a coral for cutting the young Prince's teeth. 
3 Hagbots. This is selected to remark, that great quantities of hagbots, culverins, and all kinds of Artillery and ammunition, were imported from Holland, Germany, Denmark, &c., in 1540, 1541, and 1542. The small arms were often in ninety-nine number at a time, perhaps from restrictive regulations in these countries, only suffering their exportation if under 100 in number. 
4 Holland. Litigated. 
5 See Apr. 9th, 1542, of these Extracts. 
6 Fr. an Ingot, or wedge of gold.
CRIMINAL TRIALS.  A.D. 1541.

APPENDIX.

Feb. 9. Item, send to Railto, to pe Quenis grace, with Alexander Kemp, to be his ame
Gowne, xey elius Purpur velvet,
Item, to be ane Rett, xey elius Queue Dames of pe grete four,
Feb. 8. Item, send to hir grace two punds wecht of sewin gould,
Item, gerin to Andro Wafone and Schir John Klygour, for pe making of four Banetis
to the Trumpettis, and furnishing of stuff bairto,
Feb. 4. Item, to ane Ducheman pat haid his ship brekin in Santanderis with pe Kingis
Colis,
Item, to the Cantis Pallentaggis servandis,
Item, gerin to the Siris that came furthe of Scorne,
Feb. 9. Item, 'the Espressis hopen my Loris the Kingis seantis,' 'LORD JOHNNE' and
'LORD ROBERT'; for dreffles, &c. unnecessarie to be specified.
Feb. 20. Item, gerin to Robert Haris, to deliever to one servand of the Imperatoris, pat
brecht Writings to pe Kingis grace,
Item, gerin to Johnne Moffettis fone and his servand quhilk brocht 'Shorte-matis und Renne'
Wigent to pe Kingis grace,
Mar. 11. Item, to Johnne McTaff, meister, for his expences to tour certane elis Wifte-
certagis of pe Kingis graceis to the Gentilmen of the His and hiber Myelandinen,
Mar. 26, 1541. Item, to Johnne Patrow, for one cais to one bactone of Aquivite, va.
'Item, the Seir (geir) furnisett to the Kingis Chapelliis of Streveling and Mulpendous.'
In the first deliueris to Johnne Young, iiij elius raid Dames, to be ane Pentakill to pe Chapell in
pe Aslaiy,
Mar. 29. Item, for pe Sworderry and Markmanship of thre Jesus brecht with Crowne of thern,
three names of Jacobus Ganthinis, with the Kingis Armes and Crowne abode the field, and
the Unifornis abode the samyn, price of all,
Item, to Waler Mounere, for Francisco quhilk he deburis at pe Quenis rumping fra the
Glengarnis, and passin beside to pe Glawmes,
Apr. 2. Item, deliueris to Johnne Bertane, to be ane Cat, hyes, and brethris, to the Kitill
Chirk, twa elins of raid and vi quartiers of sallow,
Item, to be hir ane Hemhlan, x quartiers raid and xalow Burge seeting,
Item, for ane raid Hantet to hir,
Item, for making and lyning of his clathis,
Apr. 6. Item, to ane Frenchman, callit Lutische, at his passin frin France,
Item, to Misell Alexander Gartouny, at his passin to France,
Item, to ane servand of James Lindsheis, for his expences in hame-bringing of Mathis furthe
of Murray.

3 This is selected to repeat former observations, that was QUEEN must have passed much of her leisure hours in
Embroidering in Gold and Silver. In almost every month of these Accounts there are large payments for furnis-
hings of Gold, silver, and silk thread, &c. On Febr. 12, another charge is made for 'xxij downhall bank of sawin g
gold, xxij li. xij a.' It is unnecessary to multiply similar entries, which are very frequent, and the quantities are
usually two or three pounds weight at a time.
4 In another entry this month, he is styled 'Loys Rosner or/5 HALYANDOUS.' Such entries occur almost monthly.
5 Eau de vie, French Brandy?
6 Several notions occur of this individual. He was probably a Dwarf, or Burrow, as would appear from the nature of the
dresses given him from time to time. His name, however, is never mentioned. Several Dwarfs, male and female,
were entertained at the Scottish Court, and had regular pensions and livings assigned to them.
Apr. 19.—Item, given to James Hammilton, son to James Hammilton, burgess of Abington, to furnish his father (further) of the realm, 20s. 4d.
Item, to the Duke of Lennox to the Lord of the Fair, 10s. 4d.

Birth and Baptism of Arthur Duke of Albany.

Apr. 26.—The Expenses incurred on my Lord Prince, and at the Baptism of my Lord Duke. In the first, on thirteenth day of April, deliver to John Tenent, viz. elin qabove Teffites of twain thrids, to be sound to hold the Caunillies, at the Baptising of my Lord Duke, 3li. 4s.
Apr. 26.—Item, deliver to John Moftew, to girt thee sound at Tandem Campis pat wer maid at Thirteenth of my Lord Prince, and now send to Strineling, x Roland noble, xxvii. 4s. 8d.
Item, given to John Paterfon, for thee Cates to the saids Campis, and one case to the Church of my Lord Princes, maid of before, xliii. 2s.
Apr. 27.—Item, given to Thomas Richardtoun, for xii bolts of canvas, deliver to John Berton, to be falls, xliii. 2s. 8d.
Item, deliver to him, for thee fraught of his ships and Marinalis wage, passing with the Mergis grace to the Isles, 20s. 8d.
Item, to the Heroldus, in thyne of thee Baptising of my Lord Duke, xlii. 4s.
Item, to James Stevetoun, for thee balladis and twain paintit clefts deliver to him, for thee Kings grace, xlii. 4s.
Item, to Bevysay Herald, for his expenses passing to Jedburgh, to prepare thee luggage and furnishing to thee Lords, and remaining pair of pounds, for the Aire, xv. 4s.
Item, to Margarett Scot, for her labour being with my Lord Prince, v vii. viii.
Item, to Johnste Forfar, Sawyer, for Arranis Hedes, gayneis, and quaveris, fra thy day of May 1538, to thy iij day of Februar laft, xlii. 4s. 8d.

Death and Burial of Arthur Duke of Albany.

Apr. 29.—Item, to Andro Sar in Strineling, for the Cap of felt that my Lord Duke was burst in, xlii. 4s.
Item, given to Peter Bunyn, for passing with Letteris to thee Schereffis and Burrois of thee Westland, for Machibichaging, xlii. 4s.
Item, given to James Paterfon, for passing with elyke Letters to thee Northland, xlii. 4s.
May 5.—Item, given to William Struther, for passing fra thee Lords, being in Jedburgh, to thee Kings grace, in Strintiling, with diligence, xlii. 4s.
Item, given to an Inglesman pat cam fra the Marquise of the Midill Marches of Ingland to thee Lords, being in Jedburgh, xliii. 4s.
May 22.—Item, to Johnste Mortoun, for his labour passing to thee Langhors for thee Lord Maxwell, for bringing of Ladysdale to the Kirk, xlii. 4s.

Death of James Duke of Rothesay, Prince and Steward of Scotland.

May 25.—Item, to be thee Fute-mantillis and twain harnessingis to thee Queenis grace, xx elinis.
Item, to be four Fute-mantill and four harnessingis to four of thy Ladies, xi elinis black Velvet.
Item, a variety of Harnessingis, frensies, giltling of bukellis, pendeis, &c. &c. amounting in all to the sum of, liiij. 4s. 8d.

1. Webs or pieces of canvas or Sell-cloth.
2. For cross-bows.
3. This expenditure is under the head of Expenses deburset upon the Queenis Stabill and Ladyis, for the Month of May.
May 26.—Item, fend to Straineling to the County of Arroll, to be bair ane Byule.
Item, vj ellis fyne Paryse blak,
Item, fend to bair pe famyn tyne, four ellis vper Frenche blak,
Item, gevyn to Gresele Millis, at pe Kingis command,
Item, to pe Gray Frereis in Jedburgh, to pe help of the reparacione of their Place,
(the Monastery of Jedburgh),
Item, to twa boyis pat paid to Straineling with thor yuen quhilk quaestis, car
pandris, and vper small pair brocht hame be Hanis Anderison,  
Item, gevyn to Johnne Paterison, for passynge to Aberden, and vper Burrowis in pe Northland, for ham-brinnynge of Butchbootis,  
Jun. 23.—Item, gevyn to pe Maister Erick, to support him for expensis maid pe tym of his 
fekenes,  
Item, to the Frenche Burturur, at his passynge to FRANCE,  
Item, to Johnne Caynris, for pe fraucht of the Ryder of Ieis, turist furth of Leith to 
Sanceturiris, at pe Kingis command,  
Item, gevyn to pe QUEENS grace (Queen Margaret) Strics, quhame God asfolys, at his 
departing to FRANCE,  
Item, to Johnne Paterison, for passynge to Dunkell to summond Maister Adam Otter- 
burne, and to pas in pe Northland with Letteris to the Prelatis, and with Letteris to the Archis 
revis and Burrowis, for Expelling of Egyptinis,  
Item, to Robert Blak, to summons the Lord Hume, and passynge with siclyke Letteris to pe 
Mers, Teviotdale, and Lanarkis,  
Item, to Robert Hart, for passynge to the Westland to pe Prelatis with siclyke Letteris, and 
for Expelliruris of Egyptinis,  
Jun. 24.—Item, to ane Ingillisman, pat come with Writingis fra the Burturis,  
Jun. 28.—Item, to William Chumpny, for passynge with twa close Writingis to the Erie of 
Arreiss and Lord Fleming,  
Jul. 5.—Item, deliveris to George Stiel, to be tend to Crawfurd-Johnnys, to bing bethis pe 
Tapescherie and pe wallis, for saying pairof, vjxx ellis Bertane cammes,  
Item, to tend pe Tapescherie with, xxx sawdome of cord,  
Item, to pe Justice Clerke, at his passynge to Ingland, to mak his furnesynge,  
Jul. 6.—Item, to Malcolm Gourlaw to mends the Palsynnis tend to Crawfurd-Johnnys, 
anne flane of small cordis, price,  
Item, to mend pe said Palsynnis, four ellis Bertane cammes,  
Jul. 7.—The expensis deburfit vpon the Saffrige of Quene Maycales, quhame God 
asfolys. In the first, for nasis, clextis to bing pe clathis, and pynouriis for dichting pairof, and to pe 
Belman,  
Item, to Schir Johnne Stirk to be distribut amang pe Chaplains,  
Item, to pe Erie of Buchane to offir,  
Item, to Andro Watoun, Powntour, for pe Painting of v dufan Armes,  
Jul. 9.—Item, gevyn for pe fraucht of ane bote at midnycht to turn ane writing to the Car-
Winall, in bairt,  
Item, to Johnne Cob to pass with ane Writing with deligence to pe Kingis grace to Craw-
furd-Johnnys,  

1 Lady Helen Stewart, daughter of John third Earl of Lennox. She married, 1st, William fifth Earl of Errol; and 2dly, John tenth Earl of Sutherland.  
2 Quailis.  
3 Perhaps O. Fr. carpendo, pomme de cair, the apple called a shorte-stark! Caropone.  
4 Great quantities appear to have been purchased for the use of the King's troops, besides those obtained by bargemen, Nobility, &c.  
5 A runik of lead ' contains nearly seven and a half stone.' Sekne, de Verb. Sig. It is elsewhere stated to consist of eight pigs, every pig 'three-and-twenty stone and a half.' Cowell. See also Dr Jamieson, v. Fudges.  
6 During the Royal visit there.
28 Jac. V. CRIMINAL TRIALS.

Appendix.

Jul. 11.—Item, to Johanne Scot callit the Sancte, at ye Kingis command, xxiij s.

Item, to Schir William Layng, beane Precept above ye ordinar admittit to him in my Lordis Privy Sealis, for his Loveney Clathis, xlij li. viij d.

Item, to the Kild Maiesties, beane Precept, at ye Kingis command, xx li.

Item, to William Struther, for passing with close Writingis to committ the Temporal Lordis, xxiij s.

Jul. 13.—Item, for carriage of the Expantschir (Tapestry) furthe of Edingburgh to Cawfurd-Johanne, xxx s. viij d.

Jul. 15.—Item, to Johanne Cob for passing with close Writingis to ye Lord Borthwyk and Captainane of Dunker; and with letters to ye Scheriffis of Berwyke, Roxburgh, Pehis, and Selkirk, for Wapinschawing, xxxliij s.

Jul. 20.—Item, to Thomas Vdward for one barrell of sokkettis, delinerit to Thomas Hammylund, to ye Kingis grace, ix li. viij s. viij d.

Item, gevin to Thomas Soflaw for entering of the camasses at the Butts in Striueling, viij s. viij d.

Item, to William Purves for manding of my Lordis Princesses Knew; and for garting of ye Kingis grace Knew, making of one new bell, with one kilt loquit and bandit to put hir in; xij pair of Rache-capellas; and for expenses maist be him passing to Sanctandrois and fra thynne to Striueling; as his Ticket of Compt gevin pair upon heris, viiij s. viij d.

Item, one close Writing sent fra ye Lords to ye Kingis grace, xxiij s.

Item, to ane Ingilisman pat brocht Writingis fra ye Bourdoures, and remanit vpon his anfuer, iij li. viij s.

Jul. 22.—Item, for carriage of ye same furthe of Cawfurd-Johanne to Ed1, xxvij s.

Item, to ye Francicz Tapeschirs for thre hors carriage of Expantschir furthe of Striueling to Cawfurd-Johanne, and for crakius, nalia, and veris expenses, xlij s. viij d.

Jul. 24.—Item, to Schir James Hemynlyndis Hynde, quhillis wes ye prices of cornis fawill to hir, being vpon ye Manis of Toloullis, pertenying to ye Laird of Ester Wemy, xxx li.

Item, Maister Johane Lawder for his (labours) in Writing of Directionis to the Curte of (Armute) for promotion of ye Abbayes of Cawfurdame (and) Melrose to ye Kingis grace Hunnis.

Item, delinierit to Geo Carmichalls, done to ye Captainis of Cawfurd, for thre parts of Sale2 quhill he delinierit to ye Queenis grace, the tyne schaw heis in Cawfurd-Johanne, price of ye vno, viiij li. viij s. famma, xix li. iij s.

Jul. 26.—Item, for carriage of the Expantschir furth of Cawfurd-Johanne to Cragnethane, and fra thynne to Pehis and Ed3, and furth of Ed4 to Striueling, xxxvij s.

Item, for thre hors carriage of Edingburgh to Striueling with Expantschir quhilk fully hace passit to the Butts, xviij s.

Item, for carriage of the Butellsis to Cawfurd-Johanne, pe viij day of Julii, and remanit furth xij hors to pe xxv day of pe famin, takand ilk hors on pe day iij s. famma, xix li. xviij s.

Item, to Johanne Bog for expenses maist be him vpon thre Sangueleis quhilk

1 The celebrated Papist, who fasted forty days on several occasions both in Scotland and at Rome, &c. Probably this was during or immediately subsequent to his voluntary confinement in Edinburgh Castle, until he should have proved he was a Holy person by fulfilling his vows of fasting.
2 Some kind of preserves or condiments.
3 Stretching the canvas at the Butts, for the practice of archery.
4 Dog couples.
5 The ends of the lines obliterated.
6 A specimen of a mass of Gold ore from the Royal Mine. His sister Elizabeth, daughter of Sir John Carmichael, was one of the King's Mistresses, by whom he had John, Pais, or Colmogames, &c. See preceding article. She afterwards married Sir John Somerville of Cambusnethan. The Paiso was father to the noted Francis Stewart, Earl of Bothwell.
7 Wild-Boars; Fr. Sanghers. See Aug. 15 following.
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APPENDIX.

Item, gevin to Roos Jervel, for making of his expens, passing to the King of Englands with Writings, xxiij l.

Item, to Harney's Leslie, for onerption of a Gift grane to him be the Kings grace of Archibald Douglas and William Douglas, in complete payment of l'th merks, lixxxix l. vj.

Item, to Helene Roole, for his help of his Dutetis Marriage, at his Kings grace command, xij l. viij l.

Aug. 15.—Item, for making of one Part of tymmer within the Park of Falkland to the Sampsonstil, xvij l. xvij l.

Item, to William Forfeet, for the pair of greate dog intris for Bein-yngis, onergrit with gold, with pair Custar of Purpur Velvet, fluth with glithing fluthis; and for Knuw-getis furnillet be him to the Kings grace, liij l. viij l.

Item, to Schir George Claspetoun, Minister Cliniusser, to the Kings grace Kinspus, ijvij l. •

Item, to him in augmentation thereof, xij l. viij l. iij d.

Item, to Johnn Marystoun, in complete payment of his lawbourne, warkmanship, and furnishing of the Register House biggit within the Castell of Edinburgh, above his nowme of ane hundred and twenty pundis tyme allowance in the last Chekker; conven to the Contract maid betwixt him and the Clerk of Register pairvipoun, lixxix l.

Item, gevin to Charis Danielstoun for expens deburrit be him for the Rising and Reching Cur in the Castell of Markres, with bromes and dover; and for the stock-lookis to the Dankoun, xij l. xix l. vj d.

Aug. 17.—Item, to Thomas Wood, for Bein, stringis, and arowis, deliverit be him to the Kings grace, Johnne Tenant, George Steill, and Thomas Softlaw, at his grace command, xxx ti. viij l.

Item, deliverit to Johnne Mofetis servand, Conservator in Flandris, send name be him at the Kings grace command, to complete one Chalmer of the Antiquis Histories, (in Tapistry-work,) 278 Crowns of pe one, xij l. vii l.

Item, to Patrik Lindfay for viij Strell starills and one ring deliverit to the Kings grace, xij l. xiij l.

Item, to Johnne Clerk, Jakmarch, for xiij Jak deliverit be him to the Kings grace, counsair with Velvet, xij l. xiiij l.

THE ROYAL HOUSEHOLD.

Sep. 7.—The expenses deburrit by the Kings servantis, Ordinaries, for their Labours cladhis, per tempus Comptot, (Sep. 2, 1540, to Sep. 7, 1541.) In the first, gevin to the Compter, Johnne Leffis, Debaris; Oliver Sinclair, Henry Kempis, Epparis; David Wood of the Craig,andro

L.5000. * Wild-Boar. See Jul. 26 preceding. + Studied with gilded studs.  This Pension is regularly paid, and is always entered among the 'Elmorie.  Broom; plants genista.  Turf.

* There is another charge of vij l. xij d. to Johnne Forestar, bowar, for Arrows, the same month.  The concluding entries, under this department, at the close of the reign of King James V, are so interesting, and contain mention of so many persons whose names have long been familiar to the Historian and Antiquary, that the Editor has deemed it proper to give the payments at large.  He believes such an enumeration is likely to be acceptable to readers of every class, as it affords such minute details of the internal economy of the Royal Palace, &c.
APPENDIX.

Wod of Largo, Bartharids; and pe Laird of Craigy, Ischey of the Inner-Clachmer-Vur; ilkane of james xx li., summa, 
Ixx li.

Item, to James Lernmont and Patrik Wemyx, Maister of Stowmaithe, ilkane of james li., 
and to the Clerk of Erpentis, xx li., summa, 
Ixli.

Item, to James Akinheith, Archibald Campbell, Ischar in the Wyne-Seller; Stevin Dudingston, (Ferzand,) in his faisier, ischey of the Silber Ueschell; Robert Gib, 
Squier of the Kingis Shiell; and Thomas Marchell, Maister Cuke; ilkane of james xx li., 
summa, 
Ixi li.

Item, to William Baird, James Wod, Ischar of the Sterry-Clachmer-Vur; Normond Ledley, 
Patrik Kircaldy, Johne Guthre, and James Waffoune, Ischar in the Kingis Clachmer; Johane 
Tennent, Ischar of the Mairdrep; Schir George Clapertoun, Elginster; Schir David Critef- 
fon; Stewart; Schir George Scott, Abbreviatar of the Bukis; Schir Johane Jurdane, Elgin-
steris Priest; and Johane Hay in the Kingis Paramteris; ilkane of pich personis, xii li., 
viij d., summa, 
Ivi li.

Item, to Walter Moncen, Ischar in the Braithhurs; James Murray, Ischar in the Mill 
Sellar; David Blantyre, Ischar in the Grete-Lairdart; Thomas Hammiloun, Ischar in the 
Spierhurs; James Richardoun, Ischar in the Petry-Lairdart; James Edmontoun, Johanne Bog, 
Robert Purves, Andre Michelfoun, Ischey of the Shafill; Johane Sprotty, snyth; Johane Purves, 
ischar of the Aber; Davy Hay, Jungiturnar; Johanne Lawfoun, Ischey of the Hall-Dur and 
Calyar; George Gibfon, Maister Layster; George Ogilvy, Campfruther Clerk; Peter Ham-
mythoun, Courte Maister Cuke; Schir Johane Mccall, Caturr; Johanne Mccall, Pultremar; 
ilkane of james xii li. viij s. viij d., summa, 
Ix li.

Item, to Alexander Kemp, Alexander Qabite(law, Murdo Mc)kyne and (Andro) Drum-
mond, Girts of the Kingis Clachmer—isIlkane of james xiiij li. xiiij s. iiij d.; and William Dachall, 
Rabif-mar, xii li. vij s. viij d., summa, 
Ivli li.

Item, to Gilbert, (in Mlchettis place,) Girts in the Wyne Sellar; Thomas Murray in the 
Al-Sellar; William Bell, Grume in the (Grete) Lairdart; Kellis, Girts fer the Ueschell; 
Gawyne Wane, Grume for the Silber Ueschell; Murdo Striuelling, Patracer; Johanne Barbour, 
Thomas Tulecho, Girts in the Mairdrep; Troylus, Patryk Clerk, Girts that kepis the 
Dexterity; Malcolme Gourlaw, Calisour in the Mairdrep; William Golbryth, Girts of the 
Kerching-Vur; Johanne Angus and David Kirkaldy, in Momis place, Girts in the Kingis 
Kerching; Johanne Clediledale, Girts in the Spierhurs; William Nychoill and James Dunkane, 
Girts in the Courte Kerching—isIlkane of james takand x li., summa, 
Ixx li.

Item, to Andro Angus, and Inseruy in David Kirkaldyis place, Sterde Girts in the 
Kingis Kerching; and to Patrik Anderfonne in the Braithhurs—isIlkane of james x li., summa, xvli.

Item, to the Courtebrachis in pe Kingis Kerching, 
ilkane of james xviij s. viij d., summa, 
li. vij s. viij d. 
Item, to Patrik Crummy and James Bog, Partris, ilkane of james x li., summa, 
xx li. 
Item, to Mawie Atkinoun, Rabifer, for his Leveray clathis, 
viij li. vij s. iiij d. 

THE EXTRAORDINARIS IN PE KINGIS HOUS, FOR PEIS LEURRAY CLATHIS.

In the first, to George Steill, pe Laird of Camkeithe, Schir Mychaell Difart, pe Perfonne of 
Difart, Schir William Drummond, pe Franken Patingar, pe young Laird of Grange in Angus, Edward 
Stewart, Johanne Charterbous, and Nychoill Claphane, ilkane of james xx li., summa, 
Iij li. 

Item, to Richart Carmichael, George Ormifon, James Schrymgeour, Chefman Falconer, 
and Nychoill Arthe, ilkane of james xii li. vij s. viij d., summa, 
Ixxv li. xiiij s. iiij d. 

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Item, to Johnn Richartoun, Johnne Monteith, Johnne Murray that servis the Dragens, ilkane of pame v li., summa, ... xv li.

Item, to Johnne Drummmond, Maister Mirycht, in contentationis of his Leveray clathis, xx li.

THE ORDINARIS IN THE QUEMIS HOUSE.

In the first, to Walter Scrymgour, Maister Jachter in the Queenis Chalmer, for pis yere and pe yere precedent, ilk yere xiiij li. vij d., summa, ... xxv li. xiiij s. iiij d.

Item, to Johnne Moncreif, Alexander Lindsay, and Gilbert Moncreif, Jachteris in the Queenis Chalmer, ilkane of pame yeralie, be pe said space, xiiij li. xiiij s. iiij d., summa, ... lxxviiij li.

THE ORDINARIS IN MY LORD PRINCE HOUSE.

In the first, to Thomas Dumlingounse, Maister Welechal ; pe Auld Laird, Maister Jachter, and his fane ; ilkane of pame for pair leveray clathis xx li., summa, ... lx li.

Item, to Schir William Laying, Maister Egmundisn ; and Maister Allane Lawmon, Strakart ; ilkane of pame xiiij li. vij d., summa, ... xxv li. xiiij s. iiij d.

Item, to Cristiane Baxter, serbanet to Lady Jare, ... xliij li. vij d.

Item, to pe four Robertis, and the Robertis (Laundross,) ilkane of pame vij li. xiiij s. iiij d., summa, ... xx liiij li. vij s. viij d.

Item, to Mon, Maister Cleke to my Lord Prince, ... x li.

Item, to Alexander Orkney, Foreman in his Reiching, ... liij s. iiiij d.

Item, to Patrik Marshell, Patetar, ... vii li.

Item, to Patrik Henderfoun, in the Aliscellar, and James Mcefeone, in the Parmentrie, ilkane of pame x li., summa, ... xx li.

Item, to Johnne Doweball in the Cypshus, ... xlij li.

Item, to William Crampy, Portar, ... vij li. xiiij s. iiij d.

Item, to Johnn Methven, Repra of the Silver bestchell and Collegate, ... vij li. xiiij s. iiij d.

Item, to Thomas Stroupe, serbanet to Lady Jare, ... x li.

THE ORDINARIS FEIS AND JERELIE PENSIONIS.

In the first, gevin to the 5 Italians (Minstrals) for pair two Leverayis in pe yere, takand ilk Leveray v li. x b., summa, ... lxx li.

Item, to the four Minstrals that playis on the Drums, for pair yeralie Pensionis, payit quarterlie, takand ilkane xli li., summa, ... lxx li.

Item, to the four Minstrals that playis vpoun the Trumpetis of Ware, ilkane takand xx li., summa, ... lxx li.

Item, to pe two Toddeis that playis fgurant the Wisthe Cabines, ilkane takand xx li., summa, ... x li.

Item, to Hansy Cocherane, Maister Sumner, for his Pension, ... vii li.

Item, to Johnne Byray and James Law, Gunnterris, for pair feis, ilkane havand x li., summa, ... xx li.

Item, Robert Murray, Mumber, for his Pensione for upholding of pe Laid (lead) of pe Palaceis of Haltrudhous and Linlythg" ... xx li.

Item, to George Balgraye, for keeping of the Palace of Haltrudhous, ... vij li. xiiij s. iiij d.

Item, to Schir Alexander Boyd, Chathlampe of Sarret Lewardeis, for one hous mayli occupiyt be Johnne Drummmond to pe Kings Wark, perteynyng to his Chapelaeris, ... i.

1 The Nursery-maid who rook the Prince's cradle. 2 This, and many other similar notices, which the Editor has since met with, confirms the interpretation which he formerly gave of the Swazees, in Vol. 1, Jac. VI.
Item, to Thomas Arthure, Master Cellarur, to be King's grace, for his fee, lxvi. li. xiiij. a. liij. d.
Item, to the Heriots Master Cellarur, for his fee, xx li. d.
Item, to James Linday, Master Cellarur, for his fees, lxvi. li. xiiij. a. liij. d.
Item, to Maister Johnne Schrymeour, Master of Mark, for his fees and hervey clothys, lx lii.
Item, to Thomas Morelyns, Master Carritur to be King's grace, for his fee, xlii. lii. d.
Item, to Johnne young, Servitor, for his fee, x lii.
Item, to Young David Perry (Furrer) for xxvij. d., for one year's fee, because he deceit full within ye same, v lii., and to Patrick Bell, Furrow, for xx vij. d., v liii., xiiij. liii. a. liii. d.
Item, to William Ra, Chittellar, for his fees, xlii. lii. d.
Item, to Schir James Nycholoune, Master of Mark in Struther, for his fee, xlii. lii. viij. liii. d.
Item, to Johnne Burnhill, (Brownhill,) Master Mastrum, for his fees, xx lii.
Item, to Schir James Ingles, Chaplaine, singer for the salte of King James the Thirde in Abay of Cambuskynnethe, xlii. lii. viij. liii. d.
Item, to James Bannynyne, Scritturour of the Castaltries, and Maister Thomas Kene, xlii. lii. d.
Item, to the King's Remurat for his fee, xlii. lii. d.
Item, to the Remurat for the Stewur, xlii. lii. d.
Item, to the Mervyns of the Moste-Marches, for his fee, r lii.
Item, to the Mervyns Deputies of the Moste-Marches, r lii.
Item, to the Mervyns of the Moste-Marches for ye same, for xx vij. d., and xx vij. d., and xx vij. d., for two yeares last preceding, xlii. lii. d.
Item, to my Lord Methven, Master of Artefarts, for his fees, r lii.
Item, to Maister James Scott, for his Penfoun, xiiij. lii. viij. liii. d.
Item, to Maister William Melbrun, for his Penfoun, xlii. lii. d.
Item, to Johnne Bannynyme, Scritturour, for his lawbouris, v liii. d.
Item, to Patrik Skilster, Maister Servitor to be King's grace, for his fee, xlii. lii. d.
Item, to Thomas Softlaw, Scotter, for his fe in making of his grace salbertis, withoute any vper payment, xx lii.
Item, to Raphael (Caffynye a Hispangy) for his Penfoun, grantis to him be xx vij. d., for King's grace, xx lii.
Item, to Walter Crowaghame's wife in Struther, for hys buiding of the Park Wyse (of Struther) for ye same, xx lii. d.
Item, to the Competer, for his fees for ye same, xlii. lii. d.
Item, to Maister Alexander Gordon, for ye Martynes terms last baptiz of his Penfoun, l lii.
Item, to Maister James Foulis, Clerk of Register, for his fees, xiiij. lii. viij. liii. d.
Item, to Maister Thomas Bellendene, for his lawbouris writing the Rollis, xiiij. lii. viij. liii. d.
Item, to Schir Alexander Scott, Provest of Corstorphine, for his lawbouris in writing the Rollis, xiiij. lii. viij. liii. d.
Item, to the Thesourer Clerk, (Schir George Marshell,) for his fees, xiiij. lii. viij. liii. d.
Item, to Maister James Scott, (Scritturour of the Rollis,) viij. lii. d.
Item, to George Gude, viij. lii. d.
Item, to Maister William Mowbray, v liii. d.
Item, to Johnne Wallace, (Scritturour to the Rollis,) v liii. d.

1 In the preceding Accounts, Thomas Maben was the senior 'Writer.'
2 In the corresponding entries of former years, 'Maister Thomas Scott, James Clerk, for his lawbouris in the Charter,' was inserted here. It will be observed that 'Maister James Scott, Writer of the Rollis,' occurs below.
3 Obliterated. The entry in the preceding Account was for two yeares' payments, 'modifyt with the Lordis, at the command of the Kingis grace Writting, fik yer 24 merkis, summe, vij. lii. xiiij. lii. d.'
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Item, to Stevin Hendrisone, viii.
Item, to Thomas Sinclair, viii.
Item, to Schir George Richertoun, (Repar of the Roile,)
viii.
Item, to Johnne Perdue, &c., for his lawbours in the Chakker, viii.
Item, to Florence Cornoune, for his Penfion for endureng of pe Kingis Wark concernyng the Briggis, and kepyng of pair gair, xiiii.
Item, to Johnne Ker, Master of the Bulamander, xiiii.
Item, to William Danieltonne, Repar of the Palace of Kynnyffy, in Schir Thomas Johnnestonias place, xxiiii.
Item, to Maiter Daniel Bonar, for his Penfion for overgyving of pe play of pe Vicaronage of Panbrido, at the Kingis grace command, xxiiii.
Item, to Maiter Andro Quhyleaw, for his Penfion for overgyving of his Tak to Alexander Quhiteaw, (he his youngest broder,)
at the Kingis command, yerely grantis to him, (quhill) his grace provide him ane benefice, xxiiii.
Item, to William Fowlis, Schir of the Chekkitton, l.
Item, to Peris Rowane, Gunner, for his Penfion his yer zero, enterit be ane Precept, xi.
Item, to Charles Murray, Master of the Ringis Maris, (Brood-mares,) for his fee, liii.
Item, to David Orrok, for keping of the Castell of Cragnethane, for pe second day of September, yeare of God 1540, to pe famin day of September, 1541 yeris, includand ane hale yer, takand ilk day for his ordinair wage, for him self, his servand, and horse, liii. summa, lixii.
Item, to George Tod, Vartar in pe said Place, be pe space foresaid, takand ilk day xvij.

Summa, xxiiii.

Item, to Maiter Johnne Davison, to gerv to Quintyne Were, Johnne Mylyoun, Malie Hill, and to Atkin Gardnar, all Servitors in Barthome, (Cragnethane,) in compleat payment of pair wags, retand vonpayt be Andro Browie, to pe last day of Augist, 1541, x. xix. viij.
Item, to Jonet Browne, quhilik wes retand aving to hir be vno Schir James Hammiton, for feding of vij Oxin, liii. summa, lixii.
Item, to William Purves, (Muilk-makar and Smyth,) for his Penfion his iffant yer, xxiiii.
Item, to Andro Lorymair, for his fee his yer and ye last yer, quhilik wes omittit and nocht tane allowanse of, ilk yer x ti, conforme to his Gift admittit, xxiiii.
Item, to Robert Black, Master, for his fee his yer and ye last yer, quhilik wes omittit and nocht tane allowanse, ilk yer viii. summa, x.
Item, to Hary Ra, Inglistman, quhilik come with Writtingis to the Kingis grace fra the King at Inglist, xvii.

Item, to Jakitis that plays brum the Testis, to pay for his fonis burdis, for pair Lamas terme last biafit, be ane Precept at the Kingis command, viii.
Item, to Johnne Tofar, Cruik-sto makar, for siringis, windesseis, windes cordis, delived be him to Johnne Tenent, viii.
Item, to Johnne Atkynnis Wyffe, in Strieling, for meit and drinke furnisit to vno Schir James Hammiton of Furrart, knight, pe tyme he remaneit pair vpon pe bising at the Feth Wark in Strieling, at the Kingis command, be ane Precept, lixiv.
Item, to the Campter, for his super expenses in his last Comptis, as pe famyn (chawin heirwith) heris, lixiv.

1 One of the King's Ships.
2 lawn-piece.
3 Forfeited to the Crown on the execution of Sir James Hamilton of Finburn, knight.
4 This payment was regularly made for a considerable period.
CRIMINAL TRIALS.

SUMMA of the Expensis of the Royal Householt, above stated, exclusive of the last article,

1. The Expensis of the Airs of Kirkcudbright, (Oct. 22 to Nov. 6.) Miggomine, (Nov. 9 to 23. and Maynbrrtre, (Apr. 30 to May 21, all inclusive,) ten be last Chekker, (the particular items of which are detailed).

Item, to Johnne Brenne, Master of the Lyrum; for his fee in jeere bigone, and na allowance tane paireoff, because hae was in Burdous for yhe tympe, in yhe Kinges servyce, and for yis instants yere vpir x li. Summa, lxxx. li.

Item, to James Bertoune and Harry Bertoune, foris to vmq* Robert Bertoune of Ouir Bertoune, Thesburgh and Comptroller to ye Kinges grace for yhe tympe, in complete payment of ye gerie Penioniun grantit to yame be ye Kinges grace for all ye dayis of pair lyfe, or ay and quhis paire and aper of yame be benefict, as his grace thinkis expedient, &c. And because Elizabeth Craufurd, by relict of ye said vmq Robert, and Robert Mowbray, alias Bertoune of Benthowgall, his fynne and executours to him, his queytestamyit and dischargit all fynnes of money awanwe be our soonere ane lord to ye said vmq Robert, and superexpendit in his Comptis ye tympe he was Thefaur and Comptroller, as is contenit in ye Chekker Rollis, lxxx. li.

Item, to Arche Pennyke, Master of the Unicorn, for his fee, xli. li.

Item, to Elizabeth Hume, dochter to vmq William Hume, for his Marriage, and to yhe Penioniun patent happily to compelete marriage with bir, lxv. li. xii. li. iij. d.

Item, to Johnne Lowis, Fults, and his moder, conforme to ye Kinges grace Letters of Gift main pairoune, for pis year alanerly, x li.

SUMMA of ye Expensis of the Fortres Campatt, xxxvj. liiij. li. xix. s. iij. d. ob. within ye Castell of Edinburgh, and vpiria places.

Sept. 9. Item, to James Scrymgoure, at his passing to France, iv. x li.

Item, deliniet to him to give the Schullemanis a pairne with ye Halkis in Yrance, lxv. li.

Item, to ye Kantis grace Master Haufah and his wyffe, at ye pair departing to France, iij. xx li.

Sept. 13. Item, to William Stratherne, for his expense passing with two conuys to Master McFarlane and McPhrogar with diligence, xlij. s.

Oct. 8. Item, to one Duncanson for two Pyscords at Mailye, two Pardis at mailye, two pair of Cretarinis at mailye, xilij Crownis of ye fone; x Wultrippis but herd-gair and Crellis, x Crownis of the fone; x Wulprippis, with Heid-gair and Tellotis, iij Crownis of ye fone; this starrt at Wartreif, with Stubis and Haptingirs, and Collar at Strull, and ano Pyscard at mailye, xilij Crownis of ye fone; all the pair deliniet to William Smythberd, vij. li. xii.

Oct. 10. Item, to Adame Logan, fone to Robert Logane, to him ane Horse and to furnesim cathis, passing to the King at Ingland with Halkis, xiiij li. xii. lii. iij. d.

Item, to Caldwellis, Faltanis, qualik paire with ye samyne Halkis, to him ane horse, and furnesing of his cathis, xiiij li. xii. lii. iij. d.

1 One of the Royal Vessells of War.
2 Another of the King's Vessells of War.
3 The Court Fool or Buffoon.
4 One of the entries is as follows:— Item, the pulnt day of Iulij, resuteit Johnne Drummond from Florence Corintoun, ij. and les (1588) Estland bairit to the Scurbying of the Resevoir House; and gowin to the pynaurs for baring of the samun to the caris and carling tharred, iij a. Item, gowin to the Carters, for carrage of the samun to the Carvell, extending to xix draichts, xlijia. v. d. 5 He also, on Oct. 10, got xij li. for ' thre achorte Culterings, and Sword, and lang Culterings, and ano saddel, deliniet to ye Kinges grace.
6 This is one specimen of the numerous entries for defrante Armours, which King James V. and his father had a singular passion for collecting, of the finest workmanship, from foreign countries; as well as what could be produced, of every possible pattern, in Scotland. Their collection of Armours for the Tournament was equally remarkable, with all kinds of Jedburgh-Stuffs, plissé, Cross-bows, &c. &c. The nature of the Armour here enumerated, has frequently been explained in the course of this work.
7 On Dec. 22, Robert Logane, Young Laerd of Relfalslo, got expensive dresses of ' black Damose' and ' Satying,' &c. It is likely he was the person here mentioned.
CRIMINAL TRIALS.

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Item, gavin to Thomas Arthur, for furnishing of Clathis of Reid and yarrow to two Jungen pat passit with pe Halkis forfaisid, vii li. xij d.

Item, gavin to Caldwell, for the moneths Wages to him, his servandis and x Massis, xir xij. xij.

Item, to mak pair expenses to pe King of Ingland with pe saidis Halkis, xxxiiij li. Oct. 15.—Item, to David Blythe, to pass in Ingland for noe Constait in the Barbabysiturs, iiij li.

Item, to an servand of pe Cardvallis, quhilk broke Writtintis to pe Kings grace furthe of France, xij li. Oct. 16.—Item, for binging of the Exchequers in Haltrudhous, and down-taking of pe samin, xij ii.

Oct. 22.—Item, gavin to Johnn Lely, broder to my Lord of Rothes, to by him Clathis to his marriage, lii.

DEATH OF MARGARET, QUEEN DOWAGER OF SCOTLAND.

[The date of Queen Margaret's death has long been a doubtful and controverted point, and is now, for the first time, settled from indisputable authority. It is only necessary to notice a few of the earlier writers, as the later authors merely perpetuate their errors. Bishop Leslie states, that immediately after the 'Queen moder' had stood 'Godmother' to Prince James, (which event he dates 1539,) she 'passid to Methven, to remain there with his husband, quhair she took seisin, and shortly after deceased;' and was buried in the Charter-House Kirk, at Perth, in King James the First's grave, with great honour and pompous funeral, 'in King his safe and many Nobill men being their present.' Balfour's Lib. Ed., p. 157.—Balfour falls into the same blunder. Annuals, i. 270.—The above entry in the Treasurer's Accounts is confirmed by 'The Chronicles or Perths,' which has recently been printed for the Mainland Club. 'Queen Margaret, mother to King James the Fyfth, decorat on Sanct Iohannis day, in Methven, 1541 yeris; buried in the Charter houes, byeide Perth, the Kingis Malestis, Nobilitis, and Barronis being present.' Chron. of Perth, p. 2.—It is proper to add, that there are two Scottish Writers in the Calendar for October, Sr Moun, mar西, at Arvos, A.D. 604, Oct. 18;—Sr Manson, Bishop and Confessor, who died at Kilmarock, A.D. 825, Oct. 23. The former of these, however, is the likeliest date of the two, from the various entries, and from the time which must have been employed in preparing the Funeral Ceremonies and 'Dwix' dressis.]

Item, gavin to pe Maister Cwik, to be hime ane Mole Smeti, ix elinis French blak, xiiij li. viij xiiij.

Item, to ane Frenchman, callit Horsefane, for v duine Wells-CWITHS, xx pair Wells-cWITHS, and tve Glibis, xxx Crownis of pe fane, xiiij li. xiiij xxviiij li. xii.

Oct. 28.—Item, to ane Officer pat passit withe ane Writting fra pe Justice Clerk to pe Lord Maxwall, for curtinschiturs of ane Caberte at Justiciarie, xiiij li. Oct. 80.—Item, deliverit, to be pe Kings grace ane Mole, Smeti, Wilti, ane Curti, xij elinis half eile Paryse blak, price of pe une li. xiiij li. SAMI.

Item, for ix elinis blak freis, to lyne pe Cote all throbes, xij xii.

Item, for points and ane tolait to turnit to Sanct Johnsbouch, iij li. iij d.

Item, for tve Mole Herititil to his grace, xlii.

Item, to his grace ane Rytting-Cure, four elinis Paryse blak, viiij li. viij d. xiiij.

Item, Paryse blak, to be his grace ane Rytting Clarke, viiij li. xii.

Item, to Robert Blak, to pass and proclaime ane Justice Curteis in Straburgh, to be haldin pe xxiiij day of November next to cum, xiiij li.

'The Queenis Tyremont.'

Nov. 1.—In the first, gavin to Alexander Htwoundis, to pas and wane pe Erles of Hunt-

1 O. Fr. Dweil, mourning weeds. Cot usage.

2 On Oct. 15, the King got 'exigentis to his awarids of blak Veluet.' On 21st, there was delivered to the King in 'the Aisay, xx elinis of blak Veluet of France, quhilk was send to the Queen grace, xii li.' On 25th, 'ane Cur, with aeries of blak Veluet, ane Dowler of blak Sater, with other furnishings of black.' Of Perth, where Queen Margaret was buried.

3 There are other furnishings of 'lyningis,' 'plasentia,' 'schone,' (shees,) and 'Lyam' and tve Cuchromis of French blak.'
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Lie, Marshell, Murray, and vperia Lordis and Gentilmen in the North to cum to the Queen's Court, xxx liv. ij.

Item, to Robert Blak, slyke Letteris to Mr. Abbots of Newbostill, Melros, Lord Setler, and vperia Lordis and Gentilmen in Lothian, xxvi j. viij d.

Nov. 2.—Item, to Henry Kemp, to send to Suffrage for Queen Margaret, quhom God blessy, xj il.

Nov. 5.—Item, to Spottis, Purwont, for pasling with slyke Letteris to Pyffe, Straithborn, and Menteith, xlij j.

Item, to Johnne Cob, for pasling with slyke Letteris to the Earl of Cassillies, Lord Symfyll and Ross, and vperia Gentilmen in the Westland, xlij j.

Nov. 11.—The Queen and her Lady of Honour, got proclamations and letters to nearest persons, furnished on Nov. 9, 9, and 14, which appear to have been sent to Falkland. It is unnecessary to repeat them here.

Item, to Patrik Bell, Furrour, for Furrings and workmanship furnisit to the Queen's grace and his Compt beris, xxxii j. liij.

Item, to Archibald Leythe, for Furrings delinerit be him to the Queen's grace, to his effect foresaid, xlij j.

Nov. 14.—Item, to William Straithborn, for pasling with Letteris to Dunbretane, Renfrew, Irvin, and Air, to charge his Gentilmen of his Schryve pass with the Earl of Glencairne to Ryguthy.

Item, to Alexander Hathon, for pasling to McGregor and Allane Stewart of Baquhadder, with twa close Writingis.

Item, to Archibald Heryot, for pasling with Letteris to Seikirk to bring in certane escheate gudis of the Kenny, that siles the Prelate pairof, xx j.

Nov. 16.—Item, to Thomas Arther, (Master Tailor,) for making xv Christis to the Queen's grace and his Lady, ilk Cloke ilij j., iij j., xij.

Nov. 19.—Item, to WRIST, of Scottis blak, to Suphine Leslie, fone to the Earl of Rothes, ilij li., x j.

Nov. 19.—Item, to Ormond, Purwont, to pas with Letteris to warne the Barrons to gyde with the Kingis grace to the Bardururis, xlij j.

Nov. 20.—Item, to Archibald Heryot, for pasling with Letteris to the Marquis of the Maris, Marches of England, ilij li., xij.

Nov. 29.—Item, to the Turk, and Cote, vj quarteris demmegrave, and vj quarteris Salley, ivj j.

Nov. 30.—Item, to Thomas Alannay, for his expenses pasling to Penthie with the Queen Lady's Christis, xij.

Item, delinerit to Johnne Molman, for Christis of Gold and vperia Gold work, brouth forth of France be him, and delinerit to the Queen's grace, iij j., xxvi j.

Dec. 15.—Item, delinerit to the Exchequer, to cover the Stairs (Posts) of the Ba to the King's grace, and hing aboutis to simis, xlij j., elis Buchanan, lxxxix j., xvi j.

Item, to be (be) Franceys to payed Bed, ix grete hanks to beung Golds, ix j., xvi j.

Item, to the Taftschier, for his workmanship and making of the Franceys to payed Bed, and making of the Clathris of Stirling following, vj j.

Text Notes:
1. Both Mantilles' of Fyrene and Francee blak' were provided, on Nov. 3, for the Queen and her Ladies of Honours, with 'Hlaves and noo, and similar furnishings were also made for the King, noo.
2. Other messengers, dispatched with similar Letters.
3. Probably the same individual who is elsewhere styled 'The Litill Turk,' one of the Court Dwarfs. From the quality of the dress, he appears to have been a Jester or Buffoon, whose moody dress was green and yellow.
4. He also got a doublet and hose of 'blak fustian and Scottis grey.'
5. It is unnecessary to enumerate these, for although they are interesting, they are too numerous to admit of insertion.
Dec. 21.—Item, delisirrit to Thomas Arthur, to be one Dwele Gowne, Cote, and Huid to pe Kingis grace, xij elinis Paryse blak Sating, iij li. xviij s. xiiij d.

Dec. 22.—Item, delisirrit to David Bjurch, to be him one Wife-Cote, Ruder, and Viris, and to mak his expenss passing with the Embassatoris in Ingland, xiiij li. iiij s.

Item, gervin to George Leffys, done to pe Earl of Rother, to be him clalishe agane Zwle, xxiiij li.

Item, to Maister James Boner, qihil he gave for Gerruisus and Gervustis to pe Kingis grace, vij li. viij i.

Dec. 24.—Item, to pe men pat brought pe Gryte-Falrnis to pe Kingis grace, vij li. xiiij s.

Dec. 25.—Item, to pe Enrique to Leffys larse for hir Wife, four i elinis Holland clathy, and four i elinis round Holland clathy, iij li. xiiij s. viij d.

Item, delisirrit to pe Tapescher, to be four Clarks of Stait, to pay the Chapell and pe King and Queenis Claper, xijvij elinis Frenche blak, xijj li.

Item, to Johanne Zoung, yarnester, to be Senlyshells and fruntilles to pe King and Queenis Mait, viij elinis Frenche blak, xij li. iv s.

Item, to pe Cumberingis to pe Lerrtoris' in pe Chapell, xij elinis blak Birge Sating, price of pe elinis x s., summae, vij li.

Item, gervin to Johanne Zoung, for two Cruyfis of silk browdyer warke, and two Imagis of our Lady and Sanct Inmune; for making of pe coveringis of pe Leffronis, with the false of silk and furneisng pairis; and making of all pe foresaid Chapell gait, xij li. iiij s.

Item, gervin for waving of vij vnces blak fik, delisirrit to Thomas Soflaw, to birde the Kingis shellard with, ix s. ix d.

Item, gervin to Johanne Mofman, for ane Clambscherl of filer to put Tuceh pulte in, weyand thre vnces, price of pe vonce xvi s., and for pe workmanship, xiiij s., summae, iij li. iiij s.

Item, for ane vper Clambscherl to put Urld mert in, weyand vij s., vnces grote weich; and for pe workmanship, xxiij s., summae, xj li.

Dec. 29.—Item, gervin to Petir Thornefone, for his expenss passing to Lundynse to the Embassatoris with pe deligence, xij j s.

Item, delisirrit be Thomas Arthur to pe Lady Crag, to be hir Wife-Cote, Ritter, and Ruder, viij elinis Paryse Bleik, xij li. xij i.

Jan. 3, 1541-2.—Item, to mend the Queenis Cherriet, viij elinis blak Valsel, xviij li. xjiij vij s. xij d.

Item, for v quarteris sild Cranefly Sating, to mend pe lynyng of pe samin, iij li.

Item, to Helene Rofs, to mak Frenishe to pe said Cherriet of blak fik, iij li. vii s. iij s.

Item, for ane range of worlet to pe Lady Cragdes brydrei, iij s.

Item, gervin to Johanne Cranbounne, for bringing of thre Thristis to pe Kingis grace, viij li. xiiij s. liiij d.

Jan. 10.—Item, to the Bisprisert Gerrisman pat is with Rapharell, x xiij li.

Item, to pe said Rapharell, at pe Kingis grace command, x li.

Item, to Alexander Wicht, cullister, for v gift Gohingeris, ane Shurbere-Seff, two Spairthelis, orengeil, and four Buggserum-stikkis, viij s. xj vij s.

Jan. 11.—Item, to Jakkis and his college, Armoraries, for ane lymp Hartes, with dowhill Tralettis, and ane Stele-boney to pe Kingis grace, delisirrit to Robert Gyb, xjiij li. xj s.

1 Many other furnishings.
2 Embroiderer.
3 Duces O. Pr. Lanticus, letitio.
4 It is uncertain whether this is tochn or priming powder, or tock-power, though the Editor believes the latter is the proper reading, as a Clam-shell would not make a ready flux for priming a culverin, so. See under Feb. 15, 1541-2, following.
5 This was a favourite ornament of the Kings. He appears to have been eminently skilled as a Falconer, and indeed in all the sports of the field and manly exercises.
6 She also got 'ane Ryan Cloke,' 'Dwele Gworthy, consisting of 8 sins of Holland clathy,' 'ane Fyve-Mantell and Harbesting,' with 'Assynd (Ermine) to lyne hir Huid and tall of hir Gowne,' amounting to xiiij li. iij s. additional.
7 There is much interesting expenditure, for furnishings to the Royal Stables, &c. at this period, but too lengthened to be given here.
8 Rapharell Casanies.
9 Stocks or handles to Dudgeon-deggers.
29 Jac. V. CRIMINAL TRIALS.

APPENDIX.

Item, to Robert Cree, for one Callar of gold sett with Perle, brothet name be him to the queen, xviij li. xij s.; and for Bonetis, sword-beltis, fawing-silk, and vper gear, xiiiij li. xij s., summa, xxiij li. iiij s.

Item, giving to William Calderwood, for one pair of Glasses, delivered to the Chapel in Holyroodhous, lx s.

Jan. 24. — Item, to Sir David Murray of Balwaid, knight, in recompence of his lands of Duddingstone, to be in the new park beside Holyroodhous, iiij li.

Item, to Dame Mayne, in the Cannogart, for dettes aung to him be Barbara Stewart, at the kingis command,

Jan. 31. — Item, to Peter Thomson, for his expensis passing to London to the Embassator, with diligence, xxiij li.

Item, to John Cob, for passing with close Wittingis to the Captaine of Durner and Priores of Haddingtoun, xij s.

Feb. 2. — Item, giving to Helene Roff, for one Porse to put ijd Crownis in, whilk was giving to the French Embassator, xiiij s.

Feb. 14. — Item, to the Queenis Painter, to by colouris to paint with, in Falkland, xij li.

Feb. 15. — Item, giving to John Mofman, (goldsmith,) for the Hallesellis of Gold to the kingis grace, weyand xij j Viucorne wech, price of one vape viij li., summa, xij li. x.

Item, giving to him for making of same, xxiij s.

Item, giving to him for one Pernare of Silver, to kip Pyke-trite in, to the kingis grace, xxvij s., and making of it, xiiiij s., summa, xlij s.

Item, giving to him for Cherysis, Tabulattis, Tergrattis, Brasclattis, Ringis, Stevris, and Panses, furneltis paita, liij iiij j xxvij li. iiij s.

Item, giving to Thomas Ryd, for sicelyke Gold-marke, ij xij li. ij s.

Mar. 5. — Item, giving to Alexander Hotoun, to pass to the lord Maxwell with the Pursue of the Justitiis Courtis of Ammerdale, xxiij s.

Mar. 6. — Item, to be close Ebersis to the Stelli-seillis, v duffane and four Balane skynnis, xji s. x d.

Mar. 10. — Item, giving to Clathis furnelt to Thomas Dury,Claxk to Lord James, xliiij li. xj d.

Mar. 13. — Item, to be one Eacpt of Solute to Maistres Margarete, sister to the noble of Levinax, to elis Lylis worlet, vj li. xij s.

Item, for Mertrykhis and blank (table) sygnetis, to lyne the said gownis with, ij li. x s.

Apr. 24, 1542. — Item, giving to Charles Murray, for one Merkit (barbed) Worrelend to the kingis grace Horse, xij li.

Item, giving to him for lxxxixi Aughbusis, delivered to the Meritoun Horse, price of the piece xiiij li., summa, liij li. ij s.

Item, to the Pruniswarder, and one vper servand of the queenis, at pair passing to France, xxiij li.

Item, to Hallot, Page, to furnelt his expensis to France, xiiij li.

May 5. — Item, giving to the queenis Painter, for one monethis wage, fra the third day of pis moneth to be paid to him monethye, as it cummis vpon the day, to iij li. x s. for him and his servand, xiiij li. x s.

1 The name of this individual cannot be traced in the Record. He was for a considerable time in the constant service of the Queen, and receives many large payments.
2 See Dec. 24, 1541, preceding.
3 The Porteous Roll.
4 Usually written 'Annandarrow.'
5 Bison.
6 A variety of other furnishings.
7 blanket, lynnyngh schetis, boystaris, Arres-wark for a bed-cover, &c.
8 See Jan. 20, 1540-1, of these Extracts.
9 He also got costly dresses, previous to his departure.
CRIMINAL TRIALS.

A.D. 1542.

APPENDIX.

May 12. — Item, send to Santanderis, to be one Gowne to the Lady Erroll, xiiij elinis Vellut of grane, xlv li. x i. 3.
Item, to be bire in Birtill, ij elinis Furpur Saling, xxij li. x i.
May 22. — Item, to be send to Santanderis, to be Clathis to Seratt, the Queenis Phile, thre elinis dinnemgræve, and thre elinis gallow, xlii. xviij i.
Item, to Andis, Heralds, at the Kings command, for his lawbouris awaynd vpone the French Embassadour, the tyme he was here, x li.
Item, gevin to Peter Rofis, for turving of Letters to the Duke at Ymber, vij li. x i.
May 24. — Item, to be one Cote and one pair of jarris (for the King) of the Italliene fouldoun, ij li. x i.
and to folt the Cote with thre varis aboute the Taill, xij elinis blak veluet of Janis, xxxiij li.
Item, to one Ingilman just brocht Writingis to the Embassadouris, vij li. x i.
May 27. — Item, to Katherine Bellandene, to be the dise to put apon the Kingis Harnes, twa elinis Furfure teffles, withe theredis of gold, x i.
Item, for rubennis of ilk part, in d.
Jun. 1. — Item, gevin to Thomas Wallace, Taijor, for making of the Queenis grace Wine
Sewertas and hir Ladylis, and furnisng maid be him paibo, x li. x i. viij d.
Jun. 7. — Item, to Johane Caldwellis, for his expensis passong in Norroway for sailis to the Kingis grace, x li.
Item, gevin to Johanne Mure, for his expensis passong to gyd the said Johanne in Strietipun, x i.
Item, gevin to the Laird of Bruntstounis, for his expensis passong to France, at the Kingis command, with four Beris, I x li.
Item, to pay for the Fraunch, and boors to kepe peace, xx li.
Item, to the Laird of Sestrinhoun, for his expensis passong to France the same 
tyme, xxxiij li.
Item, deliveter to Andro Wod of Largo, at the Kings command, be one Prempt, to reftrete Landis, as his grace hes gevin him command, iji li.
Jun. 17. — Item, deliveter to the Sheriff Apryger, at his passong to France, xxxiij li.

REGALIA—The Kings and Queen's Crowns.

Jun. 27. — Item, gevin to the Capitaine of Crawfurd, for fyte score xij ij vancs furnishting Gaitis of Minis, price of the vanc vij li. viij i., quhilke was deliveter to Johanne Mofman and dipositt vpone the King and Queenis graces Crownis, weyand, the Kingis Crowne, xij ij vanc; the Queenis Crowne, xxxvij vanc; and to eyk, are grete Charsis to his grace, xvij vanc, and are Bilt to pe Queene, weyand xij ij vanc, vijxviij li. viij i.
Jun. 28. — Item, to the Queenis Painteur, for his Wages from pe last of May, iji li. x i.
Jun. 30. — Item, gevin to the Lordis Erskin and Ruthven, for supporting of their Expensis passong to the Mercuriis, ilkane 200 merkis, and to pe Justice Clerk 100 merkis, ijiij xxxiij i. vii i. viij d.

Item, to David Creichtoun, Capitaine of pe Castell of Edingbourch, for Expendis maid vpoun Mathew Hamlyloune, Eywn Mknell Vane, Thomas Gray, and Andro Hamlyloune, (Staitis Prisiers), be pe space of ane zere, lx li.
Jul. — Item, requisit from Alexander Quitelaw, are Cameronis of filuer, weyand viij vanc half grete wecht, to mak ane new Schell to kep pe Kingis Walk merfit, and elkit to pe samynis twa vanc sji grete wecht; and to be ane floppell to ane Schell to kep the Kingis grace Tuith the puldeir, xxxix i.
Item, gevin to him (Johanne Mofman) for making of same, xx i.
Jul. (7.) — Item, The Queenis (Magdelanis) Hergie celebrated as usual.

1 Pomerania. 2 Many other furnishings, &c. 3 See Aug. 13, 1540, of these Extracts, &c.
29 Jac. V.

CRIMINAL TRIALS.

APPENDIX.

Jul. 7.—Item, gevin to Ormrod, Perryswant, for his Expenss, paassinge to waorne pe Lairdis of Struellingchyre and Lothyme to ryde with pe QUENS grace pe tyne she passif forth of Struelleing to Pechilis.

Jul. 8.—Item, gevin to Thomas Ramfay, Falconar, for his Weageis remayning in Edinburnche vpone the setting at the Rynge grace Quilkis.

Jul. 10.—Item, gevin to the QUEENS Peintur, for his weageis to Aug. first next to cum, (the same being paased monthly.)

Item, to William Smythbord, for dichting of the QUEENS grace Jasperis and gilt Harres, Steill Sadillis, Roundells for Specis, Schafraone for Horys, &c. xxvi l.

Jul. 11.—Item, gevin to Johnne Bertoun, for expenss maid vpone the Geste Peintur, Jul. xj, 1541, at his paassing to France with the Cardinall; and payinge of Marynall weages, &c., except his vietaling.

Jul. 13.—Item, delinuir to pe QUEENS grace, in Pechilis, are Rynge with are grette Saphite, (Sapphire,) xvii l. xi.

Item, gevin to Johnne Pateroun, for are Kaife for vj Geste Heres (Silver Plate), xv x.; and for are Kaife to iij small Heres with are cover, x. x.; and for twa Kaifis to twa Rannois' [?] of Situr, xx i. summus.

Item, to pe CAPITANE of DUNBAR, for susteyning of Johanne Maryhart in meit and drink fra pe feit of Candilines, 1540, to pe feit of Lammas, 1541, xiv l.

Jul. 14.—Item, gevin to Peter Thomefoun, for his expenss paassing to the Curmstall at Zark with deliigence,

Item, gevin to Johanne Merlyon, in complte payment for the Signying of the Register Harle in the CASTELL of Edinburnch, aboue pe fowme promitit him in the Contract, because the work was ekir.

Item, gevin to Frances Aikman, for Druggis farriebe him to pe QUEENS grace, and to Maistress Marygret, at his grace command,

Jul. 16.—Item, for cariage of the PALRISOM to the Hunting, and Horn wage, fra pe vij of pe moneth,

Item, gevin to William Hardie, paassing to Dunferlining with are cloe Wiriting to pe BISHOPPS, being pair, to cum to Edinburnch to sundry the QUEENS grace, &c.

Jul. 17.—Item, gevin to Robert Spytall, for making of pe QUEENS Donc Harlipsis and hir Harpis.

Jul. 18.—Item, to are boy, to pass with are Wiriting of my LARD Secretaris' to Dunferlining to the LOR DIS, being pair,

Jul. 20.—Item, to Robert Bly, for passinge with Letteris fra pe Lordis to Jediburche, xxiiij.

Item, to Raphael Hyipper, for his peine.

Jul. 21.—Item, gevin to Adam Grymilla, to furneis (hire) him are Horn to pe QUEENS grace, xliij.

Item, to Petir Thomsoun, for his expenss paassing with deliigence estir the Maister of Brunt.

Jul. 22.—Item, gevin to pe LAIRD of SWYNTOUNE, be delineance of pe LORDIS, for the HERD quhill bire tyme from Succis, William Surris, and he was caufit to mak redres parof be pe Lords Comissioneris, &c.

One of the Royal Vessels of War. 2 Letters. 3 Because additions were made to the work. There are many stories of payments to account of this building in former parts of the Accounts. See also Aug. 16, 1548. 4 The same day Letters were despatched to the BISHOPPS, PALLATTIS, and Lords, throuph all the Westland and Northland. And during the remainder of the moonth a great sur was made, in summoning all the Barons, &c., for supplying of the Roaders, &c. 5 The Lairds of Aytoun and Swynstone were WARDENS-DUTY of the Easte Marches at this tyme, having regular Penions for their services.
CRIMINAL TRIALS.

A.D. 1542.

Jul. 29.—The Expensis of the Brust Islant, and the Kingis grace Schippsis, per tempus Compositi, ij'xxvii li. xvi s. viij d.

Item, to Alexander Orrok of Sillibawbe, in Earlengue with Barbara Falconer, doctore to wmo David Falconar, at the Kingis command, because the said wmo David was slaine in his grace servynes,' iij'xxviij li. viij s. viij d.

Item, to Adam Forman, for passing with Writtingis to the Counsell at York, and therafter to Londyne, to the Master of Houphald, xxxij li. viij s. viij d.

Item, to eone Ingilisman qhill brocht ane Writting fra Bishop William Cberis to the Lordis, (of Privy Council,) iiij li. viij d.

Aug. 7.—Item, deliviris to Charles Murray, to be ane Arderse, x'clisia raid and yellow Tefis of cord, and twa elvis qhibte Tefises of Janis, to be Cursis paikto, xli. viij d.

Item, to Thomas Gybloume, karter, in parte of payment of the carrying of certane Artelitie to the Hermitage, 13.

Item, to James Law, to by ane salt hyde to curte the Buter pat paflit paiker, and twa pulder-baggis, xiiij li. viij d.

Item, to Davie Purvis, mazer, for passing with Letteris to the Hermitis, to proclame and charge all inhabitantis paikto pat baid ded, to paik hame agane for defens of pe cuntre, x l.

Item, to Robert Blak, for passing with ane Writting to the Laird of Basse, to Charge him to kepe Currington, xiiij li.

Item, to Thomas Dalmany, to mak his expensis passing with ane Artelitie to the Hermitage, xxij li.

Aug. 10.—Item, to Johnne Cob, paikto to charge pe Carteris in Leith, Hadingoune, North Berwyk, and vperis places in Lodiane, to be redy within xxiiij hours warnyng,4 xxij li.

Item, to twa Ingilismen, qhilkis wer in Cowper-of-Angus and Newblottil, ilkane four Crownes of pe fone, viij li. viij d.

Item, to the Ingilisman qhill brocht Writtingis laist fra the Counsell at York, iij li. viij d.

Aug. 12.—Item, to William Champanay, for passing with Letteris to Dunbertane, Glafwy, Air, Irvine, and Quitherne, to charge pame send pair Schippsis and boitiss, with vperis Vethellis, to carry mest furth of the Mfit; and with vperis Letteris to pe Schereffis, to charge pame be redy vpoun fax hours warning,5 xv.

Item, to Peter Thomson, for passing to Lundynge with Writtingis to the Master Houphald, xxxij li.

Item, deliviris to Walter Scrymgeour, to be ane Arderse, and Cursis paikto, &c. viij li. xix.

Item, to Johnne Mofman, qhill he gavt to oone man paikto that Flds Cernyned to Edsunburcht, xxxi.

Aug. 15.—Item, to Archibald Heriot, for passing with siclike Letteris to the Lord Master: And with Letteris, to proclame in Currington pat all Tenentis and Frehaldares of pe famin paik and remane pair for defence of pe Place,' xxij li.

Item, to Johnne Forster, Bowar, for Arrowis to pe Kingis grace; and ane Bow, ane Braife, ane Glyffe, and ane dufane Arrowis, to pe Queen's grace, deliviris to Olioure Sinclaire and Johnne Tenent, fra Apr. 3 to Jul. 30, inclusive, xli. xvi. viij d.

Aug. 16.—Item, to Robert Blak, for passing with Letteris to the Schereff of Hadingoune, and

1 At the Siege of Tamallion. 2 Ensign, Standard. 3 Prior to the Battle of Haddecrig. 4 Charges were also despatched to all the Shires to be in readiness. 5 Messengers sent with similar charges to all the other Sheriffs. 6 Constable of Dundee, heritable Royal Standard-Bearer. 7 Letters had been sent 'with diligence,' by many Messengers, to all the Nobility, &c. 8 The Monastery. In the counties adjoining the Border, the Baren, &c. were enjoined 'nocht to ryde' Forays into England, individually, but to await the arrival of the Army, &c.
Inhabitants of je Schyre, to passe within sax hours to landore, and await vpoune je lieutenant.  

Item, to Beele McCaw, Mirrur to lady James, be one especiall commande of je Kinges grace, siclik as echo gatt yerlie of before.  

Item, gevin to Anthonie Briffett, Surrurgen, for labouris done be him to je Queenes grace, at jis tymne slanely.  

Item, to George Lachey, William Qubite, George Frothingham, and Daniel Robertson, surrugen, palfand to je Bordouris for curing of all personis jis hapnis to be burst be Inglys men.  

Summa totalium Expenses (is Sep. 7, 1541, ad Aug. 16, 1542, being the total expenditure of the preceding year.)  

A few of the articles only can be selected in this place, although many of them would be found to be extremely interesting to the Historian and Antiquary.  

(Mar. 18, 1541.)—Item, gevin to certane pynouris, for monting and drawing of the famin (‘ane dowhill Caluering,’ newly founded) to the Craigheid,  

Item, for the drawing of the Pecce caffine (caft) before the left Chaker to be schote withe hir.  

Item, for indrawing of the famin within the Montissure-Aven, eftir jis wer schot and seyit.  

Item, gevin to Andres Menfioun, for Spering of the Kings grace Armes, with unicorns, Thrisillis, and Fleurdelycles vpoune the famin Pepce; and seyving of the dait of je 3ere vpoune the mouth peirof; and vpoune the graving of Armes, Thrisillis, and Fleurdelycles vpoune findry vperis Pecce, set in taft be Johnne Drummond 4 to him.  

(Sep. 9.)—Item, gevin for zl new Rammets 4 to je Alth Caluerings qubilkis was fund in the castell roufit,  

Item, for thre chopinsis Vle de Olyve for clenzeing peirof,  

(Oct. 9.)—Item, Johnne Drummond and his servandis pasfit to Dalhouwer-Wode and curtit xxiiij pece of Birk, to be 5okkis and frye-wode, and tenne treis of elme to be navillis to quhelles; and gevin for the carriage of pair wark-lvnes to je Wode, and hame-brining of the famin.  

(Mar. 27, 1542.)—The Expenses deburfit vpone the puliter, myllers and craftismen, fra Mar. 27 to Aug. 6.  

The Expenses deburfit vpone the Markus of the Register House, (summa), xxvij li.  

Item, to William Fandik, Ducharman, Makar of jme Gunnis, fra his entere to Wirk in je castell, qubilk was je xxviij day of August lasthaipf, to je xxij day of December (1541) includive, qubilk tymne be deceffis, havand viklie xxviij.  

1 The same charges sent to the Sheriffs of Linithgow, Peebles, and Selkirk, &c.  

2 It is believed this refers to the castle-hill, probably at the place where Nelson’s monument now stands.  

3 Proved.  

4 The Master-Gunner.  

5 Rusted.  

6 See Jul. 14, 1542, of these Extracts, &c. The other entries referring to this important building were merely payments to account; but they possess no interest otherwise than as viewed in connexion with a work of national utility.
CRIMINAL TRIALS
AND OTHER PROCEEDINGS BEFORE THE
HIGH COURT OF JUSTICIARY.

Slaughter of the Laird of Keir.
Jan. 5, 1542-3.—DAVID SCHAW found surety (John Ker, son of Andrew Ker of Fernyhurtle) to underly the law at the next Justice-aire of Stirling, for art and part of the cruel Slaughter of SIR JOHN STRUELING OF KERE, KN.B.—Alexander Schaw of Sauchy bound himself to relieve Ker; and Alexander, brother of David Schaw, obliged himself to relieve both of them of their cautionry.

Slaughter of the Laird of Auchinfranko.
Jan. 11.—JOHN MAKNACHT OF KILQUHANNITE (being then at the horn) found surety to underly the law at the next Justice-aire of Kirkcudbright for art and part of the cruel Slaughter of WILLIAM SINCLARE OF AUCHINFRANKO.—(Apr. 17, 1543.) Andrew Herys, brother of William Lord Herys, became surety for his appearance to answer for the said crime.

Caution for Lord Glammis—Lady Glammis’s Treason, &c.

[The incidents connected with the Cases of JONET LADY GLAMMIS, and JOHN L ORD GLAMMIS, her son, have already been treated of so fully, in a former part of this Collection,1 that it is unnecessary to recapitulate in this place. It is proper, however, that the reader should bear in mind, that LORD GLAMMIS’s Forfeiture was afterwards openly rescinded in Parliament, Mar. 15, 1542,2 and that his lordship was restored to his dignities, lands, &c. The reasons assigned are too remarkable to be omitted in the present Collection. They were as follows. · BECAUSE, he said pretendit proces, Act of Adjournal, and Sentence of Forfaitour, was led and gevime be vertu of he said Lordis Confessionoun, maide be him be just dredour and for feir of his life: Qhilk dredour mycht fall 3 in ame confant man; 4 becaus he said Jhone Lord Glammis was presonit in pe Castell of Edinburu, destitu of all confale of his frendis, and prenentit to pe Pynebairkis, 5 ser toperis of perfeite aige and stark 6 of perfoune put on pe said Pynebairkis; and he beand pae scharpie examinat, for dredoure (and) prenoning of his body, maide he said pretendit Confessoun. Be vertu of pe qhilk Confessoun, na vper sufficient posterioriamae beand led, pe poronis pabl palt rpoune pe said Affile fund, and deluerit as is abone wriittine, and geve pe said pretendit Sentence, in maner forfand. · AND als, becaus the said pretendit Confessoun, be vertu of pe qhilk pe said pretendit proces, Act of Adjournal, and Sentence of Forfaitour was led, pe said Confessoun was maide be pe said Jhone Lord Glammis in his minorité, nocht knawand pe permae pabl was to follow pairoune, and without pe auutorité and confent of his Curatoriis, pabl nocht beand calit for pabl enteres pairto, as pabl aucht to beif bene, of pe law. · AND

1 See. 2 Vid. Acta Parl. II. 482. 3 Occur, happen. 4 A Guiltless or innocent person, 'a true man,' even though he were by nature a person of firm purpose. 5 The Race, for Torture. 6 Strong
als, he said Lord Glammis was fraudfully induit be vmq\(^2\) THOMAS SCOTT, JUSTICE-CLERK, and vperis familiaris to our said vmq\(^2\) (Fourane lord), to mak he said pretendit Confessioun, sayand to him, iat his lif, landis, gudis, movabill and immovabill, fuld be saif to him; and iat na proces nor Sentence of Forfaltour fosid be led aganis him; howbeit he maid he said Confessioun, as wes clerlie and sufficienlie previt befor my said Lord Gouernour, and thre Estates forfaisd, be he Depositions of disere famoue\(^1\) Witnesis, sworne and examinit in faze of Parliament.\(^{}\)

Jan. 18.—JOHN LORD GLAMMYS\(^4\) and GEORGE LYOUNE,\(^5\) his brother, ' now being in Warde within pe Caftell of Edinburghe,' found surety that they ' fall obserue and keip pare Warde within pe burghe of Edinburghe, and tua myle about pe famyn, and nocht evaid nor brek pe famyn, quihill\(^4\) pare haue speciale Licence and command of pe Lord Gouernour, vnder pe pane of X\(^{m}\) markis.' Their cautioners were Robert Dowglaus of Lochlevin, Arch. D. of Glenbarvy, William D. of Bone-Jedburghe, and John Carmynacell of that Ilk.

Betoune of Capildra committed to Ward.

Mar. 9.—ARCHIBALD BETOUNE OF CAPILDRÁ found Sir Walter Scott of Branxhelme, kni, and James Dowglaus of Drumlangrig, as his furtelles, in terms of the following Warrant:\(^{}\)

Gubernator,

My Lord Gouernour Ordanis ane maser to paifs and charge ARCHIBALD BETOUNE OF CAPILDRÁ, iat he, within vii hours nixt efir he be chargeit, paifs to pe Tovne of Dalkeith, pare to remain in Warde,\(^2\) vpon his awne expenses, and ane myle about pe famyn, vnto pe tyne he be fred be ws: And iat he send na writings to peis Tovne to na maner of personis, vndir pe pane of Treffoun. Subscrit with our hand, At Edinburgh, pe ix day of Marche, pe zeir of God Ivm. Vc, and xij jeres: And to fynd fourire for his remanynig in pe said Tovne, and ane myle about pe famyn, vndir pe pane of iiij\(^{a}\) th.

Wounding Mr Gawan Dunbar, Treasurer of Ross, &c.

Mar. 12.—MR MUNGO MONYPENNY, ARCHDEAN OF ROSS, found surety (David Berclay of Cullerny) to underly the law at the next Justice-aire, for art and part of the Oppreffion done to MR GAWIN DUNBAR, TREASURER OF ROSS, coming upon him, in company with Robert, Bishop of Ros, and his accomplices, in the Cathedral Church of Rois; and laying hands upon him, and cruelly Wounding him, to the effusion of his blood.—Michael Gudlad, dwelling with the Bishop of Rois, also found caution to answer for the same offence.\(^{4}\)

Oppression—Besieging the Place of Frendraught—Wounding, &c.

Mar. 15.—ALEXANDER LESLIE, YOUNG LAIRD OF WARDERIS,

\(^1\) Reputable, of good fame.  
\(^2\) On the margin, 'DELETR de mandato domini Gubernatoris, per suum Preceptum, sub sua subscriptione manuali.' See the Trials of LADY GLAMMIS and JOHN LORD GLAMMIS, &c., I. * 187, 198.  
\(^3\) No mention is made of this individual in the Peerages.  
\(^4\) Until.  
\(^5\) On Mar. 20, 1542-3, he found surety to 'paifs and remane in Warde within pe Scherwedoun of Fife.'  
\(^6\) Sir Thomas Haisty, Monk of Bewlic, (then at the horn,) found caution to underly the law at the next Aire of Inverness, for the same crime, and for Stoutherf of certain goods from Mr Gawan Dunbar.
George Crechtoun of Conzie, and **sixty-eight** others, found caution to underly the law, at the next Justice-aire of Aberdeen and Banff, for Convocation of the lieges, armed in warlike manner, in great numbers, coming to the **Place of Frendraught**, belonging to William Crechtoun of Frendraught, and expelling and beating his servants, Mutilating Martin Abirnethy and John Rois in their left hands, and cruelly Wounding John Lemman, William Smythe, and Alexander Abirnethy, to the effusion of their blood, &c.

**Convocation, &c. at Frendraught — Slaughter.**

Mar. 15. — **William Lord Abirnethy of Saltoone, Alex. Abirnethy of Nathirdull, and forty-four** others, found surety to underly the law at the next Justice-aire of Banff, for art and part of Convocation of the lieges, armed in warlike manner, with a great force, in ambush (cum magno exercitu &c. buischment) in the houes, out-houes, and barns of the Place of Frendraught, for the Slaughter of George Crechtoun of Conzie and James Crechtoun, being in the said Place, for their Slaughter; and for the Slaughter of Robert Crechtoun with a gun (cum eno magonale &c. gwnne.)

**Caution for Oliver Synclare of Petcarne.**

Apr. 21, 1543, (apud Palacium S. Crucis.) — Gilbert Earl of Caflillis became surety to enter **Oliver Synclare of Petcarne** before the Governor, Lords of Council, or Justiciary, whenever he shall be required, on premonition of xx days, to underly the law for certain crimes to be imputed to him.1

**Fomenting jealousies between the late King and his Barons, &c.**

May 10. — **Mr Duncan May found Mr John Spence of Mariltoun** surety to underly the law, before the Justice, on Jul. 6, for Consulting with and frequently giving false information to the late **King James V**, for the purpose of deceiving him; thereby occasioning vehement suspicions between him and his Earls, Barons, and lieges; and for causing in him great apprehension and fear for his Slaughter and destruction. — **May 13. William Smyth, alias Cheffman,** also found caution (James Lindefay, falconer,) to answer for the same crimes.

**Slaughter of the Rector of Kirkbriev.**

Jun. 17. — **James Douglass of Drumlangrig** found surety to appear

1 — **Nota** — This Oliver Sinclair was favourite to **King James V**, who gave him the Command of the Army in England, which offended the Nobilitie, and was the occasion of their defeat at Solon or Solloway Moss. It seems, after the King's death, he was called to account, which is the common fate of favourites. — *MS. Abr. of Books of Adjournal, Adv. Library, M. 3. 14.* The reader will find numerous notices of this personage in the *Appendix* to this reign.

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† 2 T
on Jul. 24, to underly the law for art and part of the Slaughter of Mr Hector Sinclare, Rector of Kirkbride.

Stabbing with knives in a fenced Court — Convocation, &c. —

Sedition — Bearing a Standard called 'the Haly Gaist?'

Aug. 17.—Mungo Tenten, burgus of Edinburgh, Francis his son, and thirteen others, citizens of Edinburgh, found high caution (from 1000 to 500 merks each, according to their several ranks) to underly the law before the Justice on Oct. 10, for 'pe contemptioune done to pe Quenis grace autorité, in drawing of knyffis in pe said Tolbuthe, vpon pe . day of August instant, in ane defensat Court, in prefens of pe Provost and Ballies of pe said Burghe, fittand for pe tyme in jugement, inuading and hurting ilkane vperis' for pare slaughter: And for Seditioune, with Conuocatoune of our fouerane lady pe Quenis liegis, maid within pe said burcht, with ane dis-playit an after, quhilk pai call pe Haly Gaist: And for pe contemptioune of my lord Governoris command and charge, he being pai present in propir perfoune, gevin to pame be John Cob, meffinger, at my said lord Governoris command. —

Caution for Dean Forman of Holyroodhouse — Heresy.

Nov. 3.—'Dene William Forman, Chanane of Halyruedhoufe,' found surety, 'vndir pe payne of l li, pat he full vpone pe xv day nixt efir pe day of pe date hereof, pafs and enter his perfoune agane in Warde within his chalmer within pe Palice of Halyruedhoufe, quharein he wes in Warde of before; and remane pairin, as in Warde, vndir pe said payne.—(Nov. 17.) Caution found of new to enter upon Dec. 6 next, under the same penalty. There is a Note on the margin, 'Deletur, quia potuit eum in manibus Domini Cardinalis, in custodia.'

Caution to return to Ward when required.

Dec. 28.—Andrew Johnestoun of Elphingstoun, 'now being in Warde of my lord Governours command to remain within pe burcht and Chanongate and Portis pairol,' was allowed by Precept to depart home, provided he returned 'as in Warde, at quhat tyme or how fone he falbe requirit be my lord Governour pairo, vpone twa dais warnyng.' Caution found to the amount of 2000 merks.—(Jan. 19, 1543-4.) He was freely discharged.

Laird of Quhittingame freed from Ward.

Jan. 19, 1543-4.—William Dowglass of Quhittingame relaxed and freed from Ward within the bounds of Edinburgh and Canongate, 'quhare he now remanis.'

1 Each other.

2 Ensign; standard.
Abiding from the Raid of Glasgow.

Apr. 27, 1544.—John Young, in Leiswaid, found caution to underly the law on May 10, for remaining from the Queen’s Army for the recovery and besieging of the Castle of Glasgow, held against her authority and the lord Governor’s, by Mathew Earl of Leuenax and their accomplices, against the tenor of the Proclamations.

Escape of the Captain of Edinburg Castle from Warrd.

Nov. 4.—James Hammiltoun of Stanehouse, Captain of the Castile of Edinburgh, having been suffered to escape by John and George Tenent, they found Mr Alexander Levingston of Donyphace as their surety that they should underly the law for non-deliverance of the said Captain, and for putting of him to freedom, &c. in terms of the following Warrant.

Gubernator,


[James G.]

Abiding from the Raid of Gladis-muir.

Nov. 5.—John Suerd (Sword) and nine others found Alexander Bruce, younger of Erthe, as surety for them, that they should underly the law on Nov. 24, for abiding from the Queen’s Army, at Gladismuir, on Oct. 4 last; each under the pain of 100 merks.

Treasonably assisting the Earl of Glencairn at Glasgow-muir.

Feb. 5, 1544–5.—Sir Andrew Heriot, Chaplain in Glasgower, found caution to underly the law at the next Justice-aire of Lanark, for treasonably coming with the Earl of Glencarne and his accomplices against the lord Governor upon the Common-muir of the burgh of Glasgow.—(Feb. 14.) He again found caution to the same effect.

Abiding from the Raid of Coldinghame and the West Marches.

Feb. 8.—John Craufurd of Giffertland and John Craufurd of Birkhead found surety (Colin Campbell of Ardkinglas) to underly the law at the next Justice-aire of Air, for abiding from the Queen’s Army along with the lord Governor at Coldinghame, for besieging the Place thereof, and expelling the enemies of England furth thereof.—Alexander Thomson, in Helys,

1 Others are afterwards charged for the same offence.  
2 See numerous entries in the Appendix to this reign, in relation to this and all the other Raids.
found caution for abiding from the same Raid, to have met at the West Marches. Several others called for the same offence.

**Abiding from the Raids of Ancrum and Coldingham.**

May 18, 1546.—**John Blare** and Patrick his son, both then at the horn, found surety to underly the law for Abiding from the Queen's Armies at Ancrum (Ancrum), Feb. 27, and Coldingham, on Dec. 31; and from other Raids.

**Abiding from Ancrum-moss and Coldingham.**

May 29.—**Duncan Drummond** and John D. his brother found caution (David Lord Drummond) to underly the law at the next Justice-aire of Dumbarton, for Abiding from the Army at Ancrum-moss and Mure, and for Besieg- ing the Kirk and Steeple of Coldingham.

**Treasonably Assisting and Intercommuning with the English.**

Jun. 8.—**Sir David Nesbet**, Chaplain, at the horn, found caution (Robert Broun of Blakburne) to underly the law at the next Justice-aire of Berwick, for art and part of treasonably Assisting and Intercommuning with our ancient enemies the English.

**Slaughter of the Captain of Doune.**

Jun. 3, (apud Linslithgow.)—**John More**, being then at the horn, found Robert Master of Grahame as surety for his underlyng the law at the next Aire of Perth, for art and part of the cruel Slaughter of James Stewart, Captain of Doune.

**Slaughter — Mutilation — Wounding.**

Dec. 22.—**William Murray**, (at the horn,) son and heir apparent of Wm. M. of Romanno, John his brother, and . . . . . Thomfane, found surety to underly the law at the next Aire of Peebles, for art and part of the cruel Slaughter of Sir Alexander Innes, (Chaplain); and for Assisting in the Mutilation and Wounding of James Geddes.—(Jan. 21, 1545-6.) William Murray of Romanno found surety for the same purpose.—(May 20, 1547.) The Laird of Romanno again found caution to underly the law for the same crime, and for the Slaughter of Sir Martin Ewmond, (elsewhere called ' Newman,') also a Chaplain.

**Raid of Dumfries for Besieging Lochmaben Castle.**

Jan. 21, 1545-6.—**John Peresoun**, in Petdiny, found John Strang, younger of Balcotay, surety for his underlyng the law at the next Aire of Perth,

1 Sir Walter Scott of Branxholme, lai, Patrick Murray of Fawlabill, alias of Philippalche, and Alexander Tait of Pynne, were his cautioners.
for abiding from the Queen’s Army assembled by the Governor at Drumfries, for besieging and recovering the Castle of Lochmabane.

Slaughter of the Laird of Glorat’s Brother.

Mar. 3.—John Sympill of Foulwod, and John S. his son and heir apparent, Robert S. of Nobilstonoue, and William his brother, and three others, found caution¹ to underly the law, at the next Justice-aires of Dumbarton and Renfrew, for art and part of the cruel Slaughter of Walter Striueling, brother of George Striueling of Glorat.

Caution for the young Laird of Calder.

Mar. 29, 1546.—John Sandelandis, son and heir apparent to Sir James S. of Calder, knı, found surety (James Forstara, young Laird of Cortorphin, Alex. Lauder of Haltoun, Robert Douglas of Pumfouetoun, Robert Mowbray of Borowgall, John Pennycuik of that ilk, and George Prestone of Cragmelour) for his entry within the Castle of Edinburgh, upon twenty-four hours warning, under the pain of 10,000 li.; and that he ‘fall remane in Warde, in þe mene tyme, in þe place of Cortorphin Colege, towne, and þeardis þairf.’—This was afterwards deleted by command of the Governor, in terms of the following Warrant:

Gubernator,

Justice and Justice-Clerk, We grete þou well. Forfamekill as our lout Johnne Sandelandis, young Lard of Callou, sana fourtes to entir in Warde quhenne euer we charget him, vpon 20 days warnyn, vnder grite panis: And now we haue gevin and grantit oure Letteris of Licence to þe saide Johnne to passe to þe partis of France, and þair remane ane certane spacie, as þe saide Licence maerfullie propretis. Theirfore, we faythfullie promitis to þe saide Johnne, that he fall nocht be charget to entir in þe saide Warde, nor 31st his fouertis falbe unlawit for nonentre of him in Warde, quhill his returning and hame-cumynge againe within þe realmes of Scotland, and 21 days þairf. Oure Will is heireof, and we charge þou, þat incontinent eftir þe fycht hirso, þe mak ane Act in þe bukis of Adiornall of our promyie and obllifying aboue-writyn, maid be we in maner fairefàid, aenent þe saide Johnne and his fouertis, towart þe saide Warde; þwa þat he or þai incur na danger for his nonentre in þe saide Warde, during þe saide spacie: Providing alwaies, þat þe saide Johnne eftir his hame-cumynge againe within Scotland entir againe in Warde quhen he beis charget he ws, vndir þe þaiis contentis in þe Act ellis² maid þairpoune, and his fouertis to fand to þat effect alaneleis;³ and þe famin Act to bane na strength during þe saide Johnnis remanynge beyond ley,⁴ hot alaneleis eftir his returning againe within þe realmes of Scotland, as said is. This þe do, as þe will ansuer to ws þairpoune; kepand þis writyn for your Warrand. Subsctriuet with our hand, At Sanctandris, þe xxix day of September, the seir of God 1540 xivj yaris. James G.⁵

Assisting the Laird of Ormistoun and the young Laird of Calder to escape from Ward.

Mar. 29.—James Lawson of Hieigrigis, and two others, found cau-

¹ Allan Lord Cathcart and John Blare of that ilk.
² Already.
³ Alone, only.
⁴ Beyond sea.
⁵ From the Original, preserved among the Warrants of Court.
tion to underly the law for art and part of the affiance afforded to William Cokburne of Ormistoone and the young Laird of Calder, in breaking their Ward furth of the Castle of Edinburgh.

**Treasonable Fire-Raising — Stouthreif, &c.**

May 31.—James Gall, Thomas Thrift, and Sir James Thrift, Chaplain, found caution (Archibald Douglas of Kildspindie) to underly the law, at the next Aire of Perth, for treasonable Fire-raising, and Burning the houses and dwelling-place of Alexander Skrymgeour of Balbegys: And for Burning Jonet his daughter: And for Stouthreif of his Title-deeds and goods, &c.

**Slaughter of the Laird of Culzeane.**

Jul. 8.—Andrew Lupe (Love,) being at the horn, found surety to underly the law, at the next Justice-aire of Air, for art and part of the cruel Slaughter of John Kennedy of Culzeane.

**Abiding from the Raid of Dumbarton.**

Oct. 7.—Peter Gammyll, dwelling in Brayhede of Corfehill, being at the horn, found caution to underly the law at the next Justice-aire of Air, for Abiding from the Queen's Army, convened by the lord Governor at the burgh of Dumbarton, for Befiegging and recovery of the Castle thereof.

**Deforring a Messenger-at-arms.**

Jan. 13, 1546-7.—James Ormistoune of That Ilk found William Linlithg. of Drygrange as surety for him that he would underly the law, at the next Justice-aire of Roxburgh, for Deforring James Sandelandis, Messenger-at-arms, in execution of Letters purchased by John Abbot of Jedburgh; and for Seizing and Tearing of the said Letters.

**Abiding from the Raid of Saint Andrews.**

Feb. 28.—James Bartilmo, in Curry, found caution to underly the law, on Mar. 15, for contemnously Abiding from the Queen's Army, contrary to the Proclamation, ordaining the inhabitants of Lothian to convene at Saint Andrews, for Befiegging and recovering the Castle of Saint Andrews.

**Slaughter of the Baron of Tulymet.**

Mar. 1.—John Charteris of Kincleain, John and David Charteris, brothers-german of Thomas C. of Kynfawnis, John Cochrane younger of Petfour, and four others, found the Laird of Kynfawnis as surety for their underlyng the law, on Mar. 15, for the cruel Slaughter of John Ayfoune, baron of Tulymet.—The Laird of Kynfawnis and five others, along with David
Chalmer of Seggydene, and Thomas his son and heir apparent, also found caution to underly the law for the same crime.

Casting down and breaking an Image of Saint Magdalene.

[It may seem surprising to many readers, that so few instances occur in the Criminal Records, of proceedings against such of the early Reformers, in Scotland, as in their furious zeal defaced and overthrew so many splendid Religious Houses. In the Appendix to this and the preceding Reign, however, the reader will find many interesting notices, which have been obtained from other authentic sources, unnecessary to be recapitulated in this place. Among others which might easily be cited, the following is so remarkable, that the Editor thinks it an apt illustration of the spirit of individual Reformers, some of whom were, from constitutional timidity and other causes, compelled to recant; but afterwards, even in the face of tortures and the cruellest death, adhered to the Reformed faith. The tyrannical but vigorous manner in which the Popish clergy dealt with the first outbreakings of the Heretics, as is already familiar to all, was unable to quench the faith of those good men; to whose fearless exertions, under God, we mainly owe the religious freedom which this country presently enjoys. The reader may refer, with advantage, to Dr M'Crie's last (5th) Edition of the Life of John Knox; where, in the Appendix to Vol. I, he gives many interesting particulars of the 'Scottish Martyrs.'

Walter Steward, brother to Andrew Steward Lord of Ochiltree, was accused before Bishop Dunbar of Glasgow, in Marche (1533), for Casting down an Image in the Kirk of Aire. He recanted his opiniones, after long dealing with him. But in his returning home, he drowned in the Watter of Calder; so that, falling from his horse, none could rescue him. At length, getting hold of a great stone in the water, he cried to his friends and exerted them that they (should) take example by him not to redeem life by recanting of the true faith; for experience there proved it would not be sure. He protested he was there to die in the truth which he professed; and that being for his recantation, he was affraid of the mercie of God, in Christ. He willed them to remember this work of God to their own profit. Being overcome and drawn from his grip of the stone, (he was) drowned, notte being able to rescue him in the deep whither he was caried. And though the water was not deep quhair he first fell. George Gude, one of the cheeff Clerks of the Colledge of Judges in Edinbrugh, riding behind him upon the same herse, was faved.]

Mar. 16.—Stephen Bell found Robert Mowbray of Bernbowgall as surety for his underlying the law on Mar. 29, for Casting down and Breaking an Image of Saint Magdalene, within the Chapel of the town of Lany; and for other crimes contained in his Letters.

Abiding from the Raid of Lawder.

Mar. 25, 1547.—William Brown, and forty-seven others, (all at the horn,) found Sir Neil Montgomery of Langfchaw, kn't, as surety for their entry to underly the law, at the next Aire of Lanark, for Abiding from the Queen's Army convened at Lawder, in Sep. 1545, for refitting our ancient enemies the English; and for other crimes contained in their Letters.

Assyment for Mutilation referred to the Treasurer.

Mar. 26.—Thomas Kennedy of Knockdaw, and David and Fergus
his sons, found Sir John Lawmond of Innerynne, kn't, that pai for pame seifiss and pair complices fall affythe, satefy, and pleife Robert Cathcart of Carletoune,\(^1\) for pe Mutilatoune committit be pame vpoune him; and alse fall pleife pe Lord of Bargany in all behaisifs, and his rycht, actioune, and interes in pe premisfis, as my lord of Dunkeld, Thefaurer, fall pleife to modify, vndir pe pane of ane thousand pundis: Quhilk modificacione falsbe infert in pe buiks of Adornale, and to haue pe strength of ane Act pairof.\(^1\)

**Barbarous Slaying of Cattle — Destroying two Houses, &c.**

Jul. 24.—ALEXANDER CUMMYNG OF ALTER found surety (John Earl of Sutherland) for his entry; and he became cautioner for John and Hugh C. his son and brother, and ten others, to underly the law on Aug. 9, for art and part of cruelly Cutting the backs of eleven oxen and cows with their swords, and thereby slaying them, belonging to Alexander Vrquhard of Burrißardis: AND for casting down and destroying two housis built on his said lands.—(Aug. 1, apud Sanct Andros.) Continued to the Aire of Elgin, for the above and other crimes of Oppression, &c.

**The Laird of Dalhoussy to remain in Ward, &c.**

Feb. 5, 1547-8.—NYCHOLACE RAMSAY OF DALHOSSY found caution to the amount of 10,000 merks, that he ' fall remane in Ward, in sic place as my Lord Gouvernour fall command him to, and nocht depairt furth of the famin, without his Licence had and obtenit pairupoune.'—John Lord Boruthilk, John Cranftoune of that Ilk, Andrew Johnneftoune of Elphinstoune, Eduard Sinclare of Drydene, and John Ramst of Hawis were his sureties, whom George his son and heir apparent bound himself to ' freithe, releif, and keip skateis.'—Mar. 4. He found caution of new\(^2\) to remain in Ward ' within pe boundis of Fife, induring my Lord Gouvernouris will: AND pat his sone and air fall keip pe House of Dalhoussy fra all inyureis, salang as possibill is; and falbe reddy and obedient to my lord Gouvernour, as he fall pleife command and charge; and pat he falbe reddy to serve my said lord Gouvernor with all his folkis, freindis, and tenantis, whun he beis requirit: And pat pe said Nycholl fall entir agane in Ward within pe Caftel of Edinburgh or Blaknes, within thre dayis nixt after he be chargeit pairo, be our fourane lady, my lord Gouvernour, or pai Lettiris.'

**Stealing a Gold Chain, &c.**

Mar. 15.—JOHN CARKETTILL OF FYNGLENNE found caution to underly

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\(^1\) See May 10, 1549.       \(^2\) Richard Maitland of Lethingtoune, John Sinclare of Herdmanstoune, and James Herrot of Trabroune, became bound to the extent of 1000 L. each.       \(^3\) See May 10, 1549.
the law, on Apr. 14, for Stealing a gold chain and silver girdle from Johan Richertsoue, relict of John Mauchane, burgess of Edinburgh, furth of her house in Edinburgh, in February last.—Continued to May 15.

Assisting the Rebels in Castle of Saint Andrews.

Mar. 24.—John Castaris, citizen of St Andrews, found caution to underly the law at the next Justice-aire of Fife, for Asfiting the Rebels in the Castle of Sanctandrosis, and being in company with them; and for other crimes contained in his Letters.

Abiding from the Raid of Portincraig.

Mar. 26, 1548.—Mr John Arnot, burgess of Edinburgh, found caution to underly the law for Abiding from the Army of Portincraig, for refisting our ancient Enemies the English.

Detaining the House of Scrabister — Seizing the Fruits and Teinds of the Bishoprick of Caithness, &c.

Mar. 30.—Robert Bishop-Elect of Caithness, Sir John Matthesoune Chancellor of Caithness, Hercules Barcujay Rector of Cannifby, and three others, found George Earl of Errol surety for their underlyng the law on Apr. 30, for Stouthref, taking and detaining from Mr Alexander Gordoune Postulate of Caithness, the House and Place of Scrabister: And for seizing upon the fruits, teinds, and other emoluments of the Bishoprick of Caithness: And for breaking the Queen's Protection granted to the said Mr Alexander, his servants and tenants of the said Bishoprick.

Treasonably Assisting the English.

Apr. 14.—George Hoppringill of Torwoodlie found surety to underly the law on May 29, for treasonable Assistance afforded to our ancient enemies of England, giving and taking Assurance from them; and for other crimes contained in his Letters.

1 Numerous notices of Remissions, &c., to individuals for their adherence to the Master of Rothes, Kirkcaldy of Grange, and others, implicated in detaining the Castle of St Andrews against the royal authority, and for the Murder of Cardinal Beaton, will be found in the Appendix to this reign.

2 He was brother to the Earl of Lennox, but never was in Priest's orders. Owing to the part he took with his brother against the Earl of Arran, Governor of the kingdom, he absconded with him. Having embraced the Protestant faith, he afterwards got a gift of the Priory of St Andrews—succeeded to the Earlom of Lennox in 1576, which in 1579 he resigned to his grand-nephew, Eame Stewart Lord D'Aubigny; and subsequently obtained for himself the title of Earl of March.—See Douglas's Peerage, Keith's Bishops, &c.

3 Son of George Earl of Huntly.

4 On Oct. 9 following, Cathcart Cranroan of Maynis found caution for the same offence, and several others were summoned. Many other instances may be found in the Appendix to this reign.
Abiding from the Raid of Langholm.
May 30.—Gilbert Law, in Eliter Ogill, found caution to underly the law at the next Aire of Forfar, for his contemptuously Abiding from the Queen’s Army at Peebles, Jun. 30 last, for Befleging and recovery of the Houfe and fortalice of Langholme, taken and detained by our ancient enemies of England.

Assisting the English — Keeping the House of Bukcame.
Jun. 5.—Robert Hoppringill of Blyndley, and five others, found the Laird of Torwodley as surety for their underlyng the law at the next Aire of Selkirk, for treasonable Assistance, giving and taking Assurance with our ancient enemies the English, and keeping the House of Bukcame (Buckholm?) belonging to James Hoppringill of Tynnes, and pasturing the lands thereof.

Treasonably Assisting the English.
Jun. 20.—Cuthbert Cranstoun of Doddie found George Lord Hume surety for himself, Cuthbert Howlatoun, and fourteen others, to underly the law on Jul. 31; for treasonable Assistance given to our ancient enemies the English.1

Abiding from the Raids of Langholm, &c.
Aug. 18.—John Strathauchin, in Kincray, (at the horn,) found caution to underly the law at the next Aire of Aberdeen, for contemptuously Abiding from the Queen’s Armies convened at Bigeame (Birgeame), Langholm, Sanctandros, and Hadingtoun, for refilling our ancient enemies the English, and for defence of the kingdom.

Caution for the Laird of Lethingtoun.
Aug. 14.—Richard Maitland of Lethingtoune found George Lord Seytouie, as his surety, that he would enter within the Castle of Edinburgh, or elsewhere, when and where it might please the lord Governor, on forty-eight hours warning: And that the said Richard shall remain a good and faithful subject, and remain within the kingdom, and have no intelligence with our ancient enemies the English—under the pain of 10,000 l.

Keeping the Castle of Saint Andrews against the Queen.
Aug. 27.—John Sibbet (at the horn) found Andrew Lundy of Balgonoy cautioner for his underlyng the law at the next Justice-aire of Fife, for art and part, along with Norman, formerly Master of Rothes, James Kirkcaldy of Grange,

1 A number of others, persons of no note, found caution to answer for the same crime.
and their accomplices, in detaining the Castle of St Andrews against the Queen and Governor and their authority. 1

Abiding from the Raid of Gladismuir.

Nov. 21.—James Aschynnane in Elyok (at the horn) found surety to underly the law, at the next Aire of Kirkcudbrycht, for Abiding from the Queen's Army, ordained to convene upon the Muir of Gladismuir, Aug. 20 last.

Abiding from the Raid of Mussilburgh.

Nov. 21 and 30.—Mathew Douglas, Young Laird of Manis, found John Cragingelt of that Ilk, and Robert Montgomery of Makbehill, and John M. found Gilbert Earl of Caflissil surety for their underlying the law at the Justice-aieres of Dumbarton and Air-Douglas; viz. for abiding from several Armies of the Queen, and the other parties for abiding from the Army appointed to convene at Mussilburgh. They were all at the horn, and caution was allowed to be received, for their appearance, by Warrant of the Privy Council.

Professing the Doctrines of the Reformation — Alleged High Treason — Case of Judicial Murder.

Among the too frequent instances of Judicial Murder, which unhappily disfigure our early Scottish Annals, the Case of Sir John Melville of Raith is perhaps one of the most remarkable, although the circumstances have been hitherto but little known. Knox and Buchanan are the only early Historians who take any notice of this Case; but even they have barely related the fact of his execution. It is not improbable, that the particulars having been matter of notoriety in their days, they had, on that account, deemed it unnecessary to enter very minutely into the details, 1 which would doubtless be fresh in the memory of all their contemporaries. In this manner, much valuable information has, in many instances, been irretrievably lost to posterity, through the author’s fear of being accused of prolixity in rehearsing events which every one was then presumed to know as well as himself.

The Editor having had the original of the following interesting gift, dated Feb. 12, 1562-3, pointed out to him by Thomas Thomson, Esquire, Deputy Clerk Register of Scotland, he felt so much interested in the apparent iniquity of the death and forfeiture of this virtuous man, as to be induced to make a pretty extensive inquiry into the facts attending his Trial, of which, however, no traces are now to be found in the mutilated and imperfect Criminal Records of that period.

The truly learned and indefatigable Dr McCrie, in his illustrations of the History of the Reformation 2 in Scotland, after commenting on the rigorous and tyrannical conduct of the Regent Arran, and his brother the Archbishop of St Andrews, against those Barons and gentry who were the most distinguished favours of the Reformed opinions in Religion, states, that, instead of attempting to prosecute them for Heresy, they rather preferred to bring them to Trial for alleged crimes against the State. Among others who were banished, and had their estates forfeited, he instances Cockburn of Ormiston and Crichton of Brunston; and he then shortly notices the present case, thus—Sir John 3

1. On Sep. 19, 1548, Sir James Archibald found John, Master of Glencairn, as surety for him to underly the law for the same crimes—and others also were charged from time to time. Reference may likewise be made to the Appendix, where numerous other instances will be found.
2. See Knox's Historie, p. 89; Buch. 1, 302.
3. Dr McCrie's Life of John Knox, (third Edit.) 1, 164.
CRIMINAL TRIALS.  A.D. 1548.

MELVILLE OF RAITH, a gentleman of distinguished probity, and of untainted loyalty, was accused of a traitorous connexion with the enemy; and although the only evidence adduced in support of the charge was a Letter written by him to one of his sons then in England, and although this Letter contained nothing criminal, yet was he unjustly condemned and beheaded.

Bishop Leslie, and others of our Historians and Chroniclers, are entirely silent on the subject; but fortunately several MS. authorities concur in the accounts which they have respectively given of this disgraceful tragedy. According to the Editor's usual plan, he begs to lay these before the reader, as the best mode of enabling every one to form an impartial opinion, from contemporaneous or early sources.

The first authority which shall be cited is that of Johnston's MS., where the subject is thus introduced:—'The Slauchter of William Lord Creichtoun, and Baron of Parliament, was as the first prodiage of their futur tyrannie, quho was slayne in The Gournounurs swin Hous, almahit in his swin ficht, be Robert Semple; but the committer of the Slauchter was examed be intereficion of the Bischopis harlot, quho was Semple's dochter. The Archbischop, in the last Kinois lyftyme, maid professioun of the pure Religion to thosse quhom he moyst trauflit; bot, eftir his death, he ran heid-longis in all kynd of ryce. Amangis many witheris his harlotis, he interteyned this Harlot Semple, nather biewfull, of gude fame, or wtherways in any fort notable, except his swin kynsman, and followed him as he that had bene his leuchtfull wyffe. The faught was the death of Johnne Melville, ane nobill man of Fyff, quho was ane of the Kinois moat famiriaris, quhois Lettres feid and written to ane certane Englisman, recommending vnto him ane friend of his, takin Prifioner, war intercepted. Alhocht pair was no fulpition of any crime conteined in thame, 3it (was) the wrystit Lettre and wrystiter pair of harlod to judgment. His landis gewin to David (Hamilton), the Gournounus ounner, maid the punishmicht moir fitliche. The arme of theis infamous deidis twitchid bot a fewe, the invy many, bot the example perteneit almoost to all.'

The next authority is that of Anderson's MS., the author of which narrates the event in these terms:

'In this meanytyme (but others writ yat it was the Winter before) did ye Laird of Raith moost innocently suffer, and after was forswaft, because yat he writ a Bill to his sonne, John Melvill, who then was in England, which was alleged to have been found in ye House of Ormiston. But many suspedt ye pranks and craft of one Reinjean Cockburn, now since called Captaine Reinjean, to whom ye said Letter was delivered. But howsoever it was, ye cruell beafts, the Bischop of Sant Andrews and the Abbot of Dunfermling, ceasit not till yat ye head of the Gentileman was stricken from him; especiallie, because yat he was known to be onye yat unfaynedlie favoured ye treath of Godis word, and was a great freind to those yat were in ye Castell of Sant Andrews, of whose deliverance, and of Godis wonderfull working with them during ye tyne of pair bowndage, we may now speke, leaft in supperforming of so notable work of God we mycht juftifie be acquest of ingratitude.'

Caldewood likewis notices Sir John Melvils murder in similair terms.—In this year (circa 1550) John Melvill, Laird of Raith, in Fife, ane aged man, and of great accompt with King James V., was Beheaded for writing a Letter in favours of a captive to ane Englisman, his own Bafflard fon, as is reported, Prisyoner for the time to the Englisman, to whom he recommended him. Although ther was not the leaft fulpicion of any fault, yet loft he his head. The letter, as was alleged, was found in the House of Ormiston. Manie suspedt the craft and pranks of Ninian Cockburne, afterward called Captain Ninian, to quhom the said Letter was delivered. Howsoever it was, the cruell beafts, the Bischop of Sant Andrews and the Abbot of Dunfermling,

1 Johnston's MS. Hist. of Scotland, Adv. Library, chiefly compiled from Buchanan, &c. during the reign of King James VI.
2 The Regent and his brother.
3 Immediately after the taking of Broachtie Craig from the English.
4 On its being recovered out of the hands of the English Army.
6 Referring to the captive, who was his natural son.
ceased not till the head of the Nobleman was stricken from him; especially, because he was knowne to be one that unfeignedly favoured the truth. They were not content of his death, till that he was Forsaught, & his patrimonie bestowed upon David Hamiltoun, the Governor's youngest son.'

The following verses on the Laird of Raith's Execution, by John Johnston, may also be considered interesting by many readers, when viewed in connection with these desultory notices.

Johannes Malvillus, Rethius,

Nobilis Fidus, Jacobo V. Regi, olim familiaris, summi vitae innocentia, ob pura Religionis studium, in suppliciis sati criminis, iniquissimo judicio jublatus est, Anno Christi, 1548.

Quidnam ego commiseri? Quae tanta injustia facti?

Hoc ita in nostrum faciat ens caput?

Idem hoc, judexque sumus. Pro crimeni, Christi.

Religio et seudo crimen pura manus.

O facia! O mores! Sceletum sic tollere pannas

Ut virtus scalaris debita damnis lusit.

It only remains to mention, that there is some doubt with respect to the date of this event, as several of the preceding authorities class it with occurrences of the year 1550. The following quotations, however, from the Lord High Treasurer's Accounts, seem to fix it with tolerable precision.

' Dec. 9, 1548.—Item, Writtingis to the Laird of Balmero, Balwery, Petryrane, and to all the Laird and Gentilmen of Fyr, to be heir, (in Edinburgh,) Dec. 9th, vpoum the Laird of Rathie Assise.

' Dec 5.—Item, to Adam McCullo, Purlewans, tosend againe to Fyr to summond ane Affice to the Laird of Raith: And to execute Summouandis of Teleoum vpoum the Laird of Petmillie and Mr Henry Balnavis, to be xxij day of Februar, . . . . . . . . . . . . . xxxiiij h.'

The enquiring reader is referred to much interesting matter relative to the persecutions of the early Reformers, in the last Edition of Dr M'Crie's valuable work on the Reformation.

Gift by Mary, Queen of Scots, in favour of John Melville, son of vmquhile (Squir) Johnne Melville of Raith' (knycht), of all reversions which belonged to his deceased father, previous to his Forfeiture.

Marie, be the grace of God, Queene of Scottis. To all and findrie our liegis and subditiis quhome it offeris, quhais knawlge theur oure Lettres falcum, greting. Witt 3e ws to hae gevin and grantit, and be thir our Lettres gevis and grantis To our louiit, Johnne Melville, son of vmquhile Johnne Melville of Raith, KNY, his airis and affignais, all and findrie Reuerfiones, maid be quhat-fumuir eurisonis to the faid vmquhile Johnne Meluile, his fader, gudechir, or ony vperis his predecessouris, vpoume quhat-fumuir landis, annuelrentis, or otheris rowmes and poffesionis annaleit be thame or ony of pame, to quhat-fumuir eurisonis, thair airis and affignais: Qwhilk Reuerfionis pertenyit to the faid 'vmq' Johnne, as his proper evidenits and heritable richtis, for redemption of

1 Johnstone Heros, Lugd. Bat. 1608, pp. 28, 29. 2 There is another entry for summoning 'diverse Barons of Louthian.' 3 Dr M'Crie's Life of John Knox, passim, and especially the Note appended to Vol. I. of the Fifth Edition, respecting Scottish Martyrs.
CRIMINAL TRIALS.  A.D. 1549.

pe saidis landis, annulementis, rowmes, and possessionis, and now pertainis to ws, and ar become in our hands, be resfone of Escheit, throw pe pretendit DOME OF FOIRFAITOURNE and Decreet led and gevin againis the said vmq" Johnne Meluile for certane allegit crymes of Treafloune, allegit committit be him, quhairoif he wes convict and justifieth to the death: Like as, at mair lenche, is contenit in ze said pretendit Dome of Foirfaltoure and Decreet gevin againis him thairupoun. To be Haldin and to be hade all and findrie pe forinnemit Reuerions to the said Johnne Meluile, his airis, and affignais, with all and findrie commodites, fredomes, proffittis, and richtius pertinertis quhaftfumeur, pertening, or richtiuflie may pertene pairsto. With power to the said Johnne Meluile, his airis, and affignais, to redeeme and quytout the saidis landis, annulementis, rowmes, and possessionis, fra the pretendit heritabile possefours thairof respectiuely, and all vtheris quhrome it efferis, be vertew of pe saidis Lettres of Reueriounis, respectiuely; and to vfe pe famyn to pat effect, ficlike, and als frelie in all thingis as pe said vmq" Johnne Meluile miich haue done before pe said pretendit Dome and Decreet of Foirfaltoure; and pe famyn being redemit and quitout, be vertew of pe Reueriounis forisfaidis, We Ordane new Infeftmentis to be gevin to the said Johnne Meluile, his airis, and affignais, off all and findrie Landis, annulementis, rowmes, and possessionis quhatfumeur, allwele haldin of Ws as of quhatfumeur vtheris Superiouris thairof, within pis oure realme, nochtwithstanding pe pretendit Foirfaltour forisfaid; and with all and findrie vtheris commoditis, fredomes, and priuilegis apertening thairto, fisrei, quietlie, weale, and in peax, bot ony Reuocatioune, obftacile, impediment, or agene-calling quhatfumeur. QUAIRFORE, We charge straitlie and commandis 3ow, all and findrie oure liegis and subdittis forisfaidis, that nane of 3ow tak vpoune hand to mak ony impediment, lat, or disrurbance to the said Johnne Meluile, his airis, and affignais forisfaidis, in the peceable brooking, joicing, vling, intro- metting, and disponing vpoune all and findrie pe forinnemit Reuerionsis, after the forme and tennoure of prs oure Lettres, vnder all heaft pane and charge pat etter may follow. Gevin vnder oure Priuie Seile, At Edinburghe, the twelff day of Feburare, the zeir of God I°.V°. threscoir twa 3eiris, and of oure reigne pe twenty ane 3eir.

Per Signaturam manu s. d. N. REGINE, subscriptum.

Abiding from the Baid of Gladismure.

Apr. 13, 1549.—WILLIAM RUTHVEN of BALLENDENE found William Lord Ruthvene as surety for his entry, on May 14, to underly the law for contemnuously Abiding from the Queen's Army ordained to convene at Gladif-
muir; Aug. 20. left, for besieging the town of Haddington, and for recovery thereof out of the hands of our ancient enemies, the English.

Slaughter of the Laird of Cuthilgurdy, &c.

Thomas Blake of Balthyke, and Thomas his son, John Moncur of Balluny, and nine others, found surety to underly the law, on May 14 next, for art and part of the cruel Slaughter of Sir Henry Dempitate, Chaplain, John Charteris of Cuthilgurdy, Richard Brown, Alexander Charteris, Alexander Gray, John Pullour, and Robert his son; and for all other crimes contained in their Letters.—Sir Robert Oistilare was replegated by the Vicars-General of St Andrews; and Thomas Broun alias Theif was replegated by Patrick, Bishop of Murray, perpetual Condennator of Scone.

Murder of Ross of Craigtoun, Lady Ballunye, &c.

Thomas Charteris of Kynpaw尼斯 found surety to underly the law, on May 14, for the cruel Slaughters and Murders of James Ross of Craigtoun, Gilbert Moncreif, and Margaret Douglais Lady Ballunye; and for other crimes contained in his Letters.—(May 14.) Several others were likewise put to the horse, &c. for the same crimes.

Mutilation — Hurting and Wounding.

May 10.—David Kennedy, and Thomas his brother, sons of Thomas K. of Knockdaw, were Repited for Mutilating Robert Cathcart of Carletoune of his left hand, and Hurting and Wounding him in the face: And for Convocation of the lieges in Jan. 1546-7. Robert Master of Sympeil became cautioner for satisfying the parties.

Slaughter.

May 13.—James Wod of Bonangtoone delated of art and part of the cruel Slaughter of Mr Hugh Guthre.—Proved to be sick. Richard Maitland of Lethingtoune became surety for his entry at the next Aire of Forfar.

Invaing the Master of Sympeil for his Slaughter.

May 27.—John Muir of Cauldwell, William, Archibald, Robert, Hector, and James Muir, his brothers, and twenty-six others, Convicted of Invading Robert Master of Sympeil, and his servants, armed in warlike man-

1 Andrew Schaw of Sorunbeg got a Remission for his absence from another Raid at Gladismure, in September following.
2 William Moncreiff of that Ilk.
3 David Bruce of Kynnaird.
4 See Mar. 25, 1547, for farther particulars of this Case.
CRIMINAL TRIALS. A.D. 1549.

near, near the Place and Tower of Cauldwell; and putting them to flight, for
their Slaughters; committed of foethought felony, on Apr. 9. last.

Ninian Lord Ru̇s, William Wallace of Ellerflie, The Laird of Lu̇s,
The Laird of Stanelie, William Wallace of Johnetoune, George Buchquhannane of that Ilk,
Mathew Dowglas of Manis, The Laird of Balvey, James Mortoune of Walkinlaw.

Murder of two Pregnant Women — Stouthreif, &c.
May 28.—William Waldy, William Gracy, and James Fothringham, Convicted of art and part of the cruel Slaughter and Murder of Helen Striueling Lady Ullishavin, spouse of James Stratoune, and Janet Sawlie, her servant, within the Place of Dullady; committed under silence of night, of foethought felony, on Apr. 24 last; the said Helen and Janet being pregnant at the time of the said Murder; and also of breaking up the chests of the said James Stratoune; and stealing and reiving, forth of the said Place and chests, all the goods and jewels contained therein.—HANGED.

Parriecode — Murder of Lady Ullishaben.
May 29.—John Lichtoune of Vllishaven denounced rebel, and put to the horn, as fugitive from the law, for the Murder of the said Helen Striueling, his mother, and Janet Sawlie, her servant.

Supplying the English at Broughty-Craig, &c.
July 2.—Egidia Gray, sister of James Gray in Buttirgask, put to the horn for not underlyng the law for her treaonable Intercommuning, ret, assistance, and suppoy afforded to our ancient enemies the English, being in the fortalices of Bruchty-Craig and Brakan-hill.—(July 3.) Jonet Hume, relict of Andrew Gray in Dvnynalde, found John Hume of Coldenknollis as surety for her entry, at the next aire of Forfare, for the same crime.

Supplying the English at Lauder — Common Treason.
July 18.—William Lauder, in Lauder, Convicted of the treasonable Intercommuning, ret, suppoy, and assistance given to our ancient enemies the English, being within the Fortalice near to the burgh of Lauder; continually furnishing them with meat and drank, from the time of the building thereof, in the month of... 1547: And for leading and conducting the said English to the foresaid Fortalice, and other places at their will, to the spoiling, wafting, and destruction of the kingdom, and conquist thereof; revealing and shewing to our said enemies the secrets of the kingdom: And specially, for carrying and send-

* Each of these persons, along with the Laird of Craignarnard, was fined L.20. * See May 10, 1550.
ing Letters and close writings of Sir Hugh Willeby, and other Englishmen, within England and Scotland, in a treasonable manner: AND for common Treason.—Beheaded.

**Usurpation — Imprisoning a Messenger and Witnesses.**

Aug. 13.—Thomas Mawle of Panmure, John and Robert his brothers, David his cousin, Henry Ramsay of Panbride, James Strauthaich of Balwiffy, and sixty-seven others, denounced Rebels, and put to the horn, for not underlying the law, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, coming to the lands of Pannethy, belonging to Thomas Douglas and Elizabeth Liddale his spouse; and there, on Jun. 12 last, hindering the execution of a Precept of ejectment ordained to be executed against the Tenants; and cruelly invading the Officer and witnesses, and forcibly taking them captive to the Place of Pannure, and detaining them in prison, under captivity, Usurping thereby the Queen's authority.

**Intercommuning with the English at Broughty.**

Nov. 26.—Mr James Betoune denounced rebel, and put to the horn, &c. for not underlying the law, for treasonably going to the Fortalice of Bruchy, kept by our ancient enemies the English: AND for Intercommuning, speaking, and treating with Sir John Luteral, Captain thereof, for the subversion and subjugation of the whole country adjoining the said Fortalice; Committed in the months of June, July, and August, 1548.

**Abiding from the Host at Edgebuckling-brae, &c.**

Nov. 28.—Robert Betoune of Creiche, and Michael Balfour of Burlie, became in Will for Abiding from the Queen's Army at Eggbuke-lenebra, on Sep. 5. last, convened for restifour our ancient enemies of England, and for defence of the kingdom: AND for their retiring from the Army convened upon the Muir of Roling, upon Oct. 20, before the expiry of the term assigned, without Licence obtained from the Governor; notwithstanding the Proclamation of Oct. 30. last, that no Baron nor Laird should retire therefrom, without special Licence.

Governator,

Justice Clerk and your deputys, we grete you weill: Forfamekill as we balf

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1 *Hume of Godercoft*, in his History of the House of Douglas and Angus, quotes a fragment of a doggerel rhyme made upon the Earl of Argyle's expedition against the Earl of Angus (Bell the Cat), which was popular in his day. It mentions this place.

'The Earl of Argyle is bound to ride, From the border of Edge-buckling-bray, And all his Habergeons him before, Each man upon a stanke of fraire. They made their vow that they would slay,' &c.

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**VOL. I.**

† 2 X
CRIMINAL TRIALS. A.D. 1549-50.

Rermitit, forseris, and discharge to our loutis ROBERT BETOUN OF CRETCH and MICHAEL BAL-FOUR OF BURLE, pe Will in qubill becom befoir our fournais ladeis Justice and his deputis, in the Justice Court holdin in the Tolbatyn of Edinburt the xxviiij day of November laft bypast, for pair Remai-ning fra pe Raid diisit to convene at Egelschelbreay, the fift day of September laft bypast. Qudairf-or we charge you, pe incontinet efnir pe yocht heirof pe deleis and put firth of pe bukis of Adior-nal pe Act maed, quhaur pe saeis persons becom in Will, as fayd is: As se will anuer to wy pair-upone; kepan peis writing to your Warrand. Subscribit with our hand, At Falkland, pe xviiij day of Februare, pe xero of God I v.xlix sexis. JAMES G. JOANNE THE.

Fire-raising, by a female, punished by Branding and Banishment.

Dec. 10.—ISSOBELLA M'Ferlane Convicted of art and part of treasonable Fire-raising and Burning of the dwelling-house of Jonet Glafs, in Wefter Kirrewachter, on Sep. 1 laft, under silence of night, together with all the victual, cattle, and goods therein; thereby committing public Treasen and common Oppreffion.—Sentence. To be branded on the cheek, and thereafter to be Banished from the stewartry of Stratherne, under pain of Drowning.

Resettling a Traitor and Englishmen—Fire-raising.

Dec. 16.—WILLIAM NEWTOUENE OF THAT ILK, John his brother, and several others, found caution to underly the law on Feb. 3 next, for Resettling Cuthbert Newtoun, Traitor, and several Englishmen in company with him; and for Burning the house of Mathew Dollace, in Over Saltoune, &c.

Intercommuning with the English at Broughty Castle.

Dec. 20.—JOHN LORD INNERMEITH dilated of treasonably going to the Fortalice of Bruchtly, kept by our ancient enemies the English, and Intercommuning and treating with SIR ANDREW DUDLEY, Captain thereof, for Fire-raising and plundering the country and lieges.—David Master of Craufurd became surety for his entry, on Jan. 27 next.

The following persons were americated for not appearing to pass on this Affile, viz. JOHN LORD GLAMMYS, Symon Prev toune of that Iik, Alexander Grahame, young Laird of Southfield, the Lairds of Restalrig, Sherehall, Lundye, Kynfawnis, Lugtoun, Wauchtoune, and Carnok.¹

Crimen Falsi—Interlining Signet Letters.

MARIOTA OGILVY, dilated of Falsifying and causin the interlineation of her Majestys Letters, under the Signet, dated Dec. 3, anno regni 1 (1543), and for adding upon the margin of the conclusion thereof, 'William Murray his spouse,' and for using the same Letters.

¹ Their names are not specially entered in the Record.
MAR.

CRIMINAL TRIALS.

John Erskine of Dune,
Symon Prefoune of thait Ilk,
William Ruthvene of Ballindane,
James Crawmond of Auldbar,
George Falconar of Flardene,
David Wed of Craig,
James Wed of Bonynoune,
William Murray of Banheud,

The Laird of Inchty,
John Scrymgour, Constable of
Dundee,
Patrick Hepburne of Wauch-

Jan. 27.—William Master of Craufurd, as surety, was amerced for her non-appearance this day; and she was denounced Rebel, &c. and all her moveables were ordained to be escheated.

Waylaying — Invasaon — Oppression.

Mar. 3, 1549-50.—MARGARET HUME, PRIORRESS OF NORTH BERWICK, was repeliated by the Official of St Andrews, within the Archdeanery of Lothian, to underly the law for the Waylaying and Invasion of Alexander Oliphant of Kellé (Kelly) for his Slaughter, and for other crimes of Oppression committed against him and Alexander Gourlay of Kincraig.—Alexander Hume in (of) North Berwick became surety for her appearance at the Court of the said Official, within the Collegiate Church of St Giles, (Edinburgh,) on Apr. 30 next.—MR ALEXANDER WOD, Vicar of North Berwick, was also repeliated.

Hamesuckland — Oppressing the Prioress of North Berwick, &c.

ALEXANDER OLIPHANT OF KELLE (Kelly) amerced for not entering Florimont Strang in Kellé, and five others, to underly the law, for art and part of the forethought felony, Hamesuckland, and Oppression done to MARGARET PRIORRESS OF NORTH BERWICK and her servants, coming to her lands of Grange, lying within the thire of Fife, in the month of June last, and besetting the way to the said Prioress and her servants for their Slaughter; and besieging them within the Manion-houfe of the said lands. 'DELETUR de mandato domini Gubernatoris et Thesaurarii, per eorum Praeceptum.'—JOHN SPENS, John and Alex. Gibson, and John Sinclair, 'defyrit procefs, and þame to be put þe knawlege of ane Affills; and þat na Affills wer ðammond, nor na párty compeir to þe þame þe þameis allegit crymes, tuke instrumentis, and protestit for remeid of law.'—The Laird of Kelly, and twenty-one others, found Alexander Lindfay, Captain of Fynaevein, surety for their appearance, on Apr. 16, 1550. 6

1 Probably Vallance or Vallance.
2 From the above notice, it would appear that the matter was compromised, through the interference of the lord Governor; but, on May 8, 1550, the Case was referred to the Justice-aire of Fife immediately following. John Blacater of Tullyalloun became cautioner for their entry.
Treasonable Fire-raising, &c. — Intercommuning with the English — Receiving English Pay — High Treason, &c.

Mar. 17.—Richard Latymer of that ilk convicted of treasonable fire-raising and burning the town of Durrisdeir, in company with Sir Henry Quertoune, (Wharton,) Englishman, and his accomplices, in the month of March 1547: Item, for art and part of treasonable fire-raising and burning of the lands of Auchincasel and Tiberis, in company with the said Henry Quertoune, Englishman, and of art and part of the violent Stouthreif and 'Herrefchip' of the poor Tenants of those lands, 'reiving' from them five thousand oxen, cows, and sheep, together with all their goods, utensils, and household stuff, to the value of 3000 l. or thereby; committed in the month of December 1547: Item, for art and part of treasonable fire-raising and burning the town and lands of Amisfeild, in company with the said Sir Henry and his accomplices, Englishmen; and for art and part of the violent Stouthreif and 'Herrefchip' of the poor Tenants of the said lands, reiving from them 4000 oxen, cows, and sheep, and burning their whole grain; committed during the time of Autumn 1547: Item, for art and part of the treasonable fire-raising and burning the houfes, grain, and victual of William Wauch at Brigton, extending to the value of 300 merks, in Spring-time 1547: Item, for art and part of the Theft and concealment of xiiiij"""" oxen and cows from Sir James Douglas of Drumlangrig, knight, in company with the Bells and the English, manifest Thieves and Traitors, furth of the lands of Kirkhoip; and driving the said cattle to England, and there disposing of them; committed in Summer 1549: Item, for art and part of the Theft and concealment of 80 oxen and cows from John Johnstoun of that ilk furth of his lands, in company with the English, leading the said cattle to England, and there selling and disposing of them, in time of Autumn 1547: Item, as a common Thief and Traitor, part-taking against the Queen and Kingdom of Scotland, and receiving daily pay from the English; and specially, from the Warden of the West Marches of England, during these times of War: Item, for common Theft, common Refett of Theft, Outputting and inputting, in a theftuous manner, between the Scottifh and English: And for a common Traitor.

Sentence.—To be drawn to the Gallows and Hanged; And his body to be quartered: And that his heritages, lands, and possessions, and all his goods, moveable and immoveable, shall be forfeited and Escheated to the Queen, and applied to her use.

1 Twenty-four score, or four hundred and eighty. This is perhaps one of the most atrocious cases of treasonable and wholesale robbery on record. It is mentioned, generally, in various of the Historians and Chroniclers, but as they give no new information, it has not been deemed necessary to make any quotations.
CRIMINAL TRIALS.

Purchasing high-priced French Wines.¹
Mar. 21.—Robert Hathwy, John Sym, and James Lowrie, burgesses of Edinburgh, came in the Queen's will for breaking the Proclamation of Jan. 8 last, ordaining that none of the lieges shall presume to purchase 'Burdeous (Bordeaux) wynis' dearer than 22 li. 10 s. for each 'tvne' (tun,) and 'Rochell wynis' dearer than 18 l. per tun; by purchasing 'Cuniel' (Cogniac?) wynis' at 25 l. for each tun.—Twenty-one others are charged, of which number ten came in will, and were fined in sums ranging from 40 merks to 40 s.; six refused to find caution, and five were fugitive from the law, thereby incurring the pain of rebellion. A few others were relegated to the Regality of Canongate.

Burning the Towns of Dalkeith and Newbottle — Treason, &c.
Mar. 24.—James Dewar, at that time a captive in England, found caution (James Lawson of Humby) to underly the law at the next Justicier-aiere of Edinburgh, for art and part of the treasonable Fire-raising and Burning the Towns of Dalkeith and Newbottle, in company with Sir James Wilfurd, General of Hadington, and the English, in the months of . . . . . and December 1548; and for purfuing William Ewtoune (Newtowne) of that Ilk for his Slaughter; and for other crimes contained in his Letters.

High Treason — Oppression — Bamesucken — Fire-Raising
Mar. 24.—William Newtowne of that Ilk, Robert and Alexander Quhitlaw, and five others, found caution¹ to underly the law at the next Justicier-aiere of Edinburgh, for treasonably Refeting Robert Newtoun; and for other crimes of High Treason; and for Oppression and Hamefuckin done to Mathew Dewar, in the month of June 1548, treasonably coming to his house in Saltoune and Burning thereof, with the whole goods therein.

Slaughter — Ravishing — Imprisoning, &c.
Mar. 27, 1550.—James and John Craufurd, sons of Hugh C. senior, Robert, George, and Hugh C. sons of William C. of Barquhorn, John Beg and John Broane, having previously found caution (George C. of Lefnorese) to underly the law for the cruel Slaughter of William Mathy and Finlay Sym; and for Ravishing (forcible abduction) of Agnes Craufurd Lady Lefnorese, and detaining her in captivity for a certain space; and for purfuing and invading Alexander Nefbet for his Slaughter, of forethought felony, and ancient feud; and for other crimes contained in his Letters: Failing to appear, the Laird of

¹ See May 4, 1555. A number of intermediate Cases of the same description likewise occur, where high fines were exacted. It is, however, considered unnecessary to cite each individual instance.
² Patrick Hepburne of Wauchtoune and Mark Ker of Dolphinstoune.
Lochnoreis was amerciated, and they were all denounced Rebels and put to the horn.—James Dunbar and Andrew Porter were also denounced for the same crimes; and David Cranford of Kerle was amerciated for their non-entry.

Slaughter — Privileges of the Sheriff of Peebles.

Apr. 30.—Dutho¹ Stewart convicted of art and part of the cruel Slaughter of Thomas Forestar, burgess of Peebles.—Beheaded.

¹ Compeirit Nychoth Quhippo, ane of pe Scheref-deputis of Peblis, and protestit, pat howbeit he enterit pe said Dutho before pe said Justice-depute to vnderly pe law for pe said Slauchtin, at command of the Queenis Letteris, and for feir of pe panis content paerin, That pe entre of pe said Dutho fuld nocht hurt nor preinge our souerane ladieis Commissionoune granted to pe Scheref of Peblis and his deputis for susteining and pysning of pelonis committeris of sic crymes as is content paerin: and pairipoun dook instrumentis.'

Slaughter of a son of the Laird of Cauldwell.

May 5.—Peter Howstoune, brother-german of the Laird of Howstoune, Patrick H. uncle of the said Laird, Peter H. in Park, Patrik H. porter (janitor) of Howstoune, and nine others, found caution (Alexander Earl of Glen-carne, Lord Kilmawres) for their entering, on Jun. 5 next, to underly the law for the cruel Slaughter of Robert Muir, son of John Muir of Cauldwell, (on the second day of April last, under silence of night; committed on ancient feud and foresight felony.)

(Jun. 14.)—Archibald Howstoune was tried for the above crime, and Beheaded.²

Murder of Lady Ullishavin and her servant.

May 10.—James Schoriswod and twelve others found caution to underly the law, on Jul. 8, for the cruel Slaughter and Murder of Helen Strieling Lady Ullishavin,³ and Jonet Sawle her servant.

Assisting the English Soldiers in the Castle of Haddington.

May 16.—Alexander Giesoun, in Mekilrig, produced a Remission from the Queen for fortifying, assisting, and partaking with our ancient enemies of England in perfecuting the Queen's lieges; and in carrying gun-powder⁴

¹ Duthaus.
² Patrik Muir of Anistoune, Robert Cathcart of Carltonne, Duncan Kennedy of Dalquharrne, and John K. of Dennyman were present, and some of them were sworn as Assisors.
³ Unfortunately, the particulars of this case are not narrated in the Record.
⁴ See May 28, 1549, and the Appendix to this reign. Their victims were both in a state of pregnancy at the time of the murder.
⁵ Pulveris in the Record. It is, however, proper to state, that this word may have been intended to denote 'flour, although such interpretation is unlikely.
and victual to the Fortalice of Hadintoun, and taking affurance with the said enemies for the subversion of the kingdom, for the space of two years past, or thereby.—James Sampsoun and three others, having been charged for the same crimes, produced the following Warrant:

Gubernator,
Justice, Justice-Clerk, and your deputis, We gret 30u weill. Forfamekill as it is our will, and for certaine reffonsbail casuall and consideracion moving ws, we charge 30u, pat 30 procced and do justice vpon Robert Wofoun, James Sampson, George Rauff, and George Tait,1 Tenants and Servants to our coating Alexander Lord Hume, in our Justice Court set be 30w to 3ame, to vnderly 3e law 3e xvi day of Maj infant, for all kynd of actions and crymes committit be pain in tymes bipaft, content in 3e Letteria raffit agains 3ame pairmanent, except for pair taking of Affurance with our said inymes of England, and Affilting to 3ame in ony maner of way, in tymes bigane; for 3e quhilkis, we will pat 3ai be nocht perfevit; And dischairs you of all proceeding agains 3ame pairroff, and of your offices in pat pair, be pin prestaits. Subscript with our hand, At Eds, 3e xvi day of Maj, 3e 3eir of God 1 e-V. and fifty yeirs. James G. Joannes Thir.2

Treasonably assisting the English, &c.
May 23.—John Dikson, formerly in Belchester, and Robert Trotter,3 were denounced Rebels, &c. for not underlyng the law for their Treasonably Taking Affurance, Affilling, Fortifying, and plain Partaking with our ancient Enemies, the English, and revealing to them the secrets of this kingdom, &c. Walter Ker of Cessford, and Alexander Lord Hume, their cautioners, were americated for their non-appearance.

[George Earl of Errol, Lord High Constable.]
Jurisdiction of the Lord High Constable—Southreif—
‘Umbesetting the gait’—Mutilation, &c.
Jun. 17.—Gilbert M’teyr convicted of art and part‘of Umbesetting’ the way to John Nycholloun, on Monday Jun. 16 infant, at ‘Sanct Andros’ Port, near the College of the Holy Trinity, where he was quietly returning from the burgh of Edinburgh, and cruelly invading him for his Slaughter: AND for Mutilation of the said John of three fingers, and the thumb of his right hand: AND for Southreif and plundering (‘reiving’) from him of his horie sword, two cloaks, and fundry other goods.—Beheaded.

Assisting the Escape of English Prisoners of War.
Jun. 26.—Henry Bell and Andrew Mathesoune were denounced rebels, &c. and Patrick Hakket of Pitfrane, their cautioner, was americated, for their not appearing to underly the law, for art and part of treasonably conduct-

1 'In Weemansis.' 2 Cristina Brownsfield, his wife, was proved to be pregnant, and unable to travel. 3 The Editor does not recollect of having elsewhere met with the name of this Port. It must have stood beyond the foot of Leith Wynd. 4 Colloborium.
ing three English prisoners, called John Cut, Richard . . . , and John Stevin-
fiourne, being in their custody at the time, to the North Queensferry, in treaten-
able manner, in the month of November last, under silence of night, where they
theftually entered a boat belonging to Florence (Cornetoune?) which they
carried off, and absconded in the same.1

**Slaughter.**

Jun. 28.—**Donald M’Ky of Far,** Neill M’ane Moir, Rory M’ane
Moir, Murdoch M’ane More, John M’ane More, and Tormat M’ane More, brothers,
and Donald Dow M’corkill, charged for the cruel Slaughter of Alexander M’ane
Roifs, Alexander M’illemychell, Tormat Makalexander, and five others.Alexander
Roifs of Balnagowne was americated for not reporting and delivering to
the Clerk of Jufticiary, the Letters, which had been purchased by the wives,
children, parents, and friends of the deceased, duly executed and indorsed.

**Feud with Lord Stewart of Vchiltree, &c.**

Jul. 15.—**John Lokhart of Bar,** John* his brother germane, Charles
Campbell of Skeringtonue, and William his brother, were denounced rebels and
put to the horn, and their cautioners* americated for not appearing to underly the
law for pursing Andrew Lord Stewart of Vchiltree for his Slaughter, on May
25 last, on old Feud and forethought felony, &c.—**Hugh Lokart,** brother
german to the said Laird of Bar, was replegiated by the Archibishop of Glaigow,
to answer for the fame crime.

**Breaking the Castle of Hamilton for the escape of a Heretic, &c.**

Jul. 16.—**John Lokart of Bar,** John his brother germane, and Charles
Campbell of Skeringtonue, were denounced rebels, &c. and their cautioners
americated, for their not appearing to underly the law, for their cauing, affittance,
ratlibation, &c. and for the help afforded by them to Mr alius Sir John M’brair,
formerly Canon of Glenluce, in breaking Ward furth of the lord Governor’s
Castle of Hammiltoune, where he was imprisoned, being charged for sundry great
and odious crimes, Herefies, &c.; coming to the foresaid Castle in the month of
May last, under silence of night, and taking the said Mr or Sir John therrefrom,
and conducting him to the Manion Houfe of Bar and other places, as contained
in the Letters.

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1 Laurence Marer of Awdy became surety for the entry of Robert Stewart, in Dunfermling, on
Aug. 11, 1750, to underly the law for the same crime, at the next Justice-aire of Fife.
2 Keiths.
3 The name is repeated twice. It was then usual to give two or more sons the favourite or
prevailing family name, so as to hand it down to remote posterity. The reader is referred to the
Appendix to this and the former Reign for illustrations of these and similar feuds.
4 James Dal-
rampill of Stair, and William Campbell, brother of the Laird of Ceshok.
5 Mathew Camp-
bell, junior, Sheriff of Air, and George Campbell of Ceshok.
Sacrilege — Spoliation of Churches and Altars — Destroying
Choral Stalls, glazed windows, &c.

Jul. 16.—JOHN LOKART OF BAR and Charles Campbell of Bargour
denounced rebels, and their cauntoner\(^1\) amerciated, for their not appearing to
underly the law for their theftuous and violent carrying off, depredation, South-
reif and Spoliation furth of sundry Parish Churches, Religious Houes and
Chapelis, within the shires of Lanark, Renfrew, and the steawtries of Kyle,
Carrick and Cuninghame, of sundry Eucharistic chalices,\(^8\) Altars, and ornaments
of the Ma\(s\)\(^4\) AND also, for casting down and breaking choral stallis and other
stalls, and glazed windows, &c. in the years 1545, 1546, 1547, and 1548; as
specially contained in the Letters.

Intercommuning with the English in Hadinton.

Aug. 8.— GEORGE HEPBURN, in Athelfanefurid, got the QUEEN’S
Remission for treasonably Intercommuning with Sir James Wolfurd, General
of Hadinton, and other ENGLISHMEN with him in Hadinton, in June
1548, and continually from that time until the expulsion of the Englishmen there-
from; suppling them with sheep, oxen, and victual, and thus plainly participating
with and affisting them, and enabling the said Englishmen to hold out the said
Town longer against the Queen and the lord Governor, to the subversion and
destruction of the kingdom: AND also, for his treasonably dwelling under affu-
rence with the said Englishmen for the foregoing space.—JOHN, JAMES, and ADAM
BAGBIE, in Athelfanefurid, were likewise denounced Rebels for the said crime;
and Patrick Hepburne of Wauchtoun, their cauntoner, was amerciated for their
non-appearance.

Slaughter of Lord Crichtoun of Sanquhar.

[The remarkable event which forms the subject of the following proceedings,
is mentioned by all the earlier historians, who, as usual, vary extremely in their
chronology. Lesley\(^1\) says, under the year 1553, ‘At same tyme, the LORD
SYMPILL. flew’ the LORD CREYCHTOUN OF SANCHAR, in the Governouris
swin Hous, apoun a sudden, within the Town of Edinburgh. For the quhilk
he was taken and put in the Castle of Edinburgh, and had bene execut thairfuir,
war not the gret laboris maid be the Lorde Sancharis freindis, for faustie of his
lyf, through ane agremente that was labored betuix thame, be moyence of the
Bishop of Sanctandrois, and uthers his freindis at the tyme.’ Patscottie,\(^6\)

\(^1\) Archibald Earl of Erygyle, Lord Campbell and Lorn, &c.
\(^2\) Sacramental or Communion Cups.
\(^3\) Owing to the unfortunat loss of the Books of Adjournal at that period, this is the first entry now
remaining, relative to the earliest breaking out of the Reformation in Scotland.
\(^5\) ‘Stabs to death,’ Balf. Annals, I, 301. He assigns the year 1552 as
the date of the catastrophe.
\(^6\) Patscottie, 8vo Edit. p. 511.

\(\dagger\) 2 Y
however, animadverts sharply on the scandal of compounding for so heinous a crime, and states that 'no correction was made therein, because he (Lord Sempill) was the Bishop's guid-father.' Bot the plague of God left never the Bishop's house thereafter, because they left the public fault unpunished, conforme to justice. Yet the Governor was well obeyed in all things; quhill, at the last, he and his brother the Bishop begot the grow greidie, and held Justice-airis throche all Scotland, under pretext of justice, to fill their bagis and boxes with money; for their compositions were alike to the Thiefs and leal men, with their lawes. They scavth throche all Scotland, oppressland the leal men as well as the Theiff, for their particular commoditie.'

The parties concerned in this affair were Robert third Lord Sempill, who married, 1st, Issobel, daughter of Sir William Hamilton of Sanquhar; and 2dly, Elizabeth Carlyle, a daughter of the Family of Torthorwald. He had extensive possessions and honourable offices, having, besides his patrimonial inheritance acquired Darnley, Cruikston, &c. after the forfeiture of Mathew Earl of Lennox, and held the offices of Governor of the Royal Castle of Douglas, Sheriff of Renfrew, &c. He afterwards fought against the Queen at the battle of Langside, and obtained the Abbey of Paisley, on the forfeiture of Lord Claud Hamilton. There seems to be no doubt that he owed his life to his daughter's corrupt influence over the Archbishop, who swayed his brother the Regent. The injured relations of the murdered Lord, finding themselves compelled to yield to the force of circumstances, were induced to give the use of their names, as concuring in the application for pardon.

William third Lord Creichton of Sanquhar, who was slain by him in the Palace of the Duke of Chatelherault, Governor of Scotland, and, according to Buchanan, almost in his presence, married Elizabeth, daughter of Malcolm third Lord Fleming.]

Sep. 6.—Robert Master of Sempill became in her Majesty's Will, for art and part of the cruel Slaughter of William Lord Creichtune of Sanchare, committed within the Lodging or Hall of the Lord Governor, in Edinburgh, on June 11th last.

Declaratio Voluntatis Domini Gubernatoris, per eum, nomine Regine, super dicto Roberto pro dicto crimine declarata, apud Ed', Sep. 10 instantis, in domo Reverendissimi in Christo patris Ioannis Archiepiscopi Sanctiandree.

The quhilk day pe said nobill Prince, at pe eirnifit requieit, defire, and follifit-

1 His daughter, 'Lady Gilton,' was concubine to John Hamilton, Archbishop of St Andrews, by whom he had one son, John Hamilton of Blair. See also Buchanan, Book xv, p. 65, who states that
tioun of Marie Queene of Scotland, Dowaner, eftir þat his grace wes de-
fyrit þairto to þe wife, kin, and frendis of þame William Lord Crechtounæ,
Declairis þat þe Quenis pardounæ vnder þe Greit Seall salbe gevin and granted
to þe saved Robert, for þe Slaucther of þe saved Williamæ, and extendit in þe largesst
form, with all clauflis neidfull; and salbe fred furth of þe Castell of Edæ þe
morne, and put to libertie; and within xv dais eftir þe saved day of his depairting
furth of captivité, fall enter his perfoun within þe boundis of þe Scherefdomes
of Kincardin, Forfar, and Perthe, be-Eift þe Watter of Tay, and þair remane
in Ward, as þe Quenis Warder, induring my lord Governoris Will: And fall
keep his Ward, and nocht depairt þairfra without his graces Licence, vnder þe
pane of xxæ markis, to be payit to oure fourerane lady, and hir Thesaururæ: And
fall find sufficient fourtie for fulfilling of þis Will, or ' he depairt furth of þe saved
Castell of Ed'. In Witnes heerof, his grace hes subscruiit þir presentis.  

JAMES G.

The sixm x day of September, Henry Lord Methvene, þe Laird of Johnne-
founæ-Wallace, þe Laird of Blakwod, þe Laird of Barrochane, þe Laird of Kyn-
fawnæ, the Laird of Mynto-Stewart, Williamæ Hamiltounæ of Humby, Andro
Hamiltounæ, Capitane of Dumbertane, Robert Hammiltounæ of Briggis, and þe
Laird of Lundy, become plegis and fourteis, coniunctlie and feueralie, for þe
saved Robert Maister of Simpill, for fulfilling of þe saved Will in all poyntis, vnder
þe saved pane of xxæ markis.

Murder of a Woman by her Husband.

Sep. 19.—William Tod, burgis of Edinburg, Convicted of art and
part of the cruel Slaucther and Murder of Elizabeth Adamfounæ, his wife, com-
mittæ under silence of night, in his housæ, within the said burgh, in Oct. 1548.
—Beheaded.

Slaughter by the Clan Cameron.

Sept. 27.—Eugenius M'Donald M'Ewin, Captain of Glencam-
rone (Clan-Cameron), Donald M'allane M'ane, and fourteen others, delaited
of the cruel Slaucther of John Roye M'allane M'coule alias Stewart, and John
Dow M'ewin alias Camroune.—Donald Campbell of Ythirachyme, their cau-
tioner, for delivering Letters duly executed, &c. was fined for not producing

the entreaties of Simpills daughter saved his life. The reader will find numerous notices of these
persons in the Appendices to this and the preceding reign. See likewise Notice, I. * 340.

1 Ere, before.
8 On the margin: ' Hoc actum deletur, de Mandato domini Gubernatoris:
Quod Mandatum vnscum Declaratione Voluntatis extant in cistula.'
Oppression — Sorning — Taking Black-Mail.

Oct. 3.—James Gulane and John Gray, Messengers-at-arms, convicted for taking and apprehending John Cathro, and receiving Black-mail from him for his liberty: Item, for Common Oppression and Sorning upon the lieges, forcing and compelling them to pay Black-mail.—HANGED.

Abiding from the Raids of Langholme, &c.

Oct. 7.—George Galloway in Auchmuir, Convicted of Abiding from the Queen’s Armies ordained to convene at Langholme, Haddington, and Edinburgh, on Apr. 13 last, for refitting our ancient enemies the English, and for besieging the Fortalices remaining in the hands of the said enemies.¹

Murder — Adultery — Oppression — Barrlege.

Nov. 5.—Mr John Elphinstoune, Rector of Elmnochty, dilated of art and part of the cruel Slaughter and murder of Thomas Cult in Auld Aberdeen, under silence of night: And for theftuously wafting and destroying the goods of William Loffoune, burgess of Aberdeen, for the space of ten years, during which time the said Mr John lay in Adultery with Jonet Colestoune, spouse of the said William: And for Oppression done to Mr Duncan Burnet, Rector of Methlik, in ‘Umbefteting’ his way within his lodging in the Chanony of Aberdeen, and Cathedral Church thereof, where he was for the time celebrating Matins and Divine service, invading and striking him to the ground several times with ‘roungis’ and ‘battounis,’ &c. He was repeliated by the Vicar of Innerkip, Commissary of the Bishop of Aberdeen, and Jan. 21 next was assigned by the Justice for his entry to underly the law.

Deforcing Messengers-at-Arms.

Nov. 14.—George Ramsay, Fiar of Dalhoussey, became in Will, in his person and moveables only, for art and part of the Violent Deforcing of Archibald Hericot and Roger Tempitoun, Messengers-at-arms, in the execution of their offices, by virtue of the Queen’s Letters; and James Maxwell, under a Decree of the Lords of Council, in the month of October last; and for violently taking certain goods from them, after they had been distrained for the sums therein contained.—Patrick Hepburn of Waughtoune became surety for him.

‘Umbefteting the Gait’ — Convocation — Mutilation, &c.

Nov. 14.—Alexander Brodye of that ilk, Lauchlan Malcolmson, and one hundred and twenty-five others,² were denounced Rebels, &c., for not underlying the law for ‘Umbefteting’ the way of Alexander Cummyng

¹ Sentence is not recorded.
² The only person of note in the list is John Hay, son of the Laird of Park. The enumeration of the rest could hardly be interesting to any one.
of Alter (Altyre), and his servants, between his Place of Alter and the lands of his Leafe of Balnavery, for his sluahter; committed on forethought felony, by way of Hamesfuckin: And for the cruel Invasion of the said Alexander and his servants, for their Sluahter, and putting them to flight, with their accomplices, in great numbers, on horse and foot: And for the cruel Mutilation of Alexander or Allester Adefoun, fleegar, one of the said Alexander's servants; committed in August last.—Their cautioners were unlawed or americated for their non-appearance, viz. Alexander Dunbar of Cumnok, Patrick his son and heir apparent, Alexander Vrquhard of Burrißardis, John Grant of Ballindalloch, James Dunbar of Tarbet, and Robert Dunbar of Durris.

The following Warrant is afterwards recorded, remitting these sums.

**Gubernator,**

Justick Clerk and your deputis, We grete yow well. For Nhânail as Lauchlan Malcomsfoune, William Lefis, fone to George Earl of Rothes, &c., being chargit to find ficer fowrite per yel compars befor pe Justice or his deputis in pe Tolbaith of Ed, pe xiiij day of November, pe xeir of God in.V. and fifty yeiris, to vnderly pe law for Wubefettin of pe guitt of Alexander Cumyns of Altars, ad laying of ane grete buichement of futesmen, bodin in feir of weir, to pe noumer of sucht fcoir; and for maisterfull seting ypon the said Alexander and his fernandis, and cauing of the said grete buichement to breke halalie to giddier ypon the said Alexander and his fernandis; and chaffing of the said Alexander and his fernandis, for pair flachter, to pe Place of Alter to pe space of ane myll or pairby: And for pe crewail Hurting and Wounding of his fernandis, and leving of yame for deid: And for pe crewail Mutiliatoune of Alister Adefoune, fleegour, ypon said feld and forthochte felony, and breking pairthrow of pe Actis of Parliament, fone Alexander Dunbar of Cumnok, Patrick Dunbar, his fone and apperand sir, James Dunbar of Tervett, Alex' Vrquhard of Burrißardis, founertae for entré of yame befor pe said Justice pe said day: And als, pe saids Alex', Patrick, James, Robert, and Alex' becom ilkane founertae for yperis for entré of yame pe samyn day: And becaus yel unne na wife comparis pe said day, to pe effect abone writtin, yel wair vulawit and adingit in diversis fowmes of money: Quhillie vulawisoure founerane lady, with our knife, and with knife of her said Thesaurare, has Remittit and forgewin to yame; as pe Remit said pair-upomone betriss. Our will is heirefoir, and We charge yow, pe incontinent after ye ficht beirof, ye deles and put forth of pe buiks of Adornall all Actis maid, qu'hair pe said Alex' Dunbar, Patrick Dunbar, James Dunbar, Robert Dunbar, and Alex' Vrquhard, wair vulawit for non-entré of yame and pe perfons above writtin, pe said day: /w pe yel be nocht trublit pairoir in tymne coming. As ye will ansuer to us pair-upomone, keapand pis ous Precept for your Warrand. Subscriptt with our hand, and with the said Thesaurare hand, At Edinbur, pe xij day of February, the yere of God in.V. fifty ane yeiris.

JAMES G. Joannes Thres. Gratia.

**Intercommuning with the Laird of Caldwell and his son, Rebels.**

Jan. 15, 1550-I.—Alexander Park of Bagray became in Will for Refeeting, Supplying, Intercommuning, &c., with John Mure of Caldwell and William his son, being rebels and at the horn; and for furnishing the said rebels

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1 He is omitted in the preceding list, and was probably charged separately.
2 The remainder of the names follow.
3 Ambuscade.
4 160 persons.
5 To burst forth in a compact body from their ambush.
6 Perhaps this denotes flasher, or butcher.
Criminal Trials.

A.D. 1551.

With meat and drink in November last, and sundry other times before and since. Warded in the Castle of Edinburgh.

Intercommuning andsupplying Rebels with meat and drink.

Jan. 24. Alexander and William Galbraith, Thomas Craig, and John M'kane came in Will for Refetching, Supplying, Intercommuning, &c. with William Cunynghame in Carneferne, rebel and at the horn, and for supplying them with goods, meat, and drink in November last, and sundry times before and since. Robert Cunynghame of Mongrenane and James C. of Rofs became cautioners for their entry, at the next Aire of Dumbarton, to underly and fulfil the declaration of the said Will. William M'kane and William M'caichny fail to appear, and their cautioners are unlawful.

Common Theft.


Treasonably Supplying the Master of Rothes, a Traitor.

May 4, 1551. Alexander Prior of Plascardin delated of treasonably Intercommuning with, Refetching, and Supplying Norman Leslie, formerly Master of Rothes, a convicted and declared Traitor and Rebel, and at the horn for his treasonable deeds, committed in the months of December and January last, and other times specified in the Letters. Replegated by Mr James Strathuchin, Rector of Fethircarne, and Commisfary of Patrick Bishop of Moray, and Jul. 3 assigned for his underlying the law in the Chapter house of Moray. James Dunbar of Tarbett became surety for his entry, &c.

Piracy punished by Hanging in Chains.

May 6. John Dauidsoun Convicted by an Affile of the Violent Piracy of a French ship of Bourdeaux, in October last: And also for certain other crimes of Piracy stated in his Indictment: And for common Piracy. Hanged in irons, and his moveables escheated to the Queen.

Intercommuning with the Master of Rothes.

May 26. John Grant of Ballandalloch got a Remission for
Intercommuning, refuting, and supplying Norman Leslie, formerly Master of Rothes, rebel and traitor, convicted and declared in Parliament, and being at the horn for his treasonable deeds.

**Abiding from the Convention at the Borders.**

Jun. 10, (apud Peblis.)—Patrick Hepburne of Boltoone convicted of breaking the Queen's Proclamation, in absenting himself and abiding from the Convention made by the lord Governor at the Marches towards England, for the reformation of crimes, &c., committed therein.

**Abiding with the English — Fire-raising — Slaughters, &c.**

Jun. 27.—James Paterson, in Johnniscleuch, and Stephen Paterson, in Kithill, found caution to underly the law at the next Justice-aise of Hadanditoune, for constantly riding with our ancient enemies the English, and leading them to many places where the goods of the Queen's lieges were; and thereby causing them to carry them away, to the extreme 'Herechip' of the said lieges: And also for causing sundry Fire-raisings, Slaughters, Stouthreifs, and Raids in various parts of the kingdom.

**Intercommuning, &c. with the Master of Rothes.**

Aug. 18.—Alexander Dumbar of Cumnock denounced rebel, &c. and all his moveables ordained to be escheated, and his cautioner1 also was unlawed, for his not underlyng the law this day, for treasonably Intercommuning, refuting, and supplying Norman Leslie, formerly Master of Rothes, the Queen's convicted Traitor and Rebel, declared in Parliament, also being at the horn; committed within the burgh of Fores, and the Place of Graynhehill, belonging to Robert Dumbar, publicly furnishing him with meat, drink, and lodging, in the months of December and January last.—Alexander Vrquhard of Burrijardis, James Dumbar of Cumnok, and Robert Dumbar of Graynhehill, came in the Queen's Will, and found caution for satisfying her Majesty.

Lord Lovett, Archibald Campbell of Calder, Alexander Doles of Cautra, Robert Murray in Fyndorne, and Alex' Falconer of Lethane, americated for not appearing to pass on their Affise.

**Treason — Fighting against the Governor at Incrum Muir.**

Sep. 10.—Thomas Hailie, brother of the Laird of Melletanis, Parish Clerk of . . . . . . , dilated for treasonably coming with the late Sir Ralph Everis, and sundry others our ancient enemies of England, in battle

1 Alexander Vrquhard of Burrijardis.
array, bearing the English Red-Crofs, against James Earl of Arran, Governor of
the kingdom, at Ancrum-Muir; thereby striving to the utmost of his power,
that the same should be subjugated by our said enemies; and for other crimes
specified in his Letters.—He was repelgated by the Archbishop of St Andrews,
and Nov. 27 was assigned for his underlying the law, &c.

Treasonably supplying the English in the Castles of Hume,
Lauder, Roxburgh, &c.

John Haltlie in Fawnis, William Haltlie in Reidpethe, Cuthbert
Myretoun in Mellestans, and Christoper Richerdoun there, came in Will for
the above crimes: And for treasonably remaining under the assurance of the
said enemies of England continually from the battle of Pynké-cleuche, in Sep.
1547, till the recovery of the Castle of Hume, in Dec. 1548; publicly carrying
the foresaid English Red-Crofs, as the subjects of England, to sundry Fire-rai-
fings, depredations, and incursions made upon the lieges of Scotland, riding and
marching, and publicly affisting, fortifying, and participating with the said Eng-
lisli, being then in the Castles of Hume, Lauder, and Roxburgh: And for fur-
nishing them with victual and other necessaries, and thereby enabling them
longer to hold out the said Castles, &c.—John Hume of Coldaneknowis became
cauterizer for the satisfaction of parties.

Making and Selling Light Bread.

Sep. 17.—Thomas Craig, baker, burgess of Edinburgh, came in Will
for common Oppreッション of the lieges, in the years 1545, 1546, 1547, 1548, 1549,
1550, and 1551, in making and selling his bread or loaves of the price of 4d.
less in weight, from three to four ounces, than is ordained by the Statutes of
the Provost and Bailies of Edinburgh.

The following Declaration of the Lord Governor’s Will is afterwards recorded.

(Gubernator.)

Justice Clerk. Forfamekill as Thomas Craig, baxter in Ed’, in ane Justice
Court haldin in pe tolbuithie of Ed’, pe xvij day of September lastbipt, become in Will to our fou-
ranse ladieis Justice, for certane poynis of Oppreffoune, qhairof he was fundin culpabill: Qhilik Will,
We, as Tutour to our founerane lady, with auife of hir Thefaner, hes modellit and fixit to pe fove of
Ve markeis. Quharefore We, as Tutour forfaiad, charge 30w, pat incontinent eftir pe ficht heirof,
5e infert pe said Will in your buke of Adiornale, and mak p’is our writing to your Warrand. Sub-
scrivit with our hand, At Linlithqw, pe xxij day of October, the 3eir of God 1v.V. and ij zonis.

JAMES G. JOANNES THES.

Abiding from the Convention at Dumfries.

Oct. 6.—Alexander Dunlop of that Ilk came in Will for con-
temptuously remaining at home from the Convention of the Lords, Barons, &c.
within the bounds of the shire of Air, Bailleries of Kyle, Carrick, and Cunynghame, at Drumfreife, for there holding a Justice-aire on Jul. . . last; and thereby breaking the Proclamations made thereon. — Neill Montgomery of Langschaw became cautioner that he should satisfy the Queen.

**Remaining under Assurance of the English.**

JOHN SKOWGALL of that Ilk, and Robert Knowis of that Ilk, got a Remission for their treasonably remaining under Assurance of our ancient enemies of England, in time of war.¹

**Convocation — Invasion of the Prohost of Glasgow, &c.**

Oct. 8. — The Laird of Bischoptoun and others dilated of Convocation of the lieges, and Invasion of Andrew Hammiltoun, Provost of the city of Glasgow, for his Slaughter, and other crimes contained in the Letters.

*Absentes ab Assisa domini de Bischoptoun.*

Robert Dennistoun of Cowgrayne, Robert Simpil of Nobilitoun, Mr John Stewart,
John Bountene of Ardocht, John Hammiltoun of Ferguslie, Hugh Craufurd of Kilbirny.
Robert Napier of Kilmahew, William Cunynghame, Tutor of
Alex. Mccaulaw of Ardencaill, Craganis,

**Murder of a Frenchman — Stouthreif, &c.**

Nov. 3. — Thomas Litil-Johne Convicted of art and part of the cruel Slaughter and Murder of a Frenchman called John Porqueir, servant of Captain de la Mote Rouge; committed in the month of September last, in Clatty-dene, in the shire of Fife: And for the Stouthreif from him at the same time of 100l. of Scottifh money, extending to 200l. Turonese French money, which he was carrying to the Castle of Bruchty-craig, for the payment of the wages of certain soldiers, subjects of the King of France, being then at the said Castle. — HANGED and afterwards BEHEADED; and his head fixed on the Port of the burgh of Couper.

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Another unfortunate hiatus takes place at this period, by the loss of a Volume of the Books of Adjournal, from December 18, 1551, to April 19, 1554; being apparently that which had originally been numbered ‘Seventy Butk.’ In the absence of this information, the Editor again begs to refer the reader to the Appendix, where it will be found that neither pains nor labour have been spared by him in his endeavours to remedy all such defects.

¹ A number of persons, chiefly persons of no rank, were charged for this offence; but it is unnecessary to enumerate such instances. See the Appendix, &c. for many other examples.
The following remarkable document was obtained by the Editor from the 'Liber Statutorum Burgi de Edinburghe,' when engaged in searching the Archives of the City of Edinburgh for Papers for the present Collection. It may not inapty be inserted in this place, as being highly illustrative of the disturbed state of society at that period, when the reader may recollect many instances of Feuds and even of pitched battles between the Barons having frequently been fought on the public streets of the metropolis.

Act of the Provost, Bailies, and Town Council of the City of Edinburgh,

'Anent (lang) Walpyynis in buithis,' Mar. 4, 1552.

Item, it is statute and ordainit be the Provist, Bailies, and Counsell of this Burgh, becaus of the greit slaichteris and utheris cummeris and tulgeis done in tyme bygane within this burgh, and apperandlie to be done, gif na remeid be provydit thairto; and for eschewing thairof, that ilk maner of perfone, merchandis, craftismen, and all utheris occupyraris of buthis or chalmeris in the Hie-gait, outre heych or laych, that they haue long walpyynis thairin, sic as hand-erex, Jedburgh-staif, hawart, (halbart?) jawalynge, and flyck lang walpyynis, with knaiipchawis and jakkis; and that thay cum thairwith to the Hie-gait, incontinent after the commoun bell rynging, or that thay se any cummaris of Slauchteris, tulgeis, or apperance thairof, and concur with the Officiaris of this burgh for flanching thairof; under the pane of ten pund, to be tane of ony perfonis that failgeis heirin, within viij dayis nixt heiferfit. And for obferving heirof, that ilk Baillie mak ferching, ans in the moneth, through all his quarter; and quhair he fyoddis ony perfones disobeyand this statute, that he poyned thame for the said vnlaw.

Slaughters — Stouthreifs — Fire-raisings, &c.

Apr. 19, 1554.—Peter Dwne, formerly dwelling in Saltoune, got a Remissioun for art and part of the cruell Slaught of James (George) Abirnethy, in Sep. 1548: Item, for art and part of the Slaught of James A. junior, brother of the said George, upon the Water of Tyne, in June 1550; committed of forethought felony: Item, for art and part of the Stouthreif of a horfe from James Fynlaufe oure furth of the lands of Saltoune, in Oct. 1552: Item, for Stouthreif of a mare, in company with James Dewer, from Walter Tod, furth of the lands of Newhall, in August 1550: Item, for Stouthreif of two oxen from James Bagbie, furth of the lands of Byris, in the year 1551: Item, for Stouthreif of a horfe from William Sinclair, furth of the lands of Abirlady, in August 1550: Item, for the Theft and concealement of two oxen from the
12 Mar.

CRIMINAL TRIALS.

Laird of Bernys, in September 1550: Item, for treasonable Fire-raising and burning of certain corn belonging to John Hammyltoun of Rytholme, in his barn of Saltoun, which grew on the farm in Saltoun, formerly belonging to the said Peter, and disposed to the said John, on account of the said Peter being at the horn, and his effects escheated to the Queen; committed in December 1550: Item, for treasonable Fire-raising and burning the whole corns of four ploughgates of land, with the whole Teind-sheaves of the parish of Ormystoun, being in the barn-yards of Ormystoun, extending to 160 bolls of wheat, at iiiij l. per boll, 480 bolls of oats, at xxix s. per boll, 240 bolls of barley, at liij s. iiiij d. per boll, 60 bolls of peafe, at liij s. iiiij d. per boll; together with the whole corns of three ploughgates, and the whole Teind-sheaves of Cranftoun and Townstallis in the barn-yards thereof, extending to 120 bolls of wheat, 400 bolls of oats, 200 bolls of barley, and 60 bolls of peafe, which belonged to umquhile Sir Walter Scott of Branxholm, kni, and Dame Jonet Betoun, his relict, committed on the first night of December 1550: Item, for the treasonable Fire-raising and burning of the Milns of Muffilburghe, belonging in lease to the said Dame Jonet Betoun, and destroying and laying waste the same, committed in company with our ancient enemies the English and the Traitors of Scotland, by the space of three years, viz. in 1547, 1548, and 1549: And for common Theft, and common Treason, as well of old as of new.

INTERLOCUTOR and SENTENCE.—And because the said Peter Dwne could get na sufficient fouerteis to fynd for him for Afflytment of parteis of his goods and skewythis aboue specifite, The JUSTICES pairfor decerfit him to be kepit in sure Ward, within the said Tolbuth of Eдинburg, quhill the said fouerte wer fundin be him, su a pat he fand the sumyne within fourty dais heireftir: And failinge of fynding pairof, the saidis fourty dais being bipaft, DOME wes gevin vpoun him to be justifeit and execute to pe deid for pe said crimes, nochtwithstanding his Remiffione, conform to pe law.¹

SLAUGHTER COMMITTED BY AN ALLEGED MADMAN OR FURIOUS PERSON.

May 7.—JASPER LAUNDER, dilated of art and part of the cruel Slaughter of John Balcafsky, in Ratho, committed on May 1, instant.

COMPERIT John Lord Borthuik, prolocutor for the said Jasper Lauder, and allegit pat he fall nocht be put to pe knaulege of ane Assise for pe allegit Slaughter of vmq' John Balcafsky, becaus pe tyme of pe committing pairof, and lang of befoire, and as 3it, continualie, pe said Jasper hes bene furious and wantand pe vfe of reloun, doand in all pe said tyme, viz. be pe space of xvij zeres laft bipaft, furious and dafted; lyke as at lenthe is contenit in ane Inventour

¹ The probability is that this man was unable to provide sureties to redress the enormous injuries he had inflicted, and that his life was justly forfeited to the offended laws of his country. No future entry indicates his fate. ² Infme; famous.
heir present to schaw: And tua, as furious during pe said spase, commonlie haldin and repute, as is notourlie knawin, nevir questioune, trubill, nor occa-
сionoue being betuix pe parteis, and tua is comparit of pe law to an infant, pupill, or beifi, wantand pe vfe of refoune, as said is; quharethow he culd noch con-
tract, trespas, or do ony sic deid as were obligatorius; quherbj he mycht be oblit' to pvnifment of his perfoune, likeas he mycht nocht oblise him in his gudis: And pairfoir, aucht nocht to be put to pe knawlege of ane Affile, as said is, conforme to pe common law, as is contenit in Lege, Durius de officio Prebidas, and hes bene practicat vpoun James Irwin and vperis furious perfonis.

The Justice depute affignis pe tent day of Maii infrant for geving of Interloquitour vpoune pe said Exceptioune and allegenance; and in pe meyntyme, continewis pe said mater in pe famin forme, force, and effect as is now, but preijude of party.

Maii 10.—Convicted and BEHEADED, notwithstanding of the foresaid allegenance, in respect that the Inventory above mentioned was not produced.

Mutilation of the Laird of Knowis.

Jun. 17.—ROBERT LAUNDER, in Tynninghame, and five others, came in Will for the Mutilation of Robert Knowis of that Ilk of the fore-finger of the left hand; committed in the month of March last.—Adam Hepburne of Smet-
toun, and Patrick Quhiteilaw of that Ilk became sureties to satisfie the Queen and parties.

Copia littere Regine Dotarie conceps. in fauorem Roberti Lauder, &c.

Justice and Justice Clerk and your deputis. It is our Will, and for certane renownand casus and considerationis moving ws, we charge you, incontinent after ych heirof, pe refillane in Will Robert Lauder, in Tynninghame, and his complices, for pe Mutilation of Robert Knowis of pat Ilk, takand sufficient fouert of same for Afflyment of our will and pe party; discharaging 500 of all calling and proceding aganis pame pairfor, or for any vper crimes quahairfor pai ar delaisit, and hes fundio founert to vnderly pe law befor 500 pe thirde day of Julij nixt to cum, or any vper day or dayis quahaifemeuir, quhill pe returning of pe said Robert and his complices within our realme furthe of pe partis of France, and fourty das pairfor, and of your officis in pat pair in pe meyntyme; becaus pe maift pair of pame is now in redyynes to depairt to pe saidis partis of France, to pe serice of our derret fader the maist Cristin King. As 50 will anufer to ws pairpound. Gevin vnser our Signet, and subscritit be our derret moder the Queene Dowriar and Regent of our realme, As Edin-
burgh, pe xv day of Junij, pe seir of God 1554 seiris, and of our regne pe xij seir. [Marg R.]

Jul. 3.—A number of other accomplices came in will; and others were reple-
giated by the Archbishops of S Andrew.

Forging 'Bawbeis' and 'half-bawbeis.'

Jun. 22.—PETER CHAPLANE, Convicted of treafonably forging and

1 Unluckily the Inventour was not produced. It would appear that they had entirely failed in their proof, from the fatal result which has been recorded. * Obligatory; binding. * Obnoxious; liable to. * Effects; personal estate. * Without. * Until. 7 See Jul. 3, following, &c.
adulterating the Queen’s coin of the realm, called ‘bawbeis’ and ‘half-bawbeis.’—HANGED.

Receiving the Sacrament while under Excommunication.

Jun. 26.—Gabriell Sympill of Craigbait found surety to appear at the next Aire of Renfrew, to underly the law for sustaining the procéfs of Excommunication for year and day, by virtue of Letters of the Official of Glasgow, for not paying certain sums of money to Catherine Gilmour; and for receiving the Sacrament, while under the said Excommunication.¹

Forging false money like ‘Bawbeis,’ &c.

Jul. 3.—Helen Patersoun, Convicted of casting, making, and forging false money, like ‘bawbeis’ and ‘half-bawbeis.’—HANGED.

Convocation—Hamesuckan—Slaughter.

Sir John Howdene, Chaplaine in Dunbar, was replegated by the Archbifhop of S’t Andrews, for Convocation of the lieges, and Invading David, James, Christoper, Andrew, and George Humes, sons of vmq² William Hume of Prandergaif, within the Town of Dunbar, by way of Hamesuckin, for their Slaughter, of forethought felony: And for the Slaughter of Nichol Burne, in December lat.²

Wounding—Mutilation—Slaughter.

Robert Knowis of that ilk, John K. his son, John Mortoune, and John Skowgall were replegated by the Archbifhop of S’t Andrews, for being art and part of the Hurting and Wounding of Hugh Lauder, in Dunfe, in sundry parts of his body, and Mutilating him of his right arm: And for the cruel Hurting and Wounding of Christoper Sked in his right shin-bone; committed in March lat.³—George Bald, parish Clerk of the Church of S’t Martin, near Hading- toune, was also replegated for the Slaughter of Richard Hepburne, alias Reid Reché.⁴

Exporting wheat, &c. to Flanders.

Jul. 4.—William Brown and Adam Nicholoune produced Remiffions for transporting wheat, flour, and corn¹ to Flanders, against the Proclamations, &c.—Others were replegated to the Regalities of S’t Andrews and Holyrood, &c.

¹ See Apr. 26, 1555. ² The Humes, &c. afterwards found surety to answer for similar Convocation and besetting Robert Lauder and others, and Wounding them, &c. on Dec. 21 last, at the next Aire of Edinburgh. ³ Sir William Knolis, Chaplain, was replegated to the same Regality, on Jul. 5. ⁴ Red Richie, or Richard. See Jul. 5. ⁵ The law was severe for such offences.
CRIMINAL TRIALS. A.D. 1554.

Convocation — Hamesuckin — Inbassion.

Jul. 5.—HENRY CONGILTOUNE, Tutor of Congiltoune, James his brother, and four others, Convicted for coming, in April last, to the Town of Congiltoune, and there, by way of Hamesuckin, cruelly Invading William Chyrnside and James Flemyng, his servant, in his dwelling-house.—John Hume of Blacader, cautioner for satisfying the Queen and parties.

Slaughter — Wounding.

WILLIAM CHYRNside and James Flemyng, his servant, Convicted of the Slaughter of Richard Hepburne, committed vpone fuddantie on Apr. 20 last, he being 'ane redare.' And also for Wounding Mr Thomas Congiltoune at the same time, to the effusion of his blood.—(Aug. 16.)—BANISHED from the kingdom: and not to return, without special Licence, under the pain of death;—James Cokburne of Langtoune became surety that they should depart within fifteen days, 'And pat in pe meyne tyme of pe faitis xv dais, that they fall nocht refert nor repair within pe boundis of Eift Lowthian, vnder pe pane of V'. merkis.'

Slaughter.

Jul. 11.—ANDREW HUNTER, in Dyfart, Convicted of the cruel Slaughter of William Williamsfoune, in Weyster Wemys; committed in July instant.—BEHEADED.

[John Patersoune alias Snoydoune Herald, Justice-Depute.]

Convocation — Hamesuckin.

Jul. 11. (apud Jedburghe.)—JOHN GORDOUNE OF LOCHINVER, John G. of Barkeoch, Roger G. of Cuyll, David G. of Markbrek, Roger G. of Hardland, Mr Malcolm M'Culloch, Gilbert M'dowell of Machimor, Eilieus G., servant of vmq" Symon G., and Patrick M'kee of Larg, found surety to underly the law at the next Aire of Kircudbrycht and Wigtoun, for Convocation of the lieges in warlike manner, on Jun. 5. last, coming by way of Hamesuckin to the house of Michael M'cakene, burguished of Wigtoune, and searching for him for his Slaughter;* and for other crimes contained in their Letters.

Slaughter.

(Ibid.)—ALEXANDER STEWART, son and heir apparent of ALEX. S. OF GARLEIS, M. M'cakane, and five others, found the Laird of Garleis surety for their underlyng the law at the next Aire of Wigtoun, for art and part of the

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1 One who interferes in a quarrel as mediator. The 'redding, freik' is proverbially the deadliest in an affray.

* The cause of this Feud may be seen from the next Case.
CRIMINAL TRIALS.

12 Mar.

The Cruel Slaughter of Symon Gordoune, and the Mutilation of Elieus G., his servant.

* Slaughter of the Laird of Leidcreif and his Son.*

Aug. 4.—John Buttrir of Gormok denounced rebel, and put to the horn for not underlying the law for art and part of the cruel Slaughter of George Drummond of Leidcreif, and William his son.—John Crechtoun of Strathurd and James Hering of Glascune, his cautioners, were accordingly americated.

Convocation—Invading Bailies of Cupar—Breaking Ward, &c.

Aug. 18.—James Turnbull, Deacon of the Wrights of the burgh of Cupar-in-Fife, Andrew Layng, Deacon of the Fleshers, John Burrell, fleshner, and Laurence his son, inhabitants thereof, came in Will for art and part of Convocation of the lieges of all the Crafts within the said burgh, armed in war-like manner, on the public street thereof, on Apr. 9. last: AND for disobeying Robert Williamfoun and Allan Jamefoun, Bailies thereof, who admonished and commanded the said Craftsmen, and each of them, in name of the Provost and remanent Bailies, and in their own names, to disperse and retire to their houses:

AND for Invasion of the said Bailies, with brandished swords, for their Slaughters.

Item, for making a Contract (‘Band’) and Obligation, binding them, and each of them, to participate, concur, rise, and fortify each other against the Provost, Bailies, council, and the rest of the community, not being Craftsmen: Item, for Convocation of the lieges, Craftsmen, coming to the Tolbooth of Cупar, after citation served upon them by the Officers to comppear before the said Provost and Bailies, to answer for the Hurting and Wounding of the said Bailies; and after they had entered in judgment, and had been accused for the said crime, and convicted by the Affite thereof, for their contemptuously going out of the said Court, with out the leave of the said Provost and Bailies; thereby breaking the Ward thereof; committed on Apr. 10. last: Item, for Convocation of the whole body of Craftsmen of the said burgh, in the month of June last, when Nicholas Arthe had entered upon pannel, to be accused in the said Tolbooth for Convocation and disturbance made by him in the said burgh, before the Bailies thereof, sitting in judgment; and during the progress of the same, interrupting the proceedings of the said Court, with great clamour, without leave asked or obtained; and thereby impeding the administration of justice: Item, the said James Turnbull and Andrew Layng, for contempt and threatening of David Lyndesfay, Pursuivant, on Jul. 26. last, mocking him with injurious words, in the discharge of his office, while executing the Queen’s Letters passing upon a Decree of the Lords of Council, at the Market-crofs of the said burgh, com-

1 See the Notice and Papers relative to this affair, I. * 371.
manding the said persons, and the remnant Deacons and Craftsmen of the said burgh, to obey the Provost and Baillies thereof as their competent Judges; as is more fully contained in the said Letters—declaring, that their Proclamation contained idle fables, and that they would force tears to be shed for the said execution.

DECLARATIO Voluntatis REGINE penes nonnullos Artifices burgi de COUPER-IN-FIFE.

(Sep. 19.)—The quhilk day, in presence of the said Justice-depute, Comperit Andro Layng, dekin of the Fleicheouries, James Turnbull, dekin of the Wrychis of the burcht of Cowper, Johnne Burrell, Seychoure, and Laurence Burrell his fone, quha in ane Court of Justiciare heldin in the said Tolbuth of Edinburgh the xviij day of August last bispit, become in Will the eure foureane lady, and her Justice in his name, for divers Convocationis and insobedience committit agane the Prouest, Baillies, Counsale, and autorité of the said burcht of Cowper; like as in the Act of pair becoming in the said Will at maire lente is content. And pair the said Justice-depute, in Jugement, befoir the saidis persons, declair our foureane lades Will fairfaisid in the said mater, in maner following; and commandit pair to obserue, keep, and fulfill the said: THAT IS TO SAY, the saidis persons, and ilk ane of them, within xlvij houres next efter pair hame-cuming to the said burcht, fall compeir in presence of the Prouest, Baillies, and Counsale pairof, in the said Tolbuth of the said, in Jugement; and pair, of pair awin contents, act, and oblige them, and ilkane of them, to keip gude rulc within the said burcht, and be obedient to the Prouest, Baillies, and Counsale pairof, now present, or sal hapnin to be for the tyme, in all thingis, conform to the lawis and confecedute of his realme: And gif it sal hapnin pair, or ony of them, to be fundin disobedient to the Prouest, Baillies, Counsale, and ofﬁcieris of the said burcht, present and to cum, or to mak ony Convocatioun or gadding of Craftsmen within the said burcht or outwith, or to affist to ony viirrais in making of sic Convocatioun and gadding, for disobeying of the said Prouest, Baillies, Counsale, or viirrais ofﬁcieris of the said burcht, or onywise incompar pair autorité, and pair, or ony of them sal be convict pairof; in that cais, pair or ony of them that happenis to be convict, to be Banist the said burcht perpetuallie, and of pair reddieft gudis incomtinent pairerfr to pay to the Commoun Werk of the said hemach to ten pandis money of his realme, without favoris: And gif pair, or ony of them, failjes in making of the said Act and Obligation, in maner forfaid, the failjes or failses fall, within the said houres, returne agane to the burcht of Edinburgh, and pair remane in our foureana ladies Waerd, or ony viir Waerd sal fall pleis hir grace, ay and quhill the QUEENIS grace haif declairit hir Will; vnder the pane of rebellionioune, and putting of them to the horne, and escheiting of pair gudis movabe.

Slaughter of the young Laird of Querrell.

Oct. 26.—ROBERT HENRY, alias Deill amang us, Convicted of art and part of the cruel Slaughter of Thomas Bistate, young Laird of Querrell.—BEHEADED.

'Slaughter by Drugs or Poison.'

Oct. 30.—HENRY CONGILTOUNE, Patrick his brother, and William Lille, found surety to underly the law at the next Aire of Edinburgh, for art

1 See Appendix to this reign.  * Robert Fairlie of Braid.
12 Mar. CRIMINAL TRIALS.

and part of the cruel Slaughter, by intoxication,¹ (the use of potions, drugs, or poifon?) of Oliver Congiltoune, son and heir of umqi Robert Congiltoune of that Ilk; committed in June last, in the Place of Kynneir.

Intercommuning with the Laird of Ballagane.

Nov. 14.—George Crawford of Lefnoreis became in Will for Intercommuning with Duncan Hunter of Ballagane, being rebel and at the horn,² under silence of night, on one occasion only, in August last.—Sir Hugh Campbell of Lowdoun, kn', became surety to satisfy the Regent—and that the said George should remain in the Town of Edinburgh, until the Declaration of the said Will.—The same day, John Crawford of Drongane found surety to underly the law at the next Justice-aire of Air, for Refetting, Intercommuning, and supplying the Laird of Ballagane, John his brother, Herbert H. in Baifurd, and three others, rebels, &c. for the same crime.—James Eklis of that Ilk likewise came in Will for Intercommuning with the said Herbert.

Absentes ab Assisa Dominorum de Lefnoreis et Eklis.

John Lokker of Bar, Alexander Caunninghame of Hill, Neill Montgomery of Langchaw,
John Campbell of Lochlie, Hugh Montgomery of Hefflheid, Thomas Kennedy of Bargny,
Rob. Grahame of Knokdoleane, Geo. Kennedy of Dalmaclosochane, John Mure of Auchindrain,
Rob. Campbell of Kinsecleache, David Bofwell of Auchinlek, James Mure, his brother.

Convection — Hurting and Wounding.

Nov. 16.—John Lyndsay of Cobyn tout,³ John his natural brother, James Someruile brother⁴ of the Laird of Cobyn tout, Alexander Lyndlay of Northflat, and eighteen others, came in Will for Convocation of the lieges to the number of 200 persons, armed with lances, 'culverings,' bows, and other invasive weapons, on Sep. 28 last, before sun-rise; coming to the barn-yard of Mr John Someruile, Rector of Libertoun's glebe; and for the cruel Hurting and Wounding of Robert Myllar, servant of the said Mr John, in his neck and other parts of his body, to the effusion of his blood, and danger of his life.—John Lord Someruile⁵ became surety for the Laird, who became cautioner for the others, towards satisfying the Queen and parties—and that he fulf remain in the town of Edinburgh, until the Queen's Will was declared, and the royal Licence granted for his departure.

Mutilation.

Mr John Someruile, Rector of Libertoun, and Michael S. his brother,

¹ Per intoxicationem. The same phrase was used in the case of Lady Glammys, where the means employed are believed to have been poison and drugs. See L 158, &c.
² For the Slaughter of John Greirson in Beochan, and Andrew G. in Bagnabill.
³ See Nov. 22, 1555, &c. for further particulars as to these Feuds.
⁴ Probably a brother-sterne, by another marriage.
⁵ He is named James in all the Peerages, &c. Hugh, the preceding Lord, died anno 1549.

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Parish Clerk of Carnwethe, were repleged to the Regality of Glasgow, for Mutilation of John Wilfoun, and other crimes contained in their Letters.—Hugh Someruile, brother of Lord Someruile, John S. alias John of Begair (Biggar) Symon Yfcheare, and eight others, found surety (James Douglas of Drumlangrig) to underly the law for the said Mutilation, at the next Aire of Lanark.

Slaughter.

Nov. 20.—Patrik Dunbar, young Laird of Cumnok, denounced rebel and put to the horn, along with David Dunbar his servant, and James Ogilvy, for not underlyng the law for the Slaughter of Thomas Ruffell; committed in Jan. 1553-4, in the house of Archibald Alexanderson, in Balnageiche. John Earl of Sutherland was americiated in 200l. and 400 merks, for not entering them to underly the law.—(Jan. 31, 1554-5.) George Dunbar of Cumnok, John Chisholme sen., and John C. jun., found Sir George Meldrum of Fivy, kn., as surety for their underlyng the law for the said crime, at the next Aire of Elgin and Forres.

Slaughter of a Son of the Laird of Altyre, &c.

Alexander Dunbar of Cumnok, Patrik the young Laird of Cumnok, and thirty-four others, were put to the horn for the Slaughter of James Cummyng in Dollacebracht, (son of Alex. C. of Altyre.)—Their cautioners were americiated for their non-appearance. Sir Alexander Duf Chaplain was repleged by the Bishop of Moray.—James Earl of Morton was americiated for not producing the Letters duly executed and indorsed, purchased by the blood-relations of James Cummyng, &c.—(Jan. 31, 1554-5.) The Laird of Cumnok and Nicholas Gilzeane in Monachy, found Sir George Meldrum of Fivy, kn., as surety for their entry at the next Aire of Elgin and Forres, to underly the law for art and part of the Slaughter of the said James Cummyng, and Wm. C. in Presley, Patrick C. in Dunneyne, Andrew Mcarries in Dollacebracht, Canit (Kenneth or Canute?) Dow in Bank of Murray, and Fynlay Rannalsoune, Officer of the said Alexander; committed on Jul. 19 lat, at Clunerny.

Fire-raising — Burning houses and sheillings.

Patrick Grant, brother of John Grant of Ballindalloch, found the Laird as surety for his underlyng the law at the next Aire of Elgin and Forres, for Fire-raising, and burning certain houses and sheillings on the lands of John Grant of Karryne, called Rownay and Clochetlace, committed in June last.

1 This person was brother of James, seign Lord Somerville, and was the ancestor of the Family of Spittal. 2 The only persons of note were James and John Vrquhard, brothers of the Laird of Burriayardis. 3 See Jan. 30, 1554-5. 4 From 100 l. to 40 l., according to their rank.
Slaughter of the Laird of Leidereff and his Son — Feud between the Drummonds and Blairs, &c.

[As, in reference to the numerous Deadly Feuds which, unhappily, both preceding and subsequent to this period, convulsed the state of civil society in Scotland, the Editor is, through the kindness of his friend, David Laing, Esquire, enabled to lay before the reader an interesting extract from the History of the Family of Drummond, which has just been printed, under his superintendence, for private distribution only.

In various parts of this work, it may be seen that the various families of the Blairs of Balmayock and Arbblair, the Charteris' of Kinfaunis and Cuthilgurdy, the Drummonds, and several other Barons and Lairds in those parts of Perthshire, were constantly involved in Feuds with each other, and occasionally with burgesses and citizens of Perth, &c. One of the most deadly of these domestic broils is contained in the following Papers, which have lately been taken from the originals, still in the possession of Henry Home Drummond of Blair Drummond, Esquire, and of which, so far as the Editor is aware, no memory is elsewhere preserved. Without specially noticing the numerous other Trials and proceedings in this work connected with such Feuds, the Editor begs merely to refer to them generally.

The subject is thus introduced in the body of the history above mentioned:— GEORGE DRUMMOND, the son of John, succeeded, who apparently purchased the lands of Newton of Blair, for he is the first whom we understand to have been styled George Drummond of Blair. He married Janet Halyburton of Buttergak; she had to him two sons, George, who succeeded, and William Drummond. George Drummond, the father, and William, his youngest son, were both treacherously killed together, at an unhappy encounter by the . . . . . . . . . . . . . . . . upon the 3d of June, 1554; but most of them that were present, or guilty of the Slaughter, were either brought to publick Execution, or by their submissions and satisfactions made their peace with the parties wronged, as appears by their applications extant. The Papers above referred to follow.

I. Summons for apprehending and bringing the Laird of Gormok and his accomplices before the Queen and Privy Council, Jun. 15, 1554.

MARIE be pe grace of God, Queine of Scottis, to oure shire of Perth and his deputis, and to our loyitis, Archibald Campbell, Thomas Drummond, messengery, our sheriffs specialie constute, greting: sforfamek e as it is humlie menit and complenit to ws be oure louissit, the wiffe, barnis, kin, and friends of vmquhile GEORGE DRUMMOND OF LEICRIB, and William Drummond his fone, vpoun WILLIAM CHALMER OF DRUMLOCHIE, William Rory, George Tullayraf, William Chalmer, &c., George McNesker, fidlar, his houwaldmen; Robert Smyth (and Cotters,) tennentis to pe Laird of Drumlochie; Johnne Blair of Ardblaire, Andro Blair, Thomas Blair, his fonis, David McRaithy, his houwald man, Patour Blair, (and two others,) tennentis to the said laird of Ardblaire; William Chalmer in Cloquhart, Alexander Blair, half brother to Johnne Buttir of Gormok, William Buttir, David Blair of Knokmaheir, Johnne Blair, Patrik Blair, his fonis, William Young of Torrence, and Thomas Robertson, tennentis to pe said Laird of Gormok; quhilkis, with pari compleices, with convocation of oure liegis to pe nomer of ixxx perfonis bodin in feir of weir, with jakkis, coittis of maiyte, fleill bonetis, lance flaffis, bowis, lang culveringis, with lychtit luntitis, and vpirris wappinis invading, recentlie vpoun Souday pe thrid day of Junij instant, befor none, off pe counsaling, deuyng, caufing, fending, command, affiftence, fortefying, and ratribution of pe said Johnne Buttir of Gormok, come to pe said vmquhile George Drummondis, Perroch Kyrk or Blair, to half flane him pe said vmquhile Williamis his fone, and vpirris being with him in company: And becaus pei culd nocht cum to pair peruerit purpous, pei paffit to the Laird of Gormokis PLACE OF GORMOK, and pair dynit

Page 118.
Left blank.  The reader will find that he was denounced Rebel on Aug. 4 preceding, for not underlying the law, as being art and part of this Slaughter. See 1, 387.

Matches.
with him, and send forth thyis to await vpoun the said vmquhile George and his companye, quhen thei come forth of his Place of Blair: And being achieved be the saidis fpysis, that he was cumin forth of his said Place, thei with pair compleces with the said Laird of Gormokies howthaldmen and ferandis, bodin in feir of weir, of his cauing; fending, deuising as said is with convocatyon of our lieges to the nomer of lxxx peronis, thei famyn day, at twa horas or pairby eftir none, ifichit forth of the said Laird of Gormokies Place fairfaid, and vmbelet thei gait to the saidis vmquhile George and William, his fone, quhair thei wert dowblate alane at pair paftyme play, and at the row-bowlis in the His Marcyte gait befide the Kirke of Blair, in foibir meaner, traititing na trouble nor harme to haib bene done to thei, bot to haib levis vnder Goddis paix and ouris, and pair crewelie shew paime, vpoun said Feid and forthocht felonie, fet purpoues and provisyon, in his contempation of our susteritie and lauwis, gif fabe. Ouris will is heipour, and we charge 30w, feedtis, and commandis, pair incontinent thei ourle leteris fene thei tak ficher fouertie of the saidis peronis and pair compleces, committeris of the crynnes abouenwrittin, in manser fairfaid, famony as the saidis complenisar will mak faith befor 30w, wer arte and parte pairof, and gevis thei names to 30w in bill, that thei fall compeir and vnderly our law for thei famin befor our Justice or his deputis, in our tollooth of Ediburghc, the thrid day of Julij nixt-tocum, vnder the panis contenisi in our Actis of Parliament: And thei 30w charge thei panes peronalie, gif thei can be apprehendit; and fallaying pairof, be oppin proclamathon at the mercate croce of the said heid burcht of our thyre, quhair thei duit, to cum and find thei said fouertie to 30w, within the fis dais nixt eftir thei be chargeit be 30w pairto, vnder thei pane of rebellion and putting of thei pane to ourse horne: The quisilk fis daits being bipast, and the said souertie nocht fundin to 30w in manser fairfaid, that the incontinent pairisfarer denunce thei difobeyaris ourse reballiis, and pat theiis to ourse horne; and escheit and inbring all pair movable gudis to ourse vidis, for pair contemplion. And als, thei 30w summond the Athis heiro, ilk perison vnder thei pane of forty pundis: As thei will anfwer to us pairupon. The quisilk to do we commit to 30w, conjunctlie and generallie, ourse full powre, be thei ourle lettris, delinuering theiis be 30w, deulie execute and inordeate agane to ourse Justice Clerk. Gevin vnder ourse Signeto, at Ediburghc, the xiiij day of Junij, and of ourse regnane the twelth yeirre. (1554.) Ex delibratione Domincorum Confijii.

II. The Offeris offerit be the Laird of Gormok, &c., to Young George Drummond of Blair, for the Slauchtir of his Fathir.

Thir ar the Offeris quisilk the Lordis of Gormok, Drumlochye, and Arblair, and pair Collegis offeris to my Lord Drummond, and to the foun of vmquhill George Drummond, his wyf and barnis, kyne and frendis, &c.:——

Item, In primis, To gang, or caus to gang to the four heid Pilgramagis in Scotland.

Secundis, To do suffrage for the fawill of the deid, at his Parochie Kirk, or quhat vpir Kirk thei pleys, for certane yeris to cum.

Tritis, To do honour to the kyne and frendis, as offiris, as we is.

Ferdi, To afflyth, the partie is content to gyf to the kyne, wyf, and barnis, in [1000] merk.

Fyfthlis, Gif the Offeris be nocht sufficent thocht be the partie and frendis of the deid, we ar content to vndirlyre and augment or pair, as refulabil frendis thinkis expedyant, in so far as we may lefauumlie.

III. Answeris by my Lord Drummond, &c., to the above Offeris.

Thir ar the Answeris pat my Lord Drummond, his kyne and frendis makis to the Offeris presentyris gevin in the Laird of Gormok, Drumlochye, and Arblair, vycht pair collegis:——

A game similar to what is now termed Bowling. 2 Roll. 4 In the original document this is followed by the attestation of James Bannatye, notary-public, that the messenger had duly published the said Letters, &c.

Referring to the homage usually exacted in those days, viz. —The culprit appeared before the nearest in kin, (the avenger of blood,) or the Chief of the Family, and in presence of the other blood-relations of the deceased, having a halter round the neck, and, after kneeling, he offered his naked sword by the point, humbly asking forgiveness, &c.

Submit. 6 Reduce. 8 Lawfully; conform to law. 8 Kin and blood-relations.
ITEM, As thir first, secund, and thrid artickill, jai ar sa generall and sempil in thir self, jai jai requyer na anfer.

ITEM, As to thir first artickill, offering to thir kyne, frendis, wyf and barnis of Georg Drummond I., [1000] mert for thir commiting of sa beych, crewel, and abomenabill Slaychtiris and Mtwillationis, of fist purpoo, devyf of albe thir Lord of Gormok, and Georg Drummond his lone, nor none of thir frendis neir offending to thame, neither be drawing of blad, takin of Kirkis, takis, flettingis, or rowmis our ony of pair heidis, or pair frendis; sa, in respect heirof, my Lord Drummond, his kyne, frendis, the wyf and barnis of Georg Drummond, cane na wayse be content heirwith.

IV. THE OFFERIS of WILLIAM CHALMER of DRUMLOCHY for hym self, WILLIAM CHALMER his Couning, GEORGE TWIDDFORD, WILLIAM CHALMER, JOHN FYDLER, JAMES KEY, JOHN BURRY, JOHN WOD, his Servandis.

In thir first, thir said William offeris to compere befor my Lord Drummond, and thir remanent frendis of vmq George Drummond, and pair to offer to his lordchip, and thir party, ane nakit fwerd be thir poynit; and siclike to do all your honour to my lord, his hous and frendis, jai jai be thoche reasffonabill in siclike caiffes.

ITEM, Offeris to giff my Lord and his airis his BAND of MANRENT, in competent and dwreforme, as my lord and thir said William offeris to the Act of Parliament and lawis of thir realme.

ITEM, Becaus throw extrame perfeccionoun be thir lawis of thir realme, thir said William heis nother landis, gindis, nor mony, he pairfor Offeris his sonis Mariage to be mareit vpon George Drummondis dochter, frelie, without any Tochter: And siclike thir Mariage of thir said William Chalmer, his couning, to thir said George Sitter.

ITEM, the said William Offeris hym reddey to ony vyer thing qhillik is possibill to hym, as pleis my Lord and frendis to lay to thir charge, except thir lyfe and heretage.

V. THE LAYRED of DRUMLOCHY, BAND of MANRENT.

Be it kent till all men be thir pretst lettiris, me WILLIAM CHALMAR of DRUMLOCHIE, that stoffamekle as ane noble and mighty lord, DAVID LORD DRUMMOND, and certane vyris principalis of the four brancheis and maist speciall and nerrof of thir kin and frendis of vmqhillie George Drummond of Leidkreif, and William Drummond his lone, for thame fellis, and remanent kin and frendis of thir said vmqhillie George and William, hes remittit and forgiven to me pair Slavchteris, and gevin and delierit to me pair Letteris of Slanis pairvouns; and jai jai go mullit, be vertew of ane contract, to giff thir said noble lord my Band of Manrent; as thir said Contract and Letteris of Slanis, delierit to me, fulfield proportis: THAIRFORE to be bondin and obliit, and be thir pretst lettiris, bindis and obliness me and my airis, in trew and auftaid BAND of MANRENT to thir said noble and mycht Lord, as CHIEF to thir said vmqhillie George and William his lone, and thir said Lordis airis, and fall tak pair trew and auftaid pair, in all and findry pair actions and caufis; and ride and gang with thame pairairis, vpon pair expansis, quhen thay require me or my airis pairair, againis all and findry perfonis, our Souerane Lady, and thir auctoritie of this realme, anserslie exceptit: And heiro I bind and oblis me and my airis to thir said noble and mighty Lord, and his airis, in thir straiteste forme and ficker filte of Band of Manrent jai can be demeyit, na remedit nor exceptiou of law to be propont nor allegit in thir contrair. In witness of thir qhillik thing, to thir pretst Letteris and Band of Manrent, subficherit with my hand, my seil is hungin, At Edinbercht, thir first day of December, thir 3:1 of God ane thousand five hundred fifty aucth seiris, Befoir thir Witneslis, ANDRO ROLLO of DUNERUB, JAMES ROLLO his lone, Joynne Grahamis of Gormok, Maister Joynne Spens of Condy, and Laurence Spens his brother, with thers durers.

WILLIAM CHALMAR of DRUMLOCHY.
CRIMINAL TRIALS. A.D. 1555.

It seems unnecessary to add any thing to the melancholy picture which is here given, as to the frightful consequences which, necessarily, must have been produced on the general state of society in this country, by the perpetual occurrence of such barbarous contentions.


On Nov. 16 preceding, George Gordoun of Scheves, James Gordoun of Lefmore, and Gilbert Gray of Scheves, found caution to underly the law at the next Aire of Aberdeen, for Refetting, Intercommuning, and Supplying William Chalmers of Drumlochy and his complices, rebels and at the horn, for the forefaid Slaughter; and for affording them meat, drink, and other necessaries, in the months of July and August last.

Hurting and Wounding.

Dec. 19.—Alexander Hopprisingill of Craiglette, and George his son, convicted of art and part of the Oppression done to David Hopprisingill, son of Alex. H. of Trinlieknowis, in Hurting and Wounding him to the effusion of his blood in great quantity, committed on Jul. 15 last, he being for the time in the 'hauche' of the water of Caildane, near Trinlieknowis, keeping his father's cattle.—Walter Riddell of that flk became furety for them.

Slaughter —Invasion —Wounding —Mutilation.

Jan. 31, 1554-5.—Alexander Cumming of Alter, John Cumming called Franche John, John Cuke alias Blak dog, John Cumming Owre, Thomas Tailzour in Tulyduvy, and John T. in Scoote, found James Earl of Mortoun as furety for their underlying the law at the next Aire of Elgin and Forres, for art and part of the cruel Slaughter of Alexander M'gillefe, at the Parish Church of Edynkiltie; committed in March 1553, of forethought felony: And also, for art and part of 'Umbeftetting the way' of Patrick Dunbar young Laird of Cunnok, and his servants, between the Weft fide of the water of Duvy and the hill of Clumnerney; committed upon Jul. 19 last; and there cruelly Invading them for their Slaughter; and for Wounding the faid Patrick in his leg; and for Mutilating Hugh Myll, his servant, of his right leg; and for Hurting and Wounding fundry other of his servants, in divers parts of their bodies.

Slaughter —The Pannel before Conviction permitted to assign a Reversion to Lord Gray.

Feb. 4.—Nicholas Ramsay Convicted of art and part of the cruel

1 See I. 337. 2 See Nov. 20, 1554, &c.
Slaughter of Patrick alias Pawtoune Henry. Beheaded.—(On the margin of Record,) 'Nota. pe said Nycholl before his Convictioune, maid pe Lord Gray, in Jugement, his cossioner and assignay, in ublica forma, to pe Reyntioune maid to him be Alexander Raa, anent pe lowing fra him of ane foirland in pe burcht of Perth, befid pe Fische-mercat.'

Fire-raising—Burning of Corns.
Feb. 9.—Robert Paterson Convicted of Fire-raising and burning the corns of Sprowstoune, belonging to James Commendator of the Monasteries of Calco (Kello) and Melrose; committed in the month of November last.—Hanged.

Forging a Discharge in the name of an Italian, &c.
Apr. 1, 1555.—William Lawder, Thomas Fothringham, and Robert Melville, came in Will for Forging and Falsifying a counterfeited Letter of Acquittance, dated at Edinburgh, Oct. 12, 1550; whereby Francis Cafor, Italian, discharged the said Thomas of the sum of fifty golden Crowns of the sum. Which acquittance was subscribed by the said William, as a Notary Public; and was afterwards found to be false and forged, before the Lords of Privy Council, and a Decree pronounced at the instance of Martin alias Maureye Oliuer, fervitor to the Lord Douell, Lieutenant of the King of France, dated Feb. 24 last: And the said Thomas, by the procurement of the said William, for causing the said false acquittance to be forged and subscribed, and using the same: And the foresaid Robert for his inventing, causing, counsel, art, part, and assistance given to the foresaid William and Thomas.—Sentence. To be considered infamous in all time coming, and their testimony never to be thereafter received: And that they shoul never enjoy any dignities, offices, or honors, either in judgement or outwith the same: And to be Banished from this kingdom, and never to return without the Queen's special Licence: And all their moveable goods to be Escheated.

Receiving the Holy Sacrament while under Excommunication.
Apr. 26.—William Cunynghame of Lagland found James Hamilton of Fynmert kn., as surety for his underlying the law at the next Justice-aire of Air, for infringing the Acts of Parliament, in bearing sentence of Excommunication for year and day, and receiving the Holy Sacrament, while in that state.

1 In Court. 2 See Jan. 26, 1554. There are many similar instances of prosecution for this offence, which was deemed one of a heinous and aggravated nature, especially previous to the Reformation, when the consequences of Church censures were very formidable. See Appendix, &c.
Convocation—Oppressing the Laird of Innes.

Apr. 30.—Alexander Prior of Pluscardin, Mr David Dunbar Dean of Murray, Sir Thomas Rofs Chaplain, and Alex. Dunbar Parish Clerk of Raffert, were replegiated by Patrick Bishop of Murray, for Convocation of the lieges, and Oppressing the Laird of Innes and his servants, in the month of January last: Sureties, James Dunbar of Tarbert, and Alex. D. of Cunbie.—Gavin Dunbar Rector of Rofkyne, and James Dunbar Parish Clerk of Cumnok, were replegiated by the Bishop of Rofs, the Archbishop of Glasgow, &c.

Convocation—Sacrilege—Invading the Prior of Pluscardin, &c., in presence of the Holy Sacrament—Hurting and Wounding.

May 2.—William Innes of That Ilk, and thirty-two others, found John Lord Bortheiky surety for their underlying the law at the next Aire of Elgin and Forres, for Convocation of the lieges to the number of eighty persons, armed in warlike manner, and coming within the Cathedral Church of Elgin, during Vespers, and there cruelly Invading Alexander, Prior of Pluscardin, Mr David Dunbar, Dean of Murray, Alexander D. of Conze, James D. of Tarbert, and sundry others of their friends, for their Slaughters, in presence of the Holy Sacrament: And also Hurting and Wounding James D., son of the Laird of Tarbert, and Alexander Swayne, in sundry parts of their bodies; committed upon ancient feud, certain purpose, and forethought felony, on Jan. 1 last: And for other crimes contained in the Letters.

Feud between the Dunbars and Innesses, &c.

James Dunbar of Tarbert, David Dunbar of Bennagefield, Jasper Waafe of Lochlin, and ten others, found surety to underly the law at the next Aire of Elgin and Forres, for Convocation of the lieges, in warlike manner, to the number of sixty persons, under silence of night, and coming to the Cathedral Church of Murray, and there Invading William Innes of that Ilk and his servants for their Slaughters, on Jan. 1 last; committed upon ancient feud, forethought felony, certain purpose, and provision.

Supplication of the Assisors to the Queen, with her deliverance thereon.

The quhilk day compert Gilbert Menzie, tone and apperand ait to Thomas Menzie of Pitfoedellis, Proweit of Abirdene, in name and behalf of Alexander Jaffray, Baxter, John Arclay, cor- dinaar, Alexander Reid, tailleour, for iame and pe remanent purc Craftsmen be of pe burcht of Abir- dense, and gaif in iis Supplicationis underwritten, maid be iame to pe Quenis grace, Dowariarre and Regent of Scotland, deliverit and subscrit be hir grace, in maner following; and defrit pe famin to be regestrat and infect in pe buikis of Adionalle, and to be admissit be pe Justice-Principal:

1. Among the number are James Innes of Momburn, John Innes, brother of James Innes of Dranye, Andrew, son of James Innes of Lewcharie, Andrew Innes, alias 'Caw the Joyce; Andrew Innes, called 'the scoter,' &c.

2
13 Mar.  

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The quhilk desyre þe sáid Justice-depute thocht reasonable; and þairfoir ordanit þe sáid Suppli- 
tione, or þe QUEiS grace delierance and anfer gevin þairpounwe to be regestrat and infert in þe 
faldis buikis of Adornale, and he as admitit and admitus þe fàmin: off þe quhilk Suppli- 
tione and delierance þo tennour followis:

‘MADAME, vnto your grace huimlie menis,’ We, Alexander Jeffray, baxter, Johnne Arclay, 
cordinar, Alexander Reid, taillieoure, for us and þe remanent pairt Craftymen of þe burcht of Abirdene: 
That quhir we ar new summond to pas vponne þe Ailfe betuix þe INNESSES and DUNBARRICK, like 
as we have bene, dyuerse tymes, pis xere, summond of befoir, be your grace Puriefewants and Me- 
flingeris, to pas vponn Ailfe in actionis distant frae us fortie, fiftie, and lx of mylis, þat we know na 
thing þairof mai nor þai þat duellis in Jerusaleem: & And swa, Ma dame, we ar herely trublit and 
herreit4 hearthrow, be faill,4 abisse, and misforder of þe sáid Puriefewants and Mefflingris þat will 
nochs summond Lordis, Laidis, and Barronis, as wes wount to be done in all tymes bigane, past 
memor of man, quhilk6 pis insistants xeir bigane, þat þai hane brocht of one new vise, by? your grace 
mynd, as we beleif, to summond purr burges men and purr craftymen, and speciallie of your sáid 
burcht of Abirdene, quhilk hae bene foure or five tymes hein pis tolmond, and all alusterlie8 her- 
reit pairthrow. QuHARFOIR we beleique your grace, þat we þat ar purr inhabitantis of your sáid 
burcht may hae your grace pardoune and exempioune to remane and bide at hame, nochtwis- 
standing þe Summmondis þat ar to cum vpon us, want9 it be for actionis done within þe sáid burcht, 
or thré mylis about þe fàmin: And your grace anser heripounwe huimlie we beleif.—(Sic retro- 
scriptur.) APUD Edinburcch primo Maii anno III6 V·16. Fiat vi petitur. —MARIE R.

Selling French Wines at too high a price.

May 4.—GEORGE HUME, refiding in the Town of Leithe, Walter Cant, 
and thirteen others, indwellers there, and burgesses of Edinburgh, found surety 
to underly the law at the next Aire of Edinburgh, for Selling French Wines11 at 
higher prices than fixed by the Queen’s Proclamation of Dec. 7 last, under the 
pain of forfeiture of their whole moveable goods, viz. for each tun of ‘Bur- 
deauje’10 and ‘Angev’13 Wine 201., and in retail at x d. per pint; ‘Rochell,’ 
‘Scherine,’14 and ‘Cunegochee,’16 16 I., and in retail viij d. per pint.

Slaughter and Wounding of French Soldiers — Jurisdiction 
and Privilege of the Church Courts.

May 22.—MR. MARK KER and the LAIRD of COLDINGKNOWIS dilat- 
ed for the Slaughter of vmq16 . . . . de la Vigne: And for Hurting and Wound- 
ing of . . . . Lefpine, ‘corporale of CAPITANE GALŒARTTIS CUMPANY,’16 
. . . . Brufle in fundry parts of his body, and other Frenchmen; committed at 
Newbottill, in April last. ‘COMPERRIT Maifter Mark Ker, in presence of þe 
shidas Justice-deputis, and deysrir to be replegit, as he þat wes ane Kirkman, to 
his Juge Ordinare’: ‘And þe Laird of Coldinkingwis offerit him reddy to vnderly

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1 Humbly complain. 2 We know no more of than they who dwell in Jerusalem. 3 And 
so, Madam. 4 Pillaged. 5 Failure in duty. 6 Until. 7 Against, contrary to. 8 Twelve months; this year past. 9 Altogether, entirely. 10 Unless, excepting. 11 See 
Mar. 21, 1549-50. 12 Bordeaux. 13 Anjou. 14 Rochelle and Sherry, or Xeres. 15 Cognac? 16 See repeated notices of these persons in the Appendix.

† 3 B

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pe law for pe faidis crymes—and pai bayth protestit pai pair fouertes be relevit, becaus pai wer reddy to entir.'

DEBATE as to the Jurisdiction of certain Church Courts.

Jun. 1.—COMPETIT MAISTER JAMES BALFORE, Official of SANCANDROIS, within pe Archedenerie of Lowthian, vnder protestatione, pat pe said Maister Markis comperance in pe said Justice Court hurt nocht pe eftate nor privilege of pe Kirk; and, as Ordinare to pe said Maister Mark, defyrít him to be replegit, verbo.—COMPETIT altius SIR WILLIAM BANNATYN, Chaplaine, as Commissar to pe ARCHEBISCHOPPE OF GLASGW, be his Commissione producit in Jugement, speciallie constituite, and pairby defyrít pe said Maister Mark to be replegit furth of pe said Justice Court, for pe said cryme, to pe Jurisdictione of pe said Archebischope; and in caite pe said Justice-depute wald nocht suffter him to be replegit be virtew of pe said Commissione, protestit pat pe famin hurt nocht pe said Archebischope in his juridictione foiraid.—MR JAMES BALFORE and MAISTER DAVID McGILL, vnder protestatione pat pai admit nocht pe Justice to gif Interloquitour vposune pe allegances following, Nih quantum de jure, allegit pat pe said Maister Mark fuld be replegit to pe jurisdictione of pe Archebischope of Sanctandros, and schuht to be prefabrit in replegiatione to pe Archebischope of Glagfwr, be refoun he hes producit ace Tettimoniale of his Ordour of Crownbennet,1 berand pat he wes Scolare in pe dyocy of Sanctandros: And als allegit, pat he wes borne within pe said dyocy, in pe Caftell of Edinbur, and maid renidence continuale within pe famin dyocy, viz. within pe Place and tow of Newbottill or Ed2: And als, pat pe allegit cryme he wes to be accunfit of wes committit within pe said dyocy of Sanctandros: And forther allegit, pat he hes na Benefice within pe dyocy of Glagw; and pat he hes demittit pe Benefice of Maffindew,3 in Jedbrush, quhaibyr pe said Bischope of Glagw allegit him to be ordinar to pe said Maister Mark; like as he prefentlis, in prencence of pe said Justice Depute, dimmits pe famein: And attour,4 offerrit pe Laird of Haidane cantionne for justice to be done, &c., and akit instrumentis vposune pe allegances and Offir foiraidais.

High Treason — Swearing fealty to the Protector of England, &c.

May 24.—GEORGE WAUCHOPE, burges of Lauder, produced a Remission for taking assurance upon himself and the other Inhabitants of the Town of Lawder, in October 1547, during the time of the building of the Fortalice of Roxburgh, with the ENGLISH PROCTOR, and LORD GRAY, his Lieutenant General; giving and granting his Bond and faith under his hand, that he and the other INHABITANTS OF LAUNDER shoule be faithful subjects to the KING OF ENGLAND; and giving his oath of fealty, for obferving the fame: Which Bond was thereafter fulfilled, by his daily treasonable riding in company with the said English, consulting and guiding them, as often as occasion required, against her Majesty's subjects, to their subversion and ruin. Item, for his treasonably leading the PROCTOR OF ENGLAND with his ARMY, immediately after the BATTLE OF PYNKECLEWCH, in October 1547, to the said Town of Lauder, therein to remain in Caftles, &c. and leading them, in bodies, to various parts of the country, for the destruction and slaughter of the lieges thereof. Item, for his leading, refetting, suppling, intercommuning, and participating, continually, during the whole of the years 1552 and 1553, with Sir Walter Ker

1 Having taken his degree; Baccalaureus?
2 Maison Dieu.
3 Furthermore.
of Cesfurde, Sir Andrew Ker of Hirfell, and Sir John Ker of Pharnihiert, knv, their servants and accomplices, the Queen’s Rebels and at her horn, against the Acts of Parliament. Item, for his treasonably guiding the said English Protector, the Earl of Warwick, Lord Gray, and the English Army, immediately after the Battle of Pynkecleuch, in the year 1547, they then being in England, to the Castelhill of Lauder, being the Queen’s proper lands, where the said English soldiers built a Fortalice, and fortified the same with warlike stores, to be kept against the Queen’s lieges; and for inventing, treating, and consulting with the said English thereupon. Item, for treasonably delivering to Ralph Bruier, Captain of the Fortalice of Roxburgh, and other Englishmen, being therein, an hundred daggers, with all kinds of grain which he could obtain; and afflicting and participating with them for the keeping and protection thereof. And also, for treasonably revealing and shewing to the General at the Fortalice of Lauder, and to other Captains of Fortalices, during the time of their remaining in Scotland, all the secrets of this kingdom, which he had or could procure, to the hurt and loss thereof, and to the advantage of the said English: And for riding and going with them, for obtaining their ends, in all their deeds and conspiracies against the kingdom of Scotland, as if he had been a native Englishman.

**Slaughter of a Messenger at Arms.**

Jun. 7.—John Blacater, servant to the Earl of Bothuile, was denounced Rebel and put to the horn, and William Moncreiff of that Ilk, his cautioner, was americated in the sum of 500 merks, for his non-appearance to underly the law for art and part of the cruel Slaughter of James Lowis, Messenger at arms.

**Selling Victual and Flesh in England.**

Jun. 17.—Mungo Hunter, in Chirnside, Convicted of breaking the Acts of Parliament in carrying flesh into England.¹—Robert Richartfoun and fix others in Fuldene, and Patrick Gibfoun in Coldingham, came in the Queen’s Will for transporting Victual into England; and Alexander Crawfurde, and two other butchers in Coldingham and Aytoun, came in Will for carrying flesh into England.² A number of others were replegated to the Regality of Dalkeith, were denounced Rebels, or came in Will for similar crimes, about this period.

**Remarkable Case of Piracy by Englishmen — Oppression, &c.**

Jul. 3.—¹ Hilbert Stalfurde, in Kentchire, in the Town of Der-

¹ George Lord Seytoun became his cautioner.

² Cautioners to satisfy the Queen—George Ramsay of Dalbousay, John Hwme of Hutounball, and Alexander Hwme of Manderstoun.
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ingtoune, Capitane (‘gra.’)¹; Thomas Man in Northphok, borne within þe toune of Elfin,’ and twenty-seven others, (‘gra.’) convicted by an Affife,² chothing and sworn by their own consent, of Piracy and Oppression done to the Queen’s liege subjects, and to others, foreigners, in friendship and league with this kingdom, and navigating hither; and of coming upon them with a certain armed vessel called ‘ KAIT OF LYNNE’ at the times respectively following, in her Majesty’s seas, whilst the said lieges were making for the harbour of Leith, and by piratical force boarding their vessels, and reiving and spoiling them of the goods under specified, viz. On Jun. 23 last, furth of ‘ane hulk’ of the town of Stateyne, then in the harbour of Leith, a rope or ‘kabill’ containing 90 ‘fadumis,’ three or four ‘pittoletis,’ together with certain sailor’s dreses and canvass: Item, on Jun. 25 last, furth of a ship belonging to Robert Orknay, Scoftman, 34 ‘boundis’³ of hemp,⁴ seven barrels of the finest flour,² with nine pieces of wax: Item, on Jun. 20 last, of a ship of Adam Nycholesoun, in which Mr George Halkheid was for the time, twenty pieces of ‘fatyn’ and ‘damneine.’⁵ Which goods the said persons judicially Confessed that they had stolen, and that they had fitted out their armed ship without any Licence or protection from their Prince, contrary to the common law of Nations.—Sentence. That they shall be hanged as Pirates: And that their ship, with the forefaid goods, and all that was therein at the time of capturing the same, shall be escheated to the Queen.

List of the other Pirates, with their punishment or acquittal.

John Hugpane, borne in Northphok, and now duelland in Lyn, (Sufpen.) Thomas Baxter, borne in Newcastle, now duelland in Lyn, (Sufpen.) Edmond Williamesone, in Yorkfchire, borne in Kirkebemorlyde,⁶ duelland in Twedmond, in Northumberland, (Gra.) Anthony Fitteplace, borne in Walschire, now in Berrick, (Gra.) George Barrat, in Vngle, in Northantounfchire, now in Northame, (Gra.) Johanne Wylsone, borne in Angilberry-hill, within v myle to Bristo, now foldiere in Berwik, (Sufpen.) William Prinne, borne in Birkenfchire, now in Berwik, (Gra.) James Goff,⁷ borne in Hamfchyre, now in Berwik, (Gra.) Philippo Withelak, borne in Denfchire, now in Berwik, (Gra.) Johanne Neillving, borne in Northphok, now in Lyn, (Sufpen.) Nycholace Philpoe, borne in Lyncumfchire, within þe toune of Bowltoune, in Lyn, (Sufpen.) Mathow Crotiford, borne in Yorkfchire, now in Lyn, (Sufpen.) William Vythane, borne in Hartforfchire, now in Berwik, (Gra.) Edward Wycht, borne in Lifterfchire, now in Berwik, (Gra.) Robert Rs, borne in Carlile, now in Berwik, (Gra.) Robert Swentoune, borne in Yorkfchire, now in Berwik, (Gra.) William Bourfchaw, borne in Tynebriche, in Kentefchire, now in Berwik, (Gra.) William Lamb, borne in Glidterchi, now in Berwik, (Gra.) Edward Campbell, borne in Newcastle, now pair, (Gra.) Johanne Hall, borne in Northphokchire, now in Hunstoune, (Sufpen.) Rolland Kaif, borne in Lundoun-

¹ The enumeration and description of these pannels are so remarkable, that it has been thought proper to append them to the Trial in a smaller type. Prefixed to each name on the margin is the word ‘Sufpen.’ or ‘Gra.’ (gratis), the first denoting those who were Hanged, and the latter those who were afterwards Pardoned, or their sentence commuted. The two last, being Minors, were not convicted. ² With the exception of William Lylythebow of Drygrance, they were burgesses and residents in Edinburgh and Leith.
³ Undles? ⁴ Conopis (cannabis?) ⁵ Farina silihula. Plinky uses farina silihinae in this sense, though silihina denoted an inferior or light sort of corn, yielding less nutrition than wheat. ⁶ Salin and damask. ⁷ Kirkby-on-the-suille-ridge? ⁸ Gough?
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shire, now pair, (Gra.); Johanne Woddorist, born in Kentriche, now in Swakle, (Subten.); Symounte Mawfter, born in Northphokschiere, now in Lyn, (Subten.); Robert Acheffoun, born in Newcastell, now in Lyn, pruntefe, (Subten.): Johane Mortonne, born in Chesterchye, now in Ber-wik, (Gra.); John Moir, born in Watwich, now in Lundoune, (Minor); George Steill, born in Gillsland, now in Norhame Caftell, (Minor).¹

English Pirate — Oppression.

Jul. 6.—THOMAS STILBERRY, 'skipper' of the ship called KAIT OF LYN, born in Linconchyre, in Litiltoun, now in HULL, Convicted of the same crimes of Piracy, &c.—HANGED.

Wounding the Deputy-keeper of the Queen's Park.

Aug. 21.—ROBERT FIDDES, son of James Fiddes in Presfitsfield, Robert Bertilmo, and George Fokert, Convicted of art and part of Hurting and Wounding of William Ahannay, servant of the Laird of Craigmellare,² being his deputy in keeping THE QUEEN'S PARK, near Edinburgh; committed suddenly, on Jul. 6 last.

Rathabition of Slaughter, Wounding, &c. — Imprisoning — Usurpation of the Queen's authority.

Nov. 8.—DAME MARIOTA MONTGOMERY, LADY SYMPE,³ Came in the Queen's Will for Rathabition of the Slaughter of Gilbert Rankyne in Lecheland, committed by the servants of the said LADY, Mar. 17, 1553, under silence of night: And for Rathabition of the cruel Hurting and Wounding of John Fynnè, and Mutilation of his arm; and for Hurting and Wounding of John Roger in sundry parts of his body, to the effusion of his blood, committed at the same time—by Refetting of her servants, who had committed the said crimes, red-hand,¹ that same night, within THE CASTLE OF LAVENN, immediately after the perpetration thereof: And also for Rathabition of the taking and apprehending of Humphry Malcolmesoun and Archibald Scherare, they being conducted by her servants on the same night to the Castle of Lavenn, seeing the received them into her said Castle: Item, for Incarceration and subjection of the said persons in the foresaid Castle by the space of twenty-four hours, without food or drink; thereby Usurping the Queen's authority.

¹ The last two were not convicted, owing to their minority. ² Simon Prestoune of that Ilk. ³ This lady is called LADY MARGARET MONTGOMERY in Wood's Peerage. She was eldest daughter of HUGH, FIRST EARL OF EGLINTOUN; and was, at the time of this Trial, relict of WILLIAM, SECOND LORD SEMPLE, who died anno 1648. There seems no doubt that her name was Mariota, she having been named after her mother, Mariota Seytoun, Mistress of Borthwick, and sister of George Lord Seytoun. Wood's Peerage, I, 499, and II, 493. ⁴ On the margin, 'DELEVAR, quo ad partem REGINAE, per preceptum.' ⁵ Law Lat. rathabere, confirmare, pro rato habere. ⁶ This is sometimes termed 'with the bloody hand;' i.e. taken or detected in the very fact.
ASSISA super Domina Mariota Montgomery Domina Sympill.

John Stewart of Fowbar, William Wallace of Elrifie, William Cumynghame of Cumynghame-
Allane Houftoune, in Fowbar, Patrik Glenne, braper to James, brother, heid,
Robert Lindefay of Dunrod, Patrick Howftoune of pat Ilk, John Schaw of Berragne,
James Glene of the Bar, David Lyndsay, in Glasgw, Matho Galbreyth.
John Simpill of Fulwod, Hector Stewart, in Ralfe,

John Campbell of Skippynche became surety for satisfying the parties—and also for the entry of Ewframe Stewarte, at the next Aire of Renfrew, to underly the law for art and part of the Slaughter of the said Gilbert Rankyne.¹

Convocation — Hamesucken at the Monastery of Paisley.

Nov. 9.—Mathew Stewarte of Barscufe, John Bribane of Biscoptoune, William Park and Thomas Bribane, their servants, Thomas, son of John Marchell in Rowchbank, William his brother, William Bribane, servant of Lord Sympill, John Stewarte, son of Jonet at the Brigend of Paisley, and William Allaneoune at the mill of Farmakyne, found John Lord Erskyne as surety for their entry, at the next Aire of Renfrew, to underly the law for Convocation of the lieges to the number of twelve persons, armed in warlike manner, and for coming to the Monastery of Paislay, by way of Hamefuckin, and there Invading John Hammyltoune, son of John H. of Fergullie, 'grynter'² of Paislay, for his Slaughter; and for Mutilating him of his arm, committed on July 26 last: And for sundry other crimes contained in their Letters.—John Allaneoune was denounced Rebel, and put to the horn for not appearing.

Convocation — Inbading James Lord Somervile.³

Nov. 22.—William Baillie of Bagbie, Nicholas his brother, Michael Shorte his servant, and three others, were repligated by James Earl of Mortoune, to his Regality of Dalkeith, to underly the law on Jan. 17 next, for Convocation of the lieges to the number of six score persons, armed in warlike manner, and Invading James Lord Somervile for his Slaughter; committed on Oct. 1 last. William Symountoune of that Ilk became surety.—James and John Dalzell in Knowhobill, repligated to the Regality of Bothhule by Archibald Earl of Angus; Robert Dalzell of that Ilk being surety for their entry, and James Douglas of Todhillis for the due administartion of justice.—John Symontoune, Parish Clerk of Symontoune, and Robert Dalzell, Parish Clerk of Dalzell, repligated by the Archbishop of Glasgou.—John Mvre of

¹ See Jan. 14, 1555-6. ³ Granitiarius, one who keeps a store of Grain, a grain-dealer, or ginnall-keeper.
² See also Nov. 16, 1554, &c. for notices of these Feuds.
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Annetoune, and forty-two others, found surety to underly the law for the same crimes at the next Aire of Lanark.

**Feud between Lord Somervile and Lindsay of Cobynetoune.**

Nov. 22.—Mr John Somervile, Rector of Libertoune, Michael S., Parish Clerk of Carnweth, Mr William S., Vicar of Kirkbane, Thomas S., Rector of Quodwene, 1 and John Carmichael of that Ilk, Parish Clerk of Carmichael, were replegiated by the Archbishops of Glasgow to underly the law before his next head Court, for Convocation of the lieges to the number of 100 persons, and hindering John Lindey of Cobynetoune from coming to the head Court of the shire of Lanark, committed on Oct. 1 last.—James Lord Somervile became surety for the due administration of justice.—John Somervile, brother of Lord Somervile, Parish Clerk of Quodwene, was also replegiated by the Archbishops of Glasgow; Archibald Earl of Angus became surety for his entry, and for the due administration of justice.—James Chancellor in Newmanys, and sixty-eight others, found James Lord Somervile, Murray of Cokpull, and John Carmichael of that Ilk, as sureties for their entry at next aire of Lanark, to underly the law for the same crimes.

**Mutilation of the Laird of Craignlight and his Son.**

Nov. 26.—Mr Alexander Levingstoune of Donypace found William Lord Levingtonue as surety for their entry at the next Justice-aire of Stirling, to underly the law for art and part of the Mutilation of John Craign-gelt of that Ilk, and Robert his son, of their left arms; committed within the burgh of Stirling, on Aug. 21 last.—(Jan. 8, 1555-6.) Henry Livingston in Falkirk, William and Thomas his sons, and his three servants, found caution (the Laird of Doniphace) to underly the law at the following Aire of Stirling, for same crime.

**Hurting and Wounding.**

Nov. 28.—Robert Somervile, 2 brother-german of James Lord S., came in the Queen’s Will, for art and part of the cruel Hurting and Wounding of John Lyndsay, natural brother of the Laird of Colbyntoune, to the effusion of his blood; committed suddenly, on Jul. 7 last.

**Oppression — Invasion, &c.**

John Lyndsay of Cobynetoune, James Johnston of Wefraw,

1 They were also replegiated the same day by the Archbishops of Glasgow, for the Hurting and Wounding of John Lyndsay, natural brother of the Laird of Colbyntoune, to the effusion of his blood; committed on Jul. 7 last, on forethought felony, Lord Somervile cautioned. 2 See Nov. 22, 1555, Note, &c. Reference may also be made to the Appendix.
and James Moffat, servant to the Laird of Cobynthe, Convicted of the Oppression done to John Someruile, brother-german to James Lord Someruile, in cruelly Invading him at Romechaw, and chafing him to the dwelling-house of John Haithwyse, officer of Archibald Earl of Angus in Gaityde, besetting the said house, and Invading the said John for his slaughter; committed to the said John for his slaughter; committed vereon fudderice, on Sep. 24 last.

Abiding from the Raid of Lauder, &c.

Dec. 17.—Alexander Gillies in Glenkirk, came in Will for contemptuously remaining from the Queen’s army convened at Lawder, May 14 last, to concur with and affli George Earl of Huntlie, Gilbert Earl of Caullie, and James Earl of Mortoune, having her highness’s Commission to punish and repress certain crimes and Slaughters committed upon the Borders of the kingdom; against the Proclamations made thereon.—James Twedy of Drumelzeear became cautioner.—John Lyle of Staneipethe, John Naper of Ballekinrane, and a number more, came in the Queen’s will for the same crime. William Giffert of Sherehall, the Laird of Corrandaill, Lekky of Croy, and Mr Thomas Bonar, &c. were denounced Rebels, and put to the horn for not appearing to underly the law for the same crimes.

Intercommuning with the Laird of Ardwell, rebel, &c.

Dec. 19.—Sir James McCulloch, in Annyk, repugnated by the Bishop of Whithorne, for art and part of Refetting, Supplying, and Intercommuning with . . . . . . . McCulloch of Ardwell, and Finlay McCulloch, rebels and at the horn, for the cruel Slaughter of Patrick More, &c. The Laird of Lochinvar (John Gordonne) surety.—Thomas McClellane Tutor of Bombay, Michael McC., his brother, Gothray McCulloch of Ardwell, John McC. in Barholm, Ninian Glen doyng in Partoune, Richard M’Ky of Myretoune, and John Akinjeane, found caution to underly the law at the next Aire of Wigtoune and Kirkcudbrycht, for the same crime.

Common Theft — Resett of Theft, &c.

Jan. 3, 1555-6.—John Robsoune, alias Paulis Jok, Convicted of Common Theft, Refett of Theft, outputting and inputting thereof, &c.—HANGED.

Wurting and Wounding the Laird of Quhitefurde.

Jan. 7.—Charles Pollok, (Tutor of that Ilk,) Robert and David Pollok, and four others, Convicted of the Oppression done to John Qhitefurde

1 The Laird of Lochinvar and Sinclair of Auchinfrance.
of that Ilk, in Hurting and Wounding him on the Lands of Grenehillis; committed on Aug. 14 last, on ancient Feud and forethought felony.—Alexander Earl of Glencarne and Robert Lord Sympill became sureties for satisfying the Queen and party.

**Oppression — Hurting and Wounding the Tutor of Pollock.**

JOHN QUHITEFURDE OF THAT ILK, James his brother, and Archibald Baillie, Convicted of the Oppression done to the said Charles (Pollok, Tutor of that Ilk), in Hurting and Wounding him on the said day on the foresaid Lands.
—Robert Lord Sympyle became surety to satisfy the Queen and party.

**Assisa.**

John Mair of Caldwell, Alexander Levingston of War— John Menteith, (f)
John Symple of Foulwood, (f) 1  randhill, (f)  Gawin Baxter in Bothule, (f)
Arch. Mair, bro' to Caldwell, Hew Craufurd of Kilharny, James Glene of pe Bar,
John Maxwell of Foulbar, (f) James Baillie, y' of Carphin, (f) John Craufurd of Craufurdland,
Thomas Craufurd in Newtonne, John Fairlye of pat Ilk, James Mowat, sone to Charles. 
Pat. Hamiltontone of Dalserf, (f)

**Convocation of the lieges — Invasion, &c.**

Jan. 8.—JOHN CUNNYNGHAME OF GLENGARNOK, Cuthbert C. of Cochrane, and Alex. C., his brothers, John C. of Croy, and thirty-two others, found caution2 to underly the law at the next Justice-aire of Air, for Convocation of the lieges to the number of thirty perfons, armed in warlike manner, and coming under silence of night, in July 1554, by way of Hamefucken, to the house of Humphrey Galbraith in Eifier Glenne, breaking up the doors thereof, entering the same, and searching for him for his slaughter; committed on forethought felony.

**Oppression — Wounding — Mutilation.**

HUMPHREY GALBRAYTH in Edinbellye, Walter G., brother of the Laird of Garthchadden, James G. in Balquharne, and ten others, found caution4 to underly the law at the next Justice-aire of Dumbartane, for Oppression done to John Cunynghame of Glengarnok and Cuthbert his brother, in Hurting and Wounding them; committed on Aug. 10 last, on forethought felony; and for Mutilation of the said Cuthbert of the thumb of his right hand.

1 Those marked (f) 4 filed, 4 or found the pannels guilty. 2 Among the number are Gilbert Clerk, stage-player. (Histronem.) On Feb. 28, 1553-4, John Browne, player, (aberto, which may, perhaps, be intended to denote a mountebank or buffoon,) in Avendale, found Sir James Hammtontone of Crawfurde—Johne surety for his underlying the law at the next Aire of Lanark, for the Mutilation of John Weir, in Birkwood, of his right hand. 4 David Cunynghame of Robertland and the Laird of Glengarnok. 4 George Buchquhannane of that Ilk, and James Galbrayth of Kilcreuch.
Oppression — Invasiun.

James Galbrayth of Kilcreuche, Walter his brother, James G. in Balquharne, John G. his servant, Humphrey, son of John G. in Bolgair, Humphrey G. in the Gienne, Humphrey G. in Bellye, and thirty-seven others, found caution 1 to underly the law at the next Aire of Dumbartane, for Oppression done to John Lyle in Wester Kilfaist, coming to his house in July 1554, of the causing, hounding, assistance, and rathabition of James Galbrayth of Balquharne; and for breaking up his doors, under silence of night, and Invading him for his slaughter.

Slaughter.

Jan. 14.—Andrew Montgomery, Malcolm Allanesoun, Andrew Park, and Allan Terbert, produced a Respite for art and part of the cruel Slaughter of Gilbert Rankyne, in Lecheland, committed on Mar. 17, 1553, &c. 2 The Earl of Glencarne, and John Campbell of Shippynche, became cautioners for satisfying the parties.—They also found caution to underly the law at the next Aire of Renfrew, for the Murder of the said Gilbert, and for forethought felony.

Remission for a Slaughter — Replegiaation.

Feb. 12.—William Newtoun of that Ilk, and John N. in Newtoun, produced a Remission for art and part of the cruel Slaughter of John Crummy, burgess of Hadintonue; committed on ancient feuds, forethought felony, &c. in Oct. 1545. Patrick Sydesfer of that Ilk, and Henry Ogill of Hartre-wod, became cautioners for satisfying the parties.—George Newtoun, in Muffliburgh, was Replegated for the same crime, by the Commendator of Dunfermling, to his Regality of Muffliburgh.

The Laird of Knockdoleane denounced for Slaughter.

Mar. 4.—Robert Graham of Knockdoleane denounced rebel and put to the horn as fugitive from the law, for the Slaughter of Duncan Mcgil-wrik; committed in Nov. 1554, on forethought felony.—He was again denounced on Apr. 11, 1556.

Stealing a Siluer Dish of the Queen Regent’s.

Mar. 30, 1556.—David Myre in the Craig, within the shire of Air, found John Schaw of Haly as cautioner for his entry at the next Justice-aire of Air, to underly the law for art and part of the Theft and concealment, furth of

1 Edmund Buchquhannane of Spittale, George Buchquhannane of that Ilk, James Galbrayth of Balquharne, and the Laird of Kilcreuch.

2 See Nov. 8, 1555.
the house of John Lord Maxwell, from her highness the Queen Regent, in the month of August last, of a silver dish marked with the said Queen's Arms, and being her private property.—John Ed sare, burgess of Dumfries, found surety to underly the law at the next Aire of Dumfries for the same crime; and Marjory Cunynghame, his wife, was denounced Rebel, and her moveables confiscated as fugitive from the law.—(May 4, 1557.) She was allowed to come in the Queen's will.

Drumlangrig's Brother denounced for Slaughter.

Apr. 14.—John Dowglas, in Steppis, son of James D. of Drumlangrig, James Douglas, Andrew Paterloun, and Thomas Doby, were denounced rebels and put to the horn for the Slaughter of William Dalzell, brother to Robert Dalzell of that Ilk; committed on May 8, 1555.—John Johnnestoun of that Ilk, their cautioner, was unlawed for their non-appearance.

Hamesuckin—Hurting and Wounding, &c.

May 5.—David Seytoun, son of Mr William S. of Rungawy, convicted for coming by way of Hamesuckin to the lands of Innertell, on Feb. 18 last, and cruelly Hurting and Wounding of William Allerdel, stone-mason, and Henry Buttir, in their heads and breasts, to the effusion of their blood: And for calling Mathew Marshell into the Water of Innertell.—George Lord Seytoun became surety along with him for satisfying the Queen and parties.—(May 7.) Lord Seytoun became caution for his entry 'to suffer je Declarator of je said Justice,' &c. A number of others found caution on May 6, to underly the law at the next Aire of Fife for the same crimes.

Forging, erasing, and falsifying a Charter, &c.

May 18.—Andrew Drummond of Balleclone convicted by a condign Affile of art and part of forging and falsifying a Charter of feufarm, pretended to have been granted by Alexander, Archbishop of Athens and of the Isles of Scotland, and perpetual Comemador of the Monastery of Inchechaffray, of the lands of Balleclone, with the pertinents, excepting three

1 The words of the record are 'unius paropodis argentati.' Paropsis is used by Suet. and Petron. to denote a silver dish to serve up meat in.
2 Uchtred Edsare of Nether Inglisoun, &c.
3 This individual was the second son of John Lord Gordon by Margaret Stewart, natural daughter of King James IV, (by Margaret, eldest daughter of John Lord Drummond.) Having been elected by the Chapter Archbishop of Glasgow, and afterwards set aside by the Pope, who nominated James Beaton, Abbot of Aberbrothok, he got the titular Archbishopric of Athens (in partibus Infidelium); was consecrated Bishop of the Isles, Nov. 26, 1553; and got the Commentary of Inchechaffray. In 1558, he was translated to the See of Galloway, embraced the Reformed Religion, and died in anno 1576.
ploughgates thereof, which he and . . . . Henderfonue, parchment-maker, erased and altered from the first original Charter, granted to the said Andrew, &c. in the year 1553.—Sentence. To be publicly led with his hands tied behind his back to the Market-Cros of the burgh of Edinburgh, and there to have his right hand struck off and fastened on a pole: and thereafter to be banished from the kingdom for life, and to be perpetually reckoned as infamous: and all his moveables to be eicheted to the Queen.

(Jun. 13.)—HARY DRUMMOND of RICARTOUNE became surety 'that he shall departe furthe of his realm within xv dayis of the day and dait of his Act; and nocht to returne within pe famin, without our fourerane ladeis Licence had pairupone, under pe pane of ane thousand meriks.'

Stealing the Queen's sheep from her Park, Edinburgh.

May 18.—THOMAS BULLERWELL, 'delaititit of the thiftoous Steling of certane sheip fra' pe QUEENIS grace furthe of her Park of Ed,' was ordanit by pe Justice depute, of his awin content, to departe furthe of pis realm, within xx° dayis of the day and dait heirof, and to remane furth of pe famyn as BANIST; and nocht to returne paiprin, without our fourerane ladeis Licence had pairupone, vnder pe pane of deid.'

Oppression — Invasion, &c.

May 28.—JOHN SOMERVILE of CAMNETHANE, William his brother, John S. in the Grene, and Alexander his brother, and others, dilaitit of art and part of the Oppressyon done to Robert Hammyletoun, in Garryne, on Apr. 4 laft, in chafing him from Cambunethane wood to the water of Clyde, to the boat or 'cobl' of Heleife.

ASSENTES ab ASSISA domini de Cambunethane, &c.

(May 29.)—The pannels were convicted by an Affife, except the Laird of Camnethane, who did not enter on pannel.—Sentence was not recorded. 3

Slaughter.

Aug. 3.—JOHN HYVIESOUNE, tailor, convicted of the cruel Slaught of Andrew Howefonue, in Weft Nvdry; committed in July last, under silence of night.—BEHEADED.

1 Montgomery of Stair. At and previous to this period, the name was written Stene and Stair indifferently.
2 Only the Scroll-books of this period are preserved.
14 MAR.

CRIMINAL TRIALS.

[The following interesting Excerpts have been procured from the *Earl of Haddington’s* M.S. Collections, Advocates’ Library, (A. 422.) The first article is prefixed to a Copy of Proceedings of the Justice Aire of Elgin and Forres, held and begun at the burgh of Elgin, on Monday, Aug. 17, 1556, before John Erskine of Dyne, Justice-depute. This Aire terminated on Oct. 17, 1556, being the twenty-first day of the sittings.

The reader is referred to a similar document, which has been published, as in reference to the Justice-Aire of Jedburgh, in a former part of this work; and it may be considered a matter of some curiosity to note the difference in the styles of these Proclamations. Of course, it must be understood that such intimations as these would run in the same terms, in reference to all the other Justices-aire of the kingdom, at the periods to which they respectively belong.

It may be noticed that the general complexion of the Cases which were tried at this Aire were trivial. The only entries possessing any interest follow the Proclamation, which is here given entire.]

**PROCLAMATIO.**

We command and charge, in our fourane ladeis name, his darrest moder pe Queene Dowariare and regent of hir realme, and hir Justice-principall and hir deputtis heir present; That na maner of perfone or perfones command to this present Justice-aire, remanand pairat, or paffand pairfra, invaid ony of thame vtheris, ather for auld Feid or new, wnder pe pane of deid: And pat na maner of perfone nor perfones beir vther wappinnis bot shorth knyffis at pair beltis, except the Justice, Scheref, Crowneris, and pair deputtis, officiaris, houfhal, and servandis, vnder pe pane of eichetting of pair Wappinis and prynceiffing of pair perfones, be wairding or vtherwayses, at the will of our fourane ladies darrest moder and Justice. And that all maner of victuallis, sic as fiesche, fische, meitt, fowale, and vther necessaris, be brocht to pe mercat and fauld for reddie money, for the prices following; and that na Pryces pairof, nor zit pe lugeing, bedding, stablingull, or vtheris quhatsumevir aifamentis and necessaris for lugeing and furneiffing of our fourane ladeis leigeis, be rafit or hichtit vpone thame; bot that pe famin be fauld and furneiffit of pe prymes following. That is to say, pe laif of guid sufficiant quheit breid, for fuftentation of pe Queenis Maiestatis Houfhal and remanent Nobill men, of xxij vnces wcht, iiiijd.

The pynt of Burdewyn, xijd.
The pynt of fine Scherand or Amserk wyne, xzd.
The quairt of gild Aill, to be fauld for vijjd.
The best mutton bowk, for vj $. And vther nocht sa guid, to be fauld vnder that pryce, as it is of avall.

The pryce of ane gui, xviijd.
pe mairfoull, iiiijd.
The capone, to be fauld for xijd.

The peis of pultrie, vj d.
Gryt chikkinnis, iv d.
The gryfe, xij d.
Four eggis, for j d.
The kid, for ij s. iiiij d.
The carcage of pe beft beiff, to be fauld for xxxvj s.

And vtheris wnder, vpone smalair pryce, as it is of avail.
The peck of horfe-corne that is guid, vij d.
The threafe of fodder, viij d.
The pund of candel, of pe fynet, and fairest fayf, for viij d.
The leid of petitis, ij d. ob.
And that pair be guid cheir throw all pe toune for Gentillmen and
pair servandis, for xij d. at pe melteithe, xij d.
The furnet bed, on pe nyght, and that to freithe the chalmer, iij d.
The ftabill-fie, for ane horfe, xxiiij houris, j d.
Vnder the pane of conficatioun of all pe guidis of pe brekris pairof. And that
nane of oure fouerane ladeis leigis tak vpone hand to eitt, distroy, or stramp
doune ony growand cornes with pair horfis, or oppiniie or privatiie to carrie or
tak away ony scharne coirnes and scoves of pe fieldis; with certificatioun to pe
awneris of pe said horfe, that it falbe lefum to pe awnaris of pe saidis coirnis to
tak and hald pe saidis horfis quhili^d thay be payit, for pe firt falt x s., the fecund
falt xx s., and pe thrid falt, pe famin falbe elceittit to oure fouerane ladeis vfe.

And in lykwise, We Command and chaire all maner of perfones, that nane of
thame tak vpone hand to sc heir ony growand coirnis, with certificatioun to
thame and thay do in the contrair, it falbe lefum to ony perfones to tak and
apprehend thame with pe saidis coirnis, and bring thame to oure fouerane ladeis
Juftice to be peyneit with all rigour, conforme to pe lawis and confwetud of this
realm. And gif ony perfone or perfonis brekis pis prent Proclamation, thay
falbe callit in this prent Juftice-aire pairoir, and for commoun Oppreffouris of
oure fouerane ladeis pure leigis thairthrow, and peyneit thairthrow to the rigour:

Lord Lovat ordained to apprehend and present Rebels, &c.

Aug. 31. (Apud Elgin.)—The quhilk day, floramekhill as it pleufit pe
Quenis grace to releif furth of Waird and put to libertie, ALEXANDER LORD

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1 Fig.  
2 Load of peats, or turfs, for firiing.  
3 Each meal, at the principal meal-tide, or dinner.  
4 To be the whole charge of the apartament.  
5 Allowable; lawful.  
6 Until.  
7 If.
14 Mar. CRIMINAL TRIALS.
ELGIN AND FORRES.

FRASER OF LOVET, vpone expectatioune that pe said Lord fall perfew, tak, and apprehend at his vttir power, all hir grace Rebellis and fugitius fra pe laft Aire of Inuernefs, and in speciall, Alafet M'an M'Varrin, Tormet M'wane, Jhone Duncane M'auchin, Kenzeocht Roy M'auchin, Murquho Boy, Jhone M'gilliefpik M'ewir, and James M'hutcheoun Bayne, and vtheris refortand within his boundis or partis ewft1 pairto. Thairfoir pe said LORD, as principall, and JHONNE, ERLS OF SUPERLAND, and WILLIAM INNES OF THAT ILK, as cautioneris and fouerteis for him, hes obleift thameselfis, coniunctlie and feuerrallie, vnder pe pane of Ten thowand merkis, that pe said Lord fall enter pe saidis perfonis to hir grace betuix this and the feast of Allhallowmesis nixttocum, gif they may be apprehendi; at pe leift, he fall enter him self at pe said feift to hir Grace, quhair scho sae happin to be for pe tyme, to answer vpone his diligence in executioun e heirof. And the said LORD is obleift to releif tham.

INQUISTITIO GENERALIS, seu MAGNA ASSISA VICECOMITATUS DE ELGIN ET FORES.


JAMES VRQUHARD engages to deliver up his two brothers.

Sep. 2.——The quhilk day, JAMES VRQUHARD oblieith him selff to tak, prefent, and deluyer ane of his tua brother, Jhonne Reoche Vrquhard or Rore Vrquhard, to pe QUENIS grace, betuix this and Sanct Androis day, to be vffeit at hir graceis pleafour; and to do pe famin at his extreme power; and fall, at pe said Sanct Androis day, enter and prefent him selff befoir pe Quenis grace to justifie his promeis forfeited. And for his reentrie, at that day, hes fundin cautioneris JHONNE ERLS OF ATHOLL, JHONNE ERLS OF SUPIRLAND, JHONNE Hay of Park, and Hucheuone Murray of Abirrrefcorfe, coniunctlie and feuerrallie, vnder pe pane of ane thowland pundis. Prowyding always, that gif he chances to flay ane of thame, it fall nocht be imput to him as ane cryme, but falsbe

1 Nearest. 2 The following List of the 'Magna Assisa,' or Grand Jury of Elgin and Forres, having been preserved, it has been thought of sufficient interest to be inserted here. 3 It is probable that one of the Assise is omitted here, by mistake, the number being incomplete.
Criminai Trials. A.D. 1556.

Eilem and Forrse.

Ehteit as executioone of his promeis, because he hes pe Quenis command pairto.

Erle of Atholl.
John Hay of Park,
Erele of Strubland. With my hand led at pe pen be Schir Jhonne
Huchbroune Murray of Abirscorse. Gibsonne, Noter publict, at my command.

Caution for the Laird of Cumnock.

Alexander Dunbar of Cumnock, Sheriff of Elgin and Forres, found James Dunbar of Tarbet cautioner for him, under the pain of 1000 merks, to appear before the Queen, at Aberdeen, on Sep. 26 instant.

Abiding from the Laird of Abirtrc — John Muiertach.

Nov. 16.—James Hay, in Fyndachtie, came in Will for treasonably abiding from the Queen’s Army ordained to convene with John Earl of Athol, the Queen’s Lieutenant, at Abirterf, on Aug. 6, 1555, to repress John Moderate’ and other Rebels.—John Hay of Mukhaldis, son of the Earl of Errol, became surety along with him for the satisfaction of the Queen.

The Declaration of the Queen’s Will upon James Hay, in Fyndachtie.

(Nov. 27.—That shorthmeckill as pe Quenis grace, in respect of pe said Will, may dispossess vpon pe life, haildandis, and gudis, movahill and vnmovahill, of pe said James at hir plefoure; nuerelpeles, pe said Justice depute, of hir speciale command, temperand justice with mercy. For hir Will, of pe said James swin content and acceptand pe semyne, Declaris, decernis, and ordanis pe Tak, stelond, and afledatoune of pe landis of Fyndachtie, lyand within pe scherfdome of Banf, pertaining to pe said James, maid to hir be vnoq’ pe Parfoune of Rathvene for pe tyne, of pe daie, at Edinbur’ pe ferday day of Maje, pe siee of God I. V. and xlvij’ geres, pertenis, and all pertene to hir grac, to be vfit and dispost be hir, with all rycht and kyndnesse pat pe said James had, bes, or onywise may hane pairto, for all geres and terris pairto to ryne, or ony vperwifte, in tyne cuming, at hir plefoure; siclike, and als frele as pe said James mchst hane vfit, occupiit, and dispost pairtpoune, in ony tyne bigane: And als, Ordanis pe said James, of his swin content, to remon, devoit, and red him solf, his fernandis, and gudis furthe of pe famin, and to decit and cefte fra all forder intromitoun pairwith, within xv daie nixt eftir pe daite heirof; and fra thynse furth to decit fra al molelataionne of quhatsumeuir dperfon or perfonis it sul happin hir grac to disposs pe same to, vnder pe pane of deid; And pe premisess being obseruit, kepit, and fulfilit be pe said James, and na vperwifte, dperfisshir with pe said James vpon his life, and Remittis pe famin to him: And als, gevis and disposis to him pe rest of all his gudis, movahill and vnmovahill quhatsumeuir, to be dispossit at his plefoure."

Forging and uttering ‘Bawbeis.’

Nov. 17.—Henry Wynd, burgeis of Dyfart, Convicted of treasonably striking false and forged money, called Balbeis, and issuing them among the

1 See Appendix to this reign. The person here alluded to was the noted John Muidertach, i.e. John (Macdonald) of Muidart. Reference may also be had to Gordon’s History of Sutherland, Mr Gregory’s work on the Isles, &c. 2 Coining. At this period the coins of Scotland were struck or forged with the hammer, which gave unshapely and irregular edges to them.
lieges in July, August, September, October, and November last.—Beheaded, "ex gratia Regine Dotarie."

Convocation — Searching for Douglas of Kilspindie, &c.

Nov. 19.—Robert Bishop of Dunkeld, Suffragan of St Andrews, William Creychtoun of Drylaw, Parish Clerk of Holyrood, and Mr Alexander Creychtoun, Vicar of Innervik, were relegiated by Mr James Balfour, Official of the Archibishop of St Andrew's, to underly the law for Convocation of the lieges, to the number of fourteen score (280 persons,) armed in warlike manner, and searching for Archibald Dowglas of Kilspindy, (Provost of Edinburgh,) for his Slaughter, at the Town of Abirnlay; committed on Aug. 18 last; and for other crimes contained in the Letters.—Alexander Lord Hwme and John Hwme of Coldinknowis, became cautioners for the due administration of justice.

Convocation — Searching for Douglas of Kilspindie, &c.

Nov. 19.—Alexander Lord Hume, George Nisbet, of that Ilk, John Cranston, son of Cuthbert C., and John Edieare of Weddeirie, found caution to underly the law for the above crimes, at the next Aire of Berwik.—Herbert Maxwell, burgesses of Edinburgh, and James Stevinsoun of Hirdman-scheilles, were on the fame day convicted as art and part of the same crimes.

Bringing in Englishmen — Stouthreif of Horses and Cattle, &c.

Nov. 24.—John Johnnestoune, called Johnne of the Quavis, Andrew, David, and Edward his brothers. John Jardane of Apilgirthe was anericated for not reporting and delivering the Letters duly executed at the instance of William J. in Preiftidikes, Walter his brother, and John his brother's son, to take caution for the above persons underlyng the law for treasonably bringing Marke Graham, William G., called Alleis Willie, George G., called Paulis Geordy, and other Englishmen, to the number of sixty persons, armed in warlike manner, in the month of June last, to the lands of Cummergirthe; and for Stouthreif and ' Herechep' of eight score of cows and oxen, four horses, &c.

Sacrilege — Stealing Chalices and Church Ornaments, &c.

Dec. 7.—Adam Sinclair, son of James Sinclair of Ley, and Henry Elder, cook, Convicted of art and part of theftuously breaking into the Parish Kirk of Forese, and stealing and concealing furth thereof, ' and lokfast lwnys'

1 This crime was frequently punished by strangling at the stake and burning, which, it is supposed, is here alluded to as having been commuted, by the special grace of the Queen Dowager, to beheading.  
2 See May 19 and Jun. 18, 1557, and Appendix, &c.  
3 Literally looms, e.g. chests, &c.

VOl. I.  
† S D
being pairintill, of sundry sums of money, in gold and silver, together with certain Chalices and Ornaments of the said Kirk, and other goods being therein, belonging to the Queen's lieges; committed with umq Thomas Ramfay, common Thief, in November last, under silence of night.—Sentence. The said Adam to be DROWNED, *ex speciali gratia Regine*; and the said Henry HANGED.

**Forging, and not revealing, the striking of false ‘Testanis,’ &c.**

Dec. 7.—WILLIAM NASMYTH, 'being accusit of arte and parte of pe sshenging, forgeing, and striking of certane shals Testanis,' v. f. pecis; AND of arte and parte with William Hendirfonoun, in pe Pottarraw, pairintill; being with him in company pe tyme he struik pe said Testanis, and nocht reweland pe famin, &c.―was at pe QUEENIS grace command, be pe said Justice Depute, of his awin content, BANIST furth of pis realme; and to remane furth of pe famin, as baniit, and nocht to returne pairintill, without oure fourane ladeis Licence had pairupoun: And to departe furth of pe famin within xxx days nixt efter pe dait pairof, vnder pe pane of deid.—Michael Nasmyth, ferand to my lord (Archbishop) of St Androis, become fourtie for him, pat he fall fulfill pe premiffs, vnder pe pane of xl lib.'

**Murder — Slaughter — Taking the Fortalice of Akirgill, &c.**

Dec. 23.—GEORGE EARL OF CAITHNESS presented a Remission from the Queen for art and part of the cruel Slaughter and Murder of Henry Leflye and his son, a youth, and other fix persons, the Queen's lieges, along with them, being in a certain boat loaded with victual, opposite the place of Girngeo, by William Crukeflank senior, James Sinclare called Litill Jame, James Wawane and Thomas Fraer, his servants, of his causin, command, affinance, and ratification: And for Stouthreif and Spuilljie of the said victual, carrying the same to the place of Girngeo, and finking the said boat. ITEM, for art and part of the cruel Slaughter and Murder of Sir John Symfoune by Archibald Keith, 'in pe Weilk;' his servant, of his command, affinance, refett, and ratification. ITEM, for art and part of the cruel Slaughter of Hugh Neilfoune, in Strathv3e, by Donald Robfoune, of his counsel, &c. by way of Hamefucksin, in his own hous. ITEM, for art and part of Convocation of the lieges in great number, and treasonably besieging the House and Fortalice of Akirgill, belonging to WILLIAM EARL OF MARCHEALL, and violently expelling John Scarlet the

1 Perhaps owing to his youth, or at his own request. This was the ordinary capital punishment inflicted upon women.
2 So called from the teste (tete) impressed on them, testoons, five shilling pieces.
3 The town of Wick.
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Keeper thereof, and placing his servants therein. Item, for treasonably Usurping the Queen's authority by taking Alexander Keyth, her free liege, and Incarcerating him in his Place of Girnego, and detaining him therein in close custody for a long space. Item, for treasonable Usurpation of the Queen's authority, by taking David Sinclare his brother, Bailie of the Bishof of Caithnes, and Incarcerating him in the said Place, for a long space. Item, for Refetting, Supplying, and Intercommuning with Andrew Sutherland young Laird of Clyne, Andrew son of William S., of Bulbitter, William S. called Fathir War, and others their accomplices, rebels and at the horn for the Slaughter of William Murray, Captain of the Queen's House (Castle) of Barrow. Item, for the cruel Slaughter of William Auld in Scarmlet, committed 'on fuddendy.' Item, for art and part of Disobeying the Queen's Precept to present and produce Kenneth Farquhartson and Gawin Williamsoune before the Justice or his Deputies, at the laft Aire of Inverneifs, to underly the law for their crimes. Item, for art and part of the violent occupation and fishing of a fourth part of the Salmon-Fishing of the Water of Thurfo, for the space of four years, or thereby, viz. 1553, 1554, 1555, and 1556, pertaining for the first two years to Laurence Mafter of Oliphant, by reason of the Gift of his Nonentry granted to him by the Queen, and for the two last years belonging to him in heritage; and for violently detaining from the said Mafter the whole fifth thereof, extending yearly to three laifs of Salmon, the common price of each laft, yearly, being 100 li. Item, for treasonable Usurpation of the Queen's authority, coming with displayed Banner and Convocation of 2500 men, in 'plain Battle,' at the Water of Elmisdene, against the Queen's Lieutenant and her authority; committed in the year 1544.

Killing Game with 'culveringis' and 'pistoletis.'

Jan. 28, 1556-7.—William Wauchop, son and heir apparent of Gilbert of Nudry-Marcheals, Edmund Nycholstown, miller in Diriltoun, and five others, found surety to underly the law at the next Aire of Edinburgh, within the Contabulary of Hadingtoun, for breaking the Acts of Parliament in slaying Wild foul (game) with 'culveringis' and 'pistoletis,' from May 1552 to November last 1556, inclusive. A number of other persons were called for the same offence, and were replegiated to various Regalities, or found caution to underly the law at the next Justice-aire of their respective aires.

Stoutreif of Gold and Silver work, &c.

Feb. 1.—Alexander Kyle, goldsmith, son to John Kyle, goldsmith,

1 In open battle array, with standards unfurled, &c.  Gilbert Wauchop of Nudry-Marcheals, Patrick Hepburne of Wauchtoun, and James Heriot of Trabroune.
burgess of Edinburgh, delatit of the Stowthe-reif, vnnder fylence of nycht, vpoun New-zel-ene, viz. the last day of December lastbipt, fra Robert Rynd, alfu goldmyth, and his fernand boy called James Weir, in his name, at the said Robertis charmer ftaur-fute, beyled the Buttr-trone, of ane litill coffir, and in the samyn xij gold ryngis, viij of samme set with flanis, sex fluirer ryngis, foure fluirer fpruis, foure heartis of gold, ane fluirer quhollow, and duneris fyeris fluirer and gold werk. Off his awin consent is BANNIST for the said cryme, and Ordanit be him to departe furth of the famin within xx dayis nixt eftir the dait heirof: And nocht to returne agane pairto without Remit and Licence of the QUENIS grace, vnnder the pane of deid.

Slaughter.

Feb. 8.—ROBERT BERCLAY and DAVID M'CAIG, both in Caprintoun, Convicted of art and part of the cruel Slaughter of John Clerk, committed at the Place of Caprintoun on Jan. 8 last.—BEHEADED.

(Jun. 18.)—Robert Berclay in Caprintoun, of his awin fre motive will, Convict of the Slaughter of vnquhile Johnne Clerk in Caprintoun consentis to be BANNIST, in prefens of Johnne Clerk, fone to the said vmq Johnne: And als the Justice Decernis him to Banyft, and to pas furth of his realme within xx dayis nixt heirefin; and nocht to returne pairintill agane without speiciale Licence of the Quenis grace, vnnder the pane of deid.

Slaughter committed by a Minor.

Feb. 23.—JOHN PERSON, cook in Bele, dilat of the Slaughter of Archibald Lyle, servant of the Laird of Bas. John Lyle of Stanypeith producte ane Bill and requirit gevin in be him to the QUENIS grace, with ane delyuerence vpoun the baik pairof, subjiciuit with hir grace hand.

MADAME, Vato your grace, buimilie menis and schawis I, your servant, JOHN LYLE OF STANYPEITH, fader bruer, and remnant kyn and frendis of vmq Archibald Lyle, fervand to the Laird of BAS: That, quhair Johnne Peirsoun, cuke in Bele, recentlie, vpoun the thrird day of Januar infant, cruelly Hurt and Woundit the said vmq Archibald with ane greit key, in his heid, quhairof he lay continewalit, be ane space of sacht dais, or pairby, pairisfuir, quhill his harnis blaknit, and syne deit of the famin; and fua crewellie flew hym, in maner foraifit: For the quhilk cryme he was takin raid-hand, and put in presoun in the pite of Beil, and pairisfuir brocht and pute in warde in the Tolbuith of Ed; and syne we obtin Letteris, and pairby caufit fummand ane Affile of honest and vnsubject perbonis of the Threisdom of Ed, within the Threisdom, within the constabularis of Hathington, and four-halfof, to comper before the Justice and his deputis, in the Tolbuith of Ed; the xix day of

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1. A silver whistle or call, then in common use. Even during the last century, these whistles were still preserved and occasionally used in some old families, in place of the modern custom of ringing bells to call servants. The whistle gradually gave way to silver hand-bells, and these in their turn were superseded by the introduction of bell-pulls into each room.

2. Recusation.

3. Paternal uncle.

4. This does not imply that he was a mental servant, but merely that he was in his train or retinue.

5. Literally, until his brains mortified.

6. Taken in the fact; red-hand, or 'with the bloody hand,' as it was termed.

7. Pit; the Laird of Beil having, in common with other petty Barons, the privileges of 'rr and callows.'
15 Mar. CRIMINAL TRIALS.

Januarie instant to half past vponne þe Affise of þe said Jhone Peirfoune for þe said crowell Slauchter:
At þe quhilik day, eftir þe presenting of þe said Jhone Peirfoune in jugement, in ane fausit Court of Juficiarye, vponne ane frevell exceptionne maid for him, allegeand þat he wes nocht of lauchfull age of xxij jeres, and þairfor þat he culd nocht be pute to þe knowlege of ane Affise for þe said crowell Slauchter, We culd get na Jufiece vponne hymne, nor Affise callit and hymne pute to þe knowlege of þe famyn for þe said cryme, bowbeit þe said Jhone Peirfoune is ane abill man of peirfoune, of þe age of xviiij jeres, with þe mair, and þairfor, as we vndirstand, sucht to be pruift for any cryme committit be hymne. 

Heirefoir we befolc your grace to half confideratoune of þe premisfis, and þairfor to giff command to þe Jufice, Jufice clerk, and þair depattis, to minifer, and caus be minimat, jufice vpon þe said Jhone Peirfoune for þe said crowell Slauchter, and to pute hymne to þe knowlege of ane Affise for þe same, nochtwithstanding þe said exceptionne and allegeance; as þai will anuer to your grace at þair vrnaftain: And your graces anuer rycht huimilie we befel.—(Indorsed.)—Apud Linlithgow, ex= mensæ, Juvæ 1556. The Queenis grace, being infortn of þe Petitione of þe complearis within contenis, Ordanis þe Jufice to tak ane ordour in this complest, conforme to þe víe, conueniute, and lavis of þis realeme, tha þe þai dis complenis haif na juft caus of compleent heirefor, in þis behalf: As þe will anuer to hir grace þairpoune.

(Mar. 15.)—Convicted by an Affise.

Treasonably Forgiving and Uttering False ‘Loranes.’

Apr. 10, 1557.—THOMAS ANDRESONE ‘pvderare’ Convicted of art and part of treasonably Fabricating and forging the Queen’s coin called the Lorane, and uttering the same among the lieges; committed in the months of May, June, July, and August last.—HANGED.

Abiding from a Warden-Raid or ‘Day of Crew.’

[The following entries occur in the Scroll-book, which being so characteristic, they are inserted here at length. They evidently refer to the Raid at Lochmarane-Stane; and show, in a very graphic manner, the distracted state of the country, while, at the same time, they afford a vivid picture of the actions of the parties concerned.]

May 12.—JOHNNE CRECHTONUE, TUTOUR OF SANCHARE, allegis þat þe HOUSE OF SANCHARE was neuer in vís to keip ane WARDANE RAID fene þai war WARDANIS þame selleis. ITEM, secundly, allegis þat he is nocht hakin, be vertew of þe Proclamatione, to half paft to þe said Raid, becaus he is nocht ane landit manne.

ROBERT JOHNSTOUNE OF COTTIS, Robert Moffet of Grantoune, Robert his sone and apperand air, and Thomas Moffet of Knok, allegis þat, vponne þe xv day of Februar laft bipaft, quhilik is þe nycht befor þe day of Meting contenit in þe Proclamatione, þai being in reddynes, and haifand þair horlis fadillit, to cum to þe said day of Trew, Jok Johnstoun, callit the Gakeart; Jok J., bruper to

1 Frivolous.  2 And more; and upwards.  3 The Sentence is not recorded.  4 Pewterer.  5 See the two following Cases.  6 Since the time.  7 Sic. The Editor never before met with this word. It may, however, be a mere clerical error for ‘habill,’ or ‘abill,’ (Lat. habilita,) liable; subject to.
Wille of Kirkhill; Wille Grahame, callit fingand Willie; Ade Armstrang of Hairlaw, and Crieffie Armstrang, callit the Bull, and pare complices, come to ye Winter-cleuch about mydnacht, and pare take away ye hale gudis being pare- upoune, pertening to James Johnstone, fader to ye said Robert of ye Cottis, extending to the nowmer of xij°°' scheip and pare kepatis pareof; and pare affray cumand to pare eiris of ye saidis perfonis, pai, for reskewing and recoueryng of ye saidis gudis, with pare fervandis and freindis, followit ye drift qhill ye said xvij day of Februar, at viij hours befor none, and red pare pairt pareof; and in defaid of sufficient power to follow for recoueryng of ye rest of pare gudis, war contrenyt to leif ye perflute: And panne maid pai to cum fordist fra pare fray to pare day of Trew, qhill pare come to pare Watter of Annand, qhilk was fà greit, that pare mycht nocht ride it; and pare remanit qhill pare gat furie word pat pare WARDANE was returnyt, and pare day of Trew fchot.

JOHNE JARDANE of APILGARTHE allegis, pat at pare said day of Trew he rraid to pare Watter of Annan to haift paist fordwart with pare WARDANE to pare day of Trew, and pan pare Watter was fà greit, pat he mycht nocht ride it without danger of his life; and gif he had paist aboot be ane vper way, and wald paist ony tyme cuming, he durft nocht, for feir of his inemys, without he had ane grite cumpany with him.

Abiding from the Raibd at Lochmaben-stane.

ROGER KIRKPATRICK of CLOSEBURN, William K. of Kirkmichael, and Thomas K. of Freirkerfie, got Remission from the Queen, dated at Ed's, May 11 instant, for abiding from the Army ordained to convene at LOCHMABEN-STANE, on Feb. 16 last, to meet the WARDEN before sunrife, to paist fordwart with him to pare day of Trew, for Meiting of pare WARDANE of INGLAND.'

Abiding from the Raibd at Lochmaben-stane.

May 14.—ALEXANDER STEWARTE of GARLEISE, John Dunbar of Mochrame, John Gordoun of Barfkeoche, John M'culloch of Torhousie, John Jardane of Apilgerrth, Robert Moffett senior and junior of Grantoun, Thomas Moffet of Knok, Robert Johnstoun of Coittis, and John Creychtonne, Tutour of Sanchare, found caution to underly the law at the next Aire of Dumfreis, for Abiding from the Queen's Army ordained to convene at Lochmaben-stane, &c.

Searching for Douglas of Kilspindy for his Slaughter.

May 19.—JOHN DIKSOUNE of BELCHESTER, and Robert Dikfoune of

1 Stock of sheep.  2 Twelve score.  3 Hue and cry.  4 Drove, or flock.  5 Until.
6 In this sense it means recovered.  7 Default.  8 Expired; past.  9 John Gordoun of Lochinver, Murray of Cokpale, and William Kirkpatrick of Kirkmichael.
Bouchrig, found surety (Alexander Lord Hume) to underly the law, at the next Aire of Berwik, for Convocation of the lieges, to the number of fourteen score (280 persons), armed in warlike manner, and searching for Archibald Douglas of Kilpindy for his Slaughter; committed at Abirlandy, on Aug. 18, 1556.¹

**Kamesucken — Wounding the Provost of Edinburgh, &c.**

Jun. 18.— **Nicolas Rynd**, tailor, burgess of Edinburgh, Convicted of cruelly coming upon Archibald Dowglas of Kilpindy, Provost of Edinburgh, within his own lodging within the said burg: And for cruelly Hurting and Wounding the said Provost with his poignard,² in the shoulder, to the effusion of his blood in great quantity: And als for the cruel Hurting and Wounding of John Boyd junior, his servant, with his poignard, upon his left breast, and in his mouth and back, within the said Provost's lodging, his master; committed by way of Hamefuckin on May 9 last.

**The Dome gevin vpoune Nicholl Rynd, tailzeoure.**

The Justice depute, of pe command of pe Quenis grace, modefeand and temperand pe rigour of pe law towarde pe pvniment of pe saif Nicholl for pe faijis crimines, Decernis and Ordains him, of his awin content, vpoune Monunday nixt-toctum, to cum in pretens of pe Proweit, baillies, and counfale of pe saif burcht of Ed', at pe mercate-croce pairof, betuix xj and xij houris befoir nynne, and pair publictie, with his heid discoverit,³ in his lynnyn claithis, bair-futit, and in pe maift reuerend and humyll maner, fall doune vpoune his kneis, and ask forgifnis and pardoune of God, pe Quenis grace, pe said Proweit, baillies, counfale, and communitie of pis bur', of his offence aboue writtin, confessand pe famin and declarand his repentance pairof: And als decernis and ordains pe said Nicholl to hauie tynt and forfaltit, and be pe tennour heirof, forfaltis him of his libertie and fredome of pis bur'. And to be BANIST and exil furth of pe famin, and nocht to hant nor repair within pis bur', nor vfe ony fredome pairof in ony tyme cuming, vnder pe pane of deid: And als Ordains pe Proweit and baillies of pis bur' to put pis act to executioun.

**Slaughter of the Laird of Byning.**

Jun. 21.— **Robert Levingstoun**, in Lynlythq, and John Knowis, servant of the Bilhop of Ros, found surety⁴ to underly the law at the next aire of Lynlythq, for the Slaughter of Robert Bruce of Byning, committed in February 1556... on forethought felony, &c.

¹ See Nov. 19, 1556; and the following entry, Jun. 18, 1557. ² Pugione. In the Dome it is called a 'quinhéare,' which is commonly translated pugio in this Record. ³ Bare, uncovered. ⁴ Thomas Ros of Prestoun, and Robert Hammytoun of Brigge.
Sacrilege — Breaking into the Church of St Mary of the Lowis for the Slaughter of Sir Peter Cranstone, &c.

Jun. 25.—Robert Scott in Bowhill, Parish Clerk of St. Mary de Foresta, with consent of Mr Henry Lauder, Queen's Advocate, was repugnated by Sir John Scott, Chaplain and Commiffary of the Archbishop of Glasgow, for Convocation of the lieges to the number of 200 persons, armed in warlike manner, and coming to the Church of St Mary of the Lowis, and breaking up the doors thereof, and searching for Sir Peter Cranstone therein for his Slaughter, upon ancient feud and forethought felony; committed on Apr. 16 last. Robert Scot of Bonystoun became cautioner for administration of justice.—Robert Scot of Allanauhe, Adam Scot of Burnefute, and William his son, Thomas Scot of Hanyong, Walter Scot, young Laird of Syntoun, Robert, William, and James, his brothers, Walter Scot, son of William Scot of Hardane, James Orbistoun of that Ilk, Robert Scot of Thirlestone, Robert Scot of Howpastate, and several others, were amerciated for not appearing; and were ordained to be charged of new to underly the law, under the pain of rebellion, &c.

Horse-stealing — Common Theft, &c.

Jul. 26.—Paul Andesoun1 Convicted of art and part of the Stealing and concealing from Thomas Cunnynghame, in Ledoune, of a 'forit balfonit horse,' furth of the lands between Ledoune and Lethiffait; committed on the vigil of Whitunday last: And for Common theft of old and new.—Hanged.

Treasnable Trafficking and Corresponding with the English, &c.

Jan. 7, 1557-8.—Symone Heryng Convicted of treasonably going to the kingdom of England and to the Town of Berwik, five times, in the years 1554, 1555, 1556, and 1557, without Licence obtained from the Queen, the Regents, or the Warden (of the Marches): And for disclosing the secrets of this kingdom, in as far as he knew the same, and giving his counsel, to the hurt of the country and disturbance of the lieges thereof, to Sir Thomas Quhartoun, Lord Quhartoun, (Wharton,) Englishman, an enemy to Scotland, and to other Englishmen, the ancient enemies thereof, and receiving rewards from the said Lord Quhartoun and other Englishmen therefor. Item, for the treasonable making and writing with his own hand, on July 3 last, and delivering a Letter to John Heryng, his son, to carry to the Town of Berwik to the said Lord Quhartoun, containing the points and treasons following, de verbo in verbum, viz. 'For newis, þir schippis þat is cumit to Leyth is menne of weir and Scottis

1 Perhaps Audeson or Adison, now Addison.
2 A sorrel-coloured horse, which also happened to be 'bawjonit,' or marked with white on the face.
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merchandis. pir Menne of Weir is Franchemenne, brocht in twa pryffis with
pame. Countie Ringraip cumis in Scotland, and beis Lieutennent to pe
King of Franche. The Queene hes faid planelie, pat pe King of
Franche will noch waige Scottisfmenne, bot lat pame vfe pe auld maner.
Thair wes five pryffis; thre of pame is had in Franche. The Queenis dyet
is to remane in Newbottill twa or thre dais, and pane to cum Eift, in pis cun-
trè. The Lordis ar all evil content with hir, the quhilk I thow4 falbe
hard of beleif credence.' Item, for common revealing or fhewing to our
ancient enemies of England the secrets of this kingdom, to the hurt thereof, in
treasonable manner.—HANGED.

Treason — Carrying Letters to the English, &c.

John Hereng, fon of the said Symon, Convicted of treasonably going
by command of his father, on June 21 laft, and on three other occasions during
the past year, with his father's Letters, and twice with his treasonable intelligence,
without Letters, to Sir Thomas Quhartoune, an Englishman, and enemy
of this kingdom, and revealing and fhewing to him such secrets thereof, as tended
to the los and injury of the state. Item, for art and part of treasonably making
the aforesaid Letter on July 3 laft, containing the points and treasons above
expressed; and for treasonably receiving and delivering the same, with his father's
credentials. Item, for being art and part, along with his said father, in all his
treasons, directions, and revealing the secrets of this kingdom to the said Lord
Quhartoune and other Englishmen: And for common revealing and fhewing
the secrets thereof to the English.—HANGED.

Hurting and Wounding — Invasion.

Jan. 10.—Robert Johnnestoune, fon of usq5 William J., burges
of Edinburgh, Convicted of art and part of the Hurting and Wounding of John
Moresfoune, junior, with a 'quhinesare'6 on his head, to the great effusion of his
blood: And for Invasion of the said John for his Slaughter, and Hurting and
Wounding him in his left arm, to the effusion of his blood in great quantity;
committed upon ancient feud, forethought felony, and provifion, at Sandepottis,

1 Prizes. 2 Pay the wages of the Scottish soldiers. 3 Perform their accustomed Military
service, by virtue of their Feudal tenures. 4 True, trust. 5 From the conclusion it would
appear that both father and son had been put to torture, to draw from them such things as they had
kept back in their Confession, regarding the extent of their treasonable dealings: 'Et propiores dies
Symon et ejus filius tangunt, publici Predictores cruciari adjudicabantur.' On the margin there is
merely inserted, 'Convict. et Suppen.' but it is likely they were drawn and quartered.
6 A short sword, slightly bent or curved; a kind of cutlass. It is probably the same with the English
whiniard, or back-sword, and is usually translated pugio (poignard) in the Record. From the nature
of the wounds inflicted with that instrument, it must have been one used for striking or cutting, as well
as for stabbing, for which last purpose, alone, the poniard or dagger is fitted.

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between the burgh of Edinburgh and Leith, on July 27 last.—James Johnnes-
touné of Kellobank became surety to satisfy the Queen and party. Warded in
the Tolbooth of Edinburgh, under the pain of 1000 merks.

**Hurtung and Wounding.**

John Morresouné, junior, Convicted of art and part of the Hurtung and Wounding of Robert Johnneftouné with 'ane irne schule' on his head, to the effusion of his blood in great quantity; committed 'on fuddanty' at the Market-crofs of Edinburgh, in the month of January 1551.—John M., senior, burges of Edinburgh, became surety to satisfy the Queen and party.² Warded in the Tolbooth of Edinburgh under the pain of 1000 merks.

**Slaughter.**

Feb. 16.—Alexander Dunlop of that ilk found surety (Neil Montgomery of Langichaw) to underly the law at the next Justice-aire of Air, for art and part of the cruel Slaughter of Andrew Dunlop, his son; committed in July last.—John Stewarte of Hawrig; John his brother, in Burnehous, Charles Polloch Tutor of Polloch, Thomas Sprowle of Cowdouné, John Maxwell of Bois-
feld, John Stewarte of Boggouné, and John Nevene of Kirkwod, and some
others, were americated for absence from this Affile.

**Perjured Notary — Forging an Assignation, &c.**

May 5, 1558.—David Fethyes, alleged Notary, Convicted of art and part of 'faling' and forging an Assignation, as if made by Margaret Arbuthnot, daughter and one of the heirs of umq² John A. of Brichtie, fpoufe of John Ogiluy, bearing, that the said Margaret constituted umq² William D Ritching-
touné, faur of Ardrofs, and Elizabeth Creychtouné, his fpoufe, and the heirs pro-
created of their marriage, whom falling, the heirs of the said William whomfo-
ever, her cessioners and affignees, in and to a Reversion made by James Arbuth-
not of that ilk to the said umq² John, and his heirs and assignees, under redemption,
of the lands of Balmakin, containing xx 166 merks 8 f. 10 d., dated at Denefyd, Aug. 17, 1558, and subscribed thus, 'Margaret Arbuthnot, with
'my hand led at pe penne be David Fethie, Notare—Ita ert, David Fethye,
'Notarius in premisfis manu fua,' although the said Assignation was really made,
forged, and subscribed by the said David long after her deceafe, as confessed
by him before the Lords of Council. Item, for giving fallé testimony and per-
jouring himself; he in his first examination deponing, that he saw the said Margaret touch the pen, after the said John Ogiluy had subscribed the same; and

¹ Iron shovel or spade.
² Sentence is not recorded.
being thereafter examined, deposing, that he never saw her touch the pen, nor
did he see the said John subscribe.—Sentence. His right hand to be struck
off on the block, at the Market-crofs of Edinburgh: And to be Banished from
the kingdom, and to be perpetually reckoned as Infamous: And all his move-
able to be exchequed to the Queen.

Masterful Oppression — Wounding a Bailie of Leith, &c.

May 10.—Robert Sandies in Leith, and John Pyott there, 'Convict
of arte and parte of pe feloune and maisterfull Oppression done to Walter Cant,
Bailie of Leith, cumand vpoune him, vnnder fylence of nycht, efter pe doun-
paffing of pe fone, quhair he wes vpoune pe schoir of Leith, in fobir maner, as
become ane officer berand auctorite of ane Toune or burcht, belevand na evill of
ony perfounis, bot to haue levit vnnder Goddis peax and our fouerane ladeis; and
perfewing of pe said Walter for his slaughter, in pe mentyme, quhen pe said Bail-
lie wes cawfand send for ane officiar to put Hannis Myllare in Waird, quha pare,
in prefens of pe said Bailie, had hurte and woundit ane Duche mariner callit
. . . . . in his face and diuerfe vperis pairtis of his body, and pair with swerdis,
buklaris, Jedburght flatiss, and vperis wappynnis invasfue, crewellie hurte and
woundit pe said Walter in his left hand, to pe greit effusione of his blude; the
said Walter pane, as Bailie of pe said Toune of Leithe, being in executioune
of his office, and desforcing him pairin: And als of pe revin and taking, at pe
leif preuatlie convoying of pe said Hannis Myllare, quha had committit pe cryme
forisaid in prefens of pe said Bailie, in maner aboue writtin, fra pe said Walter,
he being commandit to remane quhill pe officiaris of pe said toune fould haue
cumin to him to haue wardit or pretentit him to our fouerane ladeis Justice or
his deputis, to haue vnderlyne pe law and pvnift for his dimeritis, conforme to
pe lawis: And fwa, fortefeit and mantenit pe said Hannis Myllare in committing
of pe cryme aboue spes Feit, and wes arte and parte with him pairintill; and with-
holding of him fra pe lawis and pvniment for pe crymes aboue writtin.'—Andro
Sandis and George Chalmer, in Leith, came in will for the same crime.

Hamesuckin — Besieging the House of Penkill, &c.

May 23.—Thomas Kennedy of Bargo, John and Alexander, his
son and brother, David K., son of the Laird of Bannace, William Cauldwell, and
seventeen others, found Sir Hugh Campbell of Loudoun, kni, surety for their
underlying the law at the next Justice-aire of Air, for Convocation of the lieges,
armed in warlike manner, and coming by way of Hamefucken to the dwelling-
house of Adam Boyd of Penkill, and Invading him, his wife, children, and ser-
vants, for their Slaughters, and besieging them in the said house: And for Hurt-
ing and Wounding . . . . . . Kennedy, his wife, with stones; committed on January 29 last.

Abiding from the Raid of Dunse and Langtoun.

Jul. 2.—ROBERT STEWART in Neilston receives, found surety for his entry at the next aire of Renfrew, to underly the law for contumaciously abiding from the Queen's Army, ordained to convene at Dunse and Langtoun, on Apr. 18 last.

Abiding from the Raid of Lauder.

[Among a great many others of less note who were charged with Abiding from this Raid, Alexander Muir of Skailkern, Walter Forrester of Derrisdale, John Quhisteurke of Myloone, William Baillie of Cornestoune, James Lekert of Lea, James Auchinleek of Tweddy, John Muir of Nesbet, John Somerville of Cammethane, Robert Park of Gilbertfield, John Hammyloone of Pedderisburne, David H. of Boithuilshance, Andrew H. of Lekprevik, Gawin Murray of Udston, Stephen Dudingston of Sandford, Thomas Grandtoune of Kyngk, Andrew Landy of Stratharlie, William Spittal of Lewchat, Alexander Mortoune of Randerstoune, John Seytoun younger of Lathreise, James Spens of Lathalland, James Ballingall of Riggis, James Lochmalony of that Ilk, Alexander Pitblado of that Ilk, William Ballingall of that Ilk, William Archibald of Blakhall, Archibald Dudingstoun of Pittkerrill, Alexander Barculey of Syde, James Wiscbert of that Ilk, William Lyell of Murtbill, Alexander Pyote of Forvietie, Gilbert Auchinleek of that Ilk, David Ogilue of that Ilk, David Fentoune, grandson of the Laird of Ogill, James Skrymeour of Balbenchie, John Kyngeir of Handerstoun, came in the Queen's will, found caution to answer at the Justice-aires of their respective shires, or were proved to be sick. Some of them were replegated to Regalities, &c. Between this date and the month of October following, during which period the above names occur, no Declarations of the Queen's Will or Sentences are recorded.]

Jul. 7.—JOHN LEVINGSTOUN of CASTLECARY, came in Will for contemptuously abiding from the Queen's Army, ordained to convene at the burgh of Lauder, on April 1 last.

Slaughter.

Sep. 13.—JOHN GARDEN in Penbrek, in Glenmuir, Convicted of art and part of the cruel Slaughter of James Reid in Haltpennyland; committed in August last, on ancient feud and forethought felony, &c.—BEHEADED.

1 The Laird of Ley allegis, that at the tyme of the RAID he hurt his leg, in sic fort, that he micht nother ride nor gang to the RAID; therefor send his servandis.' 1 Allegis that he is fel in the gravel, and was noc an the RAID, and mycht nor ride, and is nable of his body and gottis, and flopping at his hart—and about thirteen feet; and has been here be the space of this five yearis bigane; like as, be inspectoune of his body, may be considerit.' 2 Allegis that he is part the yeiris, and nocht able of his body, and is rumburtin (raptured), therefor he is nocht able to pus theirtro, and is impotent of his perseoune, and send his fone for him.' The above entries are from a Scroll Book, and are given as a specimen of the excuses which were then urged for absence. Other notices of a similar description have already been given in the course of the present Collection, which renders it unnecessary to cite more instances in this place. It may be remarked, however, that the Treasurer was usually inexorable in his demands for such offences, and exacted very heavy sums for Compositions, owing to the exhausted state of the public coffer.' 4 Proved to be mad.
Criminal Trials.

Perswairis, Ro' Crawford of Collallane, The Laird of Auchinkreif, Mr Alex' Skayne.

Foirskear, (or ' Prelocontour,' ) Mr Johnn Dunbar.

ASSIZE.

James Dalrumpill of pe Stair,  Johanne Bannatyne of Coig,  Moreifl Dalrumpill in Waterfyd,
Will. Kirkpatick of Kirkmychaell, Wm. Kennedy, sone to pe Laird  Williame Stewarte of Dundufs,
Johnne Campbeill of Schankfroune,  of Cove,  Ja. Cunyngame in Carmalloche,
Thomas Stewar of Gauthoun,  Wm. Anderfonne in Cloburne,  Jo. Cunyghame in Qahitehill,
David Kennedy of Culene,  Hew Campbeill, bruner to pe Laird  Patrik Boyle in Blakland,
Roger Kilpatrik of Cloburne,  of Shankfroune,

Treasonably bringing in the English — Burning Kirkmichael, &c.

Oct. 29.—CHRISTOPHER JOHNNESTOUNE in Mylbank, Patrick J. in Watterheid, William J., called WILLIAM THE SHOWPARE, Robert J. in Hilhouffis, and their accomplices, dilated for treasonably bringing in Richard and Fergus Grahame, brothers, and others of our ancient enemies of England, to the number of 500 persons, to the town and lands of Kirkmichael, and Burning thereof; and for other crimes charged in the Letters. Alexander Kirkpatrick, brother of William K. of Kirkmichael, fined 500 merks for not reporting the Letters purchased by the Laird of Kirkmichael duly executed, &c.

slaughter — mutilation.

Nov. 16.—JOHN SKRYMGEOUR, son of James S., Constable of Dundee, David Fentoun, sian of Ogill, Mr David Abircrummy of Gourdy, and nine others, found caution to underly the law at the next aire of Forfar, for art and part of the Slaughter of William Currou, son of Andrew Currou of Logyme-kill, and for the Mutilation of Thomas Currou of his right hand; committed on ancient feud and forethought felony, on August 15 last.—ANDREW FALCONER, brother of the Laird of Kynnabir, was denounced rebel, &c. and his cautioner anerciated for his non-appearance—and James Fentoun, brother of David, was proved to be sick.

slaughter of a chaplain, committed by a priest.

Jan. 13, 1558-9.—SIR DAVID COLUILLE, preist of the dioce of St Andrews, Repleigated by the Commiary of the Archbiishop, to underly the law for the Slaughter of Sir Thomas Small, chaplain; committed in September last, on forethought felony. Sir Walter Bunsh, chaplain, became surety.

Willfull Fire-raising — Burning Barley, Oats, Wheat, &c.

Feb. 15.—ALEXANDER HWME, brother of Cristell Hwme of Barro, and Margaret Hwme his sifter, found surety ¹ that they should underly the law

¹ Sir John Hwme of Coldlinknowis, and Cristel Hwme of Barro.
CRIMINAL TRIALS. A.D. 1559.

at the next aire of Berwick, for the cruel Fire-raifing and destruction of five 'flakkis' of barley, one 'flak' of barley and oats, and one 'flak' of wheat and pease, extending to sixteen score 'thravis,' computed at nine score bolls, belonging to George Wauchop, burgess of Lauder, being in his 'barne-3aird;' together with a dwelling-house and barn; committed upon Sep. 26 laft, under silence of night.—(Mar. 18, 1561-2.) Cautionsers fined 700 merks for not entering pannels; who were both duly denounced rebels, and put to the horn, &c.

Stealing from the Queen Dowager's Chief Cook.

Feb. 27.—Alexander Ross, servant to Isboll Kynglaflle, spouse of Thomas Marchell, chief Cook to the Queen Dowager, Regent of Scotland, delated of theftuoufly stealing, in company with the said Isboll, from the fore-said Thomas, furth of a chest or 'schryne,' in his chamber in the burgh of Perth, of a box with 420 merks therein; and together with two silver goblets, called 'fluer pecis,' and twelve silver spoons, and fundry other goods; committed on Dec. 7 laft.—John Rofs of Cragy, his cautioner, unlawed, and the said Alexander ordained to be cited again to underly the law, under the pain of Rebellion.

Intercommuning with an Englishman.

May 8, 1559.—James Jule, sumtyme in Drumfreife, for Intercommuning with Maister Ninian Manwell, Inglisfinnane, vpoun preue beynesse, fend be his wife furth of Ingland vnto him, of his awin content decernit be þe Justice to be BANIST þis realme perpetuallie, and to departe within xx days; and nocht to returne agane within þe samin, without Licence of our souerenis Lord and Lady, vnder þe pane of deid.

Slaughter of Sir David Forbes, knight, in Ward.

James Brydin, son of Ninian B. in Ruthirfurde, and William Allane, and Thomas his brother there, found John Stewarte of Traqwairt surety for their entry at the next aire of Roxburgh, to underly the law for art and part of the cruel Slaughter of Sir David Forbes, kn', under the custody of the Tutor of Pitcur, within the burgh of Rutherfurde; committed on Mar. 1 laft.

Preaching the Doctrines of the Reformation at Dundee & Montrose.

May 10. (opus Strineling.)—Paul Methwene was denounced rebel, and put to the horn as fugitive, &c., and George Luvell, burgess of Dundee, his cautioner, was americated, for his not appearing to underly the law for Ufurfyng the authority of the Miniftry of the Church, and for taking upon himself the service thereof, not being lawfully admitted thereto, at the feast of Psæche, viz.
on Mar. 26 last, and daily for the space of three days immediately preceding the
said feast, and continually thereafter, administering the Sacraments of the Altar
to several of the lieges within the Burghs of Dundee and Montrose, and
many other places, in a manner far different from the divine and laudable use
of the faithful Catholic Church: And also for Convocation and gathering of the
lieges within the said burghs, at the time forefaid, he not being admitted or
approved of by the Ordinaries of these places; and without their licence, har-
ranging and preaching to the said lieges, and persuading and seducing them
to his erroneous and seditious doctrines and Heresies; thereby Ufurping the
King and Queen’s authority, and stirring up the lieges to commit Sedition and
Tumults, contrary to the Proclamations.

Preaching the Doctrines of the Reformation at Perth, &c.
(May 10.)—Frier John Cristesoun and William Harlaw de-
nounced rebels, as fugitive, &c. and their cautioners, John Erskine of Dune and
Patrick Murray of Tibbermuir, were americated, for their not entering to
underly the law for their Ufurping the authority of the Church, in taking at
their own hands the Miniftry thereof, &c. as above, within the Burgh of
Perth, and other places adjoining, within the shire of Perth.

Preaching the Doctrines of the Reformation at Ayr.
(May 10.)—John Willok denounced rebel for the same caufe, for
preaching, &c. within the Burgh of Ayr. Robert Campbell of Kynsecleuch, his
cautioner, was at fame time americated.

[Another unfortunate hiatus occurs in the series of the Books of Adjour-
nal, from this date, to the close of the reign of Mary Queen of Scots. There is
good ground for conjecturing, that many of the public Records of this kingdom,
embracing from the earliest period of the Reformation downwards to the years of
the reign of King James VI, had long ago been wilfully destroyed, apparently for
the purpose of suppressing evidence of the many religious and political struggles
which occurred during these eventful years. The only materials now left are three
small quarto volumes of the scroll-books, kept by one of the under Clerks of Court,
marked ‘12 Book,’ from Mar. 12, 1560-1, to May 13, 1562; ‘Aucht Buik,’
from May 19, 1563, to May 19, 1564; and ‘Nynt Buik,’ from May 24, 1564,
to Mar. 6, 1565. Besides these, there is a scroll Caution book, irregularly kept,
from Jun. 18, 1563, to Nov. 25, 1566. Although the notices which can now
be gathered from these books are meagre, they are in many respects valuable.]
The Editor has, as usual, availed himself of the other Records, so far as they elucidate the Criminal proceedings of that period.

Wounding Lady Pittendreich's Servants.
Mar. 12, 1560-1.—James Hay of Mayne, George Mouro of Dalcarthy, Alexander Guthrie in Elgyn, and seven others, burgesys of Elgyn, delatit for Convocation of our fourane ladeis lieges, to pe nowmer of viij" (eight score) perfonis, or pairby, pe viij day of Januar lastbiapt, bodin in fere of weire, inconrrare pe Actis of Parliament, and setting vpoun Alexander Robertfoune in Pittendreich, &c. tenentis and feruandis to Elizabeth Douglas Lady of Pittendreyche, and hurt and woundit pain in diuers pairtis of pair bodex, to pe gret effufioune of pair blude, and left pe faindis Alexander Robertfoune and Alexander Henry (in Brownfyde) liand for deid, vpoun ald fheid and foirthocch felony, &c. Guthrie and two others to answyer att the next aire of Elgin and Forres.—(Apr. 30.) Amerciated for non-appearance, (and denounced rebels)

Slaughter.
Mar. 18.—William Ramsay, Convicted of art and part of the Slaughtar of Richard Henryfoune, 'servitour' to the Master of Sinclare; committed at the west end of the town of Dysert, on 7 March instant.—BEHEADED.

Prelocutors, John Forret of that Ilk, Cuthbert Ramfay, burges of Edinburgh.
Arsita, John Anfruther of that Ilk, Andrew Fanny of that Ilk, William Bonar of Rossye, Andrew Murray of Balnavard, Mr James Wemyys, and others of leis note.

Slaughter & Mutilation of two Sons of the Laird of Logy-Megill.
Mar. 17.—James Fentoune of Ogill, James Lyoun of Easter Ogill, and seven others, found David Earl of Craufurd furyet for their entry on Apr. 30, to underly the law for art and part of the cruel Slaughter of William Currou, and Mutilation of Thomas Currou, fons of Andrew Currou of Logy-Megill; committed with the burgh of Dundee, in August 1588.

Prelocutors for pe pannell, Mr Johane Abircrummy, Mr David Qabytelaw, The Laird of Creych.

Persenaries, Andro Currou of Logy-Mekill, Stevin his fone, Mr Robert Creychoun.

The pannels were all respited, & found caution to satisfy the Queen and parties.

1 The reader is referred to the Acts of Parliament, edited by Thomas Thomson, Esq., where much valuable historical matter, illustrative of the History of this reign, is preserved. It was found to be impossible to select the portions which relate to Criminal matters.

2 He took instruments that he 'comperit as Advocate for pe Queene, and hir interere almerie.'

3 Apr. 30, 1561.
(May 13, 1562.)—The pannels came in the Queen’s will.

Prlocutorus for pe pannel, pe Maiter of Wark, Mr Jhone Abirrambye.


(Jun. 10, 1563.)—David Earl of Craufurd became cautoner for his entry in Ward, in Edinburgh, on xv days warning, under the pain of 1000 merks.

Robin Hood — Abbot of Unreason — Lord of Inobedience.
Jul. 20, 1561.—Robert Hannay, smyth; James Cowper, tailzeour; Thomas Johnstone, cordiner; Andro Hendarfene, fwerd-flipper; Andro Richemanne, cuke; William Clerk, talburnar; James Fawlyid, talburnar; John Cok, tailzeour; Patrik Mow, talboner, and Alexander Bissett, taburner. The quhillk day, James Cowper, tailzeour, come in Will for arte and parte of pe chefin of George Durye in Robert Hude, vperways calland and nemmand him Lord of (In)obedience (Misrule), amangis pe Craftifmen and pair seruandis, within pe burgh of Edinburgh, in pe moneth of Apryll last bypast, foresand and auffand to him incontrair pe tennour of pe Act of Parliament, and for breking of pe said Act: Item, for breking of pe Proclamation of pe Proveft and Baillies of Edinburgh, maid for obferving of pe said Act, forbidand all pe Inhabitants of pis burgh, pat nane of pem fuld tak vpoun hand to cheife ony fic perfone in Robene Hude, Abbot of Vnraefone, or ony vper name within pe said burgh: Item, for Convocation of our souerane ladies liegis, in cumpamy with pe said George Durye, callit Lord of (In)obedience, to pe nowmer of... perfones, bodin in feir (of weir), with ane displait handfan3,6 halvrownis, jakkis, culveringis, morriounis,4 twa handit fwerdis, cotis of malge, and vperis wapynnis invafive, vpone Soneday pe xij day of Mai laft bypast, in cumpanye with certane brokin men of were, betuix thre and four hours eftir none, cumpamy with pe said George Durye, callit Lord of (In)obedience, to pe nowmer of... perfones, bodin in feir (of weir), with ane displait handfan3,6 halvrownis, jakkis, culveringis, morriounis,4 twa handit fwerdis, cotis of malge, and vperis wapynnis invafive, vpone Soneday pe xij day of Mai laft bypast, in cumpanye with certane brokin men of were, betuix thre and four hours eftir none.

Thomas Johnstone, in Will for breking of pe said Act of Parliament and Proclamation maid be pe Magiftrates, et supra.—Andro Hendarfene, in Will for breking pe said Act and Proclamatione forfaid.—ITEM, pe said Andro

1 A drummer, or player on the taylron or tawburn.  
2 Choosing.  
3 Ensign; banner.

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† 3 F
CRIMINAL TRIALS.  A.D. 1561.

(Henderfone) Convict of pe making of pe said Convocationone and rebellion aganis pe Magistratis, in maner forfaisd.—Jhone Col, saylit for breking of pe Act of Parliament in cheifing of pe said LORD OF INOBIENCE, and breking of pe Proclamationou maid be pe Magistratis, in maner forfaisd, alaerlie.—Andro Richeman, Convict for affilience to pe said Lord of Inobediene and his complices, in breking of pe said Act and Proclamationone; and furnelling of ðame of meit and drink.—James Fawfijid, Patrik Mou, Alexander Byssett, Convict of pe breking of pe said Act, Proclamationoun, convocationoun, and rebellioun forfaisd, conforme to pe Dittay.

Rioting in Edinburch — Choosing a Ò Lord of Inobediene,Ó &c.

Aug. 8.—James Fraser, faidlar; Andro Hammitoun, cutlair; Nicol Young, tailseour; Nicol Rynd, tailseour; Willeam Morefoune, Andro Gottirfone, Fylit be ane Asfyise of Intercommonyng with George Durye, tailseour, vperways saylit LORD OF (IN)OBIENCE, and vperis his collegis, prentissis, and seruanidis to pe Craftifinne within ðis burghe, being our souerane ladeis rebellis and at hir horne, put þairto be hir Letteris, in defail of finding fouritlie to vnderly þe law for breking of þe Act of Parliament, in cheifing of þe said Lord of (IN)Obedience, tvmult, and ryfing aganis þe Magistratis of þe said burgh, be way of rebellioun, and vperis crymes contenit in þe saidis Letteris, in þe moneth of July laft bypaft and August instant. And als, þe saidis perfones, and Walter Wawane, James Henderfone, flescheour, Hary Quyte, cordiner, Alexander Scott, Thomas Ewin, goldinlyth, David Kynloch, Patrick Schang, Fylit be þe forrenemnit perfones of Asfyise, for disobeïance of þe Proveft, Bailleis, and magistratis of þe burgh of Edinburch, and auctoriþ þairof, vpone þe xxj day of July laft bypaft, quhen þe seruanidis and prentissis of þe Craftis þairof, wer affegeand and invadand þe saidis Proveft and Bailleis in þe tolbulyth of þe said burgh, be abstracting and withdrawing of ðame felfis fra þe help, supporter, fretheing, and releving of ðame, and for faiitie of ðair lyves, and forteaining and participatione of þe saidis Proveft and bailleis, to stenche and repreh þe said tvmult, and taking and apprehending of þe saidis perfones, Craftis-childer, and prentissis, committeris þairof; lyik as they acht to haue done, of ðair aytthis, quhen þai were creat burgensis of þis burgh, and bundin dewtie.

Hurting and Wounding — Hamesuckin.

Aug. 22.—James Lockhert of þe ley found cautio for his entry and twenty-three of his tenants, &c. at the next aye of Lanark, for þe crewall Hurting and Wounding of John Hammitoune in Henschaw, be way of Hamefuckin.

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1 Only, alone.  2 Apprentices.  3 Literally children; lads, youths.
CRIMINAL TRIALS.

Slaughter of Lady Ulleshabe.

Dec. 1.—James Schoriswod delatit for arte and parte of pe crewell Slauchter of vme Helene Stirling, Lady Ulleshevene. 

Prelocutouris for pe pannel, Mr George Strang, James Crawmound of Aldber.

The quhilk day comperit in jugement James Stratoune, and James Lychtoun, Parfome of Dunloppy; and pai being requirit be pe fайд James Schorïwsod, gyf pai wald perflw him of his lyfe for pe faid Slauchter? Ansuerit, þat þat wald perflw him for þe ðamyn. And paireupon þe faid James Schorïwsod askit ane Act of Court and instrumentis, and protestit þat þe faid Parfome fuld tyne his beneice, conforme to þe lawis.

Thomas Guthrie of Kynbach protestit for his damnage and skayth fuftenit be him, þat insafar as he was chargit be þe Letteris to vnderly þe law, and þat na party comperit to perflw him, that he mycht recouer þe ðamyn, ovther vpone þe officiar executour of þe Letteris or party; and paireupoun askit instrumentis.

Horse-stealing.

Dec. 1.—William Cadenheid Convicted for art and part of þe thefteous Steling of ane blak cut-tailit horfe fra þe Erle Marshell, and ane gray horfe fra James Anderfoun; quhairwith he wes tane reid-hand.—Hanged on þe gallowse of þe Burrow-mure.

Oppression — Imprisonment — Exacting Ransom.

Dec. 5.—Robert Innes of Innermarky, John Innes of Auchlun-carye, and leven others, found surety (Jhone Erle of Suthirland) to underly the law at the nixt aire of Elgin and Forres, for þe Oppressioun done to Schir Alexander Robertïne, cumand with þair complices, bodin in feir of weir, in þe moneth of July laft bypaft, to þe Haltoune of Lambryid, and þair maistrefullly tuke him forth of þe ðamyn, and had and carit him with pame to þe Place of Plewlandis, quhair pai held him in strait prisoun and Captiuite be þe space of four dayis; quhill Mariou Ogiluy, Lady Innermarky, his maistres, threw þe feir fcho tuke, quhen þe faid Robert, hir fon, boftit and fend her worde, þat he shoul pend þe faid Schir Alexanderis heid to hir, gaif to him þe sum of l½, merkis in hand, and othir twa hundreth merkis to be payit at Candilmes and Witfonday, with þe zeirlie terce of Vg toune and Plewlandis, for þe fai Schir Alexanderis ranfome and latting of him to libertie; vfurpand þairthrow our fourane ladeis auctorite.

1 See Trials for this barbarous Murder, I, *344, 350, &c., and Appendix. 
2 Until. 
3 Mother of the Laird. 
4 Threatened. 
5 The terce, or third, due to her as widow.
CRIMINAL TRIALS.  

Ombesetting the way—Wounding—Mutilation.

Dec. 6.—THOMAS HARROT, in Coisland; Crieteane Carfra, his spous; Henry C., elder, in Redingham; Henry, his young son; John and James C., in Standanclane; and Beffye Littier, dilatat for Ombesetting of pe gait, vnder silence of nycht, in pe moneth of August, 1568 zeiris, to Robert Dowglass, in Duchyre, vnder pe Laird of Bas, be way of Brigance, quhair he wes passand fra pe town and landis of Popill hame to his awin dwelling-place in Dowchrie, beseid pe dwelling-houfe of pe said Henrye Carfra, at pe peth-fute of Stenyepeth, callit Ridinghill, and pair crewelw invadit pe said Robert for his Slauchter, and hurte, and woundit him in diuerse partis of his body, to pe greit effusioine of his bloode; and hes Mutilat him of his thrid finger of his rycht hand, and left him lyand for deid; vpone alde ffeid, provision, and foirthocht felony and fett purpos.

Prelocutoris for pe pannell.

Mr Alexander Skene, My Lord Borthwik, The Laird of Traquair, My Lord Bothwill.

Continued to Jan. 15, Lord Borthwik and James Earl of Bothwell, cautioners.

—(Jan. 15, 1561-2)—James Somruill of Humby became cautioner for their entry at the next Justic-aire of Edinburgh.

Hamesuckin—Wounding—Child-Murder.

ROBERT DOWGLASS, in Dowchry, under the Laird of Bas, and Margaret, his daughter, dilatat of pe cuming, with pair complices, vpone pe fyft day nixt efir pe feift of Lambes, (August 6th,) 1561 zeiris, vnder silence of nycht, be way of Hamefuckin, to pe duelling-houfe of Henry Carfra, in Ridinghill, he pan himsef being departit pairfra, convoying of sum freindis quhilkis pat day had bene with him in company, and pair searhit and socht pe said Henrye for his Slauchter; and pe said Thomas pan beand staudand in sobe maner, dowlatt alane, without armour or wapnis, accompaniit with his wyff and Befyfe Littier alane, befor pe said Henryis dur, traifing na harme, &c., pe said Robert Dowglass lycalit of his horfe, and without ony occaioine invadit pe said Thomas for his Slauchter, and hurte and woundit him in his left arme and face, to pe effusioine of his blood in grite quantitie: And pat same tymo crewelw strak pe said Thomas spous, with fundrie strekis with fute and hand, icho beand grite with barne; throw pe quhilkis strekis icho pairtit with barne at hir hamecoming.'

They ' offerit pame to asse Aslyife, and deyrit na continuum'oun; but the same procedure took place as in the foregoing case.—The Laird of Qhitting-hame became surety for them.

1 Unarmed, defenceless. Having only his coat or doublet on.  
2 Door.  
3 Alighted.
Conaboration of the lieges in Kirkwall.

Dec. 9.—Mr Alexander Dick, Provost of Orknay, Schir Magnus Ramse, Chaiplain, Schir Duncane Ramsay, Chaiplane in Orknay, found caution, this day; and (on Dec. 5) Edward Sinclair, bruder to the Lord of Roslyn, and ten others, Mr Magnus Halcro, William Halcro, Nicol Chalmers, and Freir Frances Bothwell, also found caution to underly the law on April 15 next, for Convocatione and gaddinger of our fouerane ladeis legis, to the nomer of iiiij (four score) persones, in the moneth of September last bepaft, if heid owt of the Castell of Kirkwall, and cundam to the toune palrof, and fercit and focht Henry Sinclair of Strone and Mr William Mudy for the Slauchter, &c., and ofperis crymes contenit in the Letteris direct pairupoun.'—After having been continued from time to time, the Cafe was at length (May 13, 1562,) referred to the Justice- aire of Orknay.

Common Theft and reset of Theft.

'Will Elliot, callit Woddir-nek; Petir Trumbill, callit the Monk; and Hymye Blak, in Softlaw, Convict to be Hangit for Commoun Thift and Commoun reflitt palrof.'

Conaboration of the lieges—Subasion—Wounding, &c.

John Edzer of Woddirlye, Richard, Olipher, James, and George Edzer, and Robert Hude, the delit of Convocatione of our fouerane ladeis legis, to the nomer of iiiij (three score) personis, bodin in feir of weir, with jakis, swordis, slei-bonettis, daggis, culveringis, and vperis wappingis invasive, contra the Act of Parliament, vpone the xvij day of September last bypaft, cundam to the landis of Rawburne, lyand within the sherifdome of Berwik, pertening to Dauid Spottiwode of jet Ilk, in heretage; and pair invadit and perewit Jhone Vllasone, James Hog, Jhone Wody, and the remanent the said Dauidis tenantis of the said landis for the Slauchteris, dingand and birland pamve with diuerfe bafe streeks, chaifland pamve within pair awin malingis, ane grit space, doand yat wes in pamve to haue flane pamve, vpone sitt purpoise, provifione, and foirthocht felon, specifit in the Letteris direct pairupoun.'

ASSISA.

The Lorde of Blacader, George Trotter of Prestonere, The Lorde of Blanerne,
The Lorde of Spett, Robert Hume of Redhench, The Lorde of Bafi,
George Home of Bruxmouth, Mr Richard Spottiswod, The Lorde of Neanwike.

VERDICT.—The said Lorde of Woderley and his collegis being on panale, wer ACQUIT, be declaratoun of the said haill Ailife, of the foirfaldis crimes.

1 George Crawford of Leshornis. 2 See notices regarding them in Extracts from the Lord High Treasurer's Accounts, in the Appendix to this reign. 3 Perhaps for bouch. 4 Mallingis, small possessions. 5 The other four Assisors were only feuars.
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CRIMINAL TRIALS.  

A.D. 1561.

JOHN SWYNTONE OF THAT ILK ; William Redpeth of that Ilk, elder and younger; the ' Barroune' of Dalzell; Thomas Nisbit, his brother; the Laird of Lochirmachus; George and Alexander, brothers of John Forrester of Gammelcheillis, and sixty others, found surety to underly the law at the next Aire of Berwick for the same crimes.

Slaughter ?

Dec. 13.—SCHIR JAMES HAMMILTOUNE OF CRAWFORDJOHNE, kn', and John Gudelett, in Strabrok ¹ (delatit for the Slaughter of vrnq George Hammiltoune ?)

PRELOCUTURIS for pe pannell, Mr David Borhui, Mr Jhons Mosgrid, The Laird of Garris, My Lord Loingtoun, The Abbot of Dair, My Lord Gray.

PRESEWAR, Agnes Murray, relict of vrnq George Hammiltoune.

James Hammiltoune of Kincapill protestit that he producit the Letteris, dewlie execute and indorfit; and the said Schir James protestit that the said James producit the Letteris.—Andro Hamilton of Siluertone-hill, souert for the entré of Schir James, and Schir James for sourte of Jhone Gudelett, the xxix day of Januar nixtocom.—(Jan. 29, 1561-2.) Continued to Feb. 25; the Laird of Calderwood and Sir James being ' sourte.'—(Feb. 25.) Remitted to the next Aire of Lanark; the Laird of Trabrown and Sir James became cautioners.

Slaughter.

Dec. 15.—JHONE GLEDSTANIS OF COKLAW (dilatit for the Slaughter of vrnq Thomas Peblis and William Bell.)

PRELOCUTURIS for pe pannall, My Lord Hume, The Larde of Coldknowis, The Larde of Cran- 

one, Mr Jhone Abercrumby, William Trumble alias Profitt, Robert Scott of Bonyngtoun.

PRESEWARIS, Adam Bell, for Wm. Bell, &c., Alex. Hopringill of Trialknowis, Jhono Oswald.

The Aducat producit the Lättir vnderwrittin, and defyrit pe famyn to be regirrat; quhairof the tennour followis.

REGNA,

ADUCATISS, We greit 30w weil. Forlaskeill as Jhone Gledstane of Coelaw hes fund flicker souertie that he fill compeir befor our Justice and his deputis in pe Tolburyth of Edi pe xv day of December instant, to vnderly pe law for pe Slaughter of vrnq Thomas Peblis and William Bell, and diverses yeris crymes contit in pe Letteris direct pairupone, as pe famyn beris. OUR WILL is heyr- 

soir, and we charge you pat se affist and concur to pe pursute of pe said Jhone for ye crymes contit in pe faidis Letteris pe said day, and se pat justice be done pairin, conforme to pe lawis of pis realmé: As se will anuer to we pairupone. Subscriuit with our hand, at Halyrukehoufe, pe xij day of December, and of our regne pe xix xere.

[MARIE R.]

¹ In a great many instances the names of the pannels, &c., are regularly noted in these Scroll-books, which were evidently intended merely as Memoranda for the Clerk, from which to extend the proceedings, aided by the Dittays and other warrants, into the proper Records of the Court. The crime may be inferred from the designation of the pursuer.
Theft committed by an alleged Idiot and Minor.

Dec. 16.—James Guyld, indicted for Stealing, &c., as after specified.

Prelocutouris for the pannell,
Mr Thomas Mcalyane, Mr Alexander Sim, Mr Jhone Mofrlope, Mr Daid Maitland, Archibald Douglas of Killpindie, Andro Murray of Blakbarroynes.

Pereswars, Neill Layng, Maitier George Hackett.

Continued to Dec. xxiiij.—(Dec. 23.)—Mr Alexander Sym, as prelocutour for James Guyld, beand callit to vnderlye pe law vpone his lyff, algetit that he is minor, within pe 5eiris of xvij peir ald, as it may be considerit be inspectione of his face, lyik as he is in deid, and falbe profin gyff neid beis; and pairfoir aucht noct to vnderlye ane Afsyle vpone his lyif, nor to thoiull17 jugement pair-upone, nope18 be pe Commoun law, nor Municipale law, or vfe of pis realme. And attour19 pe barne him self is ydiot of natur, nor hes nocht pe knowlege to decerne pe perrell and pe feir of deid;20 and pairfoir aucht not for to vnderlye ane Afsyle, as faid is, of lyif: And forder, is subdewit21 to ane malancolius hvmour, naturalie defriendand from his progenitouris, fwa pat he is mair defyrs to dee nor to leif,22 as be experience is notour, be famekill pat his fader exponed him self findre tymes to pe perrell of deid, and Wald haue drownet him self in pe North Loch, wer nocht he was releved pairfra be nychtbouris; and fyclyik Maitier Walter Guyld, his fader bruder, occupit with pe fame hvmour, flew him self in Paris. And pairfoir, pe sait James, beand bayth minor, and approcet-and mair to pupillaritie nor23 maioritie, and occupiit with pe sait hvmour, mair willing to de nor to leif, and haifand na cuyr24 of deid, aucht not to vnderlye pe law for pe lybellit pretendit cryme, and aucht not to perife,10 suppois he wald peris, quia non auditor perire volens. And eikis11 allegeance, pat pe fame boy ranne findre tymes nakit to Ingland, and left his claythis12 behind him; and fwa may be vnderfluid pat he hes this said hvmour, as said is; and offeris him to preif pe sait allegeance sufficiencie.13

The Justice Findis, be Interlocutour, pat pe sait mater sould pass to Afsyle, nochtwithstanding ony allegeance, because of pe practik fene of befoir.

1 No farther trace appears in the Record. It is probable that Remission had been obtained, or that the case was remitted to the next Justice-aire. 2 Suffer. 3 Neither. 4 Moreover. 5 Death. 6 Subjected, liable to. 7 To die than to live. 8 Than. 9 Care. Lat. cura; viz. reckless, indifferent, or careless of death. 10 Perish. 11 Adds. 12 Clothes. 13 This Trial has been selected chiefly on account of the remarkable phraseology employed by the pannell's 'Prelocutour,' and from the curious enumeration of the articles stolen, as detailed in the Verdict.
VERDICT. James Guild, Convict, be deliverance of ye said Affiscis, of arte and parte of ye thiftius Steling and taking furth of ye purs of Elizabeth Danielstoune, ye spous of Neill Layng, hingand vnder hir aprone, in ye moneth of Apryll, vpon ane Monunday, ane mercat day of Edinburgh, cho been vpone ye Hie Streit, flandand at ye crame of Willeam Speir, indweller in ye said burgh, in comoning with him, ye tymne of ye putting of ane string to ane penner and yncombe quhilk cho had cost fra ye said cramer, of ane signet of golde; ane vther signet of golde, fett with ane cornelene; ane golde ring, fett with ane grite faphier; ane vther golde ring, with ane faphier formit like ane harte; ane golde ring, fett with ane turquhafi; ane small doublе ring of golde, fett with ane dyamont, and ane rubye, ane ald (old) Angell-Nobill, and ane Cufflett dukett.

[Archibald Earl of Ergyle, Justice General.]

Rioting to restore the Popish Religion, &c.

Dec. 24.—Master William Balfour, indweller in Leyth, found caution to appear on the last day of December, under the pain of 1000 l., to underly the law for the crimes following.—(Dec. 31.) Convicted by an Affise' of arte and parte of ye contravenyng and breking of our fouerane ladeis Proclamatioun, maid in ye moneth of August last bypass, etfrin hir hienes arrivell within his realme; chargenng in effect, all and findrie hir legis, be opin Proclamatione, at ye mercate-croc of Edinburg and yeris places neidfull, that pail and every ane of same fuld contene same selfiss in quetnes, kep peax and ciuile societie amangis same selfiss; and in ye meyntyme, quhill ye Estatis of his hir Maiestatis realme mycht be asemblit, and pat hir hienes had takin a finale ordour be pair avise and publict consent, pat nane of same tak vpone hand, privatlie nor opinlie, to mak ony Alteratione or innouatioun of ye state of RELIGIONE, or attempt ony thing aganis ye forme quhilk hir Maiesties fand publicklye and univerfalie standing at hir Maiesties arryving within his realme, vnder ye pane of deid; with certificatione, pat gyff ony subiect of his realme fuld cum in ye com-

† No traces are left on record of the fate of this poor creature; but it is likely that the punishment was trivial, and that his relations would be bound over, under penalties, for his future good behaviour.

‡ Thirteen burgesses.

§ The last remnant of the booths of the Cranemen of St Giles's Church, Luckenbooths, &c., were pulled down about twenty years ago, to widen the High Street. The Cranemen formed part of a small alley on the North side of the Cathedral. These were favourite love-tokens among all ranks, varying, of course, in value.

ν Turquois. Ducat. It has frequently been remarked, in the course of the present Collection, that the burgesses, as well as the nobility and gentry, were possessed of plate and jewellery to an extent greatly beyond what is now usual—and perhaps this may be accounted for from the difficulty of investing the large capital which many merchants and burgesses acquired in business or otherways. So ostentatious were the burgesses and their wives, that many legislative enactments were required to repress their passion for dress and finery. A reference to these sumptuary laws may prove not uninteresting to the curious inquirer into the manners and customs of this country.

‡ They appear to have been burgesses of Edinburgh. The only names of any note were The Laird of Spottiswoode, Mr James Watson, Mr Michael Cheishalmo.

* Until.

* H.
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trare heirof, he fuld be estemit and haldin ane Seditious perffone, and rafter of Tumult, and pe said pane fuld be execute agansit him with all rigour, to pe example of vperis; as pe said Proclamatione maer fullelie proportis;—be committing of pe opin and manifist crymes and offensifs eftir specifie, pe tymis eftir mentionat, repectieué, in maner following. In pe first, In pe moneth of November laft bypaf, as ane Seditious perffone and rafter of Tumult, contrair pe tenour of pe said Proclamatione, said opinie and planesie in my lord of Inuermethis Place of Reidcastell, that 'pe Religiooun now Reformit,' and miniftiationun of pe Sacraments according to Gods Word and institiuion, within pis realme, wer not of God, nor sit conforme to his Word; and pairfore pe samyn and pe Holy Communion fuld be vterlie abolifhit within twa yeiris nixt eftir pe dalt of pe said Contract;' and pairupon pactitit and maid ane Wodfit with pe Lard of Wateris. Item, pe said Mr William convict be pe said Aslyife as controowner of pe said Proclamation, be refone he accompaniit with certane wicked perffones, fawaris of discord and rafter of Tumult, vpone fett purpois, come to pe Parroche Kirk of Edinburgh callit Sanct Gelis Kirk, quhair Jhone Carnys wes examinand pe commoun pepill of pis burgh, befoir pe laft Communioun ministrat pairin, according to pe ordour takin and appointit be pe Minifter, Elderis, and Deacones of pe said Kirk; and pe said Jhone, beand demanding of ane pover woman, 'Gyff scho had ony hoip of salvatione be hir awin gud werkis? pe said Maifter William, in difpytefull maner, and with thrawin continance,' having na thing to do at pat tyme in pe said Kirk bot to trubill pe said Examinatoune, said to pe said Jhone pir wordis, 'Thow demandis of pat womane pe thing quhilk pow nor nane of thy opinione allows nor kepis!' And eftir gentill admonition made be (to) him be pe said Jhone, he said to him alswa pir wordis, 'Thow arte ane verray knaif, and pi doctrin is verray False, as all your doctrin and teiching is!' And pairwith lade his hand vpone his wapnes, and provokand battell; doand pairthrow, purpoislye, pat wes in him to haif refit Tumult amangis pe Inhabitants of pis burgh. Item, pe said Maifter Willeam is convict for breking of pe said Proclamatione, infafer as he, vpone pe tent day of December, in prefens of ane grite multitude and nowmer of pepill within pe Tolbuyth of Edinburghe, herand fum Gentilmen ipkand of pe Lords Supper was pan to be ministrat pe Sunday nixt eftir, in pe said Kirk, said pir wordis, 'Is pat your Communioun? The Devill birft me quhen euir it cumis in my belly! And pe Devill birft panie in quhais belly it cumis, for it is ane verray Devill.' Item, pe said Mr Willeam wes convict be pe said Aslyife of (being) ane Commoun and manifist blaspheumer

1 This extreme zeal may have originated from the notoriety of the Public Disputation between John Willox, the Reformer, and John Black, a Dominican Friar, which had been keenly maintained for two days, in summer 1561. Balf. Annals, I, 285; Leslie, p. 295; Mr Orie's Knox, &c. 2 With twisted or distorted countenance, i.e. in derision, twisting his features, or making wry faces.
of God and his Haly Evangel; and for ane seditious perfone and ane commoun auctour1 pairof.

Protestation by an Assisor exempted from passing on Assises.

The quhilk day, the said Master James Wafjoune, burgess of Edinburghe, being callit to pass vpone the Assise of the said Mr Willeam Balfour, compeirit in jugement befor the said Justice, and allegit that he fald nocht be compellit to pass vpone the said Assise, be refoune he wes ane perfone priviliegit and exemptit; and pairfor protestit that albeit the Justice compellit him at his tyme to pafs vpone the said Mr Williamis Assise, that he famin fald nocht hurt nor preuige him anent his privilege and exemptione, towart the paffing vpone the Assise of vperis perfonis to be callit and perfewit criminais befor the Justice, in tyme comung.

Privilege of Exemption from passing upon Assises and Inquests granted to the Inhabitants of Perth.

Feb. 17, 1561-2.—The quhilk day James Anderstone, burgess of Perth, comperit befor the Justice-depute, and pair producit our fouerane laudeis Letteris vndirwrittin, vnder hir signet, and subscruptit be vmq2 her derrest moder, the Quene Dowriar and Regent of hir realme, and vmq3 Gilbert Erle of Caufillis hir Thesaurare for the tyme; and for hir selff and in name and behalff of the Provest, Baillies, counsale, and communitie of the Burgh of Perthe, and defyrit the famyn to be obeyit: Qhilk defyir the said Justice-depute thocht reflowbill, and pairfor admittit and obeyit the famyn; off the quhilkis Letteris the tennour followis.

Marie, be the grace of God Quene of Scottis. To all and findrie our Lieutenantis, Wardanis, Admirallis, Jufticie, Juftice Clerkis, Schereffis, Stewartis, Baillies, Crownaris, pair deputis, Provost, Aldermenne, and Baillies of our burrowis and casteis, and all vperis our Officiaris, Jugis, Minifteris of our lawis, liegis and subditiss quhatsumeur, to quhais knawlege pier present Letteris fall cum, greting:

Forzamekiss as it is vnderstand to ws pat our Burgh of Perthe is ane dry Toune, far distant fra the See or to ony vper parte pairof, and the hail traffick and change standis be Crasfinen pat daylie and continewalie labours with pair bodis, quha hes na vper to leif on: And pat in pis trublus tyme bypaf the Inhabitants pairof hes bene put to grite and exhorbiteit expensifs, be summunand and compelling of jame, at all tyme, to cum furth of our said burgh, quhen the said chargis, and compair befor our Justice, his deputis, and vperis, jugis and Minifteris of our lawis of our realme, in paffing vpoun Aifyis, Inquestis, and vperwyis; threw the quhilk the said put to povertie, and may not indure sic chargis in tyme coming.

For echechewin of the quhilkis, and willand pat the saids be vft in semblabil maner in tyme coming as the Inhabitants of our Burgh of Dunbe, quha ar of grit prifance,4 fituat in mair commodis parte nor our said Burgh of Perth, hes Exemt be pirc our Letteris Exemis all and findrie the Inhabitants within our said Burgh of Perth and fredome pairof, in all tyme coming, fra all comperance befor 30w our said Justice, Juftice Clerkis, Schereffis, Stewartis, Baillies, Cryneris,5 Provostis, Aldermen and Baillies of our Burrowis, or ony vper Jugis within our realme, and paffing vpone Aifyis and Inquestis in quhateumeur actiounis and caufis, Criminais or Cloule, commitit be quhatsumeur perfone or perstones within our said realme; acceptand always, gyff the saidis crimines be commitit within our said burgh of Perth, or ane myill pairabout alanderie:6 And will and grantes the saidis Inhabitants nor

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1 Author.
2 The following marking is made on the margin, * Extract and sent to the Regent, in Maj 1569.*
3 Fr. puissance; power, wealth.
4 Than.
5 Crowners.
6 Excepting.
7 Only.
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nane of paism, for pair remaynyng and bydyng at hame fra pe faidis Affyellas and Inqueitis fall incur a danger nor skaith in pair perfones, landis or guidis, in ony wyse, and fall not be callit nor accust pair-foir, nopter criminalie nor surmunding in tymne cumin, notwithstanding ony Letters, Proclamationis or chargis quhastsumeir maid or to be maid in pe contrair, in ony perfones contenit pairintill; anent pe qahilk we dispens with tame and ilk ane of paism be pir our Letteris; dischargeing 30y and ilkane of 30w, and all vperis our Officeris, Jugis, ministeris of our Lawis, liegis, and subjectis quhastumeir prent and to cam off all summunding, charging, atteisfeching, arraifyng, calling, following, point- ing, difrenzeing, vulawing, trubling, or introtempting with pe faidis Inhabitants, or ony of paism, pair landis or guidis, in all tymne cumin; dischargeing 30y and ilkane of 30w vperwys parof, and of our office in pair parte, be pir ours Letteris. Geyn vdir our Signet, and subscribe be our derrett moder, Marie Quene-Drewriar and Regent of our realme, At Edinbur 4e nynst day of Junij, the 3air of God I® V. 1s. 3eiris, and of our regne pe xiiij 3eiris. MARIE R. GILBERTUS THRT. 1

The Laird of Gradane admitted to Free Ward, &c.
Ane Copy of ane Letter concernynge the Laird of Gradane.

Regina,

We nderstanding pat Andre Ker of Gradane, now being in Ward within our burgh of Edinbur, in pe qahilk he enterit himseff, at our command, for keeping of gude rewll; and feign his obedience, and gude mynd he beris to continew pairis, and willing to do ws servise as he falbe requirits:

Thairfoir, and vperis caussis and motiounis movng ws, We will, grant, and consentits, be pir prententis, pat his Ward be transportit firth of our fald bur∫ of pe Abbey of Newbottill, or ony vper parte four myll about our burgh of Edinbur∫, and pair to remane at fre Ward, siclyik as he is obligit to do within Edinbur∫: And will and gratitis pat he nor his fonerteis found be him for his remaynyng within our fald bur∫ of Edinbur∫ fall not be fummond, callit, nor accust for his departing firth of pe famyn, or breking of his Ward pairthrow, notwithstanding ony Actis or statutis of ours maid in pe contrair, anent pe qhaykis we dispens be pir prententis; provyng always, pat his fonerteis fund be befoir for keeping of his ward within our fald bur∫ of Edinbur∫, remane band pat he fall not eischew nor parte firth of pe fald Abbey of Newbottill, or boundis above expressit, vnder pe panis specifit in pe former Actis and bandis pairitoun. Subscribit with our hand, and under our Signet, At Lynythlqwe, pe xxvij day of Januar, and of our regne pe xx 3eiris.

Marie R.

Treasonable Slaughter and Murder — Poisoning, &c.

[In Insula vocat. Hali-Blude Ill. (Aisle) loco pretorii de Edr coram
Archibaldo Nepere de Merchisflone, Juicierio deputato.]

Mar 16.—Mr Adame Colquhoun, Convicted of art and part of the treasonable Slaughter and Murder of unq Robert Rankin, houfehold servant to Patrick Hamilton in Boglyid, by Poisoun and Intoxication thereof: And also, of the treasonable Intoxication of the said Patrick, his step-father, and Jonet, alias Jeane Boyde, his mother, endeavou Ring and intending to flay them by that secret method of Poisoun or Intoxication, administred by him to them in their

1 Gilbert, fourth Earl of Cassillis, Lord High Treasurer of Scotland. 2 The Court continued to sit in the Kirk of St Giles for a considerable period, probably until the building of the new Tolbooth was finished. 3 Intoxicationem ejusdem. The same remarkable phraseology was used in the Case of Lady Glammis and others of this and the preceding reigns.
dwellings-place of Bogfylid, in the month of January last.—Sentence. To be
taken to the Gallows at the Castle-hill of Edinburgh, and HANGED thereon
until he be dead; and immediately thereafter his body to be BURNT to ashes:
And all his goods, moveable and immovable, lands, heritages, annual rents,
tacks, office, places, bonds and polessions whatsoever, pertaining or which
might pertain to him, to be EMBEATED to the Queen.

PROLOCUTORS for ye pannale, Alane Cathcarte; The Larde of Capriotone, younger.

ASSISE.
Robert Boyd of Portnercro,  Jhone Crawford of Crawfordland, Hew Wallace of Maryfurd,
William Cunynghame of Cunyn-
hamish,  James Hammitone of Wodfylid, Hew Montgomery of Hefilbeld,
Jhone More of Rowallane,  James Affinlog of pat Ilk,
Stevin Tran, burges of Irwin,  Jhone Fairlye of pat Ilk,
Robert Cunynghame of Auchin-
 harry,  Patrick Montgomerye of Giffine,
William Cunynghame of Hackett.1

Baptising and Marrying, in 'the fashion of the Papistry.'

Mar. 17.—Sir James Arthure came 'in Will, for arte and parte of
pe breking of pe Quenis grace Act and ordinance, made in hir last Parliament,
eftir hir grace arryving within pis hir grace realme, be pe aywiß of pe Lordis of
hir hienes Counßal: And for Baptiffing of pe fassion of pe Papistry Jhone Milleris
barne, in Baquhartane, callit Andro Miller; witneßis to pe said barne wer
Andro Ruffale in Falkirk parochine, Alexander Arthure in Slamannane parochine,
and Mege Arthure, in Sanct Ninianis parochine, in pe moneth of November
laßt: AND for Baptiffing of ane barne, callit William Lichbody, fone to
Dauid L. in the same maner; witnesßis, Willeam Salmond in Baquhartane,
Robert Ker in Glentoir, and Ionet Weddell, in the same moneth: And for bap-
tiffing ane barne, callit William Boid, fone to Robert Boid in Westir Blairlin;
witneßis, Willeam Boid in pe Monkland parochine, Jhone Ker pair, Alesone
Ker pair, in pe moneth of Februar laßtbypast. ITEM, in Will for pe Baptiffing
of other thre barnes quhais names, faderis, nor witneßis he remembers nocht.
ITEM, in Will for pe Marling of Jhone Thomèone in pe Monkland parochine,
in pe alde and abhominabil Papit maner, with Margaret Quhiltlaw, in pe par-
ochine of pe Schotlis, the said Jhone hyvand maid ane band and promis to ane
viper woman, and pe said Margaret had maid ane promis to ane viper man, and
bath the fadis persones levand pair awin parochines for pe caulis fowrfaid, and
marlit be pe said Sir James, in maner fowrfaid, pai not beand proclamit thryß in
pe Kirk, as aucht and fould haue bene done, in pe moneth of November
laßtbypast.2

1 By markings on the margin it appears that the whole of the Assise, with the exception of the two
last, 'fyllit' the pannel, who must have been a person of considerable rank, in Ayrshire.
2 The
following notice is inserted on the margin:—'Extract and send to pe Regent, in May, 1569.'
Forelle Abduction — Alleged Rape and Ravishing.
Apr. 20, 1562.—Willeame Kincaid, Jhone alias Gyrie Kincaid, Jhone Stewart of Cragbyhall, Gelis Seicoun Lady Cragbyhall, his spouse, James Kincaid at the West Port,1 Andro Mowbray, and Jone Lyntoun, his spouse, and Jhone Inglis, taverner.—The Provest of Edinburgh comperit, and producit the Letteris, and defyrte the fourrète to be relevit; and als protestit, pat justice mycht be done vponge Willeame Kincaid and his complices for he allegit Revifing of Jone Aldioye; in repect, gyff ony sic Revifing wes maid, it wes done to he skayth and sklander of he Toune; and refusit always3 to be perfewar.

Comperit Jone Aldioye, and Mr Alexander Mauchane, for him self, and in he name and behalf of he remanent of he kinne and freindis, and declarit, forfamekle as our fouerane laides Letteris wes refit at the inence of he Aduocat, for certaine allegit crymes of Deforcing (and) of Reveging of Jone Aldioye, declarit, pat pair wes na cryme committit be William Kincaid and his complices, but pat scho paft furth of pis burghe of hir awin nef will, to contract mariage with he said Willeam; quhilk is ellis contractit and compleitit, conforme to hir promeil maid lang of befoir: And pairfoir, wald not perfew he saidis Letteris in ony maner of way. The Advocattis oft tymes callit, and not compeirand, the Justise-Deputtis take instrumentis pat pair comperit na manne to perfew.

This Case was nevertheless continued to the next Aire of Edinburgh, the sureties being, My Lord Sempill, Thomas Livingstoun of Hanyng, the Laird of Towche, George Home in Restoune, John Livingstoun of Prestoune, and the Laird of Innerleith.

Hurting a pregnant Woman — Child-Murder.
Apr. 23.—Helene Bruce, and John Willoun, her son, found caution to underly the law at the next Aire of Edinburgh, for the crewell Hurting of Jone McNech, and dinging of her be he hair, and poftling of hir with their feitt; quhairthrow scho pairit with barne.

Abiding from the Raid of Jedburgh.
Apr. 30.—Thomas Paterson of Caverhill, indicted to vnderly he law for he remanyng and byding of he said Thomas contemnpandis fra our fouerane laides Hoift and Raid, ordanit to meit hir deerest couling and brother, James Lord Stewarte,4 he xiiij day of November laft bypass, and fra thine5 to pas fordward with him to the burghe of Jedburgh, pare to remane be he space of xx7 dayis, and to refave sic directioune as falbe gevin to him, for quietnes

1 Continued from Apr. 15. 2 Thomas Kincaid was proven to have been furth of the realm at the time of executing the Letters, vis. March 21. 3 Nevertheless; at all events. 4 Already. 5 Contemtnously. 6 Afterwards Earl of Murray and Regent. 7 Thence.
of pe cuntre; incontrar pe tenour of pe proclamatioun maid pairupoune. Com-
peirit James Paterfone, Younger of Cauerhill,¹ and producit ane writting in
forme of Testimonial, quhilik he allegit to be written and subscribit be Jhone
Allane, allegit Curat² and Minister of pe parochine of Menner, for pe tyme;
notefead, hat pe said Thomas Paterfone of Cauerhill labours in ane hevy and
continuweill sicknes, instantielie, lyik as he has done fen pe moneth of December
laftbypaft, fwa hat he may not ryife furth of his bed without ane staff and help
of his seruandis, &c.—Denounced rebel, and his son americated 100 l. for his
non-appearance.

Abiding from the Raid of Jedburgh.
Apr. 30.—William Burnet of Barnis denounced rebel for the same
offence, and William Portwise of Halkfchaw, his cautioner, americated in 100 l.
for his non-appearance. A Testimonial from the same 'aglit Curat and Min-
ister,' as in the preceding case, was disregarded, though presented by William B.,
younger of Barnis, his son, stating his father to have been 'of pe aige of thre
soir ane zeiris, labours in ane hevy and continuwall fleshness of pe poplicie,' lyik
as hes done be pe spase of four zeiris laftbypaft; quhairthrow he is not abill to
travell to his parroch Kirk to heir pe Devyne seruice.'

Abiding from the Raid of Jedburgh.
George Ramesay of Dalhousy being callit for pe said cryme, gaff
in pis allegance following: hat at pe tyme of pe Conventioun and Raid ap-
pointed to be at Jedburgh, tyme libellit, and hail spase pairof, pe said George
wes vnabill, vexit with fic distreffis in his perfone, hat he mycht noch onnowyis
travell, nober on horfe nor fute to na spase; be refone his hail left fyid wes
fua occupiit and trublit with evill and malin' humouris, fic as he canne noch
declar nor specify, hat he hail arme, fingeris, and leg, on hat fyid, wer impo-
tent, quhairthocht hat he mycht not move pe fame; and specialie, pe said arme
wes sia dolorus one to him, hat he mycht gett na rest pairof be nycht nor be day;
and pairthrow and be vexatioun pairof wes drevin in ane fevir, and become
verray feik, and maire vnabill in his perfone, and pairfor wes not aftrickit,³
being impotent, as said is, to cum to pe said Raid, or biddin pairat, fen na man
is bund to impossibilite. And tuiching pe Quenis grace chargis, he, willing
to obey pe samyn at pe yttermoist of his power, send his seruandis and hou-
fald, fic as wald and fuld haue gane with him, gyff he had paft pair perfonalie,

¹ Cautioner for his entry. ¹⁻¹ Perhaps a Papiit, or one not recognised by the Ordinary; or
the Testimonial may have been informal, not regularly witnessed, &c.
² It does not seem very
clear whether paltry or sciatric is here meant to be indicated. ³ Malign.
⁴ Astricted, bound.
weill provydit and furneift, as apertainit to pe caus, in cumpanye with William Ramfay of Potting, his couling, to avait vpon MY LORD JAMES, now ERLE OF MAR, Lieutenant for pe time of pe Proclamationioun libellit,' &c. THE JUSTICE hes continewit pe geving of the Interlocuteur vnto pe xij day of May nixt to cum.—Sureties for his entry, William Ramfay of Poltoune, and Cuthbert R., burgese of Edinburgh:

(May 12.)—George Ramfay of Dalhousiff diffarentit to pe continuatioun, and offerit him ready to vnderly pe law, instantlie; and nocht withstanding, at pe command of THE QUEENS grace and pe said Justice Depute, fand souirte (to enter again on May 14.)

The following document is recorded at the end of a subsequent volume of the Record; and from the Café being afterwards referred to as a precedent, it would appear that the Licence had then been fully admitted. It has been thought of sufficient importance to be printed, to show the reader the form of such writs.

LICENCE to the Laird of Dalhousiff to abide from Raids, &c.

REGINA,

We, vnderstanding pst our weilbelouis seruitour GEORGE RAMSAY OF DALHOUSSEY is corpulent, subject to feiknes and infirmities, and may nocht weill inure trawell without danger of his lyfe; thairfor, and for divers vper resounabill causis and consideratiounis moving us, be pe tennour hereof grantis and gevis LICENCE to pe said George to remane and byde at hame fra all and findry our Hoftis, Raidis, Weiris, and Assemblies quhatsumeir, diuifit or to be diuifit within our realme, or outwith the famyn. And als, hes Exemt, and be þir our Letteris Exemis him fra all compereance and passing vponne Assyfis, Inquefis, or bering of Witnesfing, in all actionis criminal, befor quhatsumeir Juge or Jugeis within our realme, for all pe dayis of pe said George lyfisyme; and will and grantis pst the said George pair for fall incur ne danger nor skaith in his perfoun, landis, nor gudis, nor salbe callit for pe famyn, criminales nor civillie, nocht withstanding quhatsumeir actis, flatutis, lawis, proclamations, or chargeis quhatsumeirs, in generall or in speciale, maid or to be maid in þe contrair heirof, or ony panis contenisi thairintil; anent the quhilkis We dispensa be þir preffenti. Discharging heirof all and findry our Justice, Justice-Clerk, Wardanis, Lieutenenstis, Scherifis, Stewartis, Baillies, Crowaris, Proovetis, Baillies and Eldermenne of Burrowis, and all vtheris Jugeis and minifteris of our lawis, preffent and to cum, thair deputis, of all atteiching, erreifing, summoning, calling, following, valuing, or proceeding aganis pe said George Ramfay, his perfoun, landis, or gudis, in ony wayis for pe premiffis, and of pair offices on pat paite for euir, be þir preffenti. Prowyding alwyis, that the said George Ramfay of Dalhousiff furnefis and send his honorabill housshald, with one of his speciale freindis, weill furnefis, conforme to pe Proclamations to be maid pairapounse. SUBSCRIT with our hand, and vnder our Signet, At Ed., pe xiiij day of Januar, the seir of God 16,V.,ixij 3eris.

(MARIE, R.)

Abiding from the Raid of Jedburgh.

WILLIAM CUNYNGHAME of CUNYNGHAMHEID charged for the same crime, and his son, ' the young Lard,' americated for his non-entry to underly the law.

1 Owing to the imperfection of the scroll-book, it does not appear what sentence followed; but from the following Licence being recorded, &c. it is probable that he was fully acquitted.
CRIMINAL TRIALS.  A.D. 1562.

Abiding from the Raid of Jedburghe.


Assigns.

Alexander Horsburch of pat Ilk, William Murray of Romanno, Jhone Pennycake of pat Ilk.
Jhone Cokburne of pe Glenne, George Tait of Pyrne, Jhone Houstoun in Lany, Mr Robert Wyrname in Gogar, Ja. Wyrname in Gogar-milne, William Vaiche of Kinglyd, Jhone Stewart in Craydall, Dionese Elphinston of Henderson, James Feddes in Preiftisfild, George Dundas of pat Ilk, Alex. Woidlaw of Kilbabitone, Robert Scott, burges of Pibilis.
Alexander Creichtone of Newhall, Robert Fairlie of Braid, Thomas Hamiltoun of the Grange, belse Levingston, Thomas Sande-landis in Murchouslykis, and five others, found the Laird of Calder surety for their entry on May 12, ' to vnderly deliverrance of pe said Affife. Item, pe amluer of pe partis pe cum in Will, and vperis of pe said pannell, written in ane throuch,' in paper.—(May 12.)—James Stevintoun of Hirdmanchelleis became surety for their entry on Jun. 15 next.'

Convocation — Feud with the Laird of Balthayok.

May 2.—John Charteris of Kinfawnis, David his brother, and thirty-nine others, found surety to underly the law, on May 15, ' for arte and parte of pe Convocation of our fouerane laides legis, to pe nowmer of xxiiij perfonis, and cuming vpon pe Lard of Batheok (Thomas Blair) and his complices, and geving of jame inuiuris wordis; and diuerse vperis crymes speciefeit in pe Letteris.' He protestfed, ' pat pe finding of pe fouertie to pe day fairfay be na prejudice to him, becas he is one Parroche-Clerk; and ficyik protesttit, pat pe finding of pe fouertie for pe saidis perfones preiuge not pe privilege of pe Regalitie of Scone, within pe qubitik pei dwell; bot pat pai may be replagit pe day fairfaid as pis day.'

Feud with the Laird of Kintawans — Slaughter.

Thomas Blair of Batheok; Alexander Blair, apperand of that Ilk; William, Patrick, and John B., sons to the saif Thomas; Alexander Blair, Tutour of Balmyll; Thomas, son to Alexander Blair, younger of Batheok; William Kymmond of Hill, Thomas Frifell of Kynnell, William Haldene of Kelour, John Moncur of Chapeltown, James Monorgane, apperand of that Ilk, and forty-one others, found Gilbert Monorgan of that Ilk, and John Kynard of Inchefture, sureties for their entry on May 15, ' to vnderly pe law for pe crewell

1 Wardlaw?  2 A leaf or broadside of half a sheet.  3 No farther traces of this and the following Cases occur, owing to the loss of an intervening scroll-book.  4 And therefore, as a Churchman, was alone liable to the jurisdiction of the Church Courts.
Slauchter of vmq Alexander Raa, burges of Perthe, and diuerse vperis crymes contenit in pe Letteris.

**Slauchter.**

May 6.—William Fergusone and William Wrycht, both in Restfellrig, were convicted by an Affife of arte and parte of pe crewell and unmercyfull Slauchter of vmq Jhone Borthwik in Restfellrig, at pe bak of his awin gard pair, be way of Hamefucken, vpone ald ffeid, fett purpois, provifion, and foirthocht felonye, vpone pe xx day of Apryll laftbypast.

**Sentence.** That thay fale had to pe Caftell-hill of Edr, and pair pair heidis strikine fra pair bodeis with aine sword: And pat all pair guidis movable fall pertene and be inbrocht to our fouerane lady, as hir escheatt.

**Slauchter.**

May 9.—John Sibbett (Sibbald)1 deait for art and part of the cruel Slauchter of Archibald Ballingall in Bunzeounie, in September 1560, between Balquharr and Bunzeounie, in the shire of Fife, befitting his way; committed on forethought felony.

**Sentence.** The quhilik day baihth pe faidis parteis deyrit our fouerane ladeis Writting to be infert in pe Bukis of Adiornall, and deyret pe autentik copy payrof.

**Regina,**

Justice Clerk and your deputie, We greet yow well. Forfamekill as pe nyxt day of Mai nixt to cum is asflignt to our louist Jhone Sibbett, to vndirly our lawis in pe Toluith of our burgh of Edr, for arte and parte of pe Slauchter of vmq Archibald Ballingall, brueir germane to William Ballingall of pat Ilk; and for summuding of ane Affylfe agane pe faid day, our vperis Letteris ar direct to pat effect. And ffeing pe faid Jhone penitent, of will and mynd to mak fatisfaconne to pe kin and freindis of pe faid vmq Archibald, according to his puissance and habilitie. Thatpfoir it is our will, and We defire soow to refue pe faid Jhone in will at pe faid day, and to latt him to libertie and fredome, as our free liege man, to pe effect pat he may labour for him self, and agré with his partye. And faylge not heerin, as pe will ansuer to ws pairupone; kepand pîr presentis for you Warrand. **Soubcriuet with our hand, At Sanctandrois, pe xiiij day of Apryll, 1562.**

Mr William Scott of Balwery ounit, in name and behalfe of pe faidis

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1 This is the first instance where the Editor has, in the earliast Records of this Court, met with the mention of a sword having been employed by the public executioner, by order of the Justiciar, for decapitation. It is by no means improbable that death had been inflicted on the murdered man by that instrument, and that the Judge, to make the punishment still more striking, had judicially ordered the self-same weapon to be used for their decapitation.

2 The name was at this period indiscriminately spelt *Sibbett* and *Sibbald.*

3 This case savours strongly of bribery of the Crown Officers.

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† 3 H
perloewaris, Patent William Ballingall of patent Ilk, Alefone Gowray, his moder, David B., brouer of vmq Archibald B., nerrest kin and freindis of pe said vmq Archibald, wer informit Patent pe said Jhone Sibbett had impretrat ane writting of pe QUENIS grace, product be him, ordaning pe Justice, Justice Clerk, and his deputis, to refaye pe said Jhone in hir grace will, vpone finitier information; and that becaus, as he allegit, pe said Jhone, be him self, his kin and freindis, had focht to haif fatisfet pe pairtye for pe said slauchter, at pe vs termoft of pair power, and pat on nawyis will accept pe samyn; albeit pe said William and freindis wes ay reddy, lyik as pat ar gest prouin presentlie to hau haif commonyng and acceptit gud wyis, at pe ficht of freindis, for pe said Slauchter; theairfoir protetis for remeid of law aganis pe said Writting, as impretrat vpone fals narratoun.—To pe quhilk anfuerit Mr David M’gill, as prelocutour for pe said Jhone Sibbett, patent nochtwithstading ony Writting pat he had impretrat be our fouerane (lady), he acceptis pe offir of pe pairtye, and is content at pe fycht of freindis, to do pe vs termoft of his power for Afflythment\(^1\) of pairtye.—Allegis Jhone Sibbett, patent nochtwithstading his innocence of pe aid ffeid\(^2\) contenit in his accusatoun, hoipand firelie pe QUENIS grace to try his innocence pairof, he sempliciter cumis in will for pe Slauchter committit vpone aid ffeid and foirthocht felony; and vnder protestation for ciule defenflis aganis pe pairtye.’

He was accordingly received in Will, and found Robert Lundy of Balgony, Mr William Lundy, far of that Ilk, and David Sibbett of Lethome, to satisfy the parties.

**Murder of the Laird of Frude.**

May 11.—PATRIK HUNTER, John Hunter, Burges of Edinburgh, John Burn, in Over Poffo, George Paterfone, in Hairstane, and William Glen, servant to the Laird (of Furde), were Acquitted of art and part of the cruel \(^4\) Murther and Slauchter of vmq\(^3\) James Twedy of Frude, in pe houfe of William Twedy, burges of Edinburghe, in pe moneth of December laft by paft; committit vpoune aid ffeid,’ &c.

PRELOCUTORS for pe pannale, Mr Jhone Moccrop, The Laird of Carmichaell, The Laird of Caltermans, My Lord Sempill, Jhone Haye.


MR CHARLES GEDDESE, Robert Fockhert, and William Blaklaw, were denounced rebels and put to the horne, and Sir John Maxwell of Terriglis, kn\(^1\), their furety, was americated for their non-appearance to underly the law for the fame crime, which is staled to have been committed within James Twedy’s chamber or hall, within the burgh of Edinburgh, the Laird being feated at the time in a chair before the fire, slepeing; and that his Murderers attacked him

\(^1\) A composition made with the kin of a slaughtered person as a solutium for the loss of the life of their deceased relation.  
\(^2\) Old feud.
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in that defenceless state, and mortally wounded him before he could raise himself up, or parry their blows.

Taking Thift-boat — Allowing a Thief to escape.

May 13.—ALEXANDER MAXWELL of TELING found Sir William Bruce of Erlilhall, knt, surety for his entry on Jun. 28, to underly the law ‘for taking of Thift-bute and Compositioune fra Andro Cuhyne, ane Theif; and latting of him to libertie.’

[The Scroll Court-book, from May 13, 1562, to May 17, 1563, has been lost. The succeeding Volume, which is a small quarto, is marked ‘Aucht Buik,’ and extends from May 17, 1563, to May 17, 1564.]

Celebrating the Mass — Attempting to restore Popery at Kirk-Oswald, Maybole, Paisley, &c. — Conoration, &c.

May 19, 1563.—JOHN ARCHIEBISHOP OF SANCANTOYD, and forty-seven others, charged for the crimes after specified, viz.—

ROLL or List of the rest of the persons on panel.


* The ASSYSE FYLIS and CONUCITIS the saidis Hew Kennedy of Blair-

1 John Hamilton, natural son of James, first Earl of Arran, well known as the author of a Catechism printed at Saint Andrews, 1552. After the battle of Langside, from which he vainly attempted to dissuade the Queen, he fled to Dumbarton Castle. He afterwards fell into the Regent Moray’s hands, on the Castle being surprised and taken, and was hanged, at Stirling, Apr. 1, 1570. * He is afterwards called Brune.
CRIMINAL TRIALS.

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quhynnnye, Malcolm, Commandater of Quhithorne, Dauid Kennedy, S' Thomas Montgomery, and S' William Tailzefeir, of the controuention of our fouerane ladeis Act and Proclamation une, chargeing all hir legis, that every ane of that fuld contente them selfis in quietnes, keip pex and ciuile societie amangis them selfis, and that none of them tak vpone hand, priuatie nor opinlie, to mak any alteratioun or innowatioun of the Stat of Religion, or attempt ony thing aganis them forme quhilk hir grace fand publicitie and vnuerfallie standing at hir arrywell within this realme: That is to say, he said Hew Kennedy and Dauid Kennedy, be making of Conocatioun of our fouerane ladeis liegis, to that newmer of twa hundreth perfonis, bodin in feir of weir, with jakkis, iperis, gunnis, and vjeris wapnis inuauslie, of pair causing, command, fortsefeing, and ratribution, vpone them aucht, tent, and ellevent dayis of Aprill lastbypaft, cumand to be Parroche Kirk of Kirkosueell and College of Mayboill, respectu, and that opinlie maid Alteratioun and Innowatioun of he said Stat of Religion quhilk our fouerane lady fand proclamit, and uniuersallie standing and profefft at hir arryvel within this realme, ministrand and abusand on pair pretendit maner, irreverentlie and indecentlie, be Sacramentis of Haly Kirke, namelie, be Sacramentis of his Body and blood of our Lord Jesus Christ, vper wyis and eftir ane vper maner, nor be publict and generall ordour of this realme: And he said Malcolm Commandator of Quhithorne, Schir Thomas Montgomery, and Schir William Tailzefeir, ministrand and abusand, on pair pretendit maner, irreverentlie and indecentlie, in this moneth of Aprill forfaisd, in the Place of Congiltoun, the Sacramentis of Haly Kirk of his Body and blood of our Lord Jesus, vperwyis and in ane vper maner nor be publict and generall ordour of this realme, refaft and profefft at our fouerane ladeis arryvel, contenit in he said Proclamation une: And that in respect of pair Confeffion of his famyn in jugement.

Sentence.—Thairfoir he saidis Malcolm Priour of Quhithorne, S' Thomas Montgomery, and S' William Tailzefeir, were adugit to be put in Ward within the Castell of Dumbartane. And he saidis Hew Kennedy and Dauid Kennedy to be put in Ward within the Castell of Edinburg, thair to remain during this will and plefeour of our fouerane lady.

Assisa.

Jhone Maxwell of Terrigis, knou. The Sheriff of Air, The Lard of Rowallane, 
Andro Lord Stewarte of Vchiltrie, The Lard of Cunyghameheid, Hew Cumynghame of Watterfloon,
The Lard of Lochinvar, 
Hew Wallace of Carnell, James Chalmer of Gaigirth, 
The Lard of Glengarnock, The Lard of Crawfordland, Jhone Dumbar of Mchirme, 3
The Lard of Caprintoun, younger, MrJo.Fullerton of Dreghorne, Gawane Dumbar of Baldone.

1 See Oct. 1, 1563, &c. 8 My Lord Flemyn grants the right of the Priour, &c., 'to enter in Ward within the Castell of Dumbartane,' 
1 It is believed this was the Laird of Mochrum.
21 MAR.  CRIMINAL TRIALS.

THE same day, Jhone Archiebishop of Sanctandros,1 Maister Jhone Mcquhyne, elder, Maister Andro Daudifone, Dene Willeam Lepar, Frier James Jhoneftoun, Alexander Somervell, Mr Jhone Mcquhyne, youngster, Schir Jhone Hammiltone, Curat of Paflay, Schir Jhone Craig, Schir Jhone Elder, Schir Jhone Vry, Schir Jhone Broune, Schir Jhone Dunlop, Dene David Brance, become in Will to our fourane lady, for Conuocation of hir hienes liegis in þe moneth of Apryll lastbyaff, in þe toune of Paflay, Kirk, Kirk-zard, and Abbott Place pairof, openlie, publiclie, and plainlie tuke auricular Confession of þe faidis per-sonis in þe faidis Kirk, Toune, Kirk-zaid, Chalmeris, barnis, middingis, and killogeis2 pairof; and pairthow makand Alteratioun and Innovatioun in þe stait of religion, qhilk our fourane lady fand publiclie standing and profest at hir Maiesties arrywvell within þis realme forfaisd, ministrand and abufand, irreverentlie and indecentlie, þe Sacramentis of Haly Kirk, namlie, þe Sacramentis of þe Body and blood of our Lord Jesus, vzperwyis and after aen vzper ordour nor þe publict and generall ordour of þis realme wes þe tymie of þe Quenis Maiesties arrywvell forfaisd.

INTERLOCUTOR. And pairfuir, þe faidis personis fand fourtie þat þai fald entir in þe Wardis after specilis, pair to remane during our fourane ladeis plesour: That is to say, þe faid Archiebishop of Sanctandros, within þe Castell of Edinburghe; the faid Alexander Somervell, within þe Toune of Perth; þe faid Mr Jhone Mcquhyne, elder, within þe Toune of Sanctandros; the faid Freir James Jhoneftoun and Mr Andro Daudifoun, within þe Toune of Edinburghe; þe faid Curat of Paflay, within þe Toune of Sanctandros: And þe remanent persones forfaisd, dis-chargit of our fourane ladeis grace, in respect þai fand fourtie þai fald not in ony tymie cunning controuene þe faid Act.

The faid Mr Jhone Mcquhene, youngster, become in our fourane ladeis Will. for controuenyng of þe faid Act and Proclamationoun, in ministring of þe Sacra-ment of þe Lords supper in þe Place and parochin of Rosdew, in þe Place of Paflay, þe tymes forfaisd repectivit, after our fouranis arrywvell forfaisd.—The faid Thomas alias Schir Thomas Robefone in Will to our fourane lady, for controveynung of þe act and Proclamationoure in Patrick Jacksonis house, in Reinprewe, and in þe Place of Garsequadd, in þe Levenax, þe

1 In a Cauton book, which fortunatly has been preserved, the following entry is recorded:

2 APUD Edinbrough, xxxvii Julij, anno, &c. xxxvii. The quhilik day, William Simpil of Thridpate, and Michael Nasmyth of Pollo, became pleigis and fortetis, comnuclie and feuerllie, for ane maist reverend fauder in God, Jhone Archiebishop of Sanct Andros, now being in our fourane ladeis Ward within the Castell of Edinburghe, for his becam in hir Will to hir Justice, for his contro-venyng of hir Adiornale and Proclamation vnder writiss, as at mair length is content in þe Actes of Adiornale maid pairmpone, That he fall nocht controuene the Ordinance and Proclamatione maid be hir grace anent þe Religion qhilk hir Maiestie fand publiclie and vnnerfaisd standing at hir arrywvell within þis realme futh of þe parts of France: And on na wyse publiclie nor privatlie mak innovations or alterations pairof, or attempt any thing against þe faum, ruder þe pane of Thre Thowland pandis.

(Sic faherbitur) William Symyll of Thridpart, Michael Nasmyth of Pollo.

2 Kilns for drying grain and malt.
tyme forfaiid, in ministring of þe said Sacramento, &c.—The said Schir Jhone Lytil, in Will for þe cryme forfaiid, done be him þe moneth aboue wrettin, in his awin chalmer, in þe place of Halket, and in þe said Patrik Jaksonis hous in Renfrew.—The said Schir William Harbertstone, in Will for þe cryme aboue wrettin, committed be him þe tyume forfaiid, in þe hous of James Grahame in Glasgow.—The said Mr Willem Wynsett, in Will for þe forfaiid cryme, done be him in þe hous of Davyd Lyndsay in Glasgow, þe tyume aboue wrettin; and þairfor in Ward in þe toune of Sanctandrois.—The said Schir Robert Hill, in Will for þe cryme forfaiid, done be him in þe hous of Jhonne M'Kmaire in Provane, þe tyume forfaiid.—The said Schir Jhone Colwill, in Will for þe cryme forfaiid, committed be him þe tyume aboue wrettin, within þe parroche Kirk of Cathcart.—The said Mr Matho Fleyng, in Will for the famyn cryme, committit be him þe tyume and maner forfaiid, within þe toune of Ruglene.1—The said Schir David Fergusone, in Will for þe famyn cryme, committit be him within þe Parroche Kirk of Neilstone, þe forfaiid tyume.—The saidis Robert Galbrayth of Garjeadene, Henry Houstoun Schir Andro Burrell, Archibald Mure, Mr Jhone Hamiltoun, Subchantour of Glasgw, Patrik Jackson in Renfrew, Gabriell Maxwell of Stanele, in Will for þe cryme forfaiid; and þairfor þe said Henry Houstoun wes put in Ward in þe toune of Kinghorn, þe said Lard of Stanele in þe toune of Cowper, þe said Subchantour in Sanctandrois, and all þe remant remittit.—The said Mr Robert Crichtone, parfone of Sanchar, in Will for þe cryme forfaiid, committit be him in þe Parroche Kirk of Sanchar, þe tyume forfaiid; and þairfor in Ward in þe burghe of Perth.—The saidis Jhone Gordon of Barkeocht, and Schir James Carjone, in Will for þe famyn cryme, committit þe tyume and maner forfaiid, in þe place of Barkeocht; and þairfor þe said Jhone in Ward in Brechin.—The said George Kennedy of Blarquhynoch, in Will for þe forfaiid cryme, committit in his awin Place, be Dene Adame Maxwell; and remittit be our fouerane lady.—The said Willem Hamiltone, Tutor of Cammiskeith, Majer Mathew Ngebit, Davi Boyd, Jhone Lymburner, Alexander Wodburne, in Will for þe famyn cryme, committit in maner and tyume forfaiid, in þe Place of Cammiskeith; and þairfor þe said Willem in Ward in Montroise.—The said Schir Alexander Lummisalaid, in Will for þe famyn cryme, and remittit—Dene Gilbert Kennedy, Dene Michell Dewar, Schir Willem Allestone, Schir James Kennedy, Schir Thomas Mure, remittit of þe saidis crymes be our fouerane lady.

Burtin the Laird of Closburne — Slaughter.
May 19.—John Carrutheris of Helmondis (Holmaines), George

1 Rutherglen.
and William his sones, Edward Irrewine of Bonshaw, David Irrewine of Robgill, William Bell of Alby, Gwayne Jhonestone of Perifbeall, Symone his son, William Jhonestone of Hayhill, and others, their accomplices, delaited of the Hurting of the Laird of Clofburne (Roger Kirkpatrick), and crewell Slauchter of pe remanent perfones forfaiidis, viz. vmb John Kilpatrick in Rig, Edward his brother, John K. in Schelgeir, Peter M'kene in Lynkelands, John Roger in Bartimefland, David Anderfon in Coffsode, and Andro M'knek in Clofburnetonne.—Sir James Hammiltone of Bairfurd, kn', americated for not ' again-bringing' the Letters duly executed, &c.

Slaughter.
May 23.—Patrick Robertstone of Dulcbane, ' delatit of pe Slauchter of vmb Alex Reid, tuke him to his Remiffone, and fand James Campbell of Ardkindlas, with him selle, fonerties, conjunctie and feueralie, for alythment of partye, as law will.'

Oppression — Casting down Houses, &c. — Houghing Cattle, &c.
Jun. 3.—Hary Hepburne, and Eightye-seven others, ' citineris of Brechine,' found caution to underly the law at the next Justice-aire of Forfar, ' for pe allegit Conuocationoun of our fouerane lades liegis, to pe nomer of ij' perfonis, or paarby, bodin in feir of weir, vpone pe xvj day of Marche laft bypast, command to pe dwelling houffis of John, Hew, and Alexander Downy, tennentis and feruandes to Robert Cullefe of Bannamyn (Balnmoon), dwelland within pe barony of pe samyn, and ferchit and focht peame for pair Slauchteris, and crewelly strak and dang peame, with rungis 2 and Stalfes, mony blaw 3 and bloody stretkis; and pareftir keift 4 pair houffis doune, cuttit and diftroyit pair plewis 5 and harrowis, and schamefullie hocht 6 and flew pair gudis 7 and scheip, to gret quantitie.

Feud between the Citizens of Brechin and Tenants of Balmamoon.
Robert Cullesse of Balnamyn, John Smyth, and sixty-two others, ' tennentis and seruandis to pe faid Lard,' found John of Erkine of Dvinne surety for their entry at the next Aire of Forfar, to underly the law ' for pe Conuocationoun of our fouerane ladies liegis, to pe nomer of ane hundreth perfones, or paarby, bodin in feir of weir, vpone pe xvj day of Marche laft bypast, vnnder fylence of nycht, cumand to pe Burrow-Rudis of pe cietle of Brechine, and ferchit

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1 Celebrated of late years as the farm of the Poet Robert Burns. 2 Bludgonis, cudgells; rung generally denotes a huge shapeless stick, such as an undressed branch, &c. 3 Blais, discoloured. 4 Cast. 5 Plougha. 6 Houghed, hamstrung. 7 Live-stock; cattle. This species of vindictive malice was but too common in these times of lawless violence. Many similar instances may be found in this Collection; but, unfortunately, they are too numerous to need special reference in this place. The retaliation will be seen in the next Case.
and focht certane Inhabitantiis pairof for pair Slauchteris, and destroyit pe turvis¹ beand vpoun the faid Muir.

**Forgery **— *Falsing* an Instrument?

Jun. 26.— *Schir Constene Miller* (Notar publict?) his right hand wes aduiit to be strikine fra his body, at pe Mercate-croce of Edinburghe, vpone ane scaffold, at ane flouwp² And he to be Banist pis realme perpetuallie; and neuir to returne within pe samyn agane, vnder pe pane of deid.³

**Witchcraft.**

Agnes Mullikine, alias Bessie Boswell, in Dunfermeling, wes Banist and exil for Wichecraft."⁴

**Borne-stealing — Guiding English Thieves, &c.**

Jun. 30.— *Lyell Hall* Convicted by an Affile ⁵ off arte and parte of pe thiftuous Steling and conceilling fra Alexander Lord Home, furth of his landis of Gordoune, in pe moneth of July, the 3eir of God I"V"lvij 3eiris, of four horfis: ITEM, of pe thiftuous Steling fra Thomas Cranstone, bruthir sone to pe Gude-manne of Thirstane-manis, in pe moneth of August, pe 3eir of God forfaid, of ane gray horfe, price xl merkis: ITEM, of Commone Thift, commone Reflett of Thift, outputting and inbringing betuix cuntre and cuntre, commone gyde to Inglis Thevis.—Sentence. To be *Hangit* on pe Borrow-muir of Edinburghge quhill he wer deid.⁶

Assisa.

Jhone Home of Coldinknois, kn¹, Andro Ker of Fawdonfyid, Harrie Davidfone of Camis,
Andro Home of Nynewellis, Jhone Hoppringill of Muirhouse, Thomas Hunter of Halkburne,
Ralff Halyburgion of Muirtoun, Jhone Home of Carrelfyid, James Carnecofis of Allanechaw.⁷

*Umbesetting the gait* — Hurting and Wounding.

Jul. 6.— *Patrick Eviot of Balhousseye, John Ros of Crayye,* James his brother, John Cargill, William Morestone, and William Ros, found caution (*My Lord Ruthvene*) to underly the law at the next Aire of Perth, for *arte and parte of pe Vmbesetting of pe gait to Andro Ramfay, burges of Perthe,* and Hurting and Wounding of him in diuerse partis of his body.'

*Umbesetting the gait* in Perth, &c.

Andro Ramesay, burges of Perth, and fourteen others, found caution

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¹ Turf, or peats, in the process of drying or winning.
² The nature of his crime is not specified; but, from the measure of his punishment, it is likely to have been the Forgery of a Notarial Instrument or other Writing. See Feb. 5, 1563-4.
³ This is the earliest existing Case, in the Records of the High Court, of this nature; and it is almost the only instance of so mild a sentence having been pronounced. See the Appendix.
⁴ The rest are burgesses of Edinburgh, &c.
(Lord Ruthvene) for their entry at the next Aire of Perth, to underly the law for 'Vmbsetting of the gait to James Ros, broper to pe Lard of Cragy, within pe burgh of Perth, and Invafoune of him for his Slauchter, in pe moneth of Januar lastbypast.'—'Mr Clement Lytt, prefecutor for James Ros, and pe rest of his collegis vpoune pe pannell, afkit instrumentis, pat Andro Ramfay, burgs of Perthe, grantit he wes put to pe horne, and allegit he wes relaxit pairfra, and schew na thing pairupone: And pe said Mr Clement allegit, pat he fuld not haif place to perfew, quhill he schew pe samyn.'—INTERLOCUTOR. The Justice ordanis pe said Andro and pe rest contenit in pe Letteris of Hornynge, quhilkis ar put to pe horne, to remane in Warde quhill pai schaw pair Relaxatiou.

Slaughter.

Jul. 7.—JAMES WOD OF BONYNGTOUNE, William his brother, and Alexander Guthrie, Messenger, found Lord Ruthvene cautioner for their entry at the next Aire of Forfar, to underly the law for 'arte and parte of pe Slauchter of vmb' Mr Hew Guthrie, vnder pe Caftell-wall of Brechin, in pe moneth of Februar 1548 zeiris; vpone ald theid, fett purpoise, provisone, and forthocht felony. Critenane Retray,¹ and William Tyrie, 'now hir spous,' purfuers, 'pasfis frae pe perfute of pe Lard at his tyme; quhairupone pe Lard tak instrumentis.'—The said William Wod 'afkit instrumentis pat he requirit pe Lard, his bruder, to rede pe speciell Remifione grantit to him and pe said Willeam and vperis for pe said Slauchter, to pe effect pat he mycht vfe pe samyn. The said Lard 'anuerit pat he had already product ane Remifione sufficient for pe said Willeam for pe said cryme.'—Mr John Hepburne in Brechin and John Low became Sureties alongside the said William for Afflythment of party.

Convocation — Boughing and slaying Cattle.

Jul. 14.—WILLIAM CRANSTONE OF THAT ILK, James his brother, and George Wodderat, in Lawder, found caution⁴ to underly the law at the next Aire of Selkirk, for 'arte and parte of pe cuming to pe seting of Williamishoip, pertenyng to Alexander Hoppringill of Craiglethe, and ferchit and focht him for his Slauchter; and crewelly hocht⁴ and flew thre noilt.⁴

Hamesucken — Boughing and slaying Cattle.

ALEXANDER HOPPRINGILL OF NEWHALL, George his brother, and George his son, found surety⁵ to underly the law at the next Aire of Selkirk,

¹ Probably widow of the deceased. ² The Laird of Hundle (Rutherford), William Scott of Tuchelaw, and Walter Scott, 'apparand' of Tuchelaw. ³ Hamsrung. ⁴ Cattle. ⁵ John Hoppringill of Tulles knowis (Tullesknowis?) and George Hoppringill of that Ilk.
for 'Conuociatione of our fouerane ladeis liegeis, in pe moneth of July 1556, se ries, cumand te be stedig of Hawtherne, pertening to William Cranstone of pat Ilk, in heretage, and be waye of Hamefuckin, hocht, flew, and destroyit xl ky.'

Stowth and Reset of Stowth — Resetting Englishmen, &c.

Jul. 20.—WILLIAM SCOTT of TUSCHELAW and his accomplices, having been accused by the QUEEN’s Advocate of ‘Stowthe and Reflett of Stowthe,’ Robert Elliot of Bellelie was americated for not ‘again-bringing’ the Letters duly executed and indorsied.—And the Laird of Tuschelaw was likewise americated for not again-bringing the Letters, &c. purchased by the QUEEN’s Advocate against ROBERT SCOTT of HORSLEHILL, ‘to vnderlye pe law for pe Refetting of Inglifmennene, and Thistuu Steling of cermr Oxin.’

Mutilation.

Jul. 21.—ALEXANDER HOPPRINGILL of CRAIGLETHE, and George, his son, found Alex. H. of Tulleknowsis’ surety for their entry at the next Aire of Selkirk, to underly the law for the ‘Mutilatione of Jhone Scott of his rycht arme.’

An Heiress finds Caution not to Marry ‘ane cheif Tratour, or othere brokkin man of the cuntre.’

Sep. 13, (apud Ed*.)—The following remarkable Bond is recorded in the Caution-book, (‘Liber Plegacionis,’) which, fortunately, has been preserved. ‘The quehilk day, Thomas Borthik of Prynco and Michael Borthik of Glengelt become plages and fouerteis, conjunctlie and seueralie, for MARIONE CARUTHERIS, oone of pe twa heretrices of Mowswald, that Echo fall not marie ane cheif Tratour nor yer brokkin man of pe cuntre, nor joyne hir self with ony sic perfone, vnder pe pane of ane Thoufand pundis. In witnes heirof pe saudis fouerteis hes subcriuit pis Act with pair handis, day, zeir, and place fairstaidis. (Sic subscribitur) MYCHELL BORTHUIC of Glengylt. THOMAS BORTHUIC of Prynco.’

Carrying Pistolets, &c. — Cumult at Holyroodhouse.

Oct. 1.—ANDREW ARMSTRANG and George Rynd, burghes of Edinburgh, found surety to underly the law, on Oct. 24 instant, for art and part of breaking the QUEEN’s Acts and Proclamations, in carrying sundry ‘Pisto-
Celebrating the Mass within the Chapel of Holyrood — Raising Tumult for Altering the Religion, &c.

CHRISTIAN PYNEKERTOUN, the spouse of James Roger, and twenty-one others, 'delatit for arte and parte of the cuming to pe CHAPELL of our foueran ladeis PALICE OF HARYUDEHOUSE, vpoun the aucth day of August, the seir of God aboue writtin, and pair oppinillie making Alteratioune and Innovatioune of the stait of Religioun, qubilk our foueran lady fand publicllie and vnuerlaye standing and professit at hir arryvynge; ministrand and abusand, of pair pretendit malan, irreuerentlie and indecently, the SACRAMENT of pe Body and blude of our Lord Jesuf, vpirways and efirr ane vpir maner nor the publict generale ordour of our foueran ladeis realme; ¹ like as, pai haif violat and tranfgresfit pe commandemnt of pe said Proclamationoun, publicllie, daylie, and containewale, efir pair inordinat appetite and piefour: And swa, becumyn commoun manifold tranfgresfouri, violatouris, and brekaris of our fouerane ladeis Proclamationis, and as feditious perpens, raferis of Tumult and publict Vпроir aganis the commoun peax and quietnes of the realme: And swa, aucth to be adjuigit and pvnafil to the deid with all rigour.—Continued to Nov. 13. The names of the rest of the pannels may perhaps be considered interesting, though persons moving in the lower ranks of society.

Mr John Mofcrope became surety for the entry of Cuthbert Murray, 'now being at pe saill,' befoir pe Justice or his deputtis, vpoun xv dayis warnyng efir his hame-cuming. Archibald Treince, Jonet Chalmer, his spouse, and John Broun, merchant, were denounced rebels, &c. and their cautioners unlawed.²

¹ See May 19, 1563. ² On a sea-voyage. ³ No farther notice of this Case occurs. After Nov. 8, a blank of nineteen pages is left in the book, apparently for the purpose of entering proceedings between that date and Jan. 8 following, which had probably been noted in another Memorandum book, or by another Clerk on loose sheets of paper now lost.
COMMENDATOR OF KILWINNING FED FROM WARD.

Oct. 8.—GAWANE COMMENDATOR OF KILWINNING presentit the Quenis Maiestis writting, and decriit the samyn to be registrait in the bukis of Adjornale; off the quhilk the tennour followis.

REGINA,

We, for certane caufis movins ws, grantis and gavis Licence to Gawane Commendator of Kilwinnyn to deporte out of the Town of Striuling and certane spacios pairabout, qubairin he is now presentis Wardit at our command, and to pas and do his lefyl benefis qubair he pleisis, within pis our realme: And willis and grantis that he nor his fonertis fail incur na danger pairthrow, nor to be callit nor accussit pairfair; and to pat effect willis and commandis pe Justitie Clerk, or vperis relatius of pe said fonertis, to deleit pe actis of pe samyn purs of pair bukis, for keeping of pe said Ward, be pis our writting, subscrit with our hand, AT STRIULING, pe xxvij day of September, 1563.

MRIA R.

CONVOCATION — WOUNDING — MUTILATION.

Oct. 30.—DENE JOHNNE DWRE, Monk in Dunfermling, was 'replegit be Dauid Durye, fone, and apperand air of pe Lard of Dwrye, baullie of pe Regalite of Dunfermling, who affigned pe penult day of November, delatit of pe Convocatione of our fourane ladeis liegis, to the nowmer of xxiiij perfones, bodin in feir of weir, &c., vpoun pe xxiiij day of July instant, vndir seilence of nycht, and setting vpoun Dauid Murray in Kerfe, and Anthoune Ruderfur, vp on pe HIE STREIT OF ED. quhair pai were gengand to pair beddis, to pe Chalmer of pe young Abbot of Dunfermling, in fobir and quiet maner, &c.; and pair Invading thaim for pair slauchteris, and crewalye Hurt and Woundit the said Anthoune in four fyndry pairtis of his heid, in his craig, in his right leg, at pe kne, and dierfie vperis pairtis of his body, to pe greit effusion of his blude; and mvtialat and maed him impotent of his said rycht leg; and left him lyand for deid: And ajs, crewalye Hurt and Woundit pe said Dauid Murray in his heid and dierfie vperis pairtis of his body, to pe greit effusion of his blude; and Mutilat and demembrit him of his left arme.'—JAMES AND ARCHIBALD MOWBRAY, brothers of John M. of Barnewowgall, Robert and James Bertane, brothers, and Patrick Thomfoun, son of Thomas T., burgesa of Edinburgh, Richard Thomfoun, son of Edward T., baker there, and Thomas Henferfoun, 'Maitler of the Fenise-juile,' were denounced rebels, &c., and all their moveables escheated, for art and part of the said crime, and their cautioners unlawed for their not entering to underly the law, &c."
Convocation — Wounding — Mutilation — Deforcing an Officer — Imprisoning, &c.

Jan. 8, 1568-9.—JOHN CARMICHAELL OF THAT ILK, John his son and heir-apparent, Archibald his brother, James Johnstone of Wefraw, and thirty-one others, delatit of arte and parte of Convocatione of our fourane ladies liegis to pe noumer of ane hundreth personne, or pairby, bodin in feir of weir, with jackis, speris, swerdis, steil-bonettis, and vperis wapnis invasive, incontinetie of pe tenour of pe Actis of Parliament, vpone pe nynt day of November lastbypaft, come vpon Thomas Hammilitoun, Officer of pe sherefdome of Lanark, Jhone Jhoneftone, sone to vmq* Halbert Jhoneftone of Wefraw, and Jhone Wod of Stoniefyd, as witnesis and affisteris to him, in furth-setting of our fourane ladeis auctoritie, at pe Cruikbaitt, quhair pe said Officer was gungand and dryvand ten heid of nolt, to haif apprisset paim at pe Mercate croce of Lanark, be reselie pe Watteris wes grate, and pai mycht not wyne pe nerreft way; and pair maisterfully reft pe faiis guidis fra pe said Officer, and pairthrow deforcit him in executioun of his office and of pe said Precept: In takin quhairesof he brak his wand of peax 1 vpone pame, and tuke witnesis pairupone: And incontinent fett vpone pe faiis Jhone Jhonestone, Mr Archibald Hammitoun, 2 and Jhone Wod, and inuudit paim for pair slachtteris; and crewelly Hurte and Woundit pe said Jhone Jhonestone with ane sperir throw his rycht hand; and als hurte and woundit pe said Mr Archibald with ane sperir in at his henche, 3 and furth at his fundement; and siclyik hurte and woundit pe said Jhone Wod in pe bak fyd of his heid, and dememberit him of ane pece of his ne(fe, quhairthrow he wantis pe rycht vfe pairof, eftir he was tane and holdin prisioner to paim, and in diuerse vperis partis of pair bodcis, to pe effuizione of pair bloode in grote quantitie, and left pe said Mr Archibald lyand for deid; vpone ald ffeid, fett purpois, provifione, and forthocht felonye: And pairestir tuke pame prisioneris and captives, and refainit pair wapnis fra pame, and held pame at pair plefour: And speciallie, tuke pe said Jhone Jhonestone captiue and prisioner with pame to pe Place of Carmichaeell, pertenining to Jhone Carmichaeell of pat Ilk, quhair he and pai held him in prifone, be pe spacie of xvij hours or pairby; and pairestir brocht him to Lowthiane, quhair pai held him be pe spacie of five dayis or pairby; and fyne, vpon pe said xv day of November, transportit him agane furth of Lothyan to pe Place of Cobytoun, perten센터 to Jhone Lyndesay of Cobintoun, quhair he and pai held him be pe spacie of thrie dayis or pairby: And laft of all, vpone pe xix day of pe said moneth transportit him furth of pe said Place to Carmichaeell, quhair pe said Lard and pai held him be

1 See Jul. 23, 1566, Note; Oct. 11, 1581, Notice; and Nov. 18, 1511, for some illustrations of this official ceremony in cases of deforcent. 2 See Jan. 10, 1568-9. 3 Haunche.
The Lord of Stanehous vnlawit for nocht agane-bringing of þir Letteris
vpone þe Lord of Cobingtone.

Perswaris (Jhone Jhonesfon, Jhone Wed) Prelucionuris—David Hammilton, fone to my
lord Dukeis grace; The Lord of Stanehous, The Lord of Lemmyngton, The Lord of Prefone, Arch'd
Hammilton of Muretoun.

Prelucionuris for þe pannal—The Earl of Mortone, The Lord Somervell, Gawane Carmichael,
Young Kitchimuir, Mr Tho. McCalzane, Mr Jhone M'Scrope.

The prelucionuris for þe pannale and pairtye defendand, allegit þat þai fuld
not be put to ane Aﬄyife for þe allegit defforcement contenit in þe said Letteris,
vnto þe tyme þe said defforcement were frst ciuile defforc; be reßone þat, of þe
daylie practik of þis realme, all defforcementes before þai be Criminalie perſewit
ar deßcident befør þe Ciuill Juge. To þe quhilk anfuerit þe pefewaris, and our
fouere ladiis Advocattis, fayand, þat þe said defforcement aucht to be deßcident
befoir þe Justice, in reſpect of þe libell, conforme to þe Letteris, without ony
decifion þairof befor ony Ciuill Juge; be reßone þat þe said defforcement is
libellit to be committit with Conuocationu of our fouere ladiis legis, with
foirthoch feſony and Oppreffione, all concurrand.—Quhairupone ather of þe
pairteis deſyrat INTERLUCTION, hinc inde.

The Justice Depute, with ayiſe of þe Aﬄiſſuris continuwt the furth-giving of þe Interlocu-
tor quhill Monaday nixt to cum: And deßcernit to proceed vpone þe remanent crism contenit in
þe saids Letteris.

ITEM, þe prelucionuris for þe pannale and defendouris allegit þat na proces
may be led agains þame for þe allegit taking and prifoning of Jhone Jhonesfon,
becaus na wrang wes done to him þairby, be reßone he wes not, þe tyme of his
allegit taking and prifonyng, oure fouere ladiis fré liege manne; but wes þan,
and be þe space of . . . zeris of-beſoir, continentali, and þan infantilie, oure
fouere ladiis Rebell and at hir horne, denuncit and put þairto be vertew of
hir Letteris in defaut of ſnding of lau borrowis that . . . . . . . falshe harmelles
and skythles of him, vnder certane panis contenit pairin: And, for vereſeing
þairof, producit þe saids Letteris indorſate, in ſgment; and allegit, þat þai
mycht leſſely halft takin and prifonit him as oure fouere ladiis rebell, and vſt
and handlit him mair extremelie, gyff þai plesit. To the quhilk it was anfuerit
be þe pefewaris and our fouere ladiis Aduocatti, that þai on na wyis
affermand þe execution of þe said Hornyinge be to be veretie, allegit, þat þe said
Jhone Jhonesfon, þe tyme þairof, wes minor and of leſ-ſaign, nocht doli capax,
and thairthow þe execuction þairof mycht not extend to prifuge him in þe

1 Assessors. These were Lords of the Privy Council, &c. Their names are seldom given in the
Books of Adjournal, as it is believed they took the duty by turns daily.  
2 Left blank.
perfute of his action; especialie, in consideratione pat be pe spacre of aucht or ten zeiris, or pairby, he wes repute and haldin our fouerane ladies fre liege, haunand na pairty to perfew him vpone pe said Hornying, and did and exercit all lefyll actis, enter him selff in jugement and owtwith without objeictione of pe said proces of Hornying; and pairfoir, proces mycht be led be pe Justice depute againis pe said pairty perfewit for taking and apprehending of him conforme to pe tennoir of pe said Letteris.

The Justice depute, with avyfe of pe Assesbouris, continewit pe Interlocutor vpone pe said allegeance and anser quhill Monunday nixt to cum, Ordains fouirté to be tane be pe pairty perfewit for pair entré to pe said day to heir pe saidis Interlocutoris pronunci.

James Erle of Mortoune, Lord of pe Regalitie of Dalkeith, replegit pe said James Johnstone of Wefraw’ to his Regality—and, with consent of parties, fixed the third day of the next Aire of Dalkeith. James Lord Somervell, surety, &c.

The Laird of Carmechaell unlawed for non-entry of Robert Twedy, his servant, and John Hunter in Brigton-dyik, who were each denounced rebels, &c.

(Jan. 10.) The Laird of Carmichael, his sons, two servants, and three others, came in Will for Connocation of oure fouerane ladeis legie, and Hurting and Wounding, vpone suddentie, of Mr Archibald Hammiltone, Vicar of Sanct Cuthbertis Kirk beyde Edinburgh, and Jhone Wod of Sonnylyid, to pe effusion of pair blood, vpun pe nynt day of November laft bypaft.—The Justice Ordained them to pafs and enter pair perfonis in Ward, vpone pe North fyid of pe WATER OF SPEY, within xx dayis nixt estir pe dait heirof; and pair remane in Ward during our fouerane ladiis Will. And siclyik, pe said James Johnstone of Wefraw, of his awin consent and fre will, oblift him to enter in Ward within pe bounds foiluidis, within pe fame spacre,' &c.

James Lord Somervell became surety for their entry at the next Aire of Lanark, to underly the law for all the other crimes contained in the Letters.

The Laird of Carmichael, &c. ‘ar actit and oblift, of pair awin consent, to remane and keip pe said Ward; and not to purchase our fouerane Ladiis Licence to returner furth of pe samyn for pe spacre of zeir and day nixt to cum, with(out) consent and avyfe of my Lord Duke of Chettelarait had and obtenit pairupone,’ &c.

False Notary — Forging an Instrument, &c.

Feb. 5.—Sir James Cowdene, Notar Public, Convicted by an Affife ‘as ane fialler, for pe fials forgeinge, making, and fheinzeing of ane pretendit Instrument, writtin and fubscriuit be his hand, and vndir his ligne-manuale, in favoursis and at pe instance of Maister Nicoll Ruthirfurd: In respect that the
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faid Sir James confeisit, in Jugement, in presence of the faid Justice and Affyise, þe making of the faid Instrument, and þat the famin wes fænæit and ðals; and that he wes solisfet, tyisit,¹ and perfwadit be þe faid Maifter Nicoll to do the famyn. ITEM, the faid Mr Nicole Ruthirfurd² Convict be þe faid Affyise of plaïne and manifesït ðalslet, and as ane ðalsler, in æte and parte with þe faid Sir James in his ðalslet in making and fænæing of the faid ðals ðis Instrument, throw his perwiaïone, folisfiaïone, and tyisïng of the faid Sir James to mak þe famyn in his favours: And þat, in respect that he confeisit his folisfiaïone and tyisïng forfaid, and that he wes the diuysïre and inventare of the faid ðalslet.—ORDANIT to pas in Ward within the Tolbuythe of Edinburʳ quhill þe Justice wer forthir awyfit vpoune þair punïshïment.³

Forging and Uttering False Coin, &c.

Thomas Peblis, Goldsmïth, sone to vno⁴ Mr Jhone Peblis, burges of Edinburgh, Convict be deluërane of þe Affyise forðaid of æte and parte of þe trexonabill making, contirfung, and fænæing of þe Irnis⁵ vnder wriët of our fowerane ladis cunze,⁶ that is to fay, Of þe prenting irnes of aue Testane, aue Halff-Testane, aue Non sunt, and of aue Lyonæ callit þe Hardheïd: And of þe trexonabill cunæing, prenting, and stërking with þe faid Irnis of dëueræ fæls Tetsonis, half Tetsonis, Non funtis, and Lyones callit Hardheïdis; and Owtputter þairof, as for our fowerane ladis trew cunze, amang hir liegis, dislawand pame þairwith þis lang tyme bygane; speciallie, in þe monethis of August, September, October, November, December, and Januar laft bypaßt. To þe takin,⁷ vpoune þe nynt day of Januer laft bypaßt, eftir þat þe faid Thomas had put owt certane of þe ðals Lyonæ forðaidis, callit Hardheïdis, to ane pover woman, as for þe price of ane burding of coillis, ðëco come to þe mercæte of þis burcht, þairwith to by' fëc thingis as wes necelfar to hir; quhaìr ðëco wes taynit⁸ with þe fайдis ðals Lyonæ; And þe faid Thomas being nemmit be hir to be hir warrand, and deluërer of þe faid ðals ðunæe to hir, Dauid Symmer and vper Bailies of þe burcht of Edinburcht come with hir to þe faid Thomas chamær, within þe famyn, to fëche him for tryell of þe veretie; quhaìr he held þe dur of his faid Chalmer cloïfe vpoune him, and wald not sufler þame to entir, quhill⁹ þai brak vp þe dur þairof vpoune ȝou (him), and enterit perforce þairin; and þe faid Thomas being inquirit, ' Gyff he had gevin þe faid pover woman þe faidis

¹ Enticed. ² He is styled in the forged Deed along with Margaret R., 'executorius' to vno⁴ Janet Rutherford; and seems to have been a relative of George R. of Hondely, in favour of whom the forged Deed was concocted, for the purpose of restoring to him, as heir at law of Jonet R., the lands of Woodhall, in the barony of Reidhall, and shire of Edinburgh. ³ No farther notice is taken of these Cases in the Record. ⁴ The Irons or dies from which the Coins were struck. ⁵ Coin. ⁶ In token or proof whereof. ⁷ Buy, purchase. ⁸ Charged, accused, attainted. ⁹ Until.
Lyonis, be þe faidis Bailleis, for þe price of hir coillis? Confeißit þe samyn: AND his chalmer being ferchit, þair wes diuerfe of þe faidis irnis, allsewilling funkin and vmfunktin, togider with þe faidis sials Teftanis, Non funtis, and Hardheidis, fundin in þe samyn; and confeißit to be gravin and maid be him and his collegis; and als, þe said Thomas had caffin diuerfe væris of þe faidis Irnis and fals money þe tyne he held his chalmer, in his clofett; lyik as he confeißit þe fame in prefens of þe Justice Clerk: And þat in respect of his Confeßione maid in Jugement, in prefens of þe said Justice Depute þe said day.

SENTENCE.—To be Hangit on ane geibet, at þe Mercate-croce of Edinburch, his heid to be fyrkyne fra his body, and his body querten; and his heid and members to be put and hanging on þe maist patent Port of Edinburgh. And þat all and findrye his gudis, movabill and vmmovabill, money, gold, filuer, merchandisfe, takis, rounes, fidingis, rentellis of landis, reuerfionis, bandis, heretagis, annuellentis, possitcionis, and væris his heretabill rychtis and lyferentis, fuill pertene to our fouerane lady, and be in hir handis, be refone of escheatt, &c.; and þat he hes floirfalt þe famyn for euir.

‘Umbesetting the gait’ — Slaughter.

Mar. 14.—Andrew Sinclair, alias Myllare, at the Mylane of Trottoch, within the sherißdom of Forfar, was repugnated to the Regality of Keryemuir1 by Archibald Dowglas, baillie of Archibald Earl of Anguis, delatit of þe Slauchter of vmq2 Robert Smyth, at þe Myll of Trottoch, in Vmbesetting of his gait at þe Bitter-burne, lyand betuix þe Toune of Dunde and þe said mylne, in þe moneth of December laft bipaft; and þair straik and puncheit þe said vmq2 Robert vndir his feit, and left him lyand for deid: Of the quhilkis straikis he neuer convalesfitt, bot within ten dayis þairestir deceñit pairof; and swa wes crewaly flane be the said Andro, vpoute auld ffeid and foirthocht fellonye.'

Persewaris, John Smyth, eldeft fone to vmq2 Robert; Archibald Smyth, brother-fone.

[Archibald Earl of Argyle, Justice-General.]

Murder — Common Theft — Resett — Sorning.

Mar. 15.—James M'Dormond, John M'Graffycht, and Malcum M'Clarene, Convicted by this Affîse of ‘Murthour, Commoun Thift, Ressett, and Sorning.’

ASSISA.

Wm. Carninghame of Glengarnock, Alex. Abircrumby of þat Ilk, Robert Haldene,
J. Bucquennane of Camrous, Johne Murray of I aichlaw,3 Alexander Drummond of Megonr,
John Bucquennane alias Walter- Walter Berclay of þat Ilk, William Drummond of Balloche,
sonne, James Mentyth, Dionyeffe Dog,
The Lord of Drumquhaiffill,4 Walter Bucquennane of Drum- Andro C.,5 fernand to Drum-
... Bucquennane of Lany, qhaiffill.

1 Mar. 38 was assigned to administer justice, &c. 
2 'Cwnnaghame.' 
3 Id.

†3 K
CRIMINAL TRIALS. A.D. 1564.

COINING FALSE 'BALBEIS' (BAWBIS).

Mar. 20.—MAISTER DUNCAN FORBES OF MONYMUSK, and Johne Forbes of Petfligo, his brother, found sureties (Alex. Home of Manderstoune, and Johne Lumidene of Blanerne) that they 'fall compeir befor our soverane and Lordis of Countisie, vpoune xv days warnyng, as thay be chargeit thairto, to se farther tryell taiken anent the allegit cumzing of false cumzing Balbeis; ilkane of the faidis perfonis vndir the pane of ane Thowfand markis, conforme to the deliurerance gevin be the QUENIS grace thairpoune.'

SLAUGHTER.


PERSWAR, Johne Spens, fathir-brother to vmq" Adame, as one of his kin and freinds.

PRELOCTOURIS for the pannell,
PRELOCTOURIS for the perswar,

MAGISTRATES OF EDINBURGH FOR SETTING A PRISONER AT LIBERTY.

Jun. 6.—MAISTER JOHNE SPENS,*1 DAVID SYMMER (Somner), MR ROBERT GLEN,* (Bailles,) Eduard Houpe, James Barrowe, Alexander Park, (Treasurer,) Mr Johne Mariorbankis,† Alexander Naper, Archibald Grahame, Allane Dickesfoune, Michael Gilbert, Alexander Bruce, Mr Johne Preftoune, James Adamesfoune, Cuthbert Ramesy, (Councillors,) and Alexander Guthrie,* ('Commoun scribe of Ed'— Town Clerk?) delated for 'artie and parte of the putting to libertie of Williame Paterfoune, burges of pe fad Burghe, furth of Warde of pe Tolbuihtm of Edinbur', eftir pe fad William had recetely hurt vmq" Nicoll 3ourng, he being lyand in perrell of deid; like as, he, within xxiiij hours eftir his putting to libertie, deceifit of pe fad hurtig.*

PERSWARIS, The Quenis Adovaties, Robert 3oung, faper; John and William, breper, Johne 3., writer, James 3., cutlar, (James 3., feruand to Mr John Abircrumbie;) Archibald Naper of Merchamestoun, and the remanent kyn and freinds of vmq" Nicoll 3oung, tailour.
PRELOCTOURIS for the pannal, Mr David Borthwik, Mr Thomas Mcalisteane.

Mr David Borthwik askit instrumentis (that) the faidis perfonis comperit as prelocoutouris for pe perfones perswaris.

*1 Those marked * were 'Difchargeit be pe party and Adovaties.' * Those marked † were bound over to underly the law at the next Justice-aire, or to appear before the Justice, whenever they should be requested, on xv days' warning. * See Aug. 11, 1564.
ARCHIBALD DOWGLAS of KILPINDIE, PROWEFT of PE BURCHT of EDINBURG, BECAME FOUERIE FOR PE ENTRIE of MAISTER JOHN SPENS, &c. BEOIR PE JUSTICE or HIS DEPUTTS PE TENT DAY of JUNIIR INFIANT.—MR ROBERT CRYCHTOUNE AFKIT INSTRUMENTS VPONE PE PRODUCTIONE of PE QUENIS GRACE LETTER, AND DEFURYR PE SAMPYN to BE REGISTRAT; QUIHAROF PE TESNOUR FOLLOWIS.

REGINA,

JUSTICE, THEFAURER, JUSTICE-CLERK, ADVOCATIS: SFORAMKEIK AS PE DAY AFFX for PERFEWING at OUR INFIANCE, AND OURSE ADVOCATIS, OFF PE BAILLIES AND COUNSALE of EDINBURGH, FOR PUTTING TO LIBERTIE and FREDEME FURTH of OURSE WARD PE COMMITTERIS of PE SLAUGHTER of VMQ NICOLL YOUNG, BURGES of EDINBURGH, VPWNIFF, IN COMPTIONION of OURSE AUCTORITIE, IS PE FEXT DAY of JUNIIR NIXT to CUM, IN OUR TOLBUIT of ED: QUAIRPOR, SEN PE SAID ACTIOUN TENDIS KEICLIE TO OURSE HONOR AND AUCTORITIE ROYALL, AND AS TO PE GEIR BURT of PE PORE FREINDIS of PE SAID VMQ Nicoll, IT is OUR WILI, AND WE CHARGE YOU, PEAT 30 with ALL DILIGENCE AWYSEF with PE SAID ACTIOUN, AND LETRES DIRECT PAIRPOUN; AND PE DAY AFFXPairto, PROCEED and DO JUSTICE in PE SAID MATER, CONFORME to PE LAW and JUSTICE without ANY DELAY or CONTINUATIONE. AS PE will ANSWER to US VPOUN PE EXECUTIONE of 30URE OFFICES, SFOR IT is OUR WILI and MYND PE SAMIN be DONE. SUBSCRIVIT with OURSE HAND AT EDINBURGH PE LAST DAY of MAIJ, the 3EIR of GOD IN VXIIIR 3EIRIS.

(MARIE R.)

DAVID SYMMER, FOR HIM SELF, AFKIT INSTRUMENTIS that the JUSTICE DEPUTE DECLARIT, that he and the Remenant his Collegis VPOUN PE PANNALL FULD HAIF but FAX PRELOCUTURISS.—THE LARD of MERCHAMEFSONE DECLARIT, that pe Walde PE PERFEW NA MAN VPONE PE PANNALL VPIONE His LYFE, bot DAVID SYMMER ALIANERLE; and that, becaufe he is Furelie PERFWADIT, Alwele be WATITING as COMMONING HED BETUX HIM and the SAID DAVID, that he was CULPABILL of the CRYMES CONUNIT in the LETTERIS.—JOHNE YOUNG, &c. AFKIT INSTRUMENTIS that thai COMPERIT NOCH AS PRELOCUTURISS FORFAIDIS to PERFEW PE PANNALL, OR UNY of Jame, of PAIR LYVES; bot ALIANGERLE 1 INFARF AS PE ACTIOUN is HURTFULL to PE FREINDIS of VMQ NICOLL YOUNG, REMITTAND PE PERFUTE PAIROF, OF PE QUENIS GRACE ACTIOUN, to HIR HIERE ADVOCATIS; bot INFARF AS PE LETTERIS BERIS UNY ACTIOUN of PAIRTYE, CONCERNING PE FREINDIS 2 of PE SAID VMQ Nicoll, PAT PAI WALD PERFEW PE SAMIN AGANIS FA MONY of PE PANNALS AS PAI WALD NAME. VPIONE PE QUMILIKS PE PERFONIS PERFEWIT AFKIT INSTRUMENTIS.

MR DAVID BORTHWICK ALLEGT that THE JUSTICE-CLERK MYCHT NOCHT be CLERK in this MATER, NOR VOIT 3 THAIRINTILL, BECAUSE he and the LARD of MERCHAMEFSONIS WYE WES FITTER AND BRETHIR BARNIS, 4 and that thair WES BARNIS BETUX the FAID LARD and his SPOUS.—THE JUSTICE, be HIS INTERLOCUTOR, FAND the JUSTICE-CLERK WAS ORDINARE, 5 AND MYCHT NOCHT be REMOVIT.

The SAID MR DAVID ALLEGED, DILATORIE, that the SUMONIS is FA generall that the SAMIN can NOCHT PAS to ANE AFFISE, BECAUSE it CONDITCENDIS DE NULLO GENE CREMINIS CAPITALIS, in SPECIALE, that may REFLAIT ANE PARTICULAR dyet. He also AFKIT INSTRUMENTIS, in NAME of ALEXANDER Guthrie, that the ADVOCATIS and PERFEVARIS PAIT FRAN the PERFUT of the FAID ALEXANDER Guthrie.—THE JUSTICE, THEFAURER, and

1 Only. 2 Blood-relations. 3 Vote. 4 Cousina-german. 5 Judge-Ordinary.
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Aduocattis, requirit Alexander Guthrie, Common Scribe 1 of Edinburghe, in
our soueran ladesis name, to exhibit and produce befoir thame, incontinent, the
commoun Buik quhairin the Actis anent the relieving of Wiillame Paterfoune
ar contenit...

The said Mr Davyd allegit, that thair can be na accusatouni heir towar ar pe
perisones on pe pannell, becaus thir Baillies ar Jugeis Ordiner, havand power of
incarceration; and infar as thair ar accatif of the out-letting of this man, as
the fummondis is libellit, it contenis na cryme; becaus it is nocht libellit, that
this man lattin furth is nowther convict of ony Homicide, or fugitive fra THE
QUENIS lawys, as in verity he is nether convict nor callit vpone that crime; and
in caife he wer perfewis, the man mycht entir and indure the lawys of this
realme: Becaus Slauchter may be committit in a mannis defence, and he is able

to vnderly the law for the famyn, as oft hes bene practit. 2 And thairfor, the
perisones on the pannale can on nawis be perfewis, except it wer libellit that the
said man ovt-lattin wer owther convict or fugitive.  Repetit the same allegence
towart Modcrepe.

Maifter Thomas M'caizane 3 allegit the libell wes nocht relevant, becaus it is
foundit vpone the allegit latting out of Ward of Patterfoun and Modcrepe, aganis
the Baillies and Counfale of Edinburgh, without ony qualificatoun how latting
out of Ward is ane cryme to thame; but allanarlie qualifand to that effect,
that thairthrow thai schew thame felsis favouraris of pe saidis Paterfoun and
Modcrepe, and contenmit thairthrow THE QUENIS auctorité, in hynderance of
justice, &c.: Qublikis qualificacionis contenis na cryme, without it wer said thai
affisit to the cryme.  And the latting out of Wardouris is na contemp nor
viurping of THE QUENIS auctorité, in perisones that hes THE QUENIS auctorité
of prifoning, and in put ting and outputting, as the Baillies of Edinburgh hes,
and hes bene in continuall possefioune thairof, past memoric of men; nocht
libelland, that thair extendid 4 thair powar, havand fic. 4 And allegit, hynderance
of justice can nocht be ane cryme, speciallie as is libellit, qubhair it is nocht
libellit that the principale caus is nocht discusit.  And qubhair it is allegit, that
the famin wes aganis the lawys, thair is na fic lawys; and desyrit to knaw the
famyn, and aganis quhat law thai contrauenit, and quhat pwnifiment the law
requiris.  And attour, allegit, that thair wes fraus neque dolus libellit, at the
leif sufficientlie qualifeit, qubilk may induce ony cryme.

The perfewaris, Robert 5young, father, and John 3young, brother, of the said
vmq Nicoll, gaif thair aithis 7 de calumpnia, that thair hed gude actuione to per-

1 Town-Clerk.  2 Habilis; liable.  3 Decided, as a practique, or precedent.  4 Af-
terwards Lord Cliftonhall, father of the celebrated Enfame Macalpoane, who was burnt, for Witch-
craft, in the succeeding reign.  See II, 247, &c.  5 Exceeded.  6 Having such.  7 Oaths.
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laws all the partes contenit in the act producit, viz. Mr John Spens, Dauid Symmer, Mr Robert Glene, Bailleis; James Barroune, James Adamesoun, Edward Houpe, Alexander Park, Mr John Prestoune, and Cuthbert Ramfay.

The Advocatiss answeris, that the libell is speciale, and relevant aneuch, and full be putt to the knawlege of the Affise, notwithstanding the faidis allegances, in respect of the same libell, and of ane Act producit be the Advocat, and subseruitt be Alexander Guthrie, of the daft the xv day of Marche 1563.

(Jun. 10.)—THE JUSTICE, be awyise of his Affeisouris, REPELLIS the allegances aboue writtin.—The pannel protestit for remeid of law.

Maifter Thomas M'calzane, prelocutor for James Barroun, and the remant pannel perfewit, as being vpoun the Counfale of Edinburghe, by the Baillies, that had Jurifiction of inputting and outputting of perfones; allegit, that inuafar as thay ar perfewit, being vpone the counfale of the latting out of the perfones libellit, and can nocht be repute to thame as ane cryme, that thay ar nocht subjict to vnderly an Affyis for that deid, as allegit criminall, becaus the deid to the qhilkil thay ar allegit to haift gevyn counfale, is nocht certane to haift bene criminal of the self; for it followis nocht, that quhan thair is ane man lattin out of prefonie, that thairfore thair is ane cryme committit; bot the presumptioun is in the contrair, quhail ane Juge Ordinar lattis out ony perfoune, that thairfore it is nocht lauchfullie done; And this cauis is nocht to be to thame that gevyn counfale in latting out of manifest Thevis, or committing of Thift or Slauchter; for to commit Thift and Slauchter, or to giff counfale pairto, is cryme of the self, except it be done be autorite; and thairfor, gevand counfale be ordour of justice, and in the performing thairof, thair can na cryme follow vpoune the counfale-geving to the demandaris vpoun the releving of the manne requirit be the Juge Ordinaris; according to the dispensatioun of the Commune Law, in Legis, nullus, &c. de regulis juris—vtherways thail fall fall ane greit inconvenient, that thail fall na counfale be gevyn to Jugis Ordinaris, quhilkis in this contré vphis nocht to handill greit caussis without counfale. And forther, in all tymes bygane, thail wes neuir manne accuit of ony cryme for counfale-geving to ony Juge-Ordinar, requiring counfale in exercieving of his office. And this perfute is ane noveltie.

Dauid Symmer akfit inrumentis for him self nd his collegis, Baillies, that John Young, prelocutor for the perfewaris, allegit, that the Counfale ordanit the Baillies to putt the pairtis libellit to libertie; as the Act maid thairepoune beris; and acceptit the faid allegance, inuafar as the famin maid for him and his collegis, Baillies.

Maifter Dauid Borthuilk, prelocutor for the haiilt pannel, allegit, that this

1 Enough.  2 Town-Council.  3 Forby; bessydes.
fact and accusatione aunt nocht to be put \(^1\) to the pannal as ane cryme, becaus thai being Jugeis-Ordinaris ouer lyffe and memberis, and incarceratione in preoune, vnderstanding the wond\(^2\) nocht to be mortall, becaus it wes in fie ane place as their apparit na danger of deid\(^3\); and zit, for mair securite, according to their accusatn vit, in caifs of hurt nother quhair deid wes nocht followit, nor Homicide committit, thay lett the man to plege, vndir fouertie of his re-entré, vndir the pane of ane Thowfand pundis; quhilk pane oure fouerane laides maiestie hes caufit to reffait, to be vit at her plefour, as the pane of the cautione:\n
And thairfor, allegit, that hir Maiestie, in effect, hes apprevit the ordour vit be the Bailleis and perfoune vpoun the pannale, in the relieving and committing to plege of the faid \textit{William Paterfoun}, and can haif na further cryme to lay to the charge of the faidis Magistratis and Counfale; and thairfor, sucht nocht to be putt to the knowlege of ony Affile: And producit and schew the \textit{Quenis} Advocatie acquittance and discharge, in the \textit{Quenis} grace name, vpone the reffait and aggrenesse for the faid soirme. And as to the lattin out of \textit{Majorepe}, producit the \textit{Quenis} grace command and Precept for putting of him to libertie.

—The faid Mr David Borthuike afsit instrumentis, that John Joung, writer, producit certane Actis of Parliament anent Slaughtteris.

The faid Mr David allegit, that thair is na cryme qualifieit in the Summondis producit be the perfewaris, that may be imput to the Affyise; becaus the relieving of \textit{William Paterfoun}, in maner and be ordour as it wes done, is na cryme nor offence, nor yit aganis the lawis, outher Ciule or Mynicipall, bot wes done according thairto; becaus the Magistratis accuit ar Jugeis-Ordinaris, havand power of lyve and membirs, Shereffis, with preoune, \&c.: And infafor as the faid Williames was tanke and committit to prefone for ony allegit cryme, in caife it had bene of Homicide, lyke as thair wes nane thannue actuale committit, bot onlie in \textit{simpliciter} Hurting, as wes thocht and belevit commonlie to all men, thay mycht of their office, having kepit him attour\(^4\) ane nycht and ane day, (lyke as he wes kepit be pe space of four or fyve nychtis,) haif put him to libertie, vndir cautione and pliege, to haif vndirlyne the lawis; lyke as, in trewth, infafor as he wes gevvin to libertie, the fymyn wes done vndir sufficient cautione for his reentré agane, lyke as thai haif bene in wī be vrit of thair officis and jurtisdictioun, in flicik caifis and offenfis, to haif latinn men to plege, speciallie quhair the actuale deth followit nocht, paft memor; lyke as thai, and all vtheris Jugeis Ordinaris, sucht to haif done of their officis, according to the Mynicipale Law, conformit with the Commoun Law. And thairfor, it is na cryme, nor fuld nocht to be putt to the knawleage of ane Affyise; vthirwayfes, na perfoune that had woundit ony man mycht be put to libertie and fredome, quhill\(^5\) the wound wer

\(^1\) Imputed. \(^2\) Wound. \(^3\) Death. \(^4\) Above, over, more than. \(^5\) Until.
hail, inconstant all laws. And attour, thair is na cryme as sit, becaus the fayd William Paterfoun is nowther conuit nor fugitie fra pe Law; and fwa is nocht ane Homicide, insafer as he is nocht conuit.

Item, allegit the fayd Mr Dauid, thay being Juegis Ordinaris, as is aboue writtin, viz. Sheriffs, to be sufficient inquisitioun; and found, that the wond was nocht mortall, baith be thair awin jugement and be inquisitioun and informacion of Maister Chyryurgians, famous men, quhairby thai fand, that the wond was nocht mortall, and thairfor, fand that thai aucht of thair dewetye to latt the fayd William to libertie, under cautioun; and mycht haif bene compelit be ordouris and reffoun thairto.

Cuthbert Ramsay akkit inrightments, that nowther the pairtys nor the Quenis Advocatis wald accuse him. Alexander Park allegit that he was nocht vpon the Counsale, bot wes allanerlie Thesurer and ingadderare of the Commounie-gude.

The Aduocattis akkit inrightments vpone the productioune of the Proteftationeu maist be Maister John Spens and Maister Robert Glenne, Baillies, of the daie the xv day of Marche 1563 (4); and defyrit the faimin to be fchewin to the Afflyfit, quhairof the tenmouf followis.

Protestationeu be Maisteris John Spens and Robert Glenne, Baillies. Tha qhillik day, in prefens of Dauid Symmer ane of the Baillies, James Barroune, James Adamsoone, Edard Honpe, Alexander Park, Maister John Breffoun, and Cuthbert Ramfay, of the Counsale, Maister John Spes and Maister Robert Glen, Baillies, disaffentit to pe oultsitting of William Paterfoun farth of Ward; and Protestit, pa in caife Nicol Zounge deceisitt of pe fraik, and pe fayd William Paterfoun fugitie fra pe lawis pairfor, that the burding and damnage pa mycht follow pairpone mycht be laid vpone pe confrontar to his libertie; and pa pa nor the Gude Toun, fredome and libertie pairf, wer nocht in danger, in respect of pa pair Proteftatioone and refusale forfait. And heiruponne akkit instrumentis.

Item, allegit the fayd Mr Dauid Borthuik, that the latting of Paterfoun to pledge, procedit vpone ane Decrete in prefens of the Baillies and Counsale, geyaris pairf, be sufficient inquirioun and tryell accustumat to be taikin within the Burcht, in ficklik caiffis; qhillik Decrete is repute as the veritye, qhilli the Reductioun thairof; and fua, fen the fayd Decrete standid in fthren, and the geyaris thairof nocht deernit be thair Juge-superiour to haif done wrang, nor sit the famyn redcut, this Criminal caus, nocht being Ciuiyle decydit, aucht nocht to pas to ane Affylie.

The Lord of Marchameftoun akkit instrumentis, that he perffwit na man except Dauid Symmer, as he protestit of befoir. Dauid Symmer allegit, that the thing that he is accuitt of wes done be ordinance and awyife of the Counsale;

1 Moreover. 2 Credible men; of good fame, &c. 3 Edinburgh has been for a very long time desiguated ‘THE GUID TOUN,’ but the origin of the appellation is not clear. 4 Until.
and that he was ane officiare to the Counsale; and thairfor, the thing that he did was at thair command. And for refeising of his allegeance, producit ane Decret— and thairfor protestit, quhatfumeuer danger he incurrit, the Counsale fuld releif him pairof.

The Advocatit paift frome the perfyute of Majsteris John Spens, Robert Glenne, and Cuthbert Ramfay: Eikand, that this few noumer can never suffer the law, nor be decernit to haif committit the cryme libellit, nor the few noumer can nocht ordand. It is the Common Law and Munipall writtin law, quhair na slauchter is committit, to lat the perfoun to pleuge. Item, the Affyise sucht to acquit thame, becaus vpone allegit ordinance thir perfis of Counsale on pannall hes na power to lat Paterfoun to libertie, nor mak ordinance; becaus the leift of the noumer that can mak ordinance mon be sevne perfis: Johne 30ynes wryter, presiditour forfayd, accepts this allegeance.

It is allegit for the parte of David Symmer, that he sucht to be acquit of all cryme; becaus, gif ony he did, the same at the ordinance of the Counsale wes done; qhilk he wes oblief to obey, as the Ordinance beris.

Assises dict. personarum (Symmer; Barroune, Houpe, and Adamefoun.)

Majster Archibald Grahame, (ac.) Majster James Lyndsay, (f.) Edwar Kinkaid, (f.)
Patrik Harye, (ac.) Olamae Fullarton, (ac.) Thomas Toddman, (ac.)
Johne Spottiswode, (f.) James Carnnychell, (f.) Johne Wilfoun, (f.)
Harbert Maxwell, (f.) James Forrett, (f.)
James Johnetoun, (ac.) Thomas Henrye (f.)

Verdict. David Symmer, one of the Baillies of the burcht of Edinbur, wes Convict be the haill perfis choifin and sworne vpone his Affyise, of the puttine to liberty furth of Ward of the Tolbuth of Edinbur of William Paterfoun burges pairof, being takin and apprehendit reid-hand, for the crewale Hurtin and deidlie Wounding of vmo Nicoll 30ung taillour, and putt in Ward for the faid cryme, in the faid Tolbuth, at the instance of the faid vmo Nicollis father and breithir, be the Baillies of the faid burcht, within thre or four days nixt eftr the committting of the faid cryme: The faid vmo Nicoll being than continualie, fra the tyme of his deidlie hurtyn, lyand in perrell of deid pairthrow; Like as, he within xxiiij houres, or thairby, ettir the putting of the faid William to libertie, deceifit, in the faid Hurtin and Wounding: And 1wa, doand the famyn, without command or auctorité of our foueran lady, or consent

1 He seems to have been presiding Magistrate, and as such pleaded that he was merely the organ of the Bench. 2 Adding. 3 The Minority. 4 Hae no power to ordain or decree. 5 Most. 6 The Assise unanimously found him guilty. 7 Those marked (ac) voted for the acquittal of Barroune, Houpe and Adamefoun. 8 Those marked (f) voted for finding these persons, i.e. finding them guilty. 9 Chancellor. 10 He voted for the acquittal of Houpe. 11 Voted for the acquittal of Barroune. It has been thought proper to preserve the state of the vote in this remarkable case, which has been preserved in this form.
and adwyise of the pairteis foirsfaidis, beand reddie to perfew, and havand spes-
ciale interes thairin, partialie and wilfullie, in defraude of justice, to haif bene
execute vponne the said William, incontrain the lawis and practik of this
realme.

INTERLOCUTOR. And pairfor delieverit be the Justice Clerk, and his deput-
tis, in the handis of the Provewt, and Maiter Johnne Spens, one of the Baillies
of the said burcht, to be fuerelie kept as thai wald anwer to our fourane ladye.

(Jun. 21.)—JAMES BARROUNE, JAMES ADAMESOUNE, and EDUARD
HOPE, be the Asylife foirslaid wes Convict of the said cryme committit in
maner aboue reherfit. Adame Fullertoun, for him seiff, and the remanent per-
fones foirslaid that wer acquit, akit instrumentenis thairof. The pronunceation
of this delieverance continewit to the morne.

(Jun. 22.)—This day the pronunceation of the delieverance of the said
Asylife wes schawin and declarit to pe pannall; quhairupoun the said pannall akit
instrumentenis, and protestit for remeide of law, and for thair releif in this actioun
of Wilfull Errour: And siclyk, that they fuld be hard to gif in, the morne, thair
Protetationis in writ. The morne affignit be the Justice for giving in
thairof.

PROTESTATION by the Pannel, against the Verdict of the Affise.

Jun. 23.—DAVID Sомер, Baillie of the bur1 of Ed2, James Barroune, James Adame-
soun, Edward Hope, of the Conseale of the famin, Protestis, Horumekill as the perfonnes of the As-
ylife Convict criminalis thame for pe allegit out-letting of William Paterfonne out of Prefounne: Qabillik
Convictoun and delieverance of the said Asylife is wrangfulie, wilfulie, and partiali gevin; and pair-
for Protestis agains thame for Wilfull Errour and wrangus and partialie delievering, agains all
Law, corour, and custome of pe realme: And in respect, pat it wes beith allegit, and evidentlie
schewin to thame, pat pe mycht lesumlie 4 haif latun pe said William furt thame vponne custionne, baith
be pe Municippall Law of this realme, expresly writtin in pe Maiestie,3 be the Commounne and Ciulle
Law, and be the immovable vs and practik of this Bur4, obseruit in sic custia, be the Provewt and Baill-
ies of pe famin, in all tymes bapsit, and be all pe Scharifiss of this realme: And, thairfor, Pro-
testis, that pei may haif actioun, in tymes and place, to all pe saids Asylife, fur Wilfull Errour on
thame, or ony of thame, at particular dyties, to underly the law for wilfull breking and contrain-
ing of the Lawis of this realme, and for manest Periuirs, delievering agains pe Law of the realme,
practik pairof, and pair confience: And als, Protestis pat they may haif actioun agains thame
for all coftis, skaithis, dammage, and entree pei may incur or sustene, in pair bodeis, perfonnes, or
gudia, throw occassionne of the said wilfull Convictounne. And defyris this Protestationis to be in-
serit in pe Bukis of Adjonall. Item, that the said Convictoun be nocht prueindiall to thame, nor aper of thame amentis the perfute of Alexander Acheffoun and Johnne Weslounne for releiving
of thame, according to ane Act maid be pe saids twa cautioneris, pe yr day of March, 1563 ʒeris; but that pei may perfew pe saids cautioneris for pair releif, conform to pe famin.

The same day, Edward Hope Protestis, thate in respect, pat he had allegit of befoir to pe Af-
sylife, befoir their furtbging,4 that he differentit to pe latting furth of William Paterfonne furth of
Warde; and in respect pat James Zoun, cultellar, one of pe perfewaris, opinilie at the bar, had

† 3 L

1 To-morrow.
2 Lawfully.
3 Regiam Majestatem.
4 Before their 'going furth' of the Court,
planielie confesfit in presens of the Lordis pe Justice, Justice Clerk and Aisle, that he hard the said Dauid diss半年ent to pe putting of the said William to libertie, and pat he offerit him to preifi, he pe re-
manent of the Counsell, that he dissendifent pairt; Thairfor, insofar as the said Aisle hes ssyfit and Convict him, Protestit for Wilfull and manifest Errour, remeid of law, and for colitis, skaithis, dam-
mage, and intrest that he fals happen to fuistene or incur pairthrow, Criminalis or Civilis. And pair-
upoune akit instrumentis.

MEMORANDUM. Qusair James Barroune and his complices of the pannell, in the face of my Lord Thesaurar, the haill Aisle, and Clerkis of the famin, Protestit for the names of thame quha consentit and dissalfentit to thair Convic-
tioun, off intent to reduce the famin, and mak Errour thairof, as he allegit, MAISTER JAMES LINDSAY, Chancellor of the Aisle, in name of the haill Aisle thair present, Protestit, gif ony man of the Aisle wald confes that he disaffentit to the said Convictioun, or wald oppin ony secrete rellones or dispu-
tatious amangis thame, quhairby ony malice or disfavour mycht be had to ane of the Aisle by ane vther,º that he fuld be haldin and repute perjurie and defameit; and that becaus the haill Aisle and Clerkis of the famin war swore vpoune the Halie Ewangell, vpoune thair awin motyve will, to kep secrete the famine. Quhairupoune the said Mr James tuk instrumentis.

Sheep-stealing — Common Theft — Resett, &c.

Jun. 12.—HOB SCOT, callit of Colyferd; Johne Scot, callit Mr Johne the Clerk; Mark Elliot, callit of the Hill; Johne Henderfoune, callit Johne the Failr;¹ and Robert Paterfoun, in Gilmentoune, 'Convict and HANGIT.'²

ASSISA.
The Laird of Hinderfoune, Patrick Cranfoune, burges of Edin
Andro Sklater, burges of Edin,
burghes, William Scot of Tuchelaw,
Andro Armestrang, Adam Scot of Bonyngtoune,
James Gyfford, in Lyntoun, Richert Paterfoun, in Drumfreis, Johne Mitchelfoune, in Lefwaid,
William Borthuik of the Hall, Johne Newlandis, in Edinburghe, Michell Naismyth of Pofis.

' Unesettin the gait'— Subston, &c.

Jun. 15.—PATRIK Houstoun of that Ilk; Peter, Mr William, John, and William, his brothers-german; William H., burges of Dumbertane; John H., in Kirkpatrik; John H., elder, in Dumbertane; John, his son; and Alexander Houftoune, delatit of Convocioun of our fouerane ladeis liegis and Invasioun of the said Andro for his slaughter; and houing of him in ane House within the toum of Dunbertane.

PERSEWAR, Andro Hammiltoun of Cochno.
PRELOCUTORIS for the pannell, The Laird of Cwynghameheid; Mr Jhane Porterfield of pat
lik; Johne Schaw of Broiche; Mr Richert Strang; Mr Jhane Abircremyb.
PRELOCUTORIS for the perkwaris, Claude Hammiltoun, fone to my lord Dailk; James H. of
Cruikwell; Johne H. of Stanehoufe; Alex H. of Myretoune; James Noble of Ferme.

¹ Prove.
² To one individual on the Assise more than another.
³ Forger.
⁴ There is not marking on the Record indicative of the nature of their crimes, which, however, may be pretty accurately conjectured.
Andro Hammiltoun declarit, vpone his aith, he wald perfew the said Lard of Houstoun, Mr William and Johne, his brother, of the first poyn of the Letteris allanerlie. Item, the Laird, his saidis twa brother, and William, alswa his brother, vpone the second poyn allanerlie: And all the perfones on pannell for the third poyn.—The left poyn contenit in the Letteris, tuidich the Conuocation, &c., is fundin to be put to the Assyfye.

ASSIBA prefatarum perfonarum.  
Johne Colquhounne of Luce,  
David Berklay of Ladyland,  
Robert Lord Boyd,  
James Glenne of the Bar,  
Johne Somervile of Cambusfethane,  
Robert Colquhounne of Camfrto- William Levingtounne of Jerwif- 
dane,  
Smollett, burges of Andro M'ferlane of Arrochar,  
Dumbertane,  
Walter Buchquhennane of Drum- 
makill,  
Marche laftbypaft, quhair the said Andro wes beft vpoune the Hie-gait pairof,  
and with drawin fwerdis invadit him, and compellit him to tak ane Houfe for 
defence of his lyffe, vpoune sblantye.  

VERDICT. The hail forneemit perfones on pannell, except John Houstoun, 
elder, in Dumbertane, CONVICT be the said Assyfye of cuming vpoune Andro 
Hammiltounne of Cochno, within pe bur1 of Dumbertane, vpone pe xviiij day of 
Marche lastbypast, quhair the said Andro wes beft vpoune the Hie-gait pairof,  
and with drawin fwerdis invadit him, and compellit him to tak ane Houfe for 
defence of his lyffe, vpoune sblantye.  

Slaughter of the young Laird of Greanlawdene.  
1 ALEXANDER HAITLIE, eldste son to the Gudman of Lambden; Johne,  
his broder, Robert LOWRY, in Reidhail,‘ Acquitted by an Assfye of the Slaughter 
of vmq2 Stevin Brounfeild, younger of Greanlawdene.  

PRESEWARIS, Stevin Brounfeild of Greanlawdene, fader; and William B., broder.  

PRELOCUTOURIS for the Pannell,  
The Comendater of Jedbarcht: Andro Ker of Penalnsfyde; The Laird of Trabroune; Mr Tho.  
M'calyane; Mr Johne Mofcroe; Cuthbert Crantoun of Thirlestrain-manyis.  

PRELOCUTOURIS for the Persewaris,  
Adame Brounfeild of Hardaker; Alexander B. in Eiffield; Patrik B. in Hassliloune-manyis;  
Alexander B., broder to pe said Adame; Alexander Brounfeild in the manyis.  

The pannell askit instrumentsis that Stevin Brounfeild, elder, declarit that thair 
was na actioon of deidlie fheid betuix him, his freindis, persewaris, and the said 
panall and their freindis.  

Conocation on South Inch of Perth — Wounding, &c.  
Jul. 8.—ANDRO RAMSAY, burges of Perth;2 Robert Pittilo, and James  

1 The Absentes were Mongo Lynday of Balil, Robert Buchquhannane of Balloch, Hew Craw- 
ford of Kilburny, Johne Cwynghannane of Glengarnok, Alex. Park of Bagray, Mr Johne Wod of  
Galefoun, Lous Stirling of Ballgane, and James Edmeitoane. This is one of the smallest  
Assises on Record. There are numerous instances of thirteen persons being on Assises such as that  
in the preceding Case of the Scots, but very few of so small a number as eleven.  
2 Suddenly; on a sudden; Lat. subito.  
3 See Jul. 6, 1567.
Rynd ther, and ten others, delatit of arte and parte of Conuocation une of our fouerane lades liegis, bodin in feir of weir, and crewale Hurting and Wounding of William Morefoun, servand to the Lard of Cragy for the tyme, vpone the South Inche, befullye the burc of Perth, in the moneth of Januar, 1562, after that he was tane and holdin in their handis, in his heid, breking of his collar-bane and schoulder-blaid; and treking of him throw his left arme and in his breit, aboue his left pap, to the effusion of his blude, and hurting of him in his faid arme, quhairthrow he hes nocht the habilitye thairof that he had of befoir; committit vpon subdantye.

Persewar, William Morefoun; Maister Robert Creychton, Advogat.

Perlocoutouris, John Rois of Cragy; James, his brother; Patrik Evis of Balhouffy.

The pairtie paffit fra the perfute of Andro Ramlay, James Davidefoun, and John Chaip; and deponit his aith, that he had juft caufe to perluw the remanent on pannall.

Assisa.

William Kynnyamonth of Hill, Alexander Blair of Balthyok; Johne Blair of Melgynche, Johne Lyndefay of Alyth, Alexander Blair of Freitoun, William Chalmer of Segydenes.1

Verdict. James Rynd, burges of Perth, Fylit.2

Slaughter — Undue execution of the Bittay.

Aug. 11.—Robert Patersoun, burges of Ed'; Laurence Symfoun, taillour thair; Katherine Patersoun, his fpous; Arthour Granger, thair; delatit of the Slauchter of vmq3 Nicoll Zowng, taillour.4

Persewaris, Robert Zowng, fader; Johne, broser; and the remanent kyn and freindis, &c.

Robert Patersoun and Arthour Granger askit inrumentis that the perfewaris aboue writtin past fra thair perfute.

The faid Johne Zowng (taillour) unlawit in the panis content in the Actis of Parliament, for nocht productiou of the Letteris, dewlie execute and indoriate, vpoune Robert Mofcrope; in respect that mentioum is maid, that he was ferfit and socht within the burc4 of Ed, and chargeit at the Mercat-croce of Ed; and chargeit at the Mercat croce thairof, having his dwelling place for the tyme within Jedyburgh. The faid John protestit for his releif of the Officiare, executour thairof.5—The Laird of Pennycake became surety for the entry of Symfoun and his fpous, at the next Aire of Edinburgh, &c.; and the parties mutually took out Lawburrows against each other that they shold be 'harmeles and fkaithles of thame and all that thay may latt,' &c.

1 The other seven were burgeses of Perth. 2 The rest were acquitted. 3 See the proceedings against the Magistrates of Edinburgh, &c., Jun. 6, 1564. 4 A protest is accordingly recorded, 'because he himself was ignorant of the Lawis, and maid expeis vpond William Barry, Meffinger, for putting of the faidis Letteris to dew executeoun; and inlafar as thai wer nocht dewlie execut, the faid thairof wess in the said William and nocht in him; that thairfore, he mycht haif his releif,' &c.
22 MAR. CRIMINAL TRIALS.

Mutilation — Old Feud.

Sep. 20. — John Gordanne, in the Park; Alexander G., of Traquhane; James, his son; and Robert Levingston, delatit of the Mutilation of Robert Mactair, servand of Thomas M'Clellan of Bombay, of his thumb of his right hand, and another crymes contenit in the Letteris direct pairupounie; committit be thame vpoun the thrid day of August lastpast, vpoun auld field and foirthocht fellony.

Presewaris, Thos. M'Clellan of Bombye; Rob. Forrester, burges of Kirkendbrycht; Rob. M'Cair.

Prelocutoribus for the Presewaris, My Lord of Caflillis; Hews Kennedy, his fader bropher; The Lord of Drummelaine; The Tutor of Bombye; Master Thomas M'Clellan.

Prelocutoribus for the Defendaris, Mr. John Moicerop; The Lord Lochinvar; John Schaw of Haly; Hews Wallace of Tarall; The Lords of Lammynystoun and Skirling.

The Letteris wes Caflin, becaus pai wer nocht dewellie execute and indorfite.

Slaughter.

Oct. 12. — John Henrye, in Striulillig; James H., younger, thair; and John H., son to James H., elder, thair, delatit of the Slauchter of vmq' John H. Rae, in Buieburne, (Bannockburne?) within the sherefordom of Striulillig.

Preseware, Janet Merchall, relict of the said vmq' John H. Rae.

Prelocutoribus for the preseware, The Lord of Luce (Luse); My Lord Boyd; The Lord of Dumtreith; The Lord of Manis.

Prelocutoribus for the defendaris, The Lord of Fordell; Mr. Henrye Kinrofs; Mr. Richard Strang; Mr. Edward Henderfoun; The Lord of Lany.

Master Henrye Kinrofs, ane of the prelocutoris forfaydis, afskit instrumentis vpoun the electioune of the fadis fyve prelocutoris, and that the Lord of Mforland asifitit to the perfute. And as afskit instrumentis vpoun the indorsation of the Letteris product and executioun thairfof, in the moneth of Junij, as the indorsing thair of beris; quhilk Executioune wes maid befor the committing of the saide Slauchter: Ites, allegit that the saide John H. Henderfoun was within the aige of tueil seir,1 and wes nocht capax (doli), nor habill2 to vnderly the law thairfor.— Verdict,3 'ACQUITTIS.'

Invasion — Hurting and Wounding, &c.

George Gordanne of Scheues, knycht, George Gordanne, younger of Geych, James Cheyne, &c. (eighteen others), delatit of the crewale Invasion of Master William Con of Auchry, and Hurting and Wounding of him in

1 On the margin, 'PUR and DISCHARGED, becaus he wes within xij seir.'
2 Liable; Lat. habili.
3 Henrye Levingston of Grenyward was the only Laird on this Affair. Robert Seyton of Tullibody, Robert Drummond of Carnoke, Robert Forster of Boquhane, and Walter McCawley of Ardincapill, were americated for being absent. The rest were persons of no note.
diuerse partis of his body, to the greit effusion of his blude; and stiking and
dinging with brydill of Johne Paterfoune, George Broune, and Alexander
Troupe, his cotteris; and vtheris crimies, at lenth expremit 1 in the Letteris
direct thairpoune.

PERSEWAR, Maister William Conne of Auchrye.

PRELOCUTOURIS for the Perewar.
My Lord of Caillile, My Lord Borthnik,
The Lard of Cokpli, Hw Kennedy of Bar-
quhynay.

And becaus sufficient nowmer of Barronys and Pearis compereit nocht to
pafs ypoun the Affife of the faidis Lairdis of Geycht, elder and youngir, the
Justice ordnaite fouerties to be reffluitt of thame for thair compereance the thrid
day of the next Justicie-aire (Aberdeen), or foner, vpoun xv dayes warlyng, to
vndirl the law for the faidis crimies.

VERDICT. ‘Acquittis’ James Cheyne and the other pannels. ‘The Lard of
Pittindreych, George Johnstoune of Creychtmon, Mr Duncan Forbes of Mony-
mulk, and John Forbes of Fynzeak,’ were the only Barons on the Affife.

ABSENTES ab Affa.
James Dempstaire of Auchtire, George Leslie of Touche, James Stewarte of Brig,
Mr Tho’ Keir of Cowarquhy, William Leslie yr of Wardres, Mr John Craig of Craigisfray,
The Lard of Ballgaity, The Lard of Delgaty, Alex. Bucquhane of Aucknacoy,
The Lard of Cnach, John Seytoune of Auchinhaff, Patrik Leyth of Harshill,
... Lesle of that Ilk, William Acheinleck of Schethin, Johne Caddell of Ailoune,
Wm. Gordoune of Auchindoune, Patrik Mowat of Boquhally, Williame Loilly yr of Barres. 4

Invasio — Hurting and Wounding — Bamesucken.

Oct. 14.—MAISTER ARCHBEALD DOWGLASS, and Johne D. in the
Eftscheill, delatit of the crewall Hurting and Wounding of Jonet Wichert,
fpows to Maister Thomas Weddell, in hir rycht hand of twa fyngaris thairof:
AND Hurting and Wounding of Elizabeth Hutchefoune, fpous to Charlis Bur-
deaux, in hir rycht hand, fpeaclie in hir thown thairof; committit be thame
vndir flicence of nycht vpoune the xvij day of July lafbypaft, be vay of Haim-
fuckin, in abfence of thair faid fpowflis; quhairthrow the faidis Jonett and
Elizabeth wilbe mutillat; to the effusion of thair blude.

PRELOCUTOUR for the pannall, Maister Thomas Weftoune.

The faid Maister Thomas (Weddell) product the QUEVS grace writing,
anfkit operumetis thairpoun, deifying justice conforme thairto: And alle
proteftit for remeid of law.

1 Expressed; Lat. exprimere. 4 The names of a number of others of less note were also
handed over to the ‘Thesaurar,’ to levy the usual fines. These, as appears from the Register of the
Priev Seal, and other Public Records, were very rigorously exacted. The proceeds were usually
gifted to some retainer of the Court in compensation for salaries, &c.
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(R. REINA.)

JUSTICE, Justice Clerk, and your deputis, We greet you wele. Forfamekle as the xiiij day of October instant is affigit to Master Archebold Dowglais and Johne Dowglais in pe Schelis for to tendirly owre law for pe crewale Invasioun, Hurting, and Wounding of Jonet Witchert, spouse to Mr Thomas Wedell, and Elizabeth Huchefoun, spouse to Charis Burdaux, within our burc of Edinbur, as at mair lenth is contenit in our Lettres direct pairupon : Quhairfor it is our will, and we charge yow to proceed at pe said day, and do justice to pe saidis compleneris, but ony delay, nochtwithstanding any Writing direct or to be direct in pe contrair. As pe will answar to us pairupon. Subscrivet with our hand, At Edin* xiiij day of October, 1564. MARIA REINA.

Proteftis the said Mr Thomas Wedell, that nochtwithstanding that Thomas Johnesoun wes nocht summond in his Letteris, that he paft fra his perfute. Stevin Storye in Pleasance was amerciated for not producing the fame.—Continued to Oct. 16 and 17; on which laft date they were Replegit, be Interlocutour, to the Regalitie of Dalkeyth be Thomas Dowglais, burges of Edin', and baillie thairof.'

**Wounding — Scourging naked people with bridles, &c. — Cutting the backs of Cattle, &c.**

**Oct. 17.—JOHNE GREEFSONE of HALLYDAYHILL, Roger and Mathow' his brother, Gilbert McGub, and Thomas Mammarfoun, delatit of the Hurting and Wounding of Elisabeth Creychtoun, spouse to Robert Chertouris of Aftrowane, in diuerse pairs of his body, to the greit effuisione of his blud; andtryking of their servandis, being nakit, with brydillis and fwerdbeltis, and breking of the bakkis of their gudis; ' and vtheris crymes at lenth expremit in the Letteris direct thairupon.

PRELOCUTURIS for the Perfewaris. PRELOCUTURIS for the Pannall.
Jo. Creychtoun of Ryhill, The Lord of Skraling, The Lord of Keris, Mr Johne Mocrope,
Mathow Campbell of Lowdonne, knycht, Harbert Anderfonne, Cuthbert Greir,
The Lord of Frendraucht, W= Symontounne of The Lord of Garleifs.
Hardingtonoune.

The said Mr Johne Mocrope akfit instrumentis, that the Tutour of Sancquhare product our fouerane ladeis Lettres in Jugement; and being inquirit * Gif he, Robert Chertouris, and his spouse, perfewaris, wald byde at the executioun thairof? Affirm the famin. Quhairupon the said Mr Johne akfit instrumentis; and als that the saidis Lettres, safar as Mathow Greirfoun and Johne Morefoun were contenit therein, was nocht dewlie execute nor indorift vpone thame, becaus thai wer chargeit be the executour thairof be oppin proclamatioun at the Mercat-croce of the burcht of Drumfreicf, and the saidis perifones ar indwellaris within the stewartrie of Kirkudbrycht, as the perfewaris thame felis confesfit. The said Mr Johne defyrit the first and laft poynitis of the saidis Letteres to be red in prefens of the Asfylife. Item, akfit instrumentes

1 'Dischargit.' 2 'Live-stock, cattle.'
that the said Johne Greifounes accuatioune fuld be onyle vpone the first poynt thairof, and the saidis Roger Greifoun, Gilbert M'Gub, and Thomas Mammarioun vpone the last.

**ASSISA.**


And becaus na nowmer of Affyfe wes fundin, the Justice continewit this actioune to the xiiij day of Februar nixt to cum; and Cuthbert Greifoun, Tutour of Larg, is plege for their entré thairto.

**ABSENTES,** The Maister of Glenkardine (Glencairne,) Robert Kirkpatrick of Braekoche, John Edjare of Ingliotoun, Andro Cwayghame of Birkichew, and fifteen others, who were all amerciati for not entering on the Affiife.

**Slaughter of the Laird of Hassindene.**


Fersewaris, The Laird of Balcleesche, (The Queis Aaducatis.)

**PRELOCUTORIS for the Perfewaris.**


My Lord Justice Clerk afkit instrumentis, that the pannall aboue writtin defyrit thair perfewaris to be putt vpone thair Affyfe; becaus thai knew befyr the tryell of the cryme thai wer delatit of: And protestit, that albeit the Justice depute, be awyfe of his Affessooris, for the prefent tyme contentit heirto, that the fame in tyme cuming fuld be na preparatiue.—VERDICT and SENTENCE.

* Fylit—Decollat.*

**Striking a pregnant Woman—Child-murder.**

Nov. 29.—William Harrott in the Canongait, delatit of the tryking and dinging with his handis and feit Katherine Hay, being greit with chyld; off the quhilkis straiks shoch tuk bed, and continuand in the pane and doolour thairof, pairtit with chyld; and swa wes crewalye flane be him in hir wamb.—Replegiatiated to the Regality of Halyrudehoufe.

**Convocation—Invasion of the Laird of Camlairg, &c. in a Fenced Court of the Sheriff of Air.**

Dec. 12.—Barnard Ferguson of Kilkeran, Thomas and

1 Acquit. See May 31, 1565, &c.
2 Puer—dischargeit.
3 Excepting in the case of Gawan and Archie.
4 For accounts of this and other similar Feuds, see HISTORY OF THE KENNEDIES, quarto, Edin. 1830.
5 Thomas Ferguson and those marked * were discharged simpliciter.
CRIMINAL TRIALS.

David his brothers, and fifty-one others, delatit for Convocatioun of our fouerane ladeis lieges, vpone the last day of July lastbypass, bodin in feir of weir, &c. to the newmer of ane hundreth persons, incontrair the tenour of the Actis of Parliament, and coming within the Tolbooth of Air, quhair Robert Crawfur'd of Cloynane, John Dunbar of Blantyre, and Robert Campbell of Ovirtoune, the Schereff deputis of the schereffdome thairof wes fittand in juge-
ment, in ane fenit Court, for administratiff of justice; and thair, oppinlie, in plane face thairof, eftir injurions wordis betuix thame, crewalie invadit Johnie Crawfur'd of Camlarg, and vtheris being with him in company, with drawin swardis and flavis for thair slaughter; and thairthrow trublit the faid Court, and stoppit the saidis Schereff deputis to minister justice in the actiou and caufis contenit in the Letteris criminal direct pairupoune, then depending before thaim.—The other pannels of note follow:—

Thomas Ferguuffoune in the Traif, G. Kennedy of Balmacannochene, Oliphier and Robert, his fons,
Hectour F. 'spous to Agnes Crawford, Robert Blair, his honfalde man,* Gilbert K. of D., younger,
Niniane F. his fous, Duncan Kennedy of Dalquharne, Matho K., foruand to Jonet K.
William F. of Auchinfoule,* Andro Graham, his honfalde man, Hew K., fone to the Gudman of
Duncane F. of Glenbowar, Wm. Cunynghame of Clonkard, Bogend,
Walter Kennedy, fone to Drum-
nellane, David Kennedy, alias the Page,* Gilbert K., fone to Sir Haw of
Jothe Kennedy of Drumnellane, Girwanmanis.

Gilbert Erle of Caflillis americated for not entering Patrik Kennedy, younger of Dalgerrok, and seven others, to underly the law.—As Baillie of the Regalitie of Corfwagall, he desir'd to replegiate Thomas Ferguuffoune in the Traif.—Continued to 'Thurifday nixt,' Dec. 14.

PRELOCUTOURIS for the pannell.—Mr Thomas M-Kelzeane, Mr Johnne Mofcroe, James Mair,
brother to the Laird of Auchindrane, John Schaw of Halye, The Laird of Keris, William Cunyn-
hane, younger of Caprintoune.

(Dec. 14.)—THE JUSTICE, be Interlocutour, ordinit that the said Thomas Ferguuffoune in Travis be nocht replegit to the said Regalitie, becaus thair wes na writris, actis, nor na vther reafooabill caus proponit that the famarin wes befoir ane Regalitie.—My Lord Caflillis' protestit that the Interlocutour pronunceit pairament be nocht pruudiciall to his Regalitie foirfaid.

ASSISA.
The Laird of Carnall, George Keilane, James Dunlope of pat Ilk,
John Cathcart of Carloune, John Montgomery in the Flatt, John Blare of Myddil Auchin-
drane,
The Laird of Entekin, John Schaw of Grimmget, drane,
George Corry of Kelwood, Thomas Scot of Hanyng, William Ingis of Scheill.

(Dec. 15.)—VERDICT. The saidis Hectour, Thomas and Barnard Ferguuffoune FYLIT of arte and parte of the Convocatioune, &c. Continued as to the reft to the next Justice-aire of Air.

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† 3 M
Assaulting in the Sheriff Court of Ayr, &c.

(Dec. 15.)—Johne Crawfurd of Camlargo, David and Quintine his brothers, were 'Fylit' by the above Affife for the same crime.

Preluditoriis for the pannell,

The Lord of Kelwod, The Lord of Lefnoreil, Master David McGill.

Fifty-four others were also charged; the most remarkable of whom were,

Will. Crawfurd of Drummitbey, David Crawfurd of Kerfe, John Power of Siluerwod,

David Crawfurd, his brother, Wm. Cathcart of Drummitshoddane, George Logan of Brunnhill,

Allane Cathcart of Drumgowne, William Cathcart of Wodheid, Adam Dunbar of Barcunroch,

Da. Cunynghame of Polquhirne, Al. Cunynghame of Montounhill, Cathbert Dunbar, his brother,

William C., his brother, William Cathcart of Watterheid, George Neilbet, in Tempelland.

The remainder of the pannell were remitted to the next Justice-aire of Air.

Stealing Money — Scourging and Banishment.

Jan. 12, 1564-5.—Patrik Campbell, cuke and feruand to Dame Katherine Oliphant, lady of Keltie, delatit of the theftous breking of ane Bonetkaife, pertenong to the said Dame Katherine, being in hir chalmer on the Northe fyde of Ed', and theftous Steling and concelind fra hir, furth thairof, of syltie pundis of Scottis Testanis, ane Portugal Ducat, and xx d. schillingis of vthir money.—Sentence. To be scourgeth throw the Toune, and Baneist the realme during the Quenis will; and to depart furth of the famin within ten daysis naeheirfor; and never to returne within the famin, without specla Licence of the Quenis Maiestie, vnder the pane of Deid.

Wounding a Bailie of Renfrew in Execution of his Office.

Mar. 5.—Patrik Jaikoun, burges of Renfrew, and Sir Williaume Jakouns, his brother, Fylit by an Affile of arte and parte of the Invading of Adame Hall, ane of the Baillies of Renfrew, with drawin swerdis, and Hurting of him, to the effusion of his blude, in his rycht hand, vpone the xix day of November lastbypast, within the burcht of Renfrew, he beand in executioun of his office of Baillie vpoune the said Patrik, in putting of him in Ward within the Tolbuth of the said Burcht, quhili he had fundin lawborrowis that John Quyhte in Abbotfynche fuld be skaithles of him, as law wald.

Wounding and Mutilation of the young Laird of Kincaid, and 'Malcolm Lyneaid', his brother.

Mar. 2.—Johne Struiling of Craibernard, John his fone and apperand air, Duncane, William, and Walter, brothers german to the auld Lard, Williaume, baftard brother to the young Lard, and nineteen others, delatit

1 Until.

2 The date is not prefixed, but it must have been between Mar. 8 and Mar. 13.
of the Invasioun of James Kyncaid, son and apperand air to James Kyncaid of that ilk, and Malcum Kyncaid his brother, within the Toune of Giesgw; and Hurting and Wounding of the said James in his heid, in perrell of his lyff; AND Hurting and Wounding of the said Malcum in divers parteis of his body, and Mutilatioun of him of his left arm, and making him impotent thairof; vpoune auld leid and foirthocht fellonye; committit in the moneth of Februar 1563.—Deserted. Proteftis Mr Johne Ruthirfurd, that the disferting of this Court be nocht prejudicial to the Quenis actioun.

Selling Wines at high Prices.

Mar. 20.—James Young, cutlare, burges of Edinburg, and twenty-two others, delatit of breking of the Acts of Parliament anent Wynis, in felling thairof, &c. Their Cases were continued from time to time, and the offenders finned.

Adultery — Incest.

Apr. 6, 1565.—Maister Johnne Craig, Parson of Kincardin, and Margaret Mowat, fpoue to Johne Craig of Craigisfintray, delatit of the committing of the fythie and horrible cryme of Adultery, ather of thame with vtheris, in the moneth of December 1562, and nychtlie and continualie senfyne.

Prefecttours for the pannale,
Mr Richert Strang, Mr Alex. Sym, Mr Thomas Bannatyne, Archbald Dempster, Mr Frances Chyne.

Afkit instrumentis vpoune the producitoun of the sentence of Devoracement, of the dait the xvij day of November, 1562.—Continued to Monunday, the nynte of Apryle instant.

(Apr. 9.)—Comperit the saidis Mr Johne Craig, and Margaret his spouss, and afkit instrumentis, thay requirit and defyrat proces in the actioun aboue nemmit; and in caife the Justice wald continew the said mater, that thai allutterlie disfaffent thairfra; proteftand alwaysis, that the continuatiane thairof be na wyffe prejudicail to thair defenfis now vist, or to be vist be thaim in ony tyme theireftir.—Continuit to Thursday, the xij of Apryle instant.

Maister Johne Craig, Peroune of Kincardyne, and Margaret Mowet, allegit fpoufe to Johne Craig of Craigisfintray, beand perfonalie in Jumgement, and callit be vertew of our fourerane lades letteris, purcheft be Mr Johne Spens of Condy, and Mr Robert Creychtounie of Eliok, hir hienes Aduccattis, to vnderly the law for the Adultery committit be ather of thame with vtheris, in the moneth of November 1562 yeiris, and daylie, monethlie, and continuallie senfyne, the said Margaret being the spouse of the said Johne Craig, and nocht laufulie devoteit; and as for Inleif, fcho being the said Mr Johnnis brother-fonis wyffe. It wes

allegit be the faidis Mr Johne and Margaret, and their prelocutouris, that na procces aucth be to be led in the faid Court of Juticiarye aganis thame, be vertew of the faidis Letteris, for the faid allegit crymes of Adultery and Infeft; becaus vpone the xvij day of November 1562, the faidis Margaret and John Craig, befoir the faid allegit Adultery and Infeft committit be the faidis Maister Johne and Margaret, ather of them with utheris, libellit in the faidis Letteris, were lauchfully Devorcis and separetit be Sentence irreuocabbill, prouneit and gevins be Mr Johne Ramfay, Maister of Aberdour, and Thomas Cryssteoune, Minifter of Gemrye, havand sufficient Cummisfoune to giff the famin. And for verefeing of their faid allegiance, produceit the faid Sentence, signitat 1 and subscriuit in forme, as eftir followis.

**Sentence of Divorce, proceeding on the ground of Impotency.**

Till all and sundry Professouris of Goddis moit holie Gopell and Ewangelis, quhose thir prrefentis fall to-cum, Maister John Ramsay, Maister of Aberdour, and Thomas Cryssteoune, Minifter of Gemrye, defyrits peax, mercye, and grace, throw Iesu Christ, our onlie Lord and Saniour. Fersamkil as it wes lamentabilie exposit to ws be ane dicrete woman, callit Margaret Movat, dochter to Patrik Movat of Buchquellie, that scho maid ane Contract and Band of Mareage with ane callit Johnne Craig, born to vmy Thomas Craig in Crugittene, sist, nochtwithstanding, the fairfaid Johnne accquaenecht nocht with the faid Margaret be mvttale cohabitacione, like as in mareage is requirit; be refulane the faid Johnne is knawin to be IMPOTENT, as scho allegit: And thairfor scho obtenit ane Summondis, directit be Adame Herrot vnto ws, to cause lauchfulie vmmund, warne, and charge the faid Johne, perfonalie apprehendeit, or at his Paroch Kirk, on Sounday, quhilk wes the fift teint day of the moneth of November, to compeer befor ws in the Paroch Kirk of Gemrye, to heir and fe cognizoune takin in the faid mater be ws, quho had the Cummisfoune for the tryell of the faid mater: And to heir and fe cognizoune takin, in fic fort, that the faid Johnne fuld be separetit, pairitis, and devorcis fra the fairfaid Margaret, giff he wes knawin to be impotent frome his nativity, as faid is. For the tryell and testificatione of the quhilk, sum certane famous 2 and godlie Witnesis wer giffin to ws, in bill; 3 quha, being examinat be ws and sworne, deponit, all be their aithis, that the fairfaid Johnne wes IMPOTENT fra his nativity, and culd nocht accompany with his pairite, as is afor speifit, and as at maire length in the Letter of the Examinacione of the faidis Witneses is contenit. Thairfor, we, havand respect to the endis and principale cause quhafor mareage was instituted and ordanit, conforme to the trew and infallibill Word of God, quhilk wes pis, 4 to awody fornicatione and to the procreation of childrene: And considerand the faid Johnne, quha is now uther abill to fatisfye and sufficientlie content the faid Margaret, nor na uther woman, as wes sufficientlie proven be sufficient Witnesis, vnsuspect, as faid is, nowper sist is abill to remane and accompany with his faid spouse be mvttale cohabitatione, as at maire length in our Summondis, to the procreation of childrene, Wh, the faidis Maister Johne Ramfay and Thomas Cryssteoune, Minifteris fairsaidis, with contain of our Elderis, desconis, and Minifteris assemblit in the faid place for the tymen, hes pronunceit, decreeit, and decremit, and be the tennour of thir prrefentis, prounuceis, decreets, and decremit the faidis perfonis, Johnne Craig and Margaret Movat, to be Separatis, Pairits, and Devorcis the faidis perfones, lik ane of thame, frome the Holie band of Mareage, from henceforth diffoluitt, relaxit, and lowit, 4 in fic fort, as thocht the fame had never bene effecit: And becaus their is nothing obseicit nor laid to the faid Margaretis charge, We pro-

1 Signitct, sealed. 2 Persons of good fame or reputation. 3 Roll. 4 Loosed.
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nance hir to be frée to sanctifye hir body agane in to Mareage, gif 1 scho pleit. In witness to this our Decree and Sentence irreuocable, subscriuit with our handis, our signetis is affixit heuranto, At Gemurye, the xviij day of this monethe of November, the seir of God P. V. lxiij yaris, afoir thir wit- neeffis, William Keith in Myddiltonne, Johne Donaldoun, Roberte Selpe.

Johnn Donaldoun, with my hand at the penne, led be Thomas Cristoun, Minister of Gemury, Witness, Robert Selpe, w' my hand at the pen, led be Thomas Cristoun, Minister of Gemury, Witness, William Keith, in Myddiltonne, w' my hand.

The Case was finally transmitted to the next Justice-airo of Aberdeen, but there is no marking on the Record to indicate the decision of the Justiciar.

**Embassetting the Way — Horse-stealing.**

Apr. 28.—Mr James Birny, in Pitlur, having failed to find caution to fulfil the Queen's Will, to which he had submitted himself, was Warded in the Tolbooth of Edinburgh, for art and part of Convocation of the lieges, 'bodin in feir of weir,' on Feb. 4 last, and Embetting the way to Alexander Troop, in his paffing along the highway near the Mill of Bedcaire, (he being lame and unable to refit,) along with John Smyth, his servaunt, and there cruelly Invading them with lances and 'Jedburcht fławis' 2 for their Slaughter: AND also for Stouthreif and flealing from the said Alexander of his black horfe, worth 100l., upon which he then rode.—(Apr. 30.)—He found caution to fulfil the Queen's Will.

[Archibald Earl of Argyll, Lord Campbell and Lorne, Justice-General.]

**High Treason — Conspiracy to seize the Queen's person, &c.**

[The following proceedings give a different view of this part of the life of the noted James Earl of Bothwell from that which hitherto been related by Historians. Without at all entering upon so extensive a field of controversy, the Editor has merely to refer the reader to the labours of Robert, Hum, Laing, McRœ, and other modern writers, for their various statements of the facts which are reported to have occurred immediately before the Marriage of Mary Queen of Scots with Darnley. The subject will, it is hoped, be soon taken up by Mr Tyler, in the course of his historical work; where, from the masterly and accurate manner in which that learned and impartial author has already treated many of the most obscure and controverted points in the earlier history of Scotland, much light may be expected to be thrown upon the whole of this extremely entangled and intricate reign.

In reference to this remarkable individual, the Editor begs here to lay before the reader two very interesting extracts, which, after investigation, he procured from the Kirk Session Records of the Parish of Canongate, from whence, it may be remarked, several important historical events may be verified or illustrated. The story of Bothwell's first Marriage, and the subsequent cruel Divorce, May 7, 1567, 3 are already well known. This event is thus recorded in these Registers among the Marriages, under date, Feb. 24, 1565-6, 'James Earl Bothwell—Jane Gordon.' And in the

1 If. 2 Slaves. 3 See Account of this Divorce, in Appendix to Robertson's Hist. No. XX, &c.
Record of Proclamations of Bannes, the same day, the following entry also occurs: "JAMES ELL BODUELL—JANE GORDON, 34. J. 2, S. 4. Ma(rried) in our awen, (viz. Kirk of Canongate.)

These events are also fully treated of by Knox, Buchanan, Lesly, (in his Defence of Queen Mary,) Melville, Spotwood, Keith, Goodall, Tyler, Chalmers, &c. The enquiring reader will also find much useful and important information in the Collections of State Papers, &c. by Anderson, Haynes, Murrin, and in the numerous Works of later Collectors.]

May 2,—JAMES EARL OF BOITHULIE, Lord Creychtoune and Halis, &c., was denounced rebel and put to the horn, and all his moveable goods to be echeated, as fugitive from the law, &c.; and Gilbert Ker of Prymynde-Loch, and William Hepburne of Gilmertoune, cautioners for his entry this day, were americated for his non-appearance to underly the law for the crimes contained in the following Letters, purchased by Mr John Spens of Condy and Robert Creychtoun of Elioik, the Queen's Advocates.

SUMMONS OF TREASON against James Earl of Bothwile, &c.

MARIE, be the grace of God, Quene of Scottis, To our louittis Adame M'culeloch, Marichemont Herald, . . . . . . . . . . . . . . . Meffingeris, our Scherefsis in that parte, coniunctlie and feueralie, speciale constitute, gretting. Forfamekill as it is huimlie menit and schewin to ws be our louittis, familiar clerkis and counclouris, Maisteris Johnne Spens of Condy and Robert Creychtoun of Elioik, our Aduocattis, That quhair it is 'of veritie, that upon the xxvj day of the monethe of Marche, or this by, in the 3ei close of God lviij 3eiiris, JAMES ERL BOTHWILE Lord Halis and Admirall of our realme, being laitlie reconciliat and agreit with JAMES ERL OF ARRANE, vpone sic debatis et contraverfis as had happenit amangis thame of-befoir, precogitat, confault, and confyprit the treasonabill purpos and interprifre heireftir mentionat agantis our nobill perfoune, and did that wes in him to bring the famin to pafs, and to have perfuadit our faid couning to have afffifit and tane parte with him in his maift treafoonabill interprifre, viand fik wurdis, argumentis, and perfuasionis, as he thocht mycht befit seur for the purpoise: That is to say, The said JAMES ERL BOTHWILE, the day faifd, proponit and earnestlie defyrirt our faid couning to confert and afffitt to him in this maner, sayyng, 'I know 3e half innemies in Court

1 This accomplished lady, who was the third daughter of George, fourth Earl of Huntly, Lord High Chancellor of Scotland, six years after the date of her divorce, was married (2dly) to Alexander Earl of Sutherland, on Dec. 19, 1573. The Earl having died, Dec. 6, 1584, she married (3dly) Alexander Ogilvy of Boyne, whom she also survived. She died May 14, 1629, in the 84th year of her age. For the particulars of the life of this Lady, see Gordon's Hist. of the Family of Sutherland. Sir Robert Gordon, the author of that work, as well as John, twelfth Earl of Sutherland, the Hon. Alexander, and the Hon. Adam Gordon, were her sons by her second marriage. Reference may also be made to Wood's Edin. of Douglas's Peerage, &c.

2 Viz. proclaimed for the first, second, and third times, according to the rules of the Church.

3 William Hepburn (Hepburn) of Gilmertoun became surety for his entry this day, by an Act dated Mar. 6, 1564-5.
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Pat stoppis 3ow of your defyre at pe Quenis MatÍ hand, quha will nevir
ceif? quhull pat have destroyt 3ow and your faderis House; bot and? se will
vse my counsale, I sail fynd pe meyne to eichew pe haill wrek pairof, and bring
3ow to your purpoise. And this way sail we wirke. Howfene pe Quenis
Maistie cumis vpone pe South fyde of pe Watter of Forth, quhilk wilbe
schortlie eftir Pasche, 3 we sail provyde and keip in cumpany famony freindis,
feruandis, and parttakaris, as falbe abill, quhenne hir MÁ is at pe Hunting
vpone pe feildis, or vperwayis pasland hir time mirralie, to execute his pur-
poise: That is to say, We sail cutt in pecis famony of hir counsalouris, fer-
uandis, or vperis pat will mak ws resistance, and sail tak hir self with us cap-
tiuie, and haif hir to pe Castell of Dumbertane, and pair keip hir furelie,
or vperwyfes demayne hir perfoun at 3our plefour, quhills cho aggre to quhate-
fumeur thing 3e sail defyre"—Saying afo, "This thing is maift easlie to be
done, quhenne hir MÁ falbe drawin furth of pe Palice of Halyrude-
house to pas hir tyme vpoune pe feildis, in quiet maner: And gif 3e tak ony
feir to execute this interpyfes, be reasoun of pe hafard or difficultye pairof,
3e sail ony bol stand and behald me put all thingis fairdie to executiouin;
and I sail quiklie execute and performe the premisillis! And swa the sail Erle
Boithwile treasuable preconfaiait, precogiait, and proposit the deathie, at the
leit the captiuite, emprefoning, away-takin, and withhaling of our perfoun,
againis our will; and als solifit, tyfit, 3 and did that we in him to have maiv
our sail couinge affifter and parte-takare thairintill, had nocht bene the grace
of God, quhilk of his infinit piete, lufe, and favour that he hes to the conteruatione
of our perfoun and Comman-wele of our cuntre, wald nocht füffir the sail maift
treasunabill interpyfes to tak effect; bot rather movit the hert of the sail James
Erle of Errane, our couinge, incontinent thairefit to cum and reveile the
famin to ws, for the tyme being in Falkland. And it is of vertiie afo,
that the forslaids Erlis of Arrane and Boithwile, in the beginning of the
moneth of Apryle nixt thairefit, being baiith personalie constitute befoir ws and
the Lordis of our Secret Counsel, the sail Erle of Arrane, our
couinge, declarit the haill purpoise fairdie, and awowit the same vpoune the sail
Erle Boithwile: And eftir that he had maift fayth with ane solenmit, 3
aith, that his alleigence wes trew, he offerit to preve the famin vpoune the sail
Erle Boithwile be quhatfumeur maner it fuld seim expedient to ws and
Lordis of our Secret Counsale to appoynt. And becaus the sail Erle Boith-
wile maid him to deny the famin, it wes nocht thocht expedient be ws and
Lordis of our Secret Counsale, and als be the erneft defyre of baiith the pairteis,
that baiith thair perfounes fuld be committit to ward in sure keping within our

1 Until. 2 But if. 3 Easter. 4 Enticed. 5 Solemn. 6 Denied.
CASTELL OF EDINBURGHE, and their commandit to remane quhill we and our Counfall foirfaid had be all lauchfull meanis inquirit and maid sure tryall of the veritie of the premisies. AND IT IS OF VERITIE, also, that with all possible diligence thairefuir, baith the saidis ERLIS wer constitute and put in WARD within our Castell foirfaid, thair to have remanit as faid is; and in the meyne tyme quhen diligent inquisitioun was makand to have done justice in the faid mater, the faid ERLIE BOTHWILE, as faid is, being delatit of Treasoun and constitue in Ward, to haif bene ansuerable thairfor according to the lawis of our realme, he, knowing him self maift gitty, and his conscience bering record agais him, vpoun the laft day of August nixt thairefuir, treasounable and contempnandlie brak his Ward and presounue of our Castell of Edinburgh foirfaid, and departit forth of the famin to his libertie, efchapand tharby the pvneifchement that was dew vnto him for the crymes of Lefé-maietlie foirfaid, and thairthrow hes declarit him culpabill and accusabill of the foirfaid treasounable CONSPIRACIE that he wes of before dilatit and accuit of: AND als, he being, as faid is, constitute in Ward and vnder the fulpitioune and accusatioune of cryme of Lefé-maietlie, nochty abyding the lauchfull troyll thairof, but breking his Ward in maner foirfaid, hes committit plane and manifest Treasoun, to his awin grete insumye and fchame, and in his contenpioune of ws, gevand occasioune to vtheris to commit the like horrible crymes, gif this remane vnpuone.

PROTESTATION by Alexander Hepburn of Quhitium against Sentence of Fugitation and Outlaver being pronounced against the Earl of Bothwell.

THE famin day, comperit in jugement of the faid Justice Court, befoir the geving of the faid Dwme, ALEXANDER HEBBURNE of Quhittium, and gave in this PROTESTATIONUIME, in writ, subcriuit with his hand, and defyr the fame to be regirrat; quhairof the tenour followis.

I, ALEXANDER HEBBURNE of Quhittium, servand and kynnisman to JAMES ERLIE BOTHWILL, my Cheif, PROTESTIS solempnitie in his name, that fyn pe faid Erle is allegit summond to this day to comperit befoir our foorena ladis Justice, and to vnderly hir hienes lawes for certane allegit crymes of Treasoun and Lefé-maietlie content in the Sammondis direct thairpoun: And nocht-withstanding his innocence and mynd will to have pe troyll pairof, dar nocht comperir, for feir of his lyffe at this tyme and place, be resoun of the grete conventioure of his innemis and vnsreindis within this bur’ at this tyme, quhomo he fereis to attempt his Slachtir and destruccione be way of deathe, and quha hes declarit paime sellis innemis to him laitlie befoir ; that his non-comperance he nocht haldin nor reput as fugityve fra our faid fourran ladis lawis, rebell nor culpabill of the faidis crymes, be resoun that he dar nocht comperir for juft feir and dresdour that mycht fall (happen) in ane conffant manne ; as well apperis be the grete gathering maid at this tyme in pe contrair, of pe causing of his innemis and vnsreindis, pat fuitis his lyffe and distruttioun vnsuitlie ; bot that he may be laid heirefuir, at tyme and place fure and convenient, and the caufis of the faid feir ceifand, to offer him sellis to ane Affylyfe for the faidis allegit crymes, and byde the troyll pairof. AND siclik, Proteffis, that quhanueur be done and procedit against the faid ERLIE, this day, be nocht prejudiciue to
23 MAR. CRIMINAL TRIALS. * 465

him, his fame, lyff, landis, honour nor gudis, for the causis fairfadis; And defyris this my Protesta-
tioune to be infrnt in the Bukis of Adornale, and for the extract paiof, vponne my expensifis.

ALEX. HERBURN OF QUIRTUM.

And in likwyfe the said Maister Johne Spens of Condy, Adoucat to our foueran lady and perfewer of the saif actioune, in hir name Proteftit in the
contrair, as eftir followis.

Protestation of the Queen's Advocate, ' in the contrair.'—Comperit Maister John Spens of
Condy, Adoucat to our fouerane lady, and allegit þat þe said Ersk culd pretend na juift cauf of his
abfence, nor juft feir þat mycht fall in ane conftant manne; specielle, be reafoun þat he is perfewit
be the ouerd of juftice; and þat feir þat he hes of juftice to be donne is nocht juft feir of the law;
And that irfor, can nocht be ecruiit, but manne be haldin fugityve fra our foueran lades lawis; namelie,
condering perfe was na conventioune of his vnaefandis pair, bot þe Justice and Memberis of Cour, 
fittand with his Affeoffers, in quyet maner. And pairfor, Proteftis þat he be haldin as culpabill of the
crymes contenit in the Letteris, and that he may incur all þeris panis, qhilk toward our foueran
lady, of hir lawis and practik of the realme, he may incur.

Wasting Lord Elphinstoun's goods, &c. — Adultery.

May 4.—ALEXANDER DRUMMOND OF MEODOPE, of the thifteous de-
struccion, fteling, intrometting, wafting, dinfoing, and concelins from Robert
Lord Elphinstoune, in the moneth of December, or that ir, the þeir of God
laung 3eiris, and monnethlie, 3eirlie, and continualie fenyne, his gudis, geir,
and money, in grete quantitie, extending above the fowe of twentie thoufland
 pundis; throw the occaition of the Adultery committit be him with Margaret
Drummond, þpovs to the said Lord, at the tyme forfiaid. The said Alexander
aksit instrumenis that he disflaentit from the continuacion, and defyrit ju-
stice, conforme to THE QUEEN's grace wriptit; and siclik, aksit instrumenis,
that the Lord Elphinstoun purgeit him of all thifteous dedis specifit in the
Letteris.—Continued to the Justice-aire of Linlythgou, Robert Lord Elphin-
stoune having become surety for his entry.

Convocation — Inbaiding the Commandator of Ardbhatten.

May 5.—ROBERT INNES OF INUERMERKIE, delatit off Conuocatioun
of our fouerane lades liegis, to the nowmer of iij' perfones, bodin in feir of
weir; cumand to the Many of Plewlandis, and Invaifion of Johne Commen-
dator of Ardbhatten, for his Slauchter and vtheris crymes. Alexander Innes
of Crombye become surety for his entry at the next Aire of Elglyne and Fores.

Mutilation of the Laird of Borg.

May 9.—GEORGE LORD SEYTOUN, and John Seytoone of Cawraldf-
stoune, his brother, James S., foun of vmq" John S., of Lathriff, Alexander S.,
brother of Walter S. of Tullebody, and George S., in Tranent, were denounced

vol. I.  † 3 N
Rebels, and put to the horn, and all their movables ordained to be escheated; and Hugh, Earl of Eglintoun, and Walter Seytoune of Tullebody, were amerced for their not entering the said persons to underly the law for art and part of the Mutlination of Francis Dowglas of Borg of his right arm and left hand, at leaft of the middle finger thereof; thereby rendering him impotent of the same.

Slaughter of the Laird of Bassindene.

May 31.—Gawane Elliot of Horslehill, William Elliot of Lametstone, and William Elliot, callit Gawenis Willie, of Fallinefsche, continued to third day of the next Aire of Roxburghe. James Dowglas of Cawerfe, and William Dowglas of the Crufe, were amerced for not entering the said William of Lametane and Gawenis Willie, who were denounced rebels, &c.—(Dec. 4.) Robert Young, ferman to the Laird of Pharneshire, competir in judgement, and procudit this writing eftrir following, defyrand the famin to be infert in the Duke of Adjornale, and profetit he mycht have the extract heirof, autentikilie; qhahirof the tennoor followis:—

Rex et Regina,

We vnderstand that our louit William Elliot of Horflehill we Banischit of our reasone for pe arte and parte of pe Slaughter of vmq'n David Scot of Hassindene, for his lyertyne; and fland fouertes pairfor: Noytwithstanding ye quhilik, W's, for dizerfe caufes and confiderations moving us, be pe tenoore heirof, gevis and gratis Licence to pe said William to reftor and cum hame ane within our reasne, and to remane thairintill as our fre liege, in tyne cuming, noytwithstanding pe said Banischement: And will and gratis that he nor his fouertes fall nocht be callit, fiymond, nor acallit pairfor, nor incur ony danger or skaithe pairthrow, in his perfous, landis, or gudis; noytwithstanding ony Actis or statutes, maid, or to be maid, in the contrair; anent pe quhilik we difpenfe be pir prentis: Discharging heirour Justice, Justice Clerk, Advoctis, and all vperis Jugiis within our reasne, of all caling, perfewing, trabling, or in trommeting with the said William, his fouertis, pair landis or gudis, for his returning and remaining at hame, within our reasne, as said is, and of pair ofices in that parte, for euir, he pir prentis. Subscribirt with our hand, At Edin. pe xxiiiij day of September, the yeir of God M. v. l. x. geiris.

Maria R. Henry R.  

Treasonable Intercommuning with the Duke of Chattellarault and other Rebels—Taking wages to serve against the Queen, &c.

Oct. 26.—Alexander Moncreif, son to William Moncreif of That Ilke, Jams Ross, and Duncan Robertsooun, ferman to the said Alexander, dilatit off arte and part of the treasonabill and vnlawfull supple, affiitance, intercommuning with James Duke of Chattellarault, James Erle of Murray, Alexander Erle of Glencarse, Andro Erle of Rothes, Andro Lord Stewart of Vechtrie, Gawin Commendator of Kilwynning, James Kirkcaldy of the Grange, Maid—

1 See Oct 21, 1564. 2 John Somervile of Brounhill became his surety. 3 See some interesting particulars as to the Marriage of Many Queens of Scots and Darnley, in the Notice, I. pp. 478 and 488, &c.
ter James Haliburton, Prunest of Dunb, and vtheris, our foueranis lordis and ladeis Rebellis, and being denuneit their ennemies, and at thair horne, for thair willfull and manifest contempionate & disobedience in non-compering at ane certaine day, to anfser to thic thingis as fuld be laid to thair charge: And this wes done and committit vpon the xij, xiiij, xiiiij, xv, xvij, and all the dayis of this instant moneth, quhill' Sounday, the xxij day of the famin: And for arte and parte with thaim in thair wickkit and rebellious dedis. To the taikinne, the same wes confessit be thaim, in presens of the Lordis of Counfale. Item, for arte and parte of the vnlawfull putting of thame self in armes, as raifit Men of Weir aganis our foueranis and thair auctorite, in wgageis, vnder Williame Moncreif of thait ilk, youner, and James Kirkcaldy of the Grange, without owther command or Licence of our saidis foueranis; taking wageis to serv the thame aganis our foueranis, thair realme and faithfull subiectis; expres aganis the lawis of the realme, and incurrand the panis contenit thairintill: And this wes committit be thaim the tyme foirfaird: To the taikinne, thai paft to Ingland vpon the xv day of this instant, and thair remanit with the saidis Rebellis and thair Capitanis, in armes, quhill the xxij of this instant, that thair wer takin reid-hand. And in speciale, the said Alexander gat xx lib. for his monethis wages, and the said James x 1.; and gaif fayth thairfor they fuld sere as thair wer commandit be the saidis Capitanes.

VERDICT. The Affile fyliit the said Alexander and James of the whole points, and the said Duncan of the first point of the Dittay.—SENTENCE. The saidis Alexander Moncreif and James Ross to be hedit and quarterit: And the executione delayit at the King and Quene's Grace commandement. The said Duncan Robertson to be szuregit through this Toune of Ed', without further pvncisment in his peroun or gudis.

**Creasonably abiding from the Haith of Stirling.**

Oct. 26.—Richard Blyth, burges of Dundee, found surety to underly the law at the next Aire of Forfar, for treasonably abiding from the Army ordained to meet at Stirling, in August laft.

**Slaughter — Borderers received as Cautioners.**

Nov. 7.—Gilbert Lauder, in Quidtlaid, delatit of the Slauchter of vmoq" George Weddercat (burges of Lauder, vpon the said George's lands and croft, lying near the Water of the said burgh); committit vpon the xxvij

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1 Until. 2 In token or testimony whereof. Red-hand, in the fact. 4 They were in the meantime ordered to be strictly warded in the Castle of Edinburgh.
day of September last by past (upon old sefud, certain purpose, and forethought felony.)

Persewaris. Andro Wedderut, fajer-broper; The said Lard of Coldinknowis.
Prelocutoris for the said Gilbert, The MAiR of Bothwik; The Lard of Pharnherit; Mr John Meffrope, Walter Ker of Dolphingtoun; The Lard of Lawder.
Prelocutoris for the parfuaris, The Lard of Coldinknollis; The Lard of Seufurd; The Lard of Innerwik; Thomas Ker of Merflingtoun; Andrew Ker of Fawdounyde.

The said Lard of Coldinknowis afkit instrumenitis that the said Lard of Lawder would perflaw in this caus; and siclik, that the Justice refallit BORDOUTBARIS as fouertees for the said Gilbert, Protestand, that gif the lik caus wes to be intenit or perfawit before them, that siclik fouertees may be refallit to that effect. The Adoucattis afkit instrumenitis of the dait of the Refpett product, quhilk wes at Ed’ the secund of November 1565; and that the fame frae the said daite to the feint of Michalmas theireffir’ fuld onlie inder.

Having pleaded his Refpite, he found Sir Thomas Ker of Pharnuhert, Knt. and Walter Ker of Dolphingtoun, to satisfy the parties.

Slaughter of the Earl of Bothwell’s servant—Jurisdiction of the Lords of Session.

Dec. 7.—Alexander and Olipher Sinclair, brothers of William Sinclair of Hirdmanstoun, were denounced Rebels, and put to the horn, &c.; and the said William was unlawed, as their surety, for their not underlying the law, for art and part of the cruel Slaughter of Walter Murray, servand of James Earl of Bothuile, Lord Crygchtoone, and Halis, &c.; committed Aug. 25. last, on old sefud, certaine purpoe, provision, and forethought felony.

Dec. 8.—William Sinclair of Hirdmanstoun, Johnne Prett, Mathew S. in Mylnetoun, Alex. S. in Saltoune, Johnne Hog, and Robert Fyffe, also dilatit of the Slauchter of vmq4 Walter Murray.

Persewaris, Adam and William Murrayis, brothers to vmq4 Walter.
Prelocutoris for the pannall, My Lord Borthvik; Mr Tho. M’calpace, The Lard of Wauchtonne; The Lard of Trabroune; The Lard of Butterdene; The Gudman of Broxmouth.
Prelocutoris for the perfwaris, The Comptroller; The Lard of Trauir; The Gudman of Hangitibhaw; The Lard of Coldinknowes; Adam Wauchope of Caikmuir.

Allegis the prelocutoris for the pannale, that na proces aucht be led ganis than this day; becaus, of 3 the law, the famin is haldin and aucht to be obseruit—and that LORDIS OF SESSIOUNE fittis nocth, and speciale in this caus, being Criminale. And the Adoucattis allegit in the contrair, in respect of the Alteratioun of Religioun. The Adoucat afkit instrumenitis vpoune the proposition of this allegance be Mr Thomas M’calpaceane.

1 Sept. 29. 4 Sir William Murray of Tullibardine. 3 By, or according to the Law.
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The judge, notwithstanding this allegation, fyndis that he may proceid. The Asseffouris and Lordis at pronounciing heirof, were my Lord Atholl, the Erle of Huntlie, the Secretar, the Justice Clerk, the Erle of Mortoune.

The prelocutouris forfald protestit for remeid; and askit instrumentis that the prelocutouris for the perfewaris decretit thai wald inffit to the perfute of this caus: And that the Erle Boithuile decretit he culd nawyfite inffit to the defence of the Lard of Hirdmanstoune in this matet, be resoun the famin is his awin caus, and that his feruand is flane; and 3it, be reafoune of the commoning betuix him and the said Lard, he will nocht prelentlie perfew him his self.—Continued.

(Dec. 20.)—The perfewaris askit instrumentis that the interlocutour was gevin that thai fuld have judgement of their peris.¹

ASSISA.
The Lard of Dalmahoy,       Ja⁴st. Stevinfoune of Hirdmanfchel, The Lard of Johnstoune,  
William Weche of Dawik,    James Lethmonth of the Craig,    The Lard of McKerstoune,  
William Newtonoune of that Ilk,    George Tait of Pirne,    - - - Paterfoun of Caverhill.  
John Lindsay of Cobingtonoune, Geo. Haliburton of Walruther,  
D.⁵ Elphingstoune of Hinderstoune, Jo. Aitoun, burges of Haddingstoune,

The pannel askit instrumentis that they renunce any fauour of this Writting producit, deffyring na delay of proces; and makes fayth, (that) thai nor nane in their names wes purchisflaris thairof. My Lord Justice Clerk askit instrumentis, that the perfewaris and defendaris deffyrit baith proces, nochtwithstanding The King and Quein's grace Wrytting producit; and thairfor protestit, in my Lord Justice Principale, his awin and the Asseffouris names, that na fault be imput to thaim, seeing thai are willing to obey the famin. The said Mr Thomas protestit, that albeit the perfones forfald be admitted and sworn to pass upon their Affyfite, that famony thairof as ar Gentilmen be haldin for na Barronis.

VERDICT. ' Acquit the hall.'

Mutilation — 'Umbeisetting of the Hie-gaill' — 'Brigancye.'

Dec. 11.—ROBERT BROUN, maltman, FYLIT of the Hurting and Wounding of Archibald Blakwod in his rycht arme; and Mutilatoun of his myd-fynger of his rycht hand, be Umbeisetting of his Hie-gaill betuix Leyth and Edinburgh; committed vpoun fuddantie, vpoune the fext of December instant: And acquittis him of the lying at wait, be way of Brigancye, &c. and Spoliatoun of his cloik.—SENTENCE. To be putt in Ward within the Tolbuith of Ed'. The Affyfite askit instrumentis that the perseware difaffentit fra the perfute of Mutilatoun for this time.

¹ Redress. ² Peers, equals in rank. ³ Dynese, Dionysius. ⁴ Many similar Cases occur in the Criminal Records at various periods; some of them are mere Highway robberies, whilst, on the other hand, a large proportion of them evidently arose either from private feuds between the parties, or the mere love of mischief and adventure.
Slaughter of the Laird of Colpna.

Oct. 12.—Alexander Lyoun and Mairiorye Vrquhard, his fous, acquitted by an Afflise of the Slaughter of John Wod.

Pereswars, Alexander and Gilbert Woddis, breuer to þe saind Wod, John.

Pereswars for the pereswars, Mr Edmond Hay, My Lord Dothwhil, George Wichtor, David Lyoun, Matho Hepburne.

The saind Mariorye producit in Jugement ane Act of Court of the Sherifdome of Abirdene, vnder figne and subcriptione of William Bruce, Notar and Clerk of the said Court, berand the contenstis of ane Discharge subfcriuit be our souerane lord and lady, that the Sheriff and his Deputies fuld naywise proceid vpoun the said Mariorye in calling of hir to vndirly the law for the cryme fairsaid; in respect quhairoif, the allegit that na proces fuld be led agains her in this Court.

ASSISA.

William Gordoun of Sauchquhyes, Johne Blakhill, in Tippertis, William Chalmor of Feddermarch, Alexander Jefferie, in Calter, Alex. Burnett of Leyis, younger, James Forbes, in Kildrmmie,.


Alex. Tullell of Rannelloure, James Gordoun of Abiryle, James Gordoun of Crechye, William Raithe, in Efflmonthe.

Thomas Chalmor of Talykerye, James Chalmor of Abiryle, William Chalmor of Feddermarch, James Pantoone of Tullemaid.

ACT of the Sheriff Court of Aberdeenshire.

CUIA Vicecomitatus de Abirde, tent. in Pretorio eisfdem, decimo die mensis Septembris, anno Dominii 1565, per Georgium Bisij, Vicecomitum deputatum dicti vicecomitatus, pro Tribunali sedem: Sectis vocatis et Cuiria legitime affirmata.

The quhilk day, Mairiorye alias Margaret Vrquhard, fous to Alexander Lyoun, burgeis of Abirdene, being prefentit in jugement to have bidden þe law for allegit art and pairt of þe crewale Slaughter of þe saind Wod of Colpna, commorit Andro Lard, meffinger, Shiref in þat pairt, with ane Letter vnder þe subcriptionis and signet of owr souerannie King and Queen of Scotland, dated at Struielng þe fevert day of September instant, and of þe pairt reignis þe first and xxiiij yris; and inbeite, be virtue þairf, þe saind Schrief deput and all þes of any proceeding contrare þe saind Margret alias Mariorye, for þe allegit cryme aboute written, vnto þe third day of þe Aire to be haldin within Est, as in þe saind Letteris, at maister leight, is contenit. Quhillis Letteris þe saind Schrief deput instantlie obeyit; and Gilbert Menjies of Couly, burgeis of Abirde, become cautioner and fosertie to enter þe saind Mariorye alias Margret, the saind third day of þe Aire, efit þe forme and tennour of the saind Letteris, vnder þe þenmis contenit in þe famin; And þe saind Alexander Lyounce become oblief faythfulie to releif hir of þe famin. Quhairupon þe saind Andro (Laird) and Mariorye Vrquhard and Gilbert Menjies hine inde defyr Act of Court and instrumenta.

EXTRACT. De libro Curie Vicecomitatus Aberdonensis, per ma scriba ejusdem subscripsi. Ipsa est Wm. Bruce, Novus pulpit et scriba dictae Cuiria, pro tempore, ad hoc, sua manu.

Abiding from the last Raid of Stirling.

Jan. 2, (1565-6) — Thomas Hunter, in Eister Bengour, delatit of the treasonabill remaning and byding at hame frou our soueraneis Oift and Raid, or-
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damit to convene at Struilling, the last of September lastbipaft, incontrair the
tennour of the Proclamatioun of maid thairupoun.

PRELUCOURIS for the pannale.

John Aikenhead; Mr Thomas M'calsane; The Lard of Byning,
Mr John Henderfonne of Bengoune; Robert Hammiltounne of Inchmauchan.

Allegis Mr Thomas M'calsane, that he fuld nocht be putt to je knowlege of
ane Affyife for bydyng frae the Raid proclamit to the last day of September last
bipaft, &c., nochtwithstanding his nocht being thairat, becaus alle sic charges to
sum to Raidis hes ane ciuile vnderstanding; fwa that thai extend nocht to all
maner of perfons, sic as pure folksis and vnhabill perfons: And it is of veritye,
that the said Thomas is ane pure fermorare, havand onlye aucht oxingang of
land of Bengour, plenicift with his maitfereis gudis', for the quhilk he payis xl
bollis wittuaile, viz. meill and malt; thairfor wes nocht subiect, &c. And attour,’
allegit that the said Thomas wes vnhabill in his perfoun to ferue in weifare, be
reafoun that he at Beltane' laft-wes, or shortlie thaireftir, havand four horfe flo-
llin frae him latlie of before, being in Ed' for serfin' and trying of the famin in
the hous of Eduard Kinkaid befide the Weft Port, fell our the bakfyde of the
tournepye' thairof vpoune his bak; quhairthrew he wes so meneziet,' that he was
vnhabel for weifare, or ony sic travell feruand thairto; as is wele knain, and
fal be verefeit quhen neid beis. And attour, his maitfer, Mr John Henderfonne,
laerd of the saidis landis, takand ordour for setting out of his seruandes to the said
Raid, within the tymel of the said Proclamatioun, vnderstanding the said Tho-
mas inhabilitie that he wes bot ane puire fermorare, cawsit him furneisfe ane
habill man, callit Thomas Craw; quhilk Thomas past to the said Raid, and kep
the Proclamatioun forfaid. In respeft of the quhilkis, he fuld nocht incur the
panis contenit thairin, nor pas to the knawlege of ane Affyife; becaus he of-
sferris him to preif this allegeance, nocht onlie be Johne Mowbray, Parfonne
of Inchmauchan, Minifter of his Paroche Kirk, heir preserit, bot als be vther
famous' perfons that knawis the veritye heirof: And denys nocht his being
abent, be the ocaifoun forfaid; and because it wes practiket' in flicil caiiffi
to the Lard of Dalhousie, and according to equitye and conscience.—The Advoucat'
anfueris, that in caife this allegeance were of veritye, the famin aucht to pas ane
Affyife, na vther probatione aucht to pas heirupoun; and that thair is na sic
practic vfit in sic caiiffi, as is allegit.

THE JUSTICE Repells the allegeances, and ordanis the matter to pas to ane
Affyife.—Contenewis to the morne.

1 Viz. a ' Steil-bow tenant.' 2 Moreover. 3 May-day, O. S. For notices of the Super-
itions formerly practised, by kindling fires, &c. See Dr Jamieson's Dict. &c. 4 Searching, in-
vestigating. 5 A circular, or rather spiral Raincaif, is still termed a turnpike fair, in Edinburgh,
and some other parts in Scotland. 6 Maimed, mangled. 7 Persons of good fame and repu-
tation. 8 A decided point, or practique. 9 Mr John Spens of Condy, Queen's Advocate.
CRIMINAL TRIALS. A.D. 1565-6.

(Jan. 3.)—DISSERT; because James Striullying, Donator to the Gift of his Eschete, is with him aggret and satisfies.

Abiding from the last Raid of Stirling.

Jan. 3.—ANDRO BALLINGALL, in Drumbarro, dilatit of the remainig fra the Raid ordanit to convene at Striullying, the laft of September laftbypast.
—My Lord of Fliik,¹ allegeand him to half specill command of the KINGS Maieftie to the effect vndirwrittin, commanding the Jufticie depute and Clerks of Jufticiarie prefent to continew the actioune of Andro Ballingall quhill² the morne.—My Lord Lindeay alleget, that it was the KINGS grace and plefour that the faid paur man had juftice, without delay or continewatioune; like as he fuld verfe; and thairupoun afskit instrumentis.—Continued ' to the morne.'

Persewaris,

Mr John Spens; Alexander Balfour, Donator; Mr James Balfour, Parfon of Fliik, affifter.

Prelocutoris for the pannell, The Lord Lindsay, Mr Richert Strang, Mr Thomas Scot.

(Jan. 4.)—Allegit Mr Richert Strang, prelocour for the pannell, that the Summondis is nocht relevant, nocht containand any relevant caus to infer the conclusioune, nor to infer the defendar, expreslie being ane purelye man, nader wes comprehendid vnder the Proclamatioune, in reffpect that fumtyne Proclamatiounis ar maid vpoune Barrones, fumtyne vpoune all subiectis; nor 3it contenis the narratviue of the Summondis ony pane specciet in the faid Proclamatioune: And in caufis Criminell, lybells aucht to be maift cleir and relevant; and giff this perfute wes Ciule, the Summondis culd reftau na proce, far les in this Criminal caus. And it is notour to the Juftice Clerk and his deputis, that the Letteris aucht to contenue the verray forme of Proclamatioune, that the offendaris may knew quhow to vfe thair defenflis thairrent: For it may stond, that the faid Proclamatioune beris within sextie and sextene; and the defender is paft that dait lang before the famin.—Anfueris the Adovcat, that the allegeance is nocht relevant, in reffpect of the summondis, quhilk referris to the Letteris of the Proclamatioune and executioune thairof, prefentlie producit.

The faid Mr Richert allegit, that the summondis is nocht relevant to the faid Proclamatioune, in ony pair; and the defendar is nocht subjucct to anfuer to the faid Proclamatioune now producit, as ane pairt of the Summondis. It is allegit, that the faid Andro aucht nocht to be put to the knawlege of ane Affylife, because he is ane pure fermourer, nocht habill and of zeiris to pas to the Raid, and he fend his fone, being ane sufficient man of armour, quha paat with the first of the Army, and remanit with the laft; and offeris to preif the famin sufficientlie.

¹ Deserted. ² John Waddell, Parfon of Fliik, one of the Ordinary Lords of Session; admitted Jan. 20, 1542. ³ Until. ⁴ Donator to the Gift of his eschat. Much iniquity arose from the system of granting 'Gifts of eschat' to retainers of the Court, who were needy, and almost always inexorable.
HEN. & MAR. 1 & 24. CRIMINAL TRIALS.  • 473

—The Aduocat anfuerit, that the famin acht haill togidder to pafs to ane Assyifc.

The said Mr Richert allegit, that the famin eild 1 and remaning 2 aucht to be proven be Witenessis, for instrueting of the Assyife; in respect that the Assyife is summons be the Advocattis, and for tryell of the Dictay. Item, vnder protestatoune that the defender grantis na cryme nor offence, allegit for the defender, that our Souerannis lord and lady, be thair Writting, subcritruit with thair handis, and vnder thair Signet, willit and grantit that the defender seld nocht be cabbit for abence fra the said Raid, and that he incur na kayth in his peroun nor gudis; dischearging the Justice, Justice Clerk, Advocattis, &c. As the Discharge producit, beris. And thairfor allegit, that na process aucht forther to be led in this caufe, and vfa the said Writting for dischearging of the said Justice, Justice Clerk, and Aduocattis aboue writtin, at this tyme allanerlie.—The said Mr James Balfour askit instrumentis vpoun the tenour of our Souerannis Writting; and gif the said Andro will byde Assyife, conforme to the narratyve of the famin? Item, skit instrumentis, that he inquierit at the partye and my Lord Lindsayy, his prelocutor, gif he wald byde Assyife, conforme to the said narratyve, and that of the remanent, or at the leif of that partie, that his fone wes in Drumfreis or 3 our Souerannis depairlit furth thairof?—Anfuerit, that the said defender, of the law, is navyiife subiectit to anfuer to interrogationis of pairtye. Proteitis the sайд Mr Richert, that the defenfis foiirfais be difficuil in ordour, as thai ar proponit—and protefit for the rest of his defenfis quhen neid beis.

(Jan. 31.) My Lord Lindsay became surety for his entry at the next Aire of Fife, to underly the law, &c.

Abiding from the Raids of Stirling.

Jan. 4.—JOHNE COKBURNE OF WESTER NEWTOUNE, delatit for his treasonabill remaining and byding at hame fra thair Maiestis Oiftis and Raidis, ordanit to convene at Struiling the xxvij and laft days of August and September laftipaff, incontraire the tenour of thair Proclamationis.

Persewaris, the King and Queen's Advocates; Patrik Anstruther, donator of the Escheat.

Prelocoutouris for the said John,

The Lard of Scrailing, Mr Alexander Syme,
Mr William Scot, John AUCHMOWTIE, burgess of Edinr,
John COKBURNE in Leyth.

Allegis the said Mr Alexander, that the said John aucht nocht to be putt to knawlie of ane Assyife, becas he is outwith the age of lx 3eiris; and als in respect of the exemptione of our Souerannis Maiestye, of the dait Jun. 8, 1557, of hir regnue the xv 3eir; and in lyk maner, producit ane vther Writting, subcritruit

1 Age; viz. the pannel's time of life.   2 Abiding from the Raid.   3 Ere, before.

† 3 0
be our fourerannis lord and lady, dischargeand the Juftice, and vtheris thairin, off all proceeding againis him, &c. off the daith the xxvi day of December 1565.—Affignis Thurisday nixttoceüm, with content of pairtys, to the said John, for probatioun of the prouifioun contenit in our fourerane laideis Licence, vnder hir Privie seale, to remane fra all Oiftis, Rайдis, and Armeis, during his lyftime, &c.

(Jan. 10.)—Proteftis Mr Alexander Syme, prelucoutour, that the alle-gances mad this day be discuffit, tuicheing the prouifioun contenit in the laif Licence; and als proteftis, that in cais he preve nocht the defence contenit in the Act, that he may be hard to sey forther, and preif the famin; and als, proteftis for ane vther terme, gif neid beis.¹

(Jan. 11.)—The said Johne producit certane Witneffes, quha wer admittit and deponit in the saif mater; and the famin mater being continuit be the Juftice to this day and Court, vpoun Interloquitour, gif ane vther terme fuld be affignit be the Juftice, to the said Johne Cokburne to summond ma' Witneffis thairin: Mr Robert Creychtoun, ane of the saidis Aduocattis, togidder with the said Patrik, donatour foirsaid, beand comperit in jugement, in this Court, to heir and fe the said Interlocutour prounciis be the said Juftise-depute, the said Patrik, in prens of the said Aduocat, exponit and declarit, that it wes now comin to his knowlege, and clearlie vnderstand to him, that the said Johne Cokburne fend for hym² to the saidis Armeis, Robert Wat, wele bodin and furnisit, as said is, conforme to the Proclamationis maid thairupoun, and had satisfet and fulfiffit the prouifion of his said Licence; and thairfor, with content of the said Aduocat, renunciit the said actione, and forther perfute of the said Johne thairin: And conferit that all proces foule ceifè aganis him for the famin, in tyme cuming.—Quahirfor the said JUFTICE-DEPUTE, with the content of the saidis partesis perfewaris, djschargeit the said Johne of the saif actione; and decernit him fré thairof, and all forther proces to ceifè thairin, in tyme cuming.¹

Concealed Murder.

Jan. 18.—ROBERT AIKYN, delatit of the Murthour of Johne Robert-foun in Abirdene, throush striking of him with an ichip-hammer, behind his bak, on his hed, within his awin barne; and thairefter, beleving him to be deid, lokkit his barne dur, mynding,⁴ eftir concealing of his deid, to have bereit him in the nycht.

Prelucoutour for the said Robert, David Primrofe.

¹ The names of five Witnesses were given in, as having been sworn. ² Mor. ³ As his substitute. ⁴ Others were cited for the same offences, and were pursuied as rigorously as in the above instances, chiefly on the procurement of the Donators of the escheat; who, in addition to their pecuniary interest, had frequently private piques to revenge against the pannels, being generally persons of opposite factions. ⁵ Intending, purposing.
CRIMINAL TRIALS.

Robert Aitkyne requyrit instrumentis, that he offerit himself in the KING and QUEENS Maiestie Will.

VERDICT. It is fundin be Asyfis, that the said Robert crewalye, in the moneth of December lastbipast, Hurt and Woundit Johne Robertfoun in Aberdene, be way of conceit and hid Murthour, in perrell of deid.

SENTENCE.—To be had to the Mercat-croce of Ed°, and thair, vpoune ane scaffall, his heid to be strikin fra his bodie.

Demembration — Cutting of a person’s Ear.
Jan. 26.—Adame Twedy of Drawey, delatit of the cutting of Robert Rammage luggis, and demembring of him thairof.

Perewaris, Robert Rammage, and William Rammage, his brother.

Pleaded the KING and QUEENS Remission. ‘The daist of this Remissioun of the Gudman of Drawayis, Nov. 30, 1565.’—The Perewaris akit instrumentis, that thai nevir perfewit the said Adame of his lyffe, but ony for amendis to be maid for the cryme. William Twedy of Drummelzeour became firety to satisfye parties.

Hurting and Wounding.
Feb. 12.—Andro Armestrang, James Young, cutlar, William Johnnefoune, Bowar, and Thomas Broune, Cordiner, burgefs of Edinburghe, delatit of the Hurting of Freir John Blak, betuix his schuleris, to the effuflion of his blude.—Continewis to Monunday nexttocom; and Ordinis the pannale to remane within the famin (Ward) quhairin thai wer of befoir: Quha hes acceptit the famin.

Prelocutouris for this pannale,
Maister Davit Borthwik, Mr Thomas M‘calypane, Mr John Scharpe,
Mr Alexander Sym, Mr Richart Sunag, Mr Clement Lüll.

(Feb. 18.)—The prelocutouris akit instrumentis, that thair wes ane command, be delierance of the Lordis, product in jugement; be vertew quairof, thai wer chantet to affit the perfones perfewit, in procuring for thame anent thair lauchfull defenfsis, vnder the pane of deprivatioun content thairin. They also ‘akit instrumentis,’ that they requyrit the Aduocat to fweir the Dittay.—The Aduocat, Mr Robert Creichtoun, akit instrumentis, that the Juftices, be thair Interlocoutour, declarit that he was nocht haldin to fweir the said Dittay. Mr Davit Borthwik akit instrumentis vpoune the contentis of the Dittay, and that na deid procedand is qualifieit therein. James Young akit instrumentis vpone the Aduocatis Declaratioun, anent his purgatioun maid be Freir Johne Blak.

1 Ears. 2 Assiishment, or compensation to the private prosecutor for the personal injury sustained by him. 3 Bow-maker. See July 4, 1566.
CRIMINAL TRIALS. A.D. 1565-6.

VERDICT. The Asyllye Fylis William Johnnestoun, bower, off arte and parte of the Hurting & Wounding of Freir Johnne Blak, to the effusio of his blude, vpone the fift day of Januar lastbypast, beuix aucth and nyne houres at evin, in the Cowgait, beuix Nyderis Wynd and the Freir Wynd, vpone fuddantye; in respech that his awin Confesseioun beris, that he brocht Richert Arow-maker to his awin hous, and dicht1 him thairin, and gave him ane clene cloke hame with him, and fend him on the morn the said Freir Blakis clok: And acquittis him of the remenant poynitis of the Dittay.

Transporting of victuals to Berwick, &c.

Feb. 23.—Andro Litster in Fouldene, William Bathkatt thair, Jhonne Thine thair, seruandis to Dalhoufye, & James Jounger, seruand to Rikkertoun, deelit of Transporting of wittullis furth of the realme to Berwik, and vtheris forbiddin pairitis, incontrair the Actis of Parliament.—The Laird of Dalhoufye became surety for their entry, on May 24, nixtocum.

Hamesuckin—Inbading Lord Saltoun, &c.

Feb. 28.—Mr Thomas Keir, Johne Farquharfoun of Newtoun, and twelve others, deelit of the Convocatioun of our fourerane lordis (and ladies) liegis, and be way of Hamefuckyn, Invading of the Lord Saltoun and his seruandis. Mr Thomas Mcalzane, prescotour, protestit in name of the pannale, for thair expensis, be reafoun thai compost, and wer in reddines to vnderly ane Asyllye; lyke as ane sufficiet nowmer thairof wes heir, summond to that effect. —The Adovat afkit instrumetis, that he for the preuent disaffentit fra the perfit of this caus, becaus as he sulpextis collusioune betuix the pairteis; and thairfoir wal summond, quhen he plefit, ane unsufpect Asyllye to this effect.

Horse-stealing from Lady Edmistoone.

Mar. 4.—Parese Simpil delait of the Steling fra the Lady Edmistoone of four hors.—The Lady Edmistoone disaffentis fra the perfit of the said Pareis.

Prelocotouris for this Pareis.
Johne Edmistoone, Ninian Stewart, Johne Simpill, sone to the Lord Simpill. John Simpill of Blenecchelis became caution for the entry of the said Pareis at the next Justice-aire of Edinburgh.

Slaughter—Jurisdiction of the Lord High Constable.

Mar. 5.—James Bog, delait of the Slauchter of vmq1 George Hamil-

1 Wiped; cleaned. The more intelligible phrase 'washed (washed) the blude at his face,' is deleted, and the above words have been interlined.

toune, son of William Hamiltonune of Pardovane, committed on fuddantye, in
the month of January last.

Persewaris, the Lord of Pardovane, father, brother, kyn, and friends.
Prelocutouris for the said James, Mr David McGill; Mr John Scharpe; The Lord of M'Ker-
toune; The Lord of Swynstoune; Captaine Anstruther; Walter Ker.
Prelocutouris for the perewaris, The Lord of Prestoune, the Lord of Keir.

The pannel produced a Respite, dated¹ Feb. 22, 1565, for the space of 19 years.
Protestis Mr David McGill, that the entrie of James Bog in this Court, benawyse
prejudicable to the Regalitye, in respect of the committing of the Slauchter
libellit within the famin; and that the fouerteis fundin to this effect, to the
Constabill and his deputis, incur na danger. And flicik, William Hender-
toune, Constabill depute, protestit, that his entre fairfayd be nawyse prejudiciale
to his office.—Mathew Sinclare of Lochirmalus, William Ridpath, of that Ilk,
and Andrew Ridpath, his uncle, became cautioners for the satisfaction of the par-
ties.

The last of the Scroll-Books of Adjournal during the reign of Mary,
Queen of Scots, (some of which, as formerly noticed, have fortunately been
preserved,) ends on Mar. 5, 1565-6. A few gleanings, however, of considerable
historical interest, have been obtained from a Caution Book, (Libri Plegiationis
S. D. N. Regine,) which extends from Jun. 18, 1563, to Nov. 25, 1566. No
other fragments of the Criminal Records can now be found, from the period
of the last of these dates to the close of Mary Queen of Scots' reign, July 29, 1567.
The Trials which took place during the minority of King James VI, as given
in the sequel of this Collection, carry forward the chronological series of the
Records of the High Court of Justiciary of Scotland.

In one of the MS. Abridgements preserved in the Library of the Faculty of
Advocates,¹ the following notice occurs, in reference to this period:—'Mr
Thomas Craig sits as Justice deput for the most part; only Naper of Mer-
chiston sits the two first months. And Sir Simon Prestoun of Craigmiller
had a Commissio to be Justice General for a short time, viz. from 22 Jan٪,
1565, to the end of the next Feb٪. The reason seems to be, that at that time,
Argyle had joined the discontented Lords who had took arms after Henry
Darnlie's Marriage with the Queen, chiefly because he had been proclaimed
King without taking the advice of the Great Lords, or asking the consent of the
States of the Kingdom.—Vid. Home's Hist. of the Douglases, in Earle Mor-
toune's life, p. 287; and Spots. Hist. ad. ann. 1554, p. 190, et seqq.'

CRIMINAL TRIALS. A.D. 1566.

Apr. 1.—Thomas Scott of Cambusmichael, Shereffe Depute of Perth,1 William Harlaw, and John Mowbray, burgesses of Edinburghe.2

ASSYCE.

The Laird of Langtoun, Alex. Home, burges of Ed; James Nicoll, Baillie,
The Laird of Whytellaw, William Forrester, in Leith, John Hamiltoun, merchant,
Andro Hamilton of Cochna, Walter Cant, ther, The Laird of Cambusnethan,
The Laird of Skirling, Cuth. Ramfay, burges of Ed, Alexander Bruce, burges of
A. Stewart, Tutor of Castelmilk, William Fouller, Baillie, Edinburgh.

William Fouller and James Nicoll, Baillies, protestit, þat þair paffing upon
this Assye be na ways prejudicial to them, nor their offices in tyme cuming.

VERDICT. The qhilk day, the said Thomas Scott, William Harlaw, and
John Mowbray, were Convict and Fyllit be the said Assye of airt and paert of
the unlefum and treasonable Waching, warding, and holding in captivitie, with
Convocatione of our foveran ladyes leidges, bodin in feir of weir, alsk well in
secret armour as with jakis, steill-bonneettes, gunnes, pistolets, fwords, bucklers,
Jedburgh-staffis, Halberts, and yperis wapins invasive, be themselves and
vtheris in þair names, of þair caufing, command, affittance, devyfing, fending,
and rathabitione, of our said SOUERAN LADIES maist nobill perfone, within
hir maist secrecy Chamber of her PALACE OF HALYRUDHOSWE, immediatlie
and continuallie fra the committit of the crewall and treasonable Slaughter of
vme3 Secretar DAVID RIZEW, quhillke wes upon the nynth day of March laft
bypast, 4 to the space of xlviiij hours nixt þaireftir, treasonable and maist
awfullie stoping hir HIENES to use hir libertie in the meanetyme: Lykas, alfo,
the hade bein haldin be þain in prizon as zit, maist treasonable and wicketlie, had
not bein that, be the provifione of God, the þaireftre fred and deleyvert hir selie
furth of þair hands, in maist fober and quiet maner, under filence of nycht;
and, with grayte hafart of hir lyfe, past to hir CASTELL of DUMBAR, for fainitie
thereof: And this they did upon þet purpose, prouisioun, and foirthought fellony.

And þairfor, DOME was given and pronouncit be the mouthe of the Dempster
of the said Court, at command of the said Justice-depute, that þe said Thomas
foold be HANGIT quhill he were deid, drawin, quarterit, and demanit as ane
traitour; and all his guidis, moveable and unmoveable, lands, heretages, annual-
rents, takis, offices, feidings, posseffiones, and uthers whatsumoever, to be FOR-
FAULTIT, and Efheict to our fouerane ladyes use, at her pleasurable.

11 He was hanged and quartered. Spotnoodles Hist. p. 195. 2 They were both spared
at intercession of Earle of Bothwell. R. Milne. 3 As being two of the Baillies of Edinburgh,
at the time of the trial. 4 Monas SINGIOR DAVID ves flane in HALYRUDHOUS, þe ix day
of Merche, anno 1565.—(6.)—Kirk Session Records of Comonogate. 5 Mar. 31, 1566, Item, to
Snawdoun, Herald, &c. pasfand of Ed, with Letters to ferche, &c. þe efheict gudis pertainng to
Thomas Scott of Cambusmichael, being in captivitie, and to be accuit of certane points of Treffone,
off þe quhilkis he wes conviit and jutefet to þe deid, liij lb. xvij. Tress. Ace.
High Treason — Treasonable Conspiracy against the Queen and Privy Council, &c. — Murder of David Riccio.

Apr. 1.—Henry Yair,† delinit of Treason following.*

Assisa.

Lawrence Symson, burgess of Ed; Robert Ker, merchant in Ed; Wm. Anderstone, candlemaker; John Gilbert, goldsmith, Alexander Hailie, there; Alexander Bruce, in Edinburghe; Thomas Ewing, goldsmith, John Whittam, merchant there; Allan Dickstone, ther; Gilbert Scowgall, James Forrett, there; William Rase, cutler; Capitaine Robert Lawder, Edward Little, merchant ther; Robert Erast, in Mertoun.

Verdict. The quhilk day the said Henry Yair was Convict and Fyllit be ant Affyle, of airt and pairt, affittance, fortifieing, supplyng, rathebition, and concealing of the treasonable Conspiracie, convocatione, and gadering of our soverane leiges, to the number of fuyve hundreth persons, bodin in feir of weir, alsweill in secreit armour, as with jak, steill-bonnetes, gunnes, pistoletis, swordis, buglers, Jedburgh-staues, halberts, and otheris waipones invafiu; and enterin therewith, treafonable, within pair Maiesties Pallice of Hally-buidhous, purspos to have put violent hands on our soverane ladies mait nobill perfone, halin and demenen the samyne at ther pleure; and ficyke, to hauve saine or otherwise demaineit, as they thought expedient, the Lords of his hienes Secret Counsall and Sessione, and vtheris hir Ministers and Officers, being within hir Pallace and in her service for the tyme; and put upon the nyntth day of March last bypast, under silence of night, at aught houre at even or pairthy, it being the tyme of Parliament current. And for performing this pair mait wicked and ungodlie purpose, they then mait treafonable rufhit and enterit within pe said Pallace, tuike the samen at pair own hands, rest the keyes pairof fra the Porters, cloist the yetis, and made paumes as principals and maisters pairintill, our soverane Lady being for the tyme in her secret Chamber pairof, att hir quietnes, having na feir nor dreidour of hir subjects, to whom hir grace at all tymes had been mait beneficall, guid, and mercifull; and pair mait crewallic, with drawin swordis, whingers, bendit piftolls, and vthers waipones invafiu, perfewit and invaidit umq' Secretar David Riccio, hir hienes familliar fervand, pan in companie within hir hienes Chalmer foraid, and flew him treafonable and unmercifullie, in presence of our said soverane, and pat violent hands in our soverane ladies mait nobill perfone, in defence and faiftie of the said umq' David; held, detenit, and prefit the samen mait awfullie and treafonable, till they had committit pe said Slaughter in hir presens, as said is, hir Maiestie being pan great with chyld; givend to hir hienes

occasifoun, throw dreadour and displeasure the conceavit, be the sight of the said crewall Slaughter and maner pairof, and be the deteining and thrifeing of hir awn perfone in violent maner, as said is, to pairt with hir birth: And immediate thereafter, feirichit and fought the saidis Lordis, Ministers, and Officiers being within the said PALLACE, to hauke slaine them; and fwa had don, had not bein the pleasure of God they ecapit:1 And fwa, feing themselves disappoyntit in pat behalfe, through pair evaifoun, at pair pleasure, in treasonable maner, detainit and held captiue the remanent Lords, Ministers, and officiers within the said PALLACE, fra the said hour, at aught, while2 tua hours after mid-night, pat famen night, continually; upon sayt purpofe, provifion, and forithought felony. Item, for airt and pairt of the unlefun and treasonable Warding and holding in captivitie, with Convocation foresaid, bodin in feir of weir, as said is, be hismefle and uthers his complices, of our SOVERANE LADYES maift noble perfone, within hir said Chalmer of hir PALLACE OF HALYRUDHOUS foresaid, immediate and continuellie fre the committing of the said crewall treasonable Slaughter, quhilik wes at the tymे foresaid, to the space of forty-aught hours nixt thereafter; treasonable and maist aufullie floping hir Hienes to ufe hir libertie, in the meantime: Lykeas alsò, she had bein halden be them in prifon as yit, had not bein that, be the provifion of God, she therfor fled and deleyvrit hirmefle furth of ther hands, in maist sober and qwyet maner, under silence of night; and with great hazart of hir lyfe, palt to the CASTELL OF DUMBAR, for fafttie of hir lyfe; upon sayt purpofe, provifion, and forithought felony.

And therefor, DOME was given and pronuncit be the mouth of the Dempfter of the said Court, att command of the said Justice Deput, that the said Hendrie should be HANGIT while he were deid; drawin, quarterit, and demanetit as ane traitor; and all his moveable and vnmoveable lands, heretages, annuartents, tacks, offices, steidingis, poiffionous, and uthers whatfomever, to be FORPALIT and Escheat to our soverane, to be ufed and dispone be hir MAJESTIE, at hir pleasure.

Warding the Queen in Halyrudhouse, &c. — Murder of David Riccio.

foone, and Adame Watfoone, induellaris in Dalkeyth, found surety to underly the law, for the treasonabbill waching, warding, and Imprisoning of our foueran lady within hir Palice of Halryduhous.—(Apr. 8.) Johne Smyth, elder in Couland, found surety in like manner for the same crime.

Abiding from the Raid of Crawfurd-Dowglas.

Apr. 8.—William Gollok in Peblis, found surety to underly the law, on Apr. 23 instant, for treasonably Abiding from the King and Queen’s Army, ordained to convene at Crawfurd-Dowglais, on Oct. 7 last.

Imprisoning the Queen in Holyroodhouse, &c.

Apr. 10.—George Schewes in Fentoun, William Levingtoun in Dirlistoun, and John Craike in Gulane, found Andro Commendator of Jedburcht, and others, sureties for their entry, on six days warning, to underly the law for the treasonabbill Waching, warding, and imprefoning of our foueran lady within hir Palice of Halryduhous.'

Murder of 'Senzéour Daud' (Mécio).

Jun. 1.—The Supplication of William Quhite, cordiner in the Cannagait.—Souverannis lord and lady, vnto your Maiesties, and Lordis of your Maiesties maist honorabill Priue Counsale, huimlie mensis and schewis I your seruitour William Quhite, cordiner in the Cannagait: That quhair I gave in my Supplication to your Maiestis of befoir, schewand, that for feir (of) being focht at my houfe, the morne eftir your hienes cumin to this Toun, furth of Dumbar, I schewit, and durft nocht compeir befoir your Ma** and Counsale, to anfuer to fic thingis as fuld be laid to my charge; albeit in veritie, as be my vper Supplicatione I noteit and declarit that I was nocht prefent at the Slauchter of Senzeour Daud, your hienes Secreter,** nor yet wes of counsale, arte nor parte of pe famin, nor neuir knew pairst, quhill** Alexander Carpentyn e aduartifed me in my awin houfe of the famin; and come nocht out of my awin houfe pe nycht: And offerit me to finde cautioune to vnderly the law pairfor: Qubilk your graceis and Lordis of your Counsale ordanit to be reflauit; and I immediatlie pairstir fand pe famin to pe Clerk of your hienes Counsale: Nocht theles, I as zit can nocht be relaxit fra pe horne, bot baith my souerté standis, and I remane at the horne. Heirfoir I beleik your Ma** and Lordchips, that 3e will ordand** Letteris to be direct to relax me fra pe procefs of horne led

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1 Edinburgh. 2 Escaped; absconded. 3 The word 'serand' had been first written, and afterwards deleted. 4 Until. 5 Ordain, decreed.
ypone me, in maner forsaied, reßlaue me to þe peax, and gif to me þe wand pairof; because I haue already fundin cawtioume to þe said Clerk of Counsiale, in maner aboue wrritte : And your hienes ansuer huimilie I befeik. a

Apyd Ed. a, primo Junii, anno 1566.—The Lordis of Secrete Counsiale Ordanis the Justice-Clerk and his deputis to reßlaue fourtie of this cumplice, that he pull compieir and vnderly the law eftir þe forme of this Bill, the third day of the Aire, or foner, ypoune xv dayes warning, vnder the pane of ane hundred pundis : And þe said fourtie being fundin, Ordanis Letteris to be direct to relax him fra þe home. HUntlin. James Stewart. Mar. Boithwell. Atoill. Caißines.

' Johnne Hart,' induellere in the Cannogait, became plenge and fourte, &c., in obedience to the aboue deliverance.

Murdeir of 'Senezour Dauid Riccio.'

Jul. 2.—James Young, cutler, burges of Edinbughe, and Thomas Broune, cordiner there, found suerty that thai fall compere befoir the Justice, or his deputis, the third day of the nixt Justice-aire of Edinbughe, or foner, quhenne and quhair it fall pleffe our foueranis lord and lady, ypoune xv dayis warning, vnder the law ffor arte and parte of all counfailing, devizing, and actuale deid, of the Slaughter of vmq Senezour Dauid Riccio; after the forme and temnour of their supplicatoune gevin in to the Lordis of Secrete Counsiale theairupoune, and vndir the panis contenit in the Actis of Parliament : And this fourte was reßlaute be command and deliverance of the sauidis Lordis.

Supplications for James Young, cutler, and Thomas Broune, dordiner.

Vnto your Mates and Lordis of Secrete Counselle, vnto your lوردchipes humble me mist and schewis, we your graceis seruitoris, James Young, cutler, burges of Ed', and Thomas Broune, cordiner pair: That qubair, ypoune þe nyst day of March lastbipast, the tyme of þe Slaughter of vmq Senezour Dauid Riccio, within your Mates Palace of Halyrudehouse, we wer in our swin houffis at supper, ignorant of the thing attemptit, quhill b þe Commoune-Bell rang: At qubair tyme we paft in cumpney with the Proweft, as mony ma did, to þe Abbey, and þat fame nycht returin agane and paft to our beddis within our swin houffis. On the morne, being Souniday, we wer befoir noyned in the Kirk, and efir noyn was in our swin houffis. Yponne Monniday in the morning, being commandit be Alexander Cuke, officiarie, we paft to þe Abbey, and remanit all day quhill nycht. This is þe smpill and plane trewth of our pairties. And pairstir, at þe Quenis Mates returning fra Dunbar to þis burcht, being informit þat his hienes was specialy offeddit with we, for fair abestin our selfes; and swa wes putt to the home. Heirfor, we befeke your Mates, sen we ar innocent of all counfailing, diassing, and actuale deid of þe said Slaughter, and is content to vndirly þe law pairof, that

1 A rebel was relaxed from the horn by the symbolical delivery to him of 'the wand of peace' (pace); which, on the contrary, was broken saunders by a Herald, Pursuivant, or Messenger-at-Arms, in cases of defecion, &c. Each Messenger of the present day, on his appointment, still receives a small rod tipped with silver, having the King’s blazon, &c. A moveable ring, or slide, is so constructed as to slide from one end to the other. When defecion, the Officer pulls out his baton, or rod, and, in place of snapping it saunders, slips the ring before described from one end to the other, before witnesses, and publicly announces his defecion, which he afterwards certifies in a regular 'Execution.' i.e. official attestation of the fact. See also Nov. 18, 1511, and Oct. 11, 1531. Notice, for other particulars relative to the 'Wand of Peace.'

2 'I remant ut soucertis,' (Signed) J. Hay.

3 Probably father, uncle, or near relation of Andrew Hay, the well-known Printer.

4 Complaints; literally, makes moan.

5 Until.

6 Before noon; at the morning service.
HEN. ET MAR. 1 & 24. CRIMINAL TRIALS. * 485

Your MAth will give command to your Justice Clerk and his deputies, to relieve every one of us, that we fall compare and vndervly pe law pairfor, the thrid day of pe next Justice-air of Ed', or forer, vpoune xv dayis warning, vndir the panis contenit in pe Actis of Parliament; And pe said fourtie being fundin, that we may have Letteris to relax vs fra pe said proces of horned vpoune us in pe said mater, refaire vs to your MAth peace, and gif to us pe wand pairof. And as for remainig in pe said ABBEY the said Monunday, in safer as your bienie is offendid pairwith, we submit us in your gratious will and mercy. And your gratious answer humilie we befeke.—APUD ED', secundo Julij, 1566 THE LORDIS OR SECRETE COUNSAlle Ordains the Justice Clerk and his deputies to relieve fourtie of this James young and Thomas Browne, that pa fall compeer and vndervly the law the thrid day of the next Justice-air of Ed', or forer, vpoune xv dayis warning, after pe forme of pair Supplivatione, and vnder the panis contenit in pe Actis of Parliament: And the said fourtie being fundin, Ordains Letteris to be direct to relax same fra pe horn. HASTY. JAMES STEWART. JO. ROBEN.

Murder of David Riccio.

Jul. 4.—WILLIAM JOHNSTOUNE, bowre, burges of Edinburghe, found Robert Campbell of Kinseancleuch surety for his entry at the next Justice-air of Edinburgh, &c. to ' vndervly the law after the forme of this Suppligatione vnder-written,' &c. The Suppligation and deliverance are verbatim the same as in the case of Young and Browne.

Murder of Secretar Davie Riccio.

Jul. 10.—ANDRO ARMSTRANG, burges of Edinburgh, found surety to vndervly the law, conform to the following Suppligation and deliverance of the Lords of Secret Council.

SUPPLICATION for ANDRO ARMSTRANG, burges of Edinburghe.

My LORDIS of Secrete Counsil, vnto your lordshipes humilie meines and schewis, I your servitor, Andro Armstrang, burges of Ed', that quhair esit pe Slauchter of vnspe SECRETAR DAVID RICcio, committit within our foureranis Palice of Halyrudehous vpone pe nyt day of Marche laftbipart, I (as mony ma) chanceit to pas to pe said Palice, and to be prest at the Wache kepit pairin, albeit I was naywise of pe counsale, diutuing nor feirknowledge of pe said Slauchter, nor prest at pe actuale deid of pe famin: for pe quildich I am content to abyde pe law. This is pe sumpli truith of his parte; and sit, herin pa our foureran was offendid with me at his graces returning from Dumbar, for feir I abistent my self, and fwa was putt to pe horn. HIRFOR, I befeik your lordshipes that I may have command to pe Justice Clerk and his deputies, to relieve fouerte of me, that I fall compeer and vnderly pe law the thrid day of pe next Justice-air of Ed', or forer, on xv dayis warning, quhen and quhair it fall pleis our foureranis for all counfaling, derivilg, and arte parte of pe actuale deid of pe said Slauchter, vndir the panis contenit in pe Actis of Parliament: And the said fourtie being fundin, that I may have Letteris to relax me fra pe proces of horned vpoune me in pe said mater, refaire me in our foureranis peex, and gif to me pe wand pairof: And your answer, &c. APUD ED', secundo Julij anno 2° V° levi . THE LORDIS OF SECRETE COUNSAlle, Ordains the Justice, Justice Clerk, and his depuities, to relieve fourtie of this complear, after pe forme of pis Supplivatione. And pe said fouierte being fundin, Ordains Letteris to be direct to relax him fra pe horn, in manner defyrit.

ARGYLE. JAMES STEWART. MAR.

1 See note to Jan. 1, 1566, &c. 2 JOHN LESLIE of Ross, the well known Historian, &c. 3 Bow-maker, See Feb. 19, 1565-6. 4 Many more. 5 Watch, or guard.
CRIMINAL TRIALS. A.D. 1566.

Murder of 'Seneor David Riccio, &c.'
Jul. 23.—GEORGE TID in Dirloun, and Alexander Robertsone there, found Alexander Hammitounie of Innerwik surety for their entry at the next Justice-aire of Edinburgh, or soner, quhen and quhair it fall pleise our fouerannis lord and lady, vpoun the xv days warning, to vnderly the law for art and parte of the crewale Slauchter of 'vmq' Seneour David Riccio: And treasonaibill Waching, warding, and imprefoning, of our foueran lady within hir Palice of Halyruedhousis.'—Andro, Commendater of Jedburgh, band and obelisht him to freyth, releve, and keip skaithles the said Alex' Hammitounie of the cautiounie aboue writtine, and all panis that he fall hapin to incur thairthrow.

Caution for the Parson of Renfrew.
July 26.—MAISTER ANDRO HAY, Perroun of Renfrew, found Hew Wallace of Carnall surety for him, that he fall remane in fré Ward within the burcht of Dunbar, and twa mylis round about the famin; and fall on nawyis eschaip nor eschew, vnder the pane of ffye Thowländ merkis, conforme to the King and Quenes Precept direct thairpoune to the Justice Clerk.'—' Deletur ex Precepto Regine.'
(Sep. 7.)—He found caution to enter and underly the law, on xv days' warning.

(Jan. 29, 1566-7.)—JUSTICE CLERK, We greit sow, pat incontinent eftir the sycht heirof ye delete Maister Andro Hay, Perroun of Renfrewis, cautioner, out of your buikis, fue pat pair be na mair memorie pairof, and pat na farther executioune passe pairopoun, bot ye fumine to remane as forgetit for euir; kepand pis our Precept for your Warrand. At LYNTHOW, pe xxix of Jyanuar, 1566.
MARIA R. FIAIT.

Murder of 'Secreter David Riccio,' &c.
Jul. 31.—RICHERT CRANSTOUN of Skaitlisfisfis, found William Newtoun of that Ilk, surety for his entry at the next Justice-aire of Edinburgh, within the Conttabulary of Haddingtoun, &c. 'to vndirly the law, for the slauchter of 'vmq' Secreter David Riccio, committiit vpoun the nynt day of March laftbipast: And Waching and Warding of our fouerannis lord and ladyis maist nobill perfoine, within hir awine Palice of Halyruedhuse.'

Caution for the Laird of Ormistoun.
Aug. 3.—JOHN COKBURN of Ormefoure found Thomas Hammiltoun of Prietisfield, burgeis of Edinburgh, Cautioner for his entry at the next Justice-aire of Edinburgh, &c., to underly the law for all crimes to be imputed to him, by Warrant of the Lords of Council.

1 Forgotten.
Counterfeiting and Uttering 'Lyonis otherwise callit Hardheidis.'

Aug. 14.—'Andro Jak, burges of Abirdene,' found surety (500 merks) to underly the law at the next Justice-aire of Aberdeen, for arte and parte of the treasonabill Counterfutting of their hie nefis cuiz, callit the prent of Lyonis, vperwyfie callit Hardheidis; and hamebringing pairof furth of vthir realmes, and outputting of the famin amangis their subjectis, incontrair the Actis of Parliament.

(Nov. 11.)—John Robertson, James and John Ewyne, and George Burnet, burges of Aberdeen, found caution to vnderly the law for the same crime.

Convocation — Invading Laird of Pharnphirst.

Aug. 20.—Alexander, Lord Home, Alexander Home of Manderfoone, Alex. H. of Hutounhall, Marke Home, fone to the Lard of Coldinknowis, William Trotter in Foulshetlaw, and James H. in Chyrnifye-manys, found surety to underly the law at the next Justice-aire of Berwick, for Conuocatioun of their hie nefis liegis to the nowmer of ane Thowfand perfones, bodin in feir of Weir, at twa fndry tymes in je moneth of September, or thairby, 1564; off the cawfing, sendin, command, and rathabitioun of Dame Katherine Ker, Lady Pharnyherft : And cumin to the grund of the landis of Keilling, with their pertinents, and vtheris adjacent thairto, lyand within the fcherefdome of Roxburgh, for Invaioune and perfewing of Sir Thomas Ker of Pharniherft, kny, and vtheris, his kyn, freindis, and fervandis; at the leif trubling (the peax) of the cuntré, lyke as thai trublit and brak the famin.'

Slaughter.

Sep. 18.—William Lauder, brother german of Gilbert Lauder of Balbardie, found caution to underly the law at the next Justice-aire of Berwick, for the cruel Slaughter of George Wedderat, burges of Lauder, committed in the month of September, 1565.—(Sep. 19.) Robert, and Richard, son and heir apparent of Robert Lauder of that Ilk, and Robert Lauder, son of umg Thomas Lauder in St Leonardis, found caution to anfwer for the same crime.

Caution for the Laird of Brighouse.

Sep. 24.—James Wodderspayne of Brighous, now being in Ward within the Palice of Halyrudehoufe, found surety (William Lauder of Haltoune) that he fall re-enter in Ward, within twentye days nixt efir he be requirit be our fourerannis, in quhat place thai pleis, vnder the pane of Fyve Thowfand pundis.

1 Coin. 2 Hardis, hardies or Lions, copper coins, then of the value of three halfpence, but they were afterwards depreciated to one penny by Regent Morton. See Appendix to this reign, for severe examples made on forgers and importers of base money.
CRIMINAL TRIALS. A.D. 1566.

Consortation — Invasion — Mutilation.
Sep. 25.—ROBERT and JOHN SANDIS, indwellers in Leith, George and John Chalmers, Thomas Dickson, George Pantone, and James Lychtman, found John, William, James, and Adam Logane, and William Lyndsay, in Rentarlig, and Robert Vaus, in Leith, surety for their entry on xv days warning, to underly the law, after their return from Lochbriuie, for Convocation of lieges, and Invading Captain William Blacader, alias Capitane Witham, for his slaughter, and Mutilating James Donaldson his servant.—(Oct. 7.) Alexander Dickson, in Currie, found caution to answer for the same crime.

'Umbeetting the gait' to Lord Oliphant.
Nov. 14.—LAURENCE BRUCE of Colpmalindeis found Sir Hew Kenney-de of Girwanmaynes, kn., surety for his entry, on Nov. 27, to underly the law for art and part of Convocation of the lieges, and 'Umbeetting the gait' to Laurence Lord Oliphant for his slaughter.

Reasonable Murder of King Henry — Seizing the Queen's person and Imprisoning her in the Castle of Dunbar — Compelling her to Marry the Earl of Bothwell, &c.

[As the circumstances connected with these horrible transactions are already so familiar to all who are in any measure conversant with the history of Scotland, it is considered unnecessary to collect from all the scattered sources the various voluminous Papers which elucidate the whole particulars. It is enough to refer the reader to Laing's elaborate Dissertation, the State Trials, Anderson's Collections, Keith's History, &c. Unfortunately, no traces of Trials for this crime now remain in the Books of Adjudication, but the following brief abstract appears in Sir Ludovic Stewart's Collections. The Acts of Parliament ought likewise to be examined, in further illustration of the subject, and of all the Trials for treason and the numerous Forfeitures and Restorations during this and the subsequent reigns.

In the Appendix to this reign, also, the reader will find a great variety of interesting and minute information regarding Darnley's Murder.

The Kirk Session Records of Canongate thus quaintly notices the event: 'The King's grace blaven vp vth bod in the Kirke of Field, the x of February 1566-7.' It is worthy of notice that the same Session Records preserve the following highly interesting minutes of the Solemnization of the Marriage between King Henry and Mary Queen of Scots.

(From the Minutes of the Kirk Session Record of Canongate.) Jul. 21, 1565.—'The quhilk day John Brand, Mynifter, pretentit to the Kirke and Writs, writine be the Justice Clerk hand, defyrine the Kirke of Canongait and Myniflet pairto to proclaim Harie Duke of Albany, Erle of Rois, &c., one to one part, and Marie be the grace of God Queen of Scottis, fonerane of this realme, one vpair part. The quhilk the Kirke ordans the Myniflet so to do, with invocasure of pe name of God.'

1 A celebrated station for herring fishers, in Ross-shire. Ullapool is its principal harbour.
2 See his Trial, Jan. 14, 1567.
4 Fol. edited by Thomas Thomson, Esq. Deputy Clerk Register.
5 Powder, gunpowder.
6 Writing.
7 Sir John Bellenden of Auchenall.
8 The pen has been drawn through the words 'or Scortis.'
25 Mar.

CRIMINAL TRIALS.

(From the Register of Proclamations, Kirk Session Records of Cummast.) Jul. 29, 1565.—

* Henry Duc of Albany, Earl of Roiu, Marie be the grace of God Queene souerane of p[is] realme
1, 2, 3 * Ma[ried] in pe Chapel of Halyruind.

(From the Register of Marriages, Kirk Session Records of Cummast.) Jul. 29, 1565.—

* Henry and Marie Kyng and Qwrine of Scotis, &c.

The fate of the leading parties connected with Darnley's Murder is well known. In reference to Nicholas Howbert, otherwise called Paris, the Frenchman, he suffered death on Aug. 16, 1569, as appears from the Lord High Treasurer's Accounts, where charges are made for sending two of the quarters of his body to Perth and Dundee, and his head and one of his legs to St Andrews. His Confession and examination are given at full length in the Appendix of Documents illustrative of Darnley's Murder. They are dated at St Andrews, Aug. 9th and 10th, 1569. These important Papers were obtained from the Originals, which are signed on each leaf by Paris, and are still extant. But for the apparently accurate form in which they have been published by Mr Laying, the Editor would have deemed it proper to have had them collated carefully with the original MS., preserved in the British Museum.

Before concluding this brief notice, the Editor begs to call the attention of the historical enquirer to an extremely interesting Narrative, written by James Earl of Bothwell, embracing his personal history after his flight from Scotland in 1567, his adventures upon the coast of Norway, &c. It has recently been printed from the original in the Royal Library at the Castle of Drottingholm, in Sweden, and was presented by Messrs Henry Cockburn and Thomas Maidland to the Members of the Bannatyne Club, under the title, 'Les affaires du Conte de Bodul, l'an. M.D.XXXVIII.' An English translation also lately appeared in the New Monthly Magazine, in which work the authenticity of the document is fully established.

(Apr. 12, 1567.)—James Erle of Bothwell, James Ormeftoun of pat Iike, Hob Ormhitou, his father-brother, Patrick Willfoune, William Murray, Sim Arnftrang, callit Wantoune Simie, Pareis Frenchman, (dilated) for the Murder of King Henrie, our souerane lord's father, for seizing of the Queen's perfoune at the Fowl-brigie, and Imprisoning of her perfoune in the Castell of Dunbar, and compelling her to compleat Mariage with him—for flattering and halding of the said Castell, &c.

(Apr. 12.)—(Schir) Patrick Hepburne of Whytecastell, kny', for airt and pairt of the Murder of the King, our souerane lordis father, and other crymes immediatlie preceeding.

High Treason — Murder of King Henry, &c.

(The Case of Captain William Blackader has not been noticed by Laying, although he has otherwise treated so fully of the proceedings against the Murderers of King Henry. The author of

1 Proclaimed for the first and second times; the third time of asking is deleted. * The sobrietc of 'French Paris' seems to have arisen from the place of his nativity; for he styles himself 'Parisian' in his Confession. See Laying, 11, 270. 1 See Appendix, No. 1, under dates Aug. 16 and 16, 1569. Laying's Hist. 11, 28. * British Museum, Calig. B. IX, fol. 370, and Calig. C. I, fol. 316. * Quarto; privately printed for the Bannatyne Club, 1529. Copies may be seen in the Brit. Mus., Adv. Library, and other public Libraries, &c. 1 See Letter from Mr Granberg, in New Monthly Mag. X111, 521-537. 1 Siemens omits to insert the date. This was the first 'diet' assigned to the pannels, as appears by the Treat. Acc. 1 See also Acta Part. Vol. edit. for numerous particulars explanatory of the proceedings adopted against him.

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"The Historie of King James the Sext,"¹ from whose work David Crawfurd of Drumnan compiled his spurious "Memoirs of the Affairs of Scotland,"² narrates the circumstance very briefly, in these words: "That same verie nyght of hir transporting, three men were tayne as suspect of the King's Murther. The one was called Sebastian de Villeau, a Frenchman of nation; the utter was Captaine William Blacater. This Captaine shortly after was put to the knowledge of a Jurie, and was convicct; but at his death wald nowasys confes himself gaitie of the Kingis Murther. The utter escapis."

"Birrel, in his "Diary,"³ informs us, that "the 24 day of June a Captaine William Blacater was drawin backward, in ane caille, from pe Tolbuith to the Creffe, and ther wer bangit and quarterit, for being on the King's Murther." It will be seen by the Appendix to this reign, that his legs and arms were sent to Stirling, Glasgow, Perth, and Dundee, on Jul. 26, 1567.⁴ His quarters were fixed on the Tolbooth of Edinburgh, &c.

The following has been obtained from Stewar's MS.⁵ Although the memorandum he has preserved is very brief, it has evidently been extracted from the Books of Adjournal, along with the preceding Trial of Scot and gair, &c.[

Jul. 14.—Captaine William Blacader was Convict and Fyllit be ane Afsyle of airt and pairt of the crewill, odious, treasonable, and abominable Slaughter of the King's father, vnder lence of night, in his swin ludging within the Burgh of Ed', befy the (Kirk of) Field: And of the treasonable raisin of fyre within the samyn, with ane great quantitie of Powder; throw force of the whilk, the said hail lodging was raisit and blawin in the aire, and the King (Henry) crewallie and treasonable slaine and distroyit be the said Captaine; vpon fis purpo, prouifioun, and foirthought felonie: And this he did vpon the nth day of Feberij, 1567. For the whilke cryme the said Captaine William was execute.⁶

**High Treason — Murder of King Henry.**

[Mr Thomas Craig, Justice-Depute.]

Although the following Case properly belongs to the reign of King James VI., it has been thought preferable to insert it here, rather than in the Appendix. No remarks seem requisite, for the Depositions, &c. give a full narrative of the parts which they individually bore in this shocking tragedy. The Lord High Treasurer's Accounts contain several notices, of which the following may suffice, in this place.

Dec. 14, 1567.—Item, to Walter Bynnyn, Paynter, for Paynting and making of xvij Armes to the Parliament, for the Forfaitour of James Erle

¹ Printed for the Bannatyne Club, and Edited by Thomas Thomson, Esq. Quarto, 1825, p. 15.
² First published, 8vo, Lond. 1706. Mr Malcolm Layng had the merit of publishing his detection of this impudent literary forgery.
³ Birrel says, "the 17th day of June."
⁴ The conducting of Mary Queen of Scots to Lochleven Castle, June 14, 1567.
⁵ Page 10.
⁶ Birrel appears to be a mouth behind in his chronology; indeed his dates are seldom, if ever, to be trusted.
⁸ See I. * 481.
⁹ One part of the ceremony of Forfeiture consisted in the Traitor's degradation from his honours and heraldic distinctions, by reversing, erasing, and tearing in pieces his Armorial bearings, &c.
¹⁰ He went to death solemnly denying the fact. See Crawford's Memoires, p. 41. R. Mylne's Note.
Boithuile, (James) Ormstoun of pat Ilk, Johnne Hepburne of Boltoun, Johnne Hay, younger of Tallo, viij li.'
Various payments for summoning Assises, &c. this month. Afterwards these remarkable entries are made.

Jan. 13, 1567.(8).—' Item, to Johnne Browne, meffinger, and ane boy, passand of Ed' with clois Writtingis, togidder with pe heid of Powrie, leggis of Johnne Hay, younger of Tallo, and Johnne Hepburne of Boltoun, to be affixit on 2e portis of Glaigw, Hammiltoun, Dunbertane, Air, and Wigtoun, iijli. ij.$$.

' Item, to ane boy passand of Ed' to Leith, Hadingtoun, and Jedburgh, with pair leggis to be affixt,

' Item, to thre boyis passand of Ed' with pe rest of pair Armes and leggis, to pe Burrowis of Perthe, Dundee, Abirdene, Elgin, and Invernes, to be affixt,

' Item, for creliss and turfin of pe faidis heidis, leggis, and armis; and candle for paking pairuf,
The important Documents which are appended to this Trial, contain almost all the additional authentic materials which can now be obtained for clearing up this atrocious Murder.

JOHNE HEBURNE callit of BOLTON, John Haye apperand of Tallo, William Powrie, and George Dalgleish, being present in judgement in the saied Court, to be accusit of the Dittay after specificit, were put to the knawlege of the persons underwritten, quhilik were lawfully summoned to pass upon pair Affize, choifin and admittit be thamseilis, and sworn to deliver upon the points of the saied Dittay, viz.

Assisa.

John Lockart of the Bar, William St Clair in Gosoird, James Freeman, burges of Ed';
The Laird of Capriston, Laird of Galtoun, Heughe Brown, pair,
James Campbell of Chanktoun, Robert Gray, burges of Ed', Charles Geddes,
Heugh Wallace of Carnell, John Stoddart, pair, John Watson,
The Laird of Mochrum, William Strang, James Ackman.

Verdict. And immediately after the cheifing and fivering of the saied perfonis of Affys, as use is, the foresaid John Hepburne, John Haye, William Powrie, and George Dalglise, being accusit be dittay, oppinly read in jugement, of the crymes following; and after the reding, allwa in jugement, of certain answers and Depositionis maid be thame of before, at particular examinationis of pame upon pe faidis crymes, quhilks pai recognofcit, and confeffit to be of verity, in presence of the faidis perfonis of Affys; the saied perfonis of Affys removit furth of the faid Court, and all togidder convenit and reffonit upoun

1 Robert Kirkcaldie, Porter of the Castle of Edinburgh, afterwards got a payment of L.57 for his expenses while in Ward, viz. from Sep. 10, 1567.
* Willow baskets.
* Conveying.
the pointis of the said Dittay, togidder with þe saidis Depositionis; and syne being pairwith ryppely avyfit, reinterit in þe said Court of Justiciarie, and þair, in presens of the said Justice-depute, be þair deliverance, pronuncet and declarit be þe mouth of the spekir, John Lockhart of the Bar, chancilar of the said Afitis, fand and deliverit the saits John Hepburne, John Hay, William Powry, and George Dalgiift, to be culpable, fylit, and convict of art and part of the cruel, Shamefull, treasomabill, and abominabil Slaughteur and Murther of umquhill the Kingis grace, fader to our soverane lord, in his swin ludging for the tymne, within the burgh of Edinbur, beyde the Kirk of Field, quhair he was lyand in his bed, taking the nychts reft, treasomably risand fyrre within the same, with ane grite quantitie of poudere; through force of the quhilk, the faid haill lugen wes raifit and blawin in the aiir, and his grace was murderit treasonably, and maist cruelly sfane and destrooit by þame þarein: And als, for art and part of the crewall Slaughteur and Murther of umquhill William Tailgor, his graces servitour, and umquhill Andro Macaig, treasonably, throw raifing of the faid fyrre, as faid is; committit in the companie with James, frumtyme Erle Bothweli, aow rebell, and declarit traitor in Parliment, and at the Horn, in the moneth of Februarie laft bypassit, under seilence of nycht, upon fett purposis, provisfoun, and forthought felonye.

Sentence. And thairfoir the said Justice-depute, be dome, pronuncet be the mouth of Andro Lindeflay, dempstar of the said Court of Justiciarie, decernit, ordanit, and adjudgit the faidis John Hepburne, John Haye, William Powrye, and George Dalgiift, to haif committit the crymes of Trefoun and Lese-Majestie; and as manifeft Traytours, to be demanit as followis; that is to say, the faid John Hepburne, John Hay, William Powrye, to be hangit to the deid on ane gibbet at the Merca Croce of Edinbur; and þair Heddis, Leggis, and Armis to be cuttit from þair bodies, and put up and hangin (as for example) on the Portis of Edinburgh, and vther Portis of the principall Borrowis of þis realme, and þair bodies to be bront and conjumit in fyrre, beyde the faid gibbett. And the faid George Dalgiiff to be hangit to the deid, and his heid to be cuttit fra his bodye, and put upon the Port of Edinburgh. And siclyke, decernit and ordanit the faidis perfonis, and ilk ane of þame, to haif forfaltit and tynt all and fundrye þair landis, heritages, possesionis, talkis, steddinys, lyferentis, actionis, debtis, and all vtheris þair guds, moveables and unmoveables, to be inbrocht, and remaine with our soverayne lord, as his escheat.

Extractum de libro Actorum Adjunctionis S. D. N. Regis, per me Johannem Bellenden de Auchinoule, militem, Clericum Justiciariae ejusdem generalem, sub meis signo et subscriptione manualibus.

Johannes Bellenden, Clericus Justiciariae.
25 MAR. CRIMINAL TRIALS.

DOCUMENTS ILLUSTRATIVE OF THE MURDER OF KING HENRY DARNLEY.

I. THE DEPOSITIONS OF WILLIAM Powrie.


William Powrie, borne in Kinfinia, servant to prince Erle Bothwell, deponis, that on the same day the King was slane at night, 
prince Erle Bothwell, accompanyd with James Ormestoun of just Ilk, Hob Ormestoun, his foster brother, John Hepburn of Bolton, and John Hay, younger, seid togidder to ane comrade in the nether hall of the faid Erle Bothwell's lodge in the Abbey, about fouir houres efternoon, or stairby, and remanit parin two houres, or stairby; quhat i said did or faid, he kena sae.

Item. Deponis, prince John Hepburn of Bolton, at ten houris at evin, commandit the deponar and Pat Wilfon to tak up ane carriage of twa maills, the ane ane trent, and pe virh ane ane ledirin mail, qubaks were lyound in the faid nether hall, qubaks the deponar and the faid Pat put on and chargit upon twa horises of my Lordis, the ane being his owne, 5 horis, and carit the fame to the 5et of the enters of the Black Friers, and there laid the fame down, quhair pe Erle Bothwell, accompanyit with Robert Ormestoun and Paris, caled French Paris, and otheris twa qubaks had clokes about pare faces, 6 met the faidis deponar and Pat Wilfon. And Pat young Tullo, the Lord of Ormestoun, and John Hepburne of Bolton, wes awaistand upon the deponar and Pat Wilfon, within the faid 5et; and par pare the faidis thre perfous within the faid 5et, reflett the faids twa charges, qubaks the deponar kena to be pulder, 6 because the fame was in fundry polka, 7 within the faid mail and tronk: And pe deponar and faid Pat Wilfon helpit pare in with the fame; and the powder being taken from pare, the faid John Hepburne of Bolton lent this deponar for candell, and pat pe cost fit halpeny candell fra Georde Barnes, wife in the Cowgait, and deliverit to the faid John: and pat pe faids perfous refflajaran of the powder, hald ane towel with them, with ane littil licht candell; and the faids perfous within the faid 5et oppynit the tronk and mail, and tuck out the polka with the powder: and everie ane of pare tuck yane upon his back, or under his arm, and carryit the fame away to the back-wall of the faid pare is next the trees; and par the faid Lord of Ormestoun, John Hepburne of Bolton, and young Tullo, reafflit the pulder fra pare, and wald suffar the deponar and his marrow 8 to paes na furdar. And quhen the deponar and his marrow came bak againe to the faid Frier 5et, the twa horises that carryit the faid mail and tronk war away, and sit pat carriit the faids mail and tronk again to the Abbey, and as pare came up the Black Frier Wind, the Quenes grace was gangand before pare with licht torches: And pat the deponar and his marrow being cumin to the faid Erles lodging in the Abbey, thairrie pare ane hour or mair, and pare the faid Erle came in, and immediately tak aff his claythes pare war on, viz. a pair of black velvet hoife, truffit with siluer, and ane doublit of fatin of the fame maner; and put on ane virh pair of black velvet hoife, ane doublit of canves, and tak his rideing cloak about him, and incontinent pat furth, accompanyit with French Paris, the deponar, Georde Dalgyle, and Pat Wilfon, and came down the turmpike, and slang the back-wall of the Quenes garden, quhill pare came to the back of the Comrie-houfe, 9 an the back of the Stabillis, while they came to the Cowgate. And deponis, pat pare came by the gate of the Quenes South-garden, the twa gentillais pare stade at the pare gangis to the utir cloids, spiritis at pare, ' Quha is pare?' And pare anwerit, ' Friends.' The centinell spiritis, ' Qubat friends?' And pare anwerit, ' My Lord Bothwell's friends.'

Item. Deponis, pare pare come up the Cowgate, and to the Nether-bow, and finand the Bow 10 stielan, 11 Pat Wilfon cryet to John Galloway, and deffyrith him to opin the Port to friends of my Lord Bothwell; quha came ane oppynit the port, and pare enterit, and seid up aboue Baffynstanes 12

1 Anderson's Collection, I, 165. 2 Leathers trent or portman's. 3 Some or sum; a sumpter horse. 4 Gate. 5 This was termed being 'missilli,' i.e. muffled, masked. 6 Gun-powder. 7 Bags. 8 Companion. 9 Mint. 10 The Nether-Bow Port. 11 Shuting. 12 The celebrated early Scottish Printer.
houfe on the fouth-fide of the way, and knockit at ane flaire, and callit for the Laird of Ormesfoune, and Robert Ormesfone, and nane answert same: And pai oun flippit down ane clof beneath the Frier Wynd, and come to the oun at the Black Friers, and enterit in at pai set, and seid quhill pai come to the back-wall and dyke, quhair the deponar and Pat Wilfon left the uther perfous before expry-
mis,t with the powder, as said is; and pai the Erle Bothwell pai in over the dyke, and bad the deponar, Pat Wilfon, and Georde Dalgleish tarry full pai while he come backwart to them. And furder deponis, pai tai tarit pare half an hour, and hard nevir din 2 of any thing, quhill 3 at laft my lord, accompaniyt with young Tullo, and Johnne Hepburne of Boloune, come to the deponar, and viberis twa perfous being with him, and evin as my lord and thir twa comes to the deponar and his marawis at the dyke, thair hard the crak,4 and thai pai away togidder out at the Frier set, and fin-
derit 5 quhen pai came to the Cowgate, pai up the Blackfriar Wynd, and pai up the cloifs which is under the Endmuilis Weel; and met not quhill pai came to the end of the Bow, and seid down ane cloifs on the north vide of the gait,6 to haff loppin 7 the wall of Leith Wynd; and pai my lord thought it ove heich,8 and came again aback to the Port, and caufed cry upon John Galloway, and said pai was friends of my Lord Bothwell. And John Galloway reid 9 and let them furth; and fyn 10 pai pai down St Mary’s Wynd, and down the back oun of the Canongait, and to the pai Erles ludging; and pai pai the Erle’s Guardes before specifis, samn sentinels speirit 11 at pai oun ‘Quha pai was?’ and pai answert, ‘Friends of my L. Bothwell.’ And sai speirit ‘Quhat crak pai pai was?’ And pai answert, ‘Pai knais not;’ and pai the sentinels bid them, if pai were servandis of my L. Bothwell, to gane pai way.

My lord come into his ludging, and immediately callit for ane drink, and tak off his claes; incontin-
ent, and seid to his bed, and tarriet in his bed about half an hour, quhen Mr George Hackett come to the set, and knocks, and defidered to be in; and quhen he came in, he appeared to be in ane great effray, and was black as any pike, and not ane word to speik. My Lord enquirit, ‘Quhat is the mat-
ter, man?’ And he answert, ‘The King’s houfe is blown up, and I trow the King be flayn!’ And my lord cryt, ‘Fy, treasoun!’ And pai he raife and pai on his claes. And pairof the Erle Huntley and mony came in to my lord, and pai seid into the Queene’s houfe.

Item. Deponis, pai upon the nixt Nicht efter, my lord defyrst pai deponar, Pat Wilfon, Georde Daghtis, the Laird of Ormesfoune, and Rob Ormesfoune, John Hepburn, and young Tullo, to keip their tounes cloifs, and pai fuld nevir want fo long as he had, and pai he fuld send the deponar and Pat Wilfon to the Armitage,13 and pai pai fuld be honestly sultainis. And being enquirit, Gif this deponar, at my Lord Bothwell defyre, focht ane fyn lunt 14 of any of the Suddartis?15 And answert, pai he did the same, and brant a piece of fine lunt, of half a faddome, or pery, fra ane of the Suddartis, quhais name he knais not, and deliverit to John Hepburne of Boloune, upon Saturday before the King’s Slaughter.


William Powrie, re-examined, deponis, pai the carage of the trunk and mail contenits in his former Deposition, were carryt by him and Pat Wilfon, upon ane gray hores pai pertained to Herman, page to my lord, at tua fundry tymes; and war carryt and conveyd by pai in the place contenint in his former Deposition. And pai at the Frier-Wynd-fate 15 pai deponar faid to Pat Wilfon, at the conveyng of the laft carriage, thir words, ‘Jesu, Pat, qhhatin ane gaits is pai we are gugand? I trow it be not gude!’ And he answert, ‘I trow it be not gude; but weilt,16 hald your tonge!’

Item. Deponis, Qahan the deponar and Pat Wilfon come to the Frier Set with the laft convoy, and

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1. Expressed.
2. Noise.
3. Until.
4. Explosion.
5. Separated.
6. Street.
7. Lapt.
8. High.
10. Then.
11. Enquired.
12. The Castle of Armitage or Hermitage.
15. At the foot of the Friar-Wynd.
16. Hot! Hush!
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laid the same down, Robert Ormefounse come furth, and saith thir words. 'This is not gode like! I trow this purpos will not come to this nycht! I will in and se quhat [I am doing."

Item. Pairefiir, quhen the powder and greasith\(^1\) was carried inwar, the Deponar tarryand at the dyke,\(^2\) the Laird of Ormifoune of that ilk came again, and saith to John Hepburne and young Tallo, thir words, (Paris Frenchman being with him,) 'Be God, it is fair in field, cum of it quhat will! And bade the deponar and Pat Wilfon gang their way: And at the same tyme pat he deponar and Pat Wilfon laid down the lat carriage at the said Frier Gait, the E. Bothweill came unto thame utwith the Frierjet, accompanyng with thre more, quhilk had pare closks, and mullis\(^6\) upon pare feet.

Item. Deponis, pat the faids Johnne Hepburne of Bolton, upon Saturday at evin, befor the Kings Slauchter, brought the mail and tronk quhairin the powder was, to the E. of Bothweill judging, and laid in the same in the neither hall: and the deponar declars, pat at the lafte horse carriage he bare up one toome\(^6\) pouder barrel to the same place pat carri the palder, and pat he wift not bow nor be quhomo the same came in the Erle Bothweill ludging in the Abby.

Item. Deponis, pat upon the mornis etur the Kings Slauchter, viz. Monday, John Hepburne of Bolton gat one grey hors, Mr Young Tallo one brown hors frâ my L. Bothweill.

Item. Inquirir, Git William Geddes Deposition, being red to the deponar, was trow? Declair the same was all trew, except the deponar rememberes not quhiddin he bad and counsel fist this Geddes not to be fund on the gait\(^4\) pat nycht or not.

This is the trow copy of the Depositions of the said William Powry, maid in presence of the Lords of Secret Commiss, concordand and agreeand with the principal remainand at the office of Justiciary, collationat be me, Sir John Bellenden of Auchnoule, Clerk of ourie forane lords Justiciarie, witnesseing my sign and subscriptione manu.

Joannes Bellenden, Clericus Justiciarie.

II. THE DEPOSITION OF GEORGE DALGLEISH.


GEORGE DALGLEISH, fernande in the Chalmor to the Erle Bothweill, of the age of 27 yeiris, or pareisy, &c., deponis, pat pe Sunday the King was slayne at nycht, the E. Bothweill, accompanynt with the Laird of Ormifoune of that ilk, Hob Ormefounse, his fader-brither, John Hepburne of Bolton, Johnne Hay of Tallo, younger, war toghider in the neither hall of the said Erle's ludging in the Abby, about foure hours in the efurinome, and remained parein one hour and a half; and quhat pat did knaws not, be refloin the deponar remainit for the maist pair in my lord's chalmor.

Item. Deponis, pat my lord, his maister, came to his chalmor about 12 hours at evin, or pareisy, and took of his changy, and chingt his bois and doublet, viz. pare of hois, flocket with black velvet, paemenetit with silver, and one doublet of black fasin of the same maner, and pat on one vther pair of black hois, and one canwes doublett whit, and take his fide riding cloth about him, of faid Ingliish colour, calit the new colour. And incontinence the Erle, French Pariss, William Powry, feruitor and porter to the said Erle, Patt Wilfon, and the deponar, yeld\(^6\) down the turnpike ʷ allogider, and endlong the bak of the Queene's garden, quhilk yow cum to the Currie-house,\(^8\) and the bak of the Stabillis, quhilk yow com to the Camnauge, foresamen the Abbey yet.\(^7\) And depones, as yow came by the entry of the Queene's South garden, one of the sentinels pat stude at the yard quhat ganeis to the utter cloith,\(^9\) spierit\(^10\) at thame, 'Quebis that?' yow anwesit, 'Friends.'—'Quhat friends?' 'Friends to my Lord Bothweill.'

Item. Deponis, yow came up the Camnauge to the Nethir Bois, quhilk wes flekis,\(^11\) and pat Patt Wilfon yrystit to John Galloway,\(^12\) and bid him come down and oppin the Port and let yame in, and

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\(^1\) Greasith: materials.
\(^2\) Dyke: Wall.
\(^3\) Mule: slippers; that their footsteps might not be easily heard.
\(^4\) Gate: That leads to the outer close, or yard.
\(^5\) Shut: The porter, or janitor.
\(^6\) Empty.
\(^7\) Perhaps for gait, street, or way.
\(^8\) Spital staircase. See 1* 471.
\(^9\) Mist.
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Pat p'ai tarriet ane gude qabill or 'Galloway came down to let pame in, and spirit at pame, ' Quhart did yow out of pair beds pat tymne of night?' And aith p'ai enterin within the Porte, p'ai gaid up abone Baffynines hauche, on the south side of the gait, and knockit at ane durt beneath the Sword-dippers, and caillit for the Lord of Omermoun, and one within anfiwerit, he was not yere: And p'ai passit down a clois beneath Frier Wynd, and enterit in at the yet of the Black Friers, qabill 8 they came to the bak wall and dyke of the Town wall, qabill my lord and Paris paist in over the wall, and commandit ye depo- sair, William Pooire and Patt Wil.joun, to remayne till qabill p'ai cam to pame, and qabillvir p'ayr hard or faw, not to flur or depart qabill he cam againe: And p'ai jis depo-sair and the uthir twa tarriet p'air half an hour or pareyle, and in the mean time hard no dins of any thing, qabill at lat my lord, accompanyt with John Hay, ounyer of Tallo, John Hepburn of Bolkon, come to the depo-sair, and his company, p'ai hard the crack, and paist all away to gider out at the Frier 3et, and funderit it the Cowgate. My lord, Johane Hepburne, and Patt Wil.joun, William Pooire, and the depo-sair, gaid up a wynd he-erit 9 Frier Wynd, and croft lit the Heugait 4 at the Nether Bow, to laip loppin the wall at Leith Wynd, but that thocht the wall over hich, and came againe to the Port; and my lord cailliit eryp above John Galloway, 9 and said, p'ai were forvards of my lord Bothwell; and p'ai be rufe and oppynit the wickit: Qaha it wes p'ai rug, ignorer? And fyne p'ai passit down St Mary Wynd, and down the back of the Campagat, and to the said Erles judginig, and enterit be the fame tarinpicks p'ai cam furth at. And as p'ai passit by the Queues gardens, ane of the fentinnis ipeiris, 'Qaha p'ai war?' And p'ai anfiwen, p'ai war 'Friends of my lord Bothwell.' And fo soon as my lord came in his luddyng he cryit for aie drick, and incontinent parefur take off his claythes and gaid to his bed, and lay be the space of half ane hour or pareyle. And p'ai Mr George Hacket came to the chalmer about half ane hour eitir my lord lay down. Quhan he came in, he apperit be very effrayit, and my lord ipeiris, 'Qaha is the matter, man?' And he anfiwen, pat he 'Heard at the Kirk of Field like the shot of ane cannon, and, as I hear say, the King's house is blown up, and I trow the King be slayne.' And incontinent my lord raist and put on his claythes, that is to say, the fame hoits and doublit pat he had be on Sunday, qubitks wer parlaments with filser; and fa fone as my lordis claythes was on, he depart furth furth of the chalmer, and the depo-sair remanit still in the chalmer.

This is the twe copy of the Deposition of the said George Dalglash, maid in presence of the Lordis before expirimit, concordand and agreeand with the principal remaying at the office of Justiciare, collationat by me Sir John Bellenden, knight, clerk of our soveraine lordis Justiciary, witnessing my signe and subscription manuall.

Joannes Bellenden, Clericus Justiciariz.

III. Deposition of John Hay, ounyer of Tallo.

Apud Edinburghum 13 die mensis September, An. Dom. 1567, in presence of my Lord Regent, the Erles of Morton and Athol, the Lairds of Lorchim and Petrow, Mr James Mogyll, and the Justife-Clerk.

The qabill day, John Hay, ounyer of Tallo, being examinit among the Kingis grace Murter, grantit and confessit himsel culpable pareof; and as he wald anfiwer before God, depoist and declarit the Erles Bothwell his masters pare of the same, sa far as the depo-sair knew, in manner following: that is to say, That upon the 7 day of Febrar last bypast, before the Kingis Murter, thairtBothwell, within his chalmer in his ludging in the Abbey of Holyruthous, fchew to the depo-sair the purpose of the Kingis Murter, fayand their words, or siclyk, 'Johns, this is the mater! The Kingis deffactionis is devyfit, and I monn revell it unto ye, for an I put not him down, I can not haif an lye in Scotland. He will be my deffaction! And I revell this to the as to my friend; and gyf sow revell it again, it will be my deffaction, and I fall feik this thy lyfe first.' And parwish he

1 Eras before.
2 Untill.
3 To the Eastward of.
4 High Streit.
5 The Porter or under-keeper of the Nether-Bow-Port, who is frequently alluded to.
6 Must.
7 If.
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gave the deponor also divers admonitions, and also fair promises to keep the matter secret, and to take part with him in the Kingis Slaughter, as he had devist, and pat pareafter, at evin, in the presence of John Hepburn, callit of Bolton, the said Erle proponit the slynyn matter to the deponor, quhilk John Hepburn was on the countess pair of before. And therle Bothwell said to the deponor, 'I have devist it in this manner, and ye fall do the same,' that is to say, he said in presence of James Ormiston, of pat ilk, and the said John Hepburn, this words, 'The pouder man (myst) be laid in the houfe under the Kingis chalmer, quhair the Queene fuld lye, in an barril, gyf it may be gottin within the barril, and the same barril full haif an hoill at the nether end pareof, and an tre, holit and howkit like an troch, put to the hoill of the barril, and an lunt of pareupon, quhilk fall be fyrst at the far end, and the unfyrst end laid in the hoill of the barril in the pulder.' And this purpos full haif been put in execution upon the Saturday at night, and the matter faillit pat nycht, because all thingis war not in redyness parefor.

Item. Deponit, pat upon Sunday pareafter, about three or four hours afternone, in therle Bothwell's neder houfe in the Abohys, the said Erle, John Hepburn of Bolton, and the deponor, devist pat my lord fuld gang up to the said Laird of Ormiston's chalmer (like as he did) fua fone as it was mirk, and pat pare paft with my lord, quyet on fute. John Hepburn of Bolton, the deponor, and Ade Murray met pare, and fum utheris qhbas the deponor remembers not, at the said Laird of Ormiston's stairefute of his chalmer, above the Box, on the south-fyde of the gate, and pat my lord commandit the said Ade and utheris to paft to Mr John Spenche, and remayne pare quhill he came to pare: And pat my lord, John Hepburn of Bolton, and the deponor, enterit in the said Laird of Ormiston's chalmer, quhair pare fand the said Laird, and Hob Ormiston, his fader brothar, and an brothar of the Lards, quhais the deponor knaws not, and was put to the dur; and pare pare confullit quhbat gait pare fuld gang to the Kingis houfe, because pare had not tane purpoise pareupon of before; and nyne pare zeid all down to giddar to the Black Freir zeid, and pare said Laird of Ormiston zeid in throw the aid bowis and wallis, and paft and opynit the said Freir-zeid to my lord, the deponor, and the refit forefaid. And pat my lord and the deponor zeid up and down the Kowgate, quhile Wille Powery and Pat Wilton brough the powder, quhilk was brough, at twa fundry times, furth of the Abohy, from the Erle lodging: And pare the fame was in a tronk and an maill, and was brought upon Hermanis naig, and pare the powder was rellavit in at the Black Freir zeid be the said Laird of Ormiston and John Hepburn of Bolton, and pare the slynyn was born in be Wille Powery, Pat Wilton, and the sайдs Laird of Ormiston, Hob Ormiston, and the deponor, in the tract and maill. And parefor the powder pare was in the tronk was taken furth of the fame, and put in polks; and the powder pare was in baith the tronk and maill was carit to the Kingis houfe in polks.

And it is of verific, that Paris, the French maun, was in the neder houfe, under the Kingis chalmer, and had an key of the back-dowar, and then the said Laird of Ormiston pait in at the said dur, and ipakke with the said Hob, his fader brothar, and with the said Paris, being both therein, and fand the time convenient, and came furth again, and tauld the slynyn to the said Erle and his company; and pare pare haid with pare alfa a tre and a powder barrel, for to have done as pare is: But the barrel was fo meikle, it could not be gottin in at the dur: And pare pare tak all the polks and carried pare within the said laich houfe, and temit pare on the flour in an heip, and the polks weir taken furth again. And pare my lord was in the houfe afoir, and had left the said Paris parein, and the said Hob Randand at the dur awaitand upon pare coming: And pare the said Laird of Ormiston pait to the said John Hepburn, 'Se ken now quhat ye haif to do, quhen all is quyet alone 30w! Fyre the end of the lunt, and cum your way.' And parefor the said Laird of Ormiston pait his way, with Hob with him and Paris. John Hepburn and pare deponor taryit still within the said laich houfe a certain space; and Paris lockit the back dur, and the dur pare paffes up the turnpike to the Kingis chalmer, quhair

1 Match. 2 Dark. 3 Street. 4 Way, road. 5 Bags. 6 Large; bulky. 7 Emptied.

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† 3 R
CRIMINAL TRIALS. A.D. 1567-8.

THE KING, THE QUEEN, and the Earl Bothwell, and others were, and passed up to the same, levand behind him the said John Hepburn, and the deponent lockit in the said nother house: And as the deponent believes Paris the Earl Bothwell that all things were in readiness, and lyne fone parefire, the Queen and the Lord return to the Abbey, my lord Bothwell being in her company. And parefire the Earl Bothwell, accompanied with Paris and Groat Dalgliesh, came to the back yard; and the said Hepburn, quha had twa keys of the back dur, lichtit the lunt, and came with the deponent, and lockit the duris after same, and saw the Earl of Bothwell in the yard, quha spairit at same, 'Gyf they had done that quhilk he had biddin same, and fryit the lunt?' And pai answair, 'That it was done.' And after my lord and that tarrit in the yard ane lang tymne; and quhen my lord saw pai he matter came not haiftily to pass, he was anget, and wald have gen in himself in the houne; and the said John Hepburn flottit him, saying thir words, 'Le neid not.' And my lord said thir words, 'I will not gang away quhile I see it done.' And within stich short space it fryit, my lord, John Hepburn, the deponent, and Paris being gangan at the fate of the aley in the said yard. And quhen they saw the houne riean, and hard the crack, they ran their way, and come down the Wynd fra the said Freir set; and pai my lord parefire past to the wall at Leith Wynd, to have past over it, but because he thocht it over hich, he sturtit pairwithin, and came back again to the Nadder Bank, and past forth at the Port, after John Hepburne had cried upon John Gallaway, porter, and cauffit him oppin the Port; and that the saids John Hepburn and Groat Dalgliesh paftit afore my lord, and fone parefter the deponent and Paris followit; and the deponent passit to his bed, in John Hepburns in the Canongait, and my lord paftit to his swin judging to the Abbey.

IV. THE DEPOSITION OF JOHN HEPBURN, CALLED 'JOHN OF BOWTOWN.'

Apud Edinburgum 8 die mensis December, An. Dom. 1567, in presence of my Lord Regent, the Earl of Athol, the Lord Lindsay, the Lord of Ormiston, and the Justice-Clerk.

The quhilk day, John Hepburne, called John of Bowtown, being examined upon the Kingis Murther, granit himsclfe culpable and gilty pairof: and as he wald answere before God, deposit and declaris the Earl of Bothwile his maisters part of the famyn, so far as the deponent knew in this matter, that is to say: The first tymne pai evit the Earl of Bothwile spake his matter of the Kingis Murther to the deponent, was ane day or twa aftar the bringing of the powder forth of Dunbar; at quhilk tymne he faid to the deponent in this manner, 'Thair is ane purpos divilit amongst some of the Noblemen, and me amongst the rest; pai the Kingis fall be fane; and that every ane of us fall fende twa fervandis to the doing pairof, ither on the felds, or otherwise as he may be apprehendit.' And pai deffirt pai deponent to be one of the entrepreneurs for him: Quhais answair was, 'Pai it was ane evil purpos, and pai, becaus he was fervand and configuraz to his lordship, he wald do as vhaeis wald, and put hand to it.' One the morne parefire, he callit James Ormiston of that ilk, the deponent, and John Hay, younger of Tallo, and break the purpos to same; and made the like declarationoun to same, pai vhir Noblemen had had as far enteres as he in pai matter: And pai mait to him evin sic answair as he had done. Quhether my lord had fchewed same pai purpos of befuir or not, pai deponent knaweis not.

Swa every day pace was tanking amongst same of the famyn purpos, quhilk within twa daies before pai Murther, pai the faid Earl changed purpoises of the flaying of the Kingis one the feldis, becaus pai it wald be knawin, and fchew to same quhat way it mycht be usit better be pai pulder. And on the Sunday, in the gloning before nicht, pai 9 daies of Februar last bapset, the deponent fende pai said John Haye man for ane tomé 4 pouder barrel to the man quhilk John Haye had coft 5 the fame fra, pai dwells above Sandies Bruce cloise-head. At evin my lord suppit in Maijter John Baljou's houne, quhara the Bijichop of Argyle maid the banket: And after supper my lord came up the gait, and pai all with him to the faid Lord of Ormefstonis' chamel; quhab pai deponent and John Haye paft in, and

1 And then, soon thereafter. 2 Cousin-german. 3 Twilight, dusk. 4 Empty. 5 Purchased.
25 Mar. CRIMINAL TRIALS.

fand the said Lord and Hob Ormolum his fader brother; and as pe deponar rememberis, pat was the first time pat Hob knew of pat matter, and pair pai speke togeider, and my lord schewit pane pe maner: And the deponar, the said Lord of Ormolum, Hob Ormolum, and John Hay, paist to the fute of the Black Freir Wind, having sent away Willie Powery and Pate Wiljone for the poulter. And before pai comming furth of the said chalamer, my lord departit with his servandis; quhair pe deponar knawes not. And the saids foure being togidder, as is befoir wryttin, at the fute of the Freir Wind, the said Willie Powery and Pate Wiljone cum agane with the poulter, qhilk was brocht at two times in ane tronk and ane mal; and pai carrit it in at Black Freres gate. And quhen pai was changing pe pulder furth of the tronk in polks, my lord come and speird ' Gyt all was redy? And bad pai hait before the Queens cum furth of the Kings houfe; for gyt the come furth before pai wer reddy, pay wald not find ic commodity. And pay pe pulder being put in polks, the saids Lord of Ormolum, Hob Ormolum, this deponar, John Hay, Willie Powery, and Pate Wiljone turpit up the poulter to the Kings houfe, and rand Paris at the darn, quha openit the famyn; and pay aßayit to hae taken in the said barrell, and it wald not gang in at the darn; and pai paid lifit the famyn, and brocht it back to the said, and had in the poulter, and tumit it furth of the polks in ane bing and heip upon the flur, evin directly under the Kings bed. And pay pe saith Laird of Ormolum, Hob Ormolum, and Paris, payt away, and left the deponar and John Hay within the said houfe; qhilkis tarryit parein qhull after twa hoours after myndnight, and pay tuk ane lust, with ane little tre quharon it lay, and placit pe fame, pe ane end in the poulter, and fyrirt pe vther end, and cam pair way, and locket pe thre duris behind pane: And at pair comming furth to the said, pay fand my lord Bothwell, Georgie Dalgyleigh, Pat Wilfon, and Willie Powery: And my lord speirit at them, ' Gyt pay had done all things as was ordourit? And pai fand, ' Zee.' And pai tarryit upon ane quarter of ane hoar paircrit. And my lord thocht lang, and speirit ' Gyt pair was ony part of the houfe pat they mycht fe the lust, gyff it was burned anouch?' And pai fand, ' pare was nane but ane wundo qhilk wes within pe clois.' And as they war speaking upon it, the houfe begouth to take tyre and blew up; and pai ran away, and cum up Black Freir Wind, and zeid down ane clois to half gottin over the broken wall at Leith Wind, but my lord thocht it over heich to looup, because of his fair hand; and swa retornit to pe Neddir Bow, and walkynit John Galloway, portar, qhala pay gart cum down and opin the ȝet: And Willie Powery, Paris, and John Hay, zeid evin down the Canongait, and my lord, the deponar, Pat Wilfon, and Georgie Dalgyleigh, zeid down Saint Mary Wind, and behind the saivers unto my lords lodging in the Abby. And in pair by-gangit, twa of the watchis speirit, ' Quhat pai were?' and pe deponar answerit, ' We are servards of the Erle Bothwell, gangand to him with news out of the towne.' And swa my lord paßit to his bed, and pis deponar lay down in ane bed in pe hall. And done parefit Mr George Hackett came in, quha told, 'pait the houfe of the Kirk of Field was blawn up in the hair,' and the King flain. And within short space pair after my lord Huntley came in, and my lord Bothwell raifit and put on his claithis, and paßit into the Queens houfe. And the deponar tarryit sum tymef parefit, and cumand furth, fand the Abbey zeid cloth; and pay pe deponar fand the said John Hay in his bed in John Hepburns, and lay down with him.

Item. Deponis, pat pare wes fourteen fals keys maist for oppynyng of all the lockes of the dures of the Kings lodgins at the Kirk of Field; qhilkis the deponar, eftir the committit of the said Murches, keist in the Quair-hole betwixt ȝe Abbey and Leith.

This is the true copies of the Deponitis of the said John Hay, younger of Tullo, and John Hepburne, callit of Boustoun, maid in presence of my Lord Regent, and the lords before mentionit, in manner befor expressit, concordant and agreeit with the originals, qhilkis are remainand

* Conveyed, carried.  \* A piece of wood, hollowed out into the shape of a trough, to hold the train or match.  \* Grew impatient.  \* Awaked from his sleep.  \* Watches or sentinels enquired.  \* Air.  \* Cast, threw.
in the Justiciary, collacione be me Sir John Bellenden of Auchinoul, knight, Clerk of our Soverane lords the Justiciary.

JOHANNES BELLENDEN, Clericus Justiciaric.

V. THE CONFESSION OF JOHN HARBROUN,1 young TALLA, DAGLEISH and POWRIE, upon quhome was Justice execute the 3d of Januarie, the yeres of God 1567.

JOHN (HARBROUN) of Bonton confesst that nyne was at the deid doing, my L. Bothwell, the lord of Ormiston, Hob Ormiston, himself, Talla, Dagleish, Wilfon, Poirrie, and French Paris; and that he saw na moe, nor knew of na other companies.

Item. He knowis nat other but that, that he was blowin in the ayre; for he was handillit with na mens' handes, as he saw; and if he was, it was with others and not with them.

Item. As touching Sir James Balfour, he saw not his subscripicion; but I warrant you he was the principall counsellor and deviser.

Item. He sayd, I confesse it is the very Providence of God that hes brought me to his judgement; for I am led to it as an horfe to the stall, for I had schippis providit to flye, but could not escape.

Item. He sayd, let no man do evil for counsell of great men or thayr masters, thining thay shall save tham; for surely I thought that night that the deid was done, thay although knowledge shouled bene gotten, na man durft have fayde it was evil done, fying the hand writit, and acknowledging the Queenis minde thairto.

Item. Speaking of the Queen in the Tolbuith, he said, God make al weill, but the langer deirt is hydden, it is the stronger. Quho lives, our daithes will be thought na newis!

Item. Himmet,2 he confesst, he was one of the principall doers of the daith, and thairfoir is justly worthy of daith; but he was affult of the mercy of God, quho callit him to repentance.

Item. Talla confesst, ut supra, agreeing in all points as concerning the parfouns, number, and blowing in the ayre.

Item. He affirmit, That in Setoun, my Lord Bothwell callit on him, and sayd, 'Quhat thought you quhen thou saw him blowen in the ayre?' Quho anserit, 'Alas! my lord, quhy speik ye that? For quhen ever I heare sic a thing, the wordis wound me to death, as they ought to do you!'

Item. That same tyne he saw Syr James Balfour put in his owne name and his brother's unto my Lord Bothwell's Remissiou.

Item. He knew of the deid doing three or four days or it was done, or thereby.

Item. He sayd, 'After that I came to the Court, I left the reading of God's wordes and imbrad vanity; and thairfoir hes God justly brought this on me.'

Quhairfoir, let all men fee evil company, and to truit not in men; for reid are we to imbrace evil, as reid as hardes to receive fyre.

And further, in the Tolbuith he requirit John Brandes, Miniter of the Congregation, to paffe to my Lord Lindsey, and say, 'My lord, heartly I forgeve your L., and as my lord Regent, and all others, but specially tham that betrayt me to you; for I know if ye could have favit me ye would; deiring you, as ye will anfwere before God in the latter day, to do your diligently to bring the reft, quho was the beginniers of this worke, to justice, as ye have done to me; for ye know it was not begunne in my head. But yit praiies God that his justice hes begunne at me, by the quhilk he hes callit me to repentance!'

Item, Daglishe sayd, 'As God shall be my judge, I knew nothing of the Kinges daith befoir

1 Vid. Buchanan's Detection, English Edition, &c. 2 Durt; sternus. 3 Finally. 4 Era, before. 5 Dr Jamieson interprets this word to denote 'that part of boiled food that adheres to the pot,' (in which sooves, porridge, &c. have been prepared.) The Editor believes the phrase here signifies 'as brands for the burning,' in the Scriptural sense. From O. F. hars or hardes; twigs, rice, brushwood, &c. It is now almost obsolete.
it was done; for my Lord Bothwell gangd to his bedde, after the taking of of his hofe, quhilke was fockit with velvet, French Paris cum and roundit1 with him; and thairefter he taryed on me for other hofe and chalthis, and his riding cloke and sworde, quhilke I gave him; and hereafter cum up the gait to the Lordt of Ormijtoun's lodging, and taryt for him; and theretofor, he paffit to ane Wynd befide the Blache Fryers, and cum to the flope of the dike, quhair he gart me stand still; and as God shal be my judge, I knew naething quhilk I heard the blast of powder: And after this he cum hame, lay downe in his beid, quhilk Mr George Hakt cum and knockit at the doore. And if I dye for this, the quhillke God judge me gif I knew maire, qubat shal be done to thame quho was the deviers, counfalars, subjicriars, and fortiars of it?"2

VI. THE DEPOSITION OF THOMAS NELSON,3 'CUBICULAR' TO KING HENRY.

THOMAS NELSON, sumtyme farrant in the chamber to whilk King Henry, of guid memory, of Scotland, examinat apone his conscience, declaris that he was actuall farrant to the King the tymne of his Murthour and lang of befoir, and came with him from Glasgowe, the time THE QUEENE convoyit him to Edinburgh.

Item. The deponar remembirs it was dewyt in Glasgowe, that the King fald half lyne first at Craigmillare: bot, because he had na will thairof, the purpuse was alterit, and conclusioun takin that he fald ly befide the Kirk of Feild: At quhilk tymne this deponir belevir er that he fald haif the Duikis howfe;4 and knew na uther hous, quhill the King lyachtis, at quhilk tymne he paft directlie to the saifd Duikis howfe, thinking it to be the lueging preparit for him: Bot the contrarie was then fhawin to him be THE QUEEN, quha convoyit him to the uthir hous; and at his cuming thairof, the fchalmar wes hung, and ane new bed of black figurat welwet flanding thairof. The keyis of the lueging wes partlie flanding in the durris, and pairtie deliverit to this deponir be Robert Balfour, awmir, all except the key of that dar, quhilk paffit through thefellare and the town wall, quhilk culd noth be had, and thairof Bonkle in the fellare fad, he fald clois it weill aneuch within; quhilkis keyes wes kepitt and uft be this deponir and utheris, THE KINGIS farrandis, quhill the QUEENIS cuming to the lueging:

At the quhikl tymne, the key of the laich chalmar undir the King, quhair fche lay tua nyts, viz. the Wednesdaiy and Fraday befoir his Murthour, with the key of the paffage that paa to toward the gardin, wer deliverit in the handis of Archibald Betoun, as the deponir remembiris; quhilk Archibald wes yfcheare of the QUEENIS chailea dour: Befoir quhilk tymne of the QUEENIS lying in the KINGIS lueging, the tua nyts above namy, fche caufit tak doum the utir dour that clofit the paffage toward belth the chalmaris, and caufit ufe the famyn dour as a cover to the bath fatt;5 quherin he wes baiit: And fus ther wes na thing left to stope the paffage into the fialiis fchalmeris, but only the portell durris. As alfaus, fche caufit tak doum the fad new blak bed, fayand, it wald be fulkeit6 with the bath; and in the place thairof, fett upe ane sand purple bed, that wes accufumt be to carit; and the fadis keyis that wer deliverit in the handis of Archibald Betoun remanit flill in the handis of him and utheris that awaitit upon the QUEEN, and nevir wer deliverit agane to the KINGIS farrandis: For fche fett upe ane grein bed, for his felf, in the fad laich chalmar quherin fche lay the fadis tua nyts, and promit alfaus to half hidden thaire on the Sounday at nyt. Bot esuir fche had taireit lang and intenter THE KING verey familiarlie, fche tok purpoise, (as it had bene on the fuddan,) and deparitit, as fche fpak, to giff the malk to Baflyane, quha that nyts wes mairtie bir ferrand, namelie, the fad Archibald Betoun; and ane Paris Francheman havand the keyis of bir fchalmar, quherin bir bed fluid in, as alfaus of the paffage that paa toward the garding: For quhen the QUEEN wes thair, bir ferrandis had the keyis of the haill houes and durris at bir commandement; for upon the nyts fche uft, with the lady Revis, to go furth to the garding, and ther to sing and ufe pastyme. Bot fra the first tymne that fche lay in

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1 Whispered. 2 Laird. 3 Anderson's Collections, IV, 165. The Original is marked with Secretary Cecil's hand. 4 Hamilton-house. 5 A bathing out. 6 Soiled, sullied, tarnished.
that lugeing, the Kingis servandis had nevir the key of hir fayd schalmar agane. The Queine being 
departit towart Halyrd hous, the King, within the space of one hour, paft to bed, and in the chalmer 
with him lay wqushill William Taylyour. This deponir and Edward Symonis lay in the liuil gaylery, 
that went dervict to forth oute of the Kingis schalmar, havand ane windo in the gawll throw the 
Toun-wall, and byfide thame lay William Tailseir's boy; quihilks nevir knew of any thing quhilt the 
hous quherin they lay wes fallin about thame; oute of the quihilke, how fone this deponir could be 
red, he fluid upoun the rywynous wall quhill the pepill convenit, and that he got cloithis and fme 
deportiriit, quhill on the Monounday at after none he was callit and examinat; and amangis utheris 
thingis, wes inquirit about the keys of the lugeing, this deponir schew that Bonkle had the key of the 
sellare, and the Queins servandis the keys of hir schalmar: quihilks the laird of Tulybardin bering, 
said, ' Hald thair, heir is ane grund.' Eftir quihilks wordis fpoikin, thai left of and procedit na farther 
in the inquisition.

VII. Depositions of (French) Paris, servant to the (Scotch) Q(ueen), and present 
at the Murder of her Housbande.

1. S'enfuyit la Declaration et Deposition de Nycolas Hauert, dict Paris, Parfien, touchant 
la Morte et Meurtre du feu Roy Henry d'Escosse; au Meurtre duquel le dit Hauert efit 
præsent, avec le Conte de Boduel et les autres ses adherens: Cete Deposition fut faite à Saintct 
Andrieu, sans ce que le dit Paris fut contraint ni interrogé, de son propre mouvement et vouloir 
pour s'en deflcharger comme il defit, et ce le ixme. jour d'Août, 1569.

Et primierement, il deit, 

Je confesse icy, devant Dieu et le monde, que le Mercredy ou le Jeudy après diner de la sapmain 
donct le dict meurtre du feu Roy fut commis, moy effant en la chambre de la Royne à Kerkefield, 
en compaigne de placeurs sultres attendant la Royne, qui efitoit à la chambre du Roy. Mons. de 
Boduel vint à la chambre de la Royne là ou j'effoist, et me deit en l'aureille, ' Paris, je me trouve 
mal de ma maladiye que tu t'ai fais qui eft mon flux de sang, ne t'ai point quelque lieu la ou je 
porray aller faire mes affaires?' ' Ma foy, ce dict-je, je ne fus jamais icy qu'à cette heure-ey, mais 
je m'en voiz chercher quelque lieu.' La-deiis je trouve ung coing ou trou entre deu portes, et ce 
dire; ' Mons', venez-vous-en, si vous eftes otant preferred!' Et esans la dedans, je forme la porte sur 
noy, et luy ofte sa robe, commençant à la deflasher. Il me regarde, et me demande comment je me 
dortoys? luy ditant, que je me portoys bien, la grace à Dieu et à luy, me tenant pour bien recom- 
pençé du service que luy eftoit de m'ayoir faict donner l'esfai de varlet de chambre chez la 
Royne. Il me responderit, que ce n'efoit pas affes, et qu'il me feroit davantage. Je luy dis, que je 
me contentois, et que je ne pouvoys davantage à la maison de la Royne, voyant mon equality, et que 
je me contentois. Il me dict que je me ne chomeroyes de rien que je luy dic, car ditoit-il, Tu n'aiis 
fait bon et loyal service depuis qu tu m'a ferré; car je fay que tu as couvert mon defhonneur que 
tu avois occasion de fouller quant tu vins de mon service hòm d'Angleterre. Mons'. ce dict-je, je nay 
fait que tor de serviteur. Et bien, ce dict-il, pour autant que je t'yay trouvé fydelle serviteur, ie te 
voulx dire vne chofe, mais il te faut garder fur ta vie que nul ne le fache. (Mons', ce di-je) il n'ap- 
pertient au serviteur quant le maître duy dit quelque chofe de le reveler, et s'y est chofe que vous 
penfes que je ne puiss garder, me ne le dictes point. Spais-tu (ce dict-il) que c'est; c'est que fy ce 
Roy-là qui eft la d— s jamais les pieds fur nous sultres Seigneurs, il nous vult dominer et eftre 
cruel, et de nous sultres Seigneurs ne le vouloons pas souffrir, et suffy ce n'est la façon de ce pais, et 
pour cela nous avons conclut nous sultres de le faire fault—de dedans cette maison en l'air aveces 
de la pouldre, de oyant ie ne le dis mot sans baiffe la veue baiffe mon fens et mon cueur ce tourne de

* Extracted from the ruins. * British Museum, Calig. B. IX, fol. 270.
l'avoir ouy siinfly parler. Il me regarde, me demandant que ie penfe? Mons' (ce di-ie) je penfe à ce que vous me dites, qui est une grand chose. Qu'en penfe-tu? (ce dit-il) Qu' ien penfe, Mons? (ce di-je) vous me perdonnerez fy ie vous die felon mon pouvre epirte ce que i'en penfe. Que veux tu dire? (le dit-il), tu veux precher. Non, Mons', vous orres. Et bien (le dit-il) dis, dis! Mons' (ce di-ie) depuis cinq ou fix ans que i vous ay fait ferrice, ie vous ay toujours veu en grands troubles, et n'ay seen jamais voyr d'amus qui ayent fait pour vous; maintenant, Mons', vous efles hors de tous ces troubles, ie grace à Dieu, et plus en court à ce que tout le monde dict que jamais; pour ma part, le voyre que chaçung vous fait la court, petis et grands, mais ie ne scay pas que vous rit qui vous veuoyt veoir autrement, ie ne scay pas vous efles du pais Mons'. Davantage l'on dict que vous efles le plus grand terrien de ce pays icy, et auffy que vous efles marie qui est l'heure quant vng homme prend ce ply la que il ce fault areflets ou jamais. Maintenant, Mons', fy vous entreprenes cette choëfe-là qui est grande, ce fera le plus grand trouble que vous efles jamais, par deflus les autres, car chaçung cryera ' ha harault! ' fur vous, et vous le voyre. Et bien (cédit-il) as-tu fait? Vous me perdonneriez, Mons', s'il vous plaist, fy ie vous ay die felon mon pouvre epirte (ce di-ie). Et beftte que tu es (ce dict-il) penfe-tu que ie fay cecy tout feul de moy mesme? Monfieur, ie ne fay pas comment vous le faiexts, mais ie fay bien que ce fera le plus grand trouble que vous efles oncques. (Ce dict-il) et comment sera-ce? car l'ay difis Leaddington qui est efymé l'ang des meillers efiprte de ce pais-cy, et qui est l'entrpreneur de tout cecy; en apres jay Mons'. d'Argyle mon frere, Mons' de Honley, Mons'. Morton, Ruthen, et Linday. Ses trois-là une foys ne me fauldront jamais, car iay parlé pour leur grace; et azy les lignez de ceulx-cy que ie tay nommes, et auffy vous ay envie de le faire dernièrement que nous faulmes à Cragmiller, mais c'est que tu es un beftte et pouvre d'esprit, qui ne merite d'entendre choëfe de confequence. Ma foys, Monfieur (ce di-ie) il est vray, car mon espirit n'est point pour telle choëfe, mais bien pour vous faire service à ce que ie porray, et bien bien Mons', ilz vous porront bien faire maistre et principaillé de ce faict-là, mais quant ce fera fait ils pourront auffy mettre le tout fur vous, et les premiers qui cryeron ' ha harault! ' apres vous, et les ceulx qui vous bouteront le premier à mort, s'ils pouvront. He! Mons', le vous prie m'en dire d'ang que vous n'ayes point nommé; ie fay bien que ceftuy-là a été aymé en ce pais du commun peuple, et auffy de nous autres François, que quant il gouvernoyt l'espace de deux ou trois ans, il n'ayoit point de troubles au pais, tout le monde ce portoit bien, l'argent corroit, maintenant on ne peult veyry homme qui ait moyen, et ne voyt on que troubles; ceftuy-là est fage et fy a des amys alliez. Qui est ceftuy-là? (ce me dict-il). Ceft Mons'. (ce di-ie) Mons'. le Conta de Morac: je vous prie me dire quelle part ceftuy-la prend? (Ce dit-il), il ne fay veult point meffier. Mons'. (ce di-ie), il est fage. Adonc Mons'. de Boduel retourne la tette vers moy et me deiff, Mons'. de Morac, Mons'. de Morac, il ne veult auyder ne nuyre, mais c'est tout ung. Bien, bien, Mons'. (ce di-ie) il ne le faicte sans caufe, et vous le voyrez. La dezftis il me comande de prendre la clef de la chambre de la Roynë à Kirkfield. Je lay dis, Mons', vous me perdonnerez, si vous plaist, pour autant que ie fuis etrangier, et auffy que ce n'est mon esfiant, l'hyuffier me porra demander que i'en veult faire et il aura raifon. Et pourquoi (ce dict-il) n'est-tu valet de chambre de la Roynë? Il est vray, Mons'. (ce di-ie) mais vous favez qu'a la maifon d'ang Prince chaque officier a fon office, et entre les autres l'hyuffier a le fien, l'esfiant daquel eft de garder la clef de la chambre. Pourquoi donc (ce dict-il) t'ay-ye mis à la chambre de la Roynë? ny non pour en tyrer du service? Helas! Mons'. (ce di-ie) c'est bien pour vous faire service à ce que ie porray, mais ie penfeo en moy mesme fans rien dire (le crainaing) il ieuffe penfe telle choëfe, iamais la chambre ne meuf chambres. La dezftis il s'en alla moy de ce trou ou coing-la, ou il avoit faict ses affaires. Luy layant parto de moy, ie prens mon manteau et mon efpee et m'en voyz pornmer dans la grand eüfite, et penfoy en beauceo de fortunas que j'avoys du pais eëfrayés de luy, et commencçois à remercié Dieu qui m'avoit deleyvré d'aveques luy, luy demandant du bon cœur d'eftre hors de fa compagnie pour autant que ie congnoyfois ces vices fort terribles, et princi-
pallement ung donct l’on dict que j’en fus sy bon ferviteur, me reportant à Dieu, qui congoit ce que luy en sy dict, comment ce feroyt la ruyne. Plus de fix ans il y a, et qu’il fist ainly qu’on demande au Lard de Petinereif, qui a ouy parler pourquoi je fortis de son serçe hors d’Angleterre: il me battit et me tormenta à coups de pied fur le ventre, pour me faire faire chôfe que je n’avoys envie de faire, dont il m’en a remercie en Ejéfete, que l’avoys couvert son honnure la ou l’avoys occa- sion de le fouler. Après avoir penfé à tout cela pour me refouler de ce faict mechant que l’avoys entendu et qu’il m’avoys dict, ie demande à mon Dieu, qu’il me confesst, voyant le faict sy grand il ellemonoit mon espriz; et que sy à cette heure-la Mons. de Croyne eut efté en ce pais, ie n’eust point efté en cete peine icy. Quant le vis qu’il ny avoit autre remedee que d’avoyt patience, et qu’il ny avoit chemin pour m’en aller sy non par Angleterre, la ou j’eust efté prin et renfermé par faute de passe- port, et auffi que cefl travaillon contre le Prince au serviteur de s’en aller sans congé, et auffi que ie ne sceu prouver pourquoi ie m’en allois sy non per Mons. de Bodrel qui ne m’eust jamais advoyté; voyant comme châcun peult penfé que cels gyfoit beaucoup à son honnure, et à des altres Seigneurs à ce qu’il m’dîfït. Or doncques ce chemin-la ne me valut rien, je me refouls deflus ung poing que sy ce meurtre ce feroyt de brief c’êloist ma ruyne, pour autant que je cognoyfois l’homme qui n’eust jamais failli de moy command, et s’il y auroit dix ou douze jours entre deux, j’auray esperance de bien faire, car s’il va nave de quelque coécle que foyt, qu’en Angleterre j’estoy sol delibere de me def- rober pourquoi ie me refouls au fortier de l’eglise de Barvay de luy quant ce feroyt. De Vendredi doncques ie m’en vais à luy à fortier de fa chambre, comme il alloit chez la Royne, et auffiyot qu’il me veuît il me demande sy je avoys prins cette clef. Je luy dis que je regardeois a le faire; il me dict que je ne faulîfïe dont point, car c’estoit à Dymanche qu’ils vouloyent faire à mettre leur faïnt en execution. A cete heure-la je for d’avecques luy plus faïche que jamais, et m’en vais sur le chemin du petit Leith tout express pour trouver nave; et quant ie fus a moyt chemin ie dyfoys en moy- mëfïne, or est-il bon a voy que tu as l’espriz bien perdu, pour autant qu’il ny a plus que de main entre deux, quant ores le vent feroyt bon, sa-tu la puissance de lour ou friter une nave tout seul ou expres; la-deflus je m’êsle du grand chemin et me defforme à part, priant Dieu de me consfîllee, car de faire bruït de cels j’estoys morte. Cete jour-la, ce paflî en ce point, et auffi le Samedy toute la matynée. L’apres diff er il me demande encorees cete clef; je luy dis, Mons., holas! comment je feray-je? Pourquoi (ce dict-il) qui t’en gardera? N’es-tu pas serviteur de la Royne? Il est vray, Mons., mais ce n’est point mon estat de prendre les clefs. Mais dy moy (ce dict-il) et pourquoi? Une    foys ie ne le veuîx rien command en ce faïnt-la. J’ay des clefs afîes fans toy, car il n’y a porte cenx dont je n’ay le clef, car Mons. Jacques Balfour et moy avons efté toute la mayect pour voyer et chercher le meilleuer endroit et pasflage pour executer nostre affaire, et pour trouver bonne entrees; mais celle qui tu es une beîle, car ie ne te veuîx employer en ce faïnt-la, car j’ay des gens afîes fans toy, et auffi que je cay que tu n’as point de cuer. La-deflus ie entre en la chambre de la Royne, la ou Marguerite et quelques altres efoyent attendantz la Royne, qui eftoit en la chambre du Roy. Adonc le bruît vint incontinent que la Royne s’en aloýt à l’Abbaie; tout le monde forth hors de fa chambre, et moy le dernier, prenant la clef de la dict chambre, et m’en voyis à l’Abbaie apres elle, la ou je trouve Mons. de Bodrel, qui me demande sy j’avoyes cette clef. Ouy, Mons. (ce di-îs). Il me commando de la garder. Au bout d’une heure Marguerite me prie d’aller à Kirkofield querir une couverture de Maytres à la chambre de la Royne, ce que je fais et prens ung garçon avecque moy et entre en la dict chambre, en prêns de Sande Duram le Jeune, et le porte-faiz du Roy, et feis emportier la dite couverture, le dict Duram me demande la clef. Je luy dis que ce n’estoit pas à moy à la donner, mais bien à l’huyfler, luy pryant de me perdonner. Bien, donc (ce dict-il) puisque ne le me voulez donner. La-deflus ie m’en vins à l’Abbaie à la chambre de la Royne et delivre la cou- verture à Marguerite, ceste jour-la de Sabmedey eftant ainfî paflé, je m’en alloys me coucher.

Le Dymanche matin ie me leve à six heures, et m’en vois pormener dedans le parc, et en ung
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vallon ie me mets à prier Dieu, et luy demander confesse de ce faict mefchant, car ie n'y sceu trouver autre moyen que de laiffier couler l'eau du ruifseau qui eftoit fy ord, en apres m'eftant refolu, ie m'en retourne a l'Abbaye, la ou ie trouve troys officiers de la Royne, et m'en alay defeuenifer quant et eulx, et m'en revins a neufue heures a la chambre de la Royne, la ou l'oeue nouvelle que Mons'. de Morray venoit prendre fon congé de la Roynë pour aller voyr Madame fa femme: moy entendant ceste parolle l'aperfien incontemps qu'il le faifoit pour fe defteiner de fe faict mefchant. La-deffus je m'en alois me pormener Lejatik et m'en vois foubvenier des paroles que j'avoyz dicte du dicte Seigneur de Morray à Mons'. de Bodvel, et aufluy ce qu'il m'en avoit repondu. A ceste heure-la ie dis en moy mefme, O Mons'. de Morray tu es homme de bien, plen à Dieu que tu sceus mon cœur, je n'auray pas tant de mal que j'ay! Et ayant bien pensé je m'en revins a la chambre de la Royne, la ou elle aloit difier aux noces de Baffien; toutefois je m'en alay difier a la ville et apres difier me pormener; et eftant revenu, j'entendra qu'a Royne alloit fouper chez Mons'. d'Argylle, la ou j'eftois derrier elle luy fervant defciant; et comme elle lavoyt fes mains apres fouper, elle me demanda, luy avoyz ofé la couverture de Maytre de fa chambre a logis du Roy? Je luy dis qu'ouy. Lors les freigniers fe levant de table, donc Mons'. de Bodvel m'appelle, et me mène feul avecceus luy au logis de fa mere, la ou il ne fuit gueres qu'il s'en alla au logis de Lord d'Ormifon, parler a luy et a fon frere Hobé, et nous prent tout troys avecceus luy et s'en va a Cougait et parle a Jehan Hay et a Jehan Hebron, qu'il trouve a la rue. Apres avoir parle a eux, il s'en va tout feul et moy au logis du Roy, et a moy chemin au logis il me dict, or çaiau qu'il y a, tu t'en yras a la chambre de la Royne a Kirksfield, et quand Jehan Hebron, Jehan Hay, et le Lord Ormifon entrent, et qu'ilz auront faict ce que ilz ont envie de faire, tu foyrzas et t'en viendra a la chambre de la Royne ou tu t'en yras ou tu voudras. Hélas! Mons', (ce di-je) vous me commandez ma mort! Et pourquoi (ce dict-il) te commandes-je de faire quelque chofe? Il est veritable, ce di-je, Mons', mais il fay bien que cefl ma mort. Mais dis moy pourquoi (ce dict-il) fuy te commandois de faire ce que les autres font, tu le pourroys dire, mais il fay bien que tu n'as point de cœur; une fois les autres n'ont que foyr de toy, car ilz entront bien fans toy, car ilz ont des clefs affes; il n'y a porte ceans dont il n'en ayent les clefs. Ben, Mons'. (ce di-je) ie m'y en voy. La-deffus il fe departe de moy et s'en vais au logis du Roy, et entre en fa chambre, la ou eftoy la Royne et aucuns des Seigneurs, et ie m'en vais a la petite court, entre a la cuifine demandant une chandelene en cuifyner, que j'almus. Sur ces entre faizets, voicy Jehan Hebron et Jehan Hay qui entrent en la chambre, la ou l'eftoys et portoys de la pouder dedans des fach qu'ilz mifent au milieu de la dict chambre. En ce faifiant, voyoy Mons'. de Bodvel, qui furvient et parle a euy defiant, 'Mon Dieu que vous faictes de bruyt! on oyt d'enhaut tout ce que vous faictez?' Et ainy me regarda, et me demanda ce que le faifays, et que je m'en alaiſſa a fale chambre du Roy apres luy; ce que je feis, et me trouve aupres de Mons'. d'Argylle, avec qui Mons'. de Bodvel parloit, et le dict Seigneur d'Argylle m'acaroysſoyt et me touche fur le dos fanz me dire mot. Et neſſant en la chambre du Roy la longueur d'une pater noſler que la Royne s'en va vers l'Abbaye et monte là ou efloit les hopes; et moy ie m'en vois en ung coing la ou Mons'. de Bodvel me vint trouver, me demandant ce que j'aeiny faire la myne, et que fuy le faifays ainy devant la Royne, quil m'accourtoift en telle façon que je ne fus jamais. Je ne m'en foucy pas (ce di-je) que vous faictes de moy a cette heure-ty, vous priant me donner congé de m'aller coucher, car je fuis malade. Non, ce dit-il, veux que vous veniez avecceus moy; vouleus vous laiffier ces deux gentil-homes-là Jehan Hay et Jehan Hebron? Helas! Mons', ce di-je, que feres vous davantage pour moy, car mon cœur ne me peut fervir a telle chofe? Je veux que vous veniez (ce dict-il), or bien donc Mons'. (ce di-je) allons. La-deffus il s'en va a fa chambre changer d'habillaments et prend le tailler et moy avecceus luy, et s'en va au jardin du logis du Roy, la ou le tailler demeure a la muraille. Et moy aupres, le dict Seigneur de Bodvel s'en va a la porte du jardin, et puis revint vers nous, la ou Jehan Hebron et Jehan Hay s'en veindrent et incontemps comme ilz avoyz parlo à

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luy, voyla comme un tempesfe ou ung tonnoyre qui va eelver, de la peur que j’eu ie cheus en terre les cheveux dreffes comme allaines, dyant, helas ! Mons, qu’est ce cecy ? Il me dicte, je me suis trouve à des enterprifes grandees, mais iamais entreprif me ne fesit fy grand peur que ceft-fy-cy. Je luy dis, per ma fo, Mons, de telle chose que cecy il n’en viendra iamais bien, et vous le voyrez ! O beffe ! (ce dit-il) me menacent de me fraper de fa dage, mais ne la tire point. Là-deffus il commence à s’en aller bien vite, et nous apres luy, et s’en caydoit aller per Leyth Wynd, mais il ne secoet. Il envoya donc Hepbron parler à portier pour ouvrir la porte, et qu’autuy le monde comencoyt à venir, il s’en va per derrier le Cannonoir, et Jehan Hay et moy nous en allames la grand rue. Le difoy à Jehan Hay à telle chose que cecy n’en adviendra iamais bien. Il eft vy (ce dit-il) nous avons bien offencé Dieu, mais il n’y a remede, il se fault montrer vertueux et prier Dieu. Helas ! (ce di-je) Mons, m’a menacé de me fraper de fa dage, mais je vouldroy bien qu’il l’eult faict pour mon honneuer. Paris, ce dict-il, prunes en patience, car vous connoyette bien l’homme. La-deffus il m’en allay coucher dans mon lic et luy au fien, mais je ne fay ou, moy enlevant le Lundy matin envoyn sept ou huyt heures, je m’en vais à la chambre du dit Seigneur de Boduel, et incontinent qu’il me voy il me demande que j’avoys à faire la mine ? Je luy dis, que j’avoys que jamais or n’aygent ne me remetrot en point que l’eftoy. Pourquoi ? (ce dit-il) Porce, Mons, que je fay bien que je sera pris pour le principall de ce faict-cy. Ha ! ouy (ce dict-il) tu es bien homme que le vouldroy bien prendre pour ung tel faict. La-deffus il s’en va en bas en une chambre, et m’envoye le vouldroy en la chambre le Lard Ormejton, Hobe Ormijton, Jehan Hepbron, Dajlifhe, Porrey et moy.

Mons. de Boduel me demande, que j’avoys à faire telle mine, et fy l’avoys promis quelque chose au Roy, et s’il eftoit mon maistre ? Non, Mons. (ce di-je.) Et voye-tu point (ce dict-il) ces gentil-hommes, qui ont terres, rentes et revenus, femmes et enfans, et ont tout voltu abandonner pour me faire service ! Et fi tu penfe avoir offencé Dieu, le pêche n’est en toy, ceft a moy, car je tay commandé, et tu ne feroys entre repris de ce faict, car ce font les Seigneurs mesmes de ce pais, avec moy, qu’avont commis le cyme, et vouldroys qu’il meurt cotte oo...efcu et ne t’en avoyes jamais parlie. Per ma fo, Mons. (ce di-je) je la vouldrois bien, or bien Paris il se fault montrer vertueux, et pour toutes les irhenes du monde, il ne fault rien dire ; et s’y vous avez envie de vous en aller, vous vous en pres bientoft. Et du depuis le luy demando congé plus d’une demye douzieme de fois, et ne le fçauz iamais avoyez ; et voya tout ce qui fe fay touchant ce faict.

2. A Sanct Andre le dixieme jour d’Aouy, 1569, Nicholas Howbert, dict Paris, a esté interrogué sur les articles et demandes qui s’ensuuent, &c.

Et premierement,

INTERROGUE, Quant premierement il entra en credit vers la Royne ? Responce, que se fut comme la Royne eftoit à Calendmar allant à Glacou, qu’alors elle luy bailla une bourfe la, ou il avoit environ 3 ou 4 cens ecus, pour la portar à Mons. de Boduel ; lequel, apres avoir receu la dicte bourfe sur le chemyn entre Calendmar et Glacou, luy dict que le dict Paris l’en allaft avec qce la Royne, et qu’il fe tint pres d’elle, et qu’il regardat bien à ce qu’elle feroit, luy dyant, que la Royne luy donneroyt des lettres pour les luy portar. La Royne eftant arruyé à Glacou, luy dict, je t’envoyery à Lyllebourgh, tiens-toy preft, et ayant demeure la deux jours avecques la dicy dame, laquelle ecrift des lettres et luy les baill er, dyant, vous dires de bouche à Mons. de Boduel qu’il baill ces lettres qui l’adressaft à Mons. de Ledington à luy mesmes, et qu’il parle à luy, et voyez le parler ensemble et regards la fagon de faire, et quelle mine ilz feront, car c’est, ce difoyst-elle, pour favoy lequel eft meilleur pour loger le Roy à Craighmiller ou à Kirksfield, afin d’avoyer bon air ; car, f’il logoyt à

1 This second Examination of French Paris is preserved in the British Museum, C. I. fol. 318. It is given here in the original form, the same as the proceeding.
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l'Abbaye, le Prince pourroyt bien prendre sa maladie, à cause que ses serviteurs ne pourroyent leur en garder d'aller voeux le Prince: en outre qu'il dict au dict de Boduel que le Roy la vouloys baiser, mais elle ne pas vouloir de peur de sa maladie, chose que Rerjès en tefmoignoyt bien. Et plus (ce dict-elle) vous dires à Mons. de Boduel que je ne va jamais vers le Roy que Rerjès n'y est, et vosy tout ce que je fais. Item, la Royne lui dict, 'Paris haftez-vous de revenir, car je ne bougeray dice jusques au temps que vous maures raporte la refponce l'

Eftant le dict Paris arryvé à Lielebourg trouve le dict de Boduel en fon logis à l'Abbaye, lequel lay diift, ha! Paris, tu es le bien venu. Mons., ce dict-il, voyoy des lettres que la Royne vous envoye, et auft à Mons. de Liddington, vous pryant de les lay delivrer, et que je vous vis parler ensemble, pour veo y vos fonçons de faire, et comment vous vos accordiez ensemble. Fort bien, ce dict-il, car j'ay ce jourduy parlé à lay, et lay a donné une haueuenee. Le lendemain le dict Paris dict qu'il vint au logis du dict de Boduel par troys foys le chercher à 8, 9 et 10 heures, et ne le fcout jamais trouver; mais à la fin Pouyre le portier lay diift, qu'il allait chercher à la haute ville, que peraventure il le trouvroyt en quelqu lieu au confel; et l'ayant cherché, il voyoy venir une troupe de gens de vers le Kirkefeld, la ou effoyt le dict Seigneur de Boiduel et Mons. Jacques Balfour, cote a cote ensemble, lequels l'en alloyent diifer au logis du dict Mons. Jacques. Le dict Paris prya Mons. de Boduel de le despecher vers la Royne. Après diifer (ce dict-il) je le feray; et quant il retournera querer sa despeche après diifer, il trouve le Seigneur de Boiduel et le dict Mons. Jacques feuls, tete a tete, en une chambre; et le dict Seigneur de Boiduel qui escrivoit de sa propre main; et apres avoir fait, il dit à Paris, voyo y ta refponce, retourne t'en à la Royne et me recommandes bien humblement à fa bonne grace, et lay dictes que tout yra bien, car Mons. Jacques Balfour et moy n'avons dormis tout la nuit ains avons mis ordre en toute, et avons aprefle le logis, et dictes à la Royne que je lay envoye ce dysant qu'il lay portera, et que l'ay avoyt mon cuer je le lay envoyayes tresvoluntiers, mais je ne l'ay pas moi. Va t'en à Mons. de Ledingtion et lay demandes l'il veult refcrire à la Royne, ce que le dict Paris faict, et le trouve à la chambre des comptes, et lay demande l'il plafloyt rendre la refponce aux lettres de la Royne que Mons. de Boduel lay avoyt baillées. Ouy (ce dict-il) et la-deflus il prend du papier incontinent et eftcript, et ayant faict le dict Paris lay dict que la Royne l'avoyt commande de lay demander, lequel des deux logis feroyt le meilleur pour le Roy, car elle ne bougeray dels jusqu'à ce qu'il l'auroyt rapporté sa refponce. Le dict Ledingtion lay refpondit, que le Kirkefeld feroyt bon, et que le dict Seigneur de Boduel et lay avoyt advisé ensemble la-deflus. Ainfy le dict Paris partit pour fon aller à Glafoeu vers la Royne; et efant de retour à Glafoeu et avoyt faict fon meffage, qui lay effoyt donne des dis Seigneurs de bosche, la Royne lay demande, s'il avoyt eu parler Mieffeurs de Boduel et Ladingtion ensemble? Dict que non, mais que Mons. de Boduel lay avoyt dict qu'ils avoyt parle de bon ymage ensemble, et que le dict Sieur de Ladingtion effoyt du tout à lay, et que le logis effoyt pref. Item, comme elle retournoyt de Glafoeu vers Lielebourg avec le Roy à Kalendor, il l'adreffe ung homme de Mons. de Boduel au dict Paris et lay baill une lettre pour la presenter à la Royne, ce qu'il feit, laquelle lay demanda, s'y l'homme effoyt feur? Je penfe, ce dict-il, Madame qu'il n'eut vouloir vous envoyier homme qu'il n'en fuft feur. La-deflus en l'en allant coucher elle refcript une lettre, et y meift dedans ung anneau et la lay baill pour la bailler au dict homme porteur, chose qu'il feit, pour la rapporter au dict Sieur de Boduel; apres le Royne et le Roy efans à Lieleurh, elle dict au dict Paris qu'il vouloist mettre Guifbert Courlo, Vallet de chambre chez le Roy, pour ce qu'il effoyt de bon esprit, afin de voeux ce que le Roy feroyt, car elle ne ce foyt point à Sande Duram. Da dict lieu Johan Hay faut par elle despeché vers Mons. de Boduel, auquel elle parla affes long temps, en apres auffy Paris avec des brasillets au dict Sieur Boduel (le dict Paris arryvé à Lielebourg lay baill les brasblets) lequel Sieur eftoyt pret de monter à cheval pour aller trouver le Roy et la Royne, avec lequel le dict Paris retourne au devant du Roy, lequel ils conduyrent jusques à fon logis à Kirkefeld.
Interrogé, S'il savoyt aucun privéeut entre la Royne et Mons. de Boduel, durant le temps que le Roy gyloit à Kirksfeld? Respandas, que Mons. de Boduel luy avoit dit que toutes les nuits Johan Hepbron feroyt le guet soubs les galeries à Sancte-Croyz, cependant que Lady Rergaoyt bien tair le querir pour l'amener à la chambre de la Royne, luy défendant, aflayoir à Paris, sur la vie de ne dire que fa femme estoyt avec les luy.

Interrogé, S'il savoyt de l'entreprises du Meurte du Roy depuis son arreyment à Kirksfeld jusques au jour de l'exécution? Respandas, que non autrement que ce qu'il en a defia depoés en sa Deposition faite le neufensse de ce moy, en adoutant que le jour que Mons. de Boduel luy avoyt communiqué le faict de Meurte du Roy, qui fut le meime jour que la Royne conclut au logis du Roy à Kirksfeld, (ainly comme il y en fouvient fort bein) et comme le dit Paris vouloit dreffer le lict de la Royne en sa chambre, qui estoyt dreoff soubs la chambre du Roy; ainly que Mons. de Boduel luy avoyt commandé, lors qu'il parloyt avec les luy au trou la ou il le deffaischoyt pour faire ses affaires, le dict Sieur de Boduel defandist au dit Paris de ne dreffer le lict de la Royne droit soubs le lict du Roy, car je y veuix mettre la poudre en ceff endroyet-là, ce dit-il. Et cette mefines nuyt-là, aprés que le lict fut dreffe en la chambre de la Royne; ce que je fis au mefne endroyet la ou il me fust defendu par le dict de Boduel, la Royne me dift, 'Sot que tu es, je ne veuix pas que mon lict foys en ceff endroyet-là, et de faict le feit offter!' Par lesquelles parolles, j'ay aperçu à mon esprit qu'elle avoyt cognouffance du faict. La-deffia je pris la hardieffé de luy dire, 'Madame, Mons. de Boduel ma commande luy portoi les clefs de votre chambre, et qu'il a envie de y faire quelque choise; c'est de faire faulter le Roy en l'air par poudre, qu'il y fera mettre!' 'Ne me parle poyst de cela cette heurecy,' ce dict elle, 'faiz en ce que tu vouldras! La-deffia je ne l'afouys parler plus avant. A cette heurecy je commence à confiduer que j'efoys employé en ce faict meffant, auparavant par parolles couvertes et deuyffées estoit envoyé de Glofous vers Mons. de Boduel, pour fauvoyr lequel des logis estoient le meillieurs, et par ce auffly qu'il m'a ref pondu alors, quant il me renvoye vers la Royne, vous la dires, fy elle vous demande ce que je fais, que j'ay veilli toute cette nuyt et Mr Jacques Balfour, pour affer phon le logis du Roy. Estant interrogé, Sy la Royne paofftoy plus oultre celle nuyte sur ce puroys? La dict que non, mais le prloffoy aprés plus fort que jamais de parler à elle de pourpou de Mons de Boduel, de fa femme, et de autres choises. Et estant coucher ne dormoyt point toute la nuit, ains estoient les lettres au dict Sieur de Boduel, et les envoyé par le dict Paris au Sieur de Boduel, envoyé onze à douze heures de nuyt, mains riens de cresance. Et ayant delivré cette lettre au dict Sieur de Boduel, il refchif estoit au lict, et en ballant la responsé au dict Paris, il luy dict, 'Dictes à la Royne, je que dormayry point que je n'echeve mon entrepny, quant je debuoyx trayner la piqute toute ma vie pour l'amour d'elle!'

Et estant de retour vers la Royne, Vendredy au matin, luy avoyoant raccoupté ces mefines parolles que luy avoyt dicte Mons. de Boduel, 'Et bien, Paris (ce dict elle en rayant) il n'en viendra jamais, fy Dieu plaist à ce poyst-là!' Et ce dyffoyt-elle estoit au lict. Et comme elle s'abolloyt, le dit Paris prend les deux clefs de la chambre de la Royne, felon le commandement du dict Sieur de Boduel, et les luy aporte. Lequel avoyt faict fortir tout le monde de sa chambre, prend le clef d'ung coffre qu'il avoyt en fa pochette, et apres avoyt ouvert le dit coffre, en tire des autres clefs contrefaictes toute neufues, et en regardant les unes aupres des autres, dict à Paris, ha! ouy, elles font bien; raporte celles-là, et il remetit les contrefaictes dedans le coffre.

Estant interrogé, S'il savoyt qui avoyt faict et baillle les clefs contrefaictes au dict Sieur de Boduel? Respandas, qu'il n'en savoyt rien, fy noux que le dit Sir de Boduel luy dit, qu'il avoit toutes les clefs des porte de ce logis-là, et que luy et Mais'tre Jacques Balfour avoyent eté tout une nuyt pour chercher et fauvoyr la meilleure entree, comme il a defia depoés. Mais cependant que le dict Paris estoyt absen avec les clefs, Archibald Bethou, buffilyer, demande les clefs pour laisser fortir la Royne au jardyn, et ne les pouvant trouver, la Royne en fut faffé, et dict tout haut à Paris à l'on
retour, 'Paris pourquoi avez-vous emporté les clefs de ma chambre ? Lequel ne luy respondit mot fur l'heure ; mais après la, trouvant a part luy dit, ' Ha! Madame, pourquoi m'avez-vous dict devant le monde que j'avoys pris les clefs de votre chambre, voyant que vous faves bien le pourquoi ?' ' Ha! ce dit-elle, Paris c'est tout ung ; ne te fouscez, ne te fousces l' ! ' Et d'autant qu'il en pourroyt avoir bon souvenance, il dict, que ce Vendredy la nuyt la ROYNE coucha encore au logis du ROY, et luy revoy sa derechef porter des lettres au dict Sieur de Boduel.

Interrogé, S'il avoyt rien entendu de ce propose le Sabmedy au matin ? Respond que non, fy non que la ROYNE deit en presence de clefs de sa chambre, qu'il y avoyt en quelque querelle entre le ROY et Mons. de Sancto-Croiz, lequel avoyt bon moyen a cette heure-la de tuer LE ROY, car il n'y avoyt en la chambre alors qu'elle pour les departir : Et dict oitul, qu'apres dicter, le dict Sieur de Boduel luy commanda de prendre la clef de la chambre de la ROYNE, chose qu'il n'avoyt envie de faire ; mais comme la ROYNE forttoy de sa chambre, elle le regarde, et luy commande de prendre la dit clef. Et au toy, la ROYNE eftant a l'Abbaye, elle envoye le dict Paris vers Mons. de Boduel, luy commandant luy dire de bouche ; ' Allez vous en a Mons. de Boduel, et luy dictes, qu'il me semble qu'il feroit le mieux que Mons. de Sancta Croiz avec Guillaume Blakair entent a la chambre du Roy, faire ce que le dict de Boduel faisoit, et qu'il parle a Mons. de Sanct Croiz touchant ce purpoe, car il feroit moyeul ainfi qu'autrement, et pour ce n'en feroyt qu'ung peu prifonnier dedans le chateau.' Apres avoyt le dict Paris raccopé ce faict a Mons. de Boduel, il luy dict, ' Je parleray a Mons. de Sanct Croyz, et puis j'yardt parler moy mefnmes a la ROYNE.' Le dit Paris n'a souvenance d'autre chose que le feit ce jour-la, mais le refle est contenu en sa premiere Deposition, jufques a ce que la ROYNE arriva en l'Abbaye, et Mons. de Boduel l'eftant aufi retiro en sa chambre avec le dit Paris, survint Mons. de Honteley en compagnie de deux ou trois serviteurs, et ce par le chemin derrier l'Abbaye qui menoit droit au logis de feu Mons. de Ruthen ; et apres qu'ils avoyent parle en l'oreille ensemble, comme Mons. de Boduel avoyt defla commence de changer fis habillement, le dict (Mons.) de Boduel deit apres au dit Paris, que Mons. de Honteley l'eftoy offert d'aller avecques luy, mais qu'il ne le vouloyt moner. Quant et luy, et apres que Mons. de Honteley se fut party pour aller coner, le dict de Boduel prend le tailler et Paris avecques luy, comme il est dict en sa premiere Deposition.

Le Lundy matin, entre neuf et dix heures, le dict Paris dict, qu'il entre dans la chambre de la ROYNE, laquelle eftoy bien clefs, et fon lict la tendu de noyr, en signe de deuil, et de la chandelle allumer, dedans ycelle la ou Madame de Bryant luy donnayt a defiefier d'ung oeufr frais, la ou auffi Mons. de Boduel arryve et parle a elle secretement, foubz courtine. Ce jour-la Lundy, de paile ainfi fans ce que le dict Paris parle a elle. Mardy, au matin, elle fe leue ; et le dict Paris eftant entre en sa chambre, la ROYNE luy demande, ' Paris, qu'as-tu ?' ' Hela! ce dict-il, Madame, je voye que chaeun me regarde de cobe.' ' Ne te chaille, ce dict-elle, je te feray bon vfyage, et perfonne ne t'efjoyt dire mot l.' Cependant elle ne le dict chofe de confefgene, jufques a ce qu'elle vouloyt aller a Seton, alors elle luy demandayt de prendre une caffette ou il y avoyt des corcelets d'efcus, que le Threforier luy avoyt aporté de France, pour la porter a la chambre de Mons. de Boduel, qui eftoy la cette-heure-là legy dedans le Pallays, au defus de la chambre la ou ce tenoyt le Comte : Et puis apres, luy commandayt de prendre fon coffen des bagues et le faire porter au Chateau, et le delyvyr entre les mains du Sieur de Shirling, pour lors Captitaine fouba Mons. de Boduel, chofe qu'il feiy ; En apres, elle voyant le dict Paris tout faiché, elle prefloy fouvent de faire service a Mons. de Boduel, ce qu'il n'avoit envie de faire, ains demandoyt souuent fon congé ; et voyant cela, a la parfin elle luy dict, ' Paris, allez-vous confolier avecques Mr Jacques Balfour ; celt un homme d'esprit, je m'y fus confolle par plusieurs fois et me confolle de proue.'

Item. Interrogé, Du premier pryeuoyté qu'il a cognoy estre entre la ROYNE et Mons. de Boduel ? Respond que c'eftoy alos que le dit de Boduel condueytoit la ROYNE vers Glavoy, quant elle aloyy querir le ROY. A Callender, apres souper, alles tard Lacy Reyns vint a la chambre de Mons.
de Boduel et voyt le dict Paris la, et demande que faict ce Paris icy? Cest tout ung, ce dict-il, Paris ne dyra chofe que je luys defend de dire! Et la-deflus elle l'amene a la chambre de la Royne. Cey celuyoy le foyr devant que le lendemain la Royne l'envoya la bours par Paris au dict Sieur de Boduel.

Item. En outre, il dict et declare, qu'environ le temps que le dict de Boduel fut fait Duc, la Royne lui bailla le baffet et vestelle de l'argent de Monsieur le Prince la ou estoit ses armories pour la porter a Mons. de Bothistle; le quelluy dict, que celuyoy pour en faire ostre la marque de Prince, et y mettre la fenne, ce qu'il deyryra a ung qui a esponfo une Marguerite Hepron (mais il ne faict bonnement fon nom) lequel comme il luy dict il le desuyoy bailler a Mr Jacques Balfour pour le faire faire.

Item. Il dict et confesse, que la nuyt auparavant que la Royne fut ravie et enlevée du dict Sieur de Boduel, que Mons. d'Ormifououn vint parler a la Royne bien secretement a Lythquoue: la-deflus la Royne ecrivyt une lettre par le dict Paris, et par ce qu'il ne favoyt bien le chemyn, la Royne le feit conduyre par le dict Ormifououn chez Monsieur de Halton, la ou le dict Sieur de Boduel estoit en bonne compagnie, et mifmes les Capitaines couches aupres de luy et dautres: Et trouvant le dict Sieur de Boduel endormye les veille, et luy dict, Monsieur, voyla des lettres que la Royne vous envoye. Et bien, Paris, ce dit-il, couche toy la ung peu; cependant je m'envoye ecrystre, et apres avoir ecrystre, il dict au dict Paris, 'Recommandes me humblement a la Majestie, et luy dictes que j'ayr aujourdhuby la trouver fur la chemyn au pont.'

Item. Efiért interrogué, S'il favoyt pourqoy Joseph s'en alla de ce pays? Respond, que la Royne lui dict, Paris il faut que tu controuves quelque chofe en ton esprit pour faire perç a Joseph, afin qu'il s'en aille : et voyant qu'il ne pouvoyt rien faire, elle luy dict, je ferys faire une lettre que tu perderas derrier luy pour luy faire perç; mais luy ne pouvoyt ce faire, el le feit dire par le Justice-Clerk, comme il peut, qu'il eust a comparoir au Parlement, chofe qu'il l'afraient grandement, et couru Ça et la demandant fon congé; enfin la Royne bille neuf vingts efcus a Paris, pour les bailer à Joseph, afin qu'il s'en alla, ce qu'il feit; etains ayant receu la dict femme, il s'en alla.

Item. Dict, que Johan Hay fouvent apres la mort du Roy le confellyoyt et le confortoyt bien, et qu'autre ne le confellyoyt, fy non que fouvent commant Mons de Honley le voyant deffaict, le demandoyt, Paris, quas tu?

This is the true copy of the Declaration and Deposition of the saud Nicholas Howbert als Paris, guiharof the principall is markit every leif with his awin hand. And the same being red againe in his prescence, he avowit the same, and all partes and claues thairof to be undebtoullie true.

Ita est Alexander Hay, Scriba Secreti Confliti S. D. N. Regis ac Notarius Publicus.

VIII. EXTRACT OF LETTER FROM LORD HUNSDON TO SIR WILLIAM CELC,

WHEREIN he lays, he received a letter the 23 of August, with the Q. Majesty's letter, and my Lady Lennox packet; and trowching Paris, he was put to death a fortnight since, and fo was Steuart, who was King of Heralds, who had determined to kill the Regent; but he was forgiven for that, and was burnt for Conjuration and Witchcraft.

1 Dated Berwick, Aug. 30, 1569. Anderson's Notes of Letters in the Paper Office. Laing's Hist. II. 269. 2 This matter is thus chronicled by two contemporneous authorities. 3 This same day (Aug. 2, 1568), about 2 in the afternoone, Sir William Steuart, Lyone King of Arms, departed out of Edinburghe to Dumbritsh Castell, being suspect of Conspiracy against the Life of the Regent, the Earl of Murray.—Baird's Diary, p. 17. 4 In this same monthe, Sir William Steurte, Lyone King of Arms, was transported from Edinbourgh Castle to Dumbritane, and there committed to close prison, for Conspeying to take the Regent's lyffe by Sorcerye and Necromance, for which he was put to death.—Sir James Balfour's Annales, I, 345. No mention of these proceedings occurs in the Books of Adjourn—but about this time the Treasure's Accountes notice many prosecutions against Witches, four females having been tried between May 16 and Aug. 12, 1569, for this imaginary crime.
IX. LETTER FROM REGENT MURRAY TO QUEEN ELIZABETH.¹

Pleasa it your Majestie,

I have of lais refayvit three Letters of your bieenes, the first by my servant Alexander Hume, the next from Mr Tho. Fleming, and the third be my lord Governour of Berwieke, for the differing² of the execution of death upon ane Paris, Francsham. . . .

As to that qubhik your Majestie writes of ane Paris, a Francsham, partaker with J. a. bumtyme E. Bothwell, in the marther of the K. my soverain fader, trew it is, that the said Paris arrivit at Leyth about the mibbes of June last; I au that tyme being in the North partes of this realme, far distant; Qubair upoun it followed, that at my return, after diligent and circumpect examention of him, and lang tyme spent in that beaufit, upoun the xvi day of August bypass, he sufferit death by order of law; so that before the recep of your hienes letter, be the space of 7 or 8 dayes, he was executa. ³ Otherwise, your Majesties requisitionse towards the diffiring of his execution, by way of death, fauld have been maist willingly obeyed; the fame bringand with it fa gude reason. But I truust his testimonie left fa be fund fa authentick, as the credit thairof fait not fae doubftfull, neyther to your hienes, neyther to thame quba bee nature hes graitect causd to desire condigne punishment for the said Marther.

X. THE CONFESSION OF THE LAIRD OF ORMISTON.⁴

The qubhik day John Brand, Minister at Hallyruadhounie, being sent to the LAIRD OF BLACK ORMISTOUNE, to give him comfort, be the promiss of God’s word offeret to sinners; and alius, to requyre the said Laird to glorifie God, in thawing of the truth, &c.: After lang conference, and prayers made, above the space of ane hour, or thereby, the said John Brand, Minister, faid unto him, "Sir, althoich I am trewlie perfuadit that the haill trewth ye have shawen me of this matter, yit, because divers and greater doubts are patit of you, and alse the memorie of men are bot weak, theirfor, yif ye thought guid, I wald wryte certaine of the thingis, breffely, that you have spokin.” Quba anwerit, meiklie, "For God’s sake doe the famine; wret even as I fahl speike. As I fahl anver unto God, with whom I hope this night to fowrp,² I hald declair unto you the haill, from the beginnin unto the end of my pair." Fyfit, I confes that the Earle Bothwell flaw the famine wickeit deid unto me, in his own chaumer in the Abbey, on Fryday before the deid wes done, and requyre me to take pair with him therein, becaus, as he allged, I wes ane man of activenes, (alace thairfor!) qubair I utterly refuift, and faid, God forbid, but if it were upon the field, to fight with your Lo. unto the death, I fould not feir my skinn cutting. Then the said Earle faid unto me, "Tuwhe, Omistonie! Ye need not take feir of this, for the haill Lords hes concluded the famine langlyne, in Craigmiller, all that wes ther with the QUEIN, and none darr find faut with it, quhen it fahl be done." After the qubhik, I deportit hame to Kaitie Tames,⁵ qubhik was Thomas Henderson’s house, in Edinburgh, for his mother was called Kait: being in part feik, I lay doune in my bed, and lay al Saturday, chiefe for that cauf, beleivand that way to have put off that evil hour: And fwa, I knew na farder of it qubhik? Sunday at night, quhere I, being in my chaumer in the Black Frier Wynd, gangand belit in ane goun, John Hepburne and John Hay of Tollo come unto me, and faid, "The QUEIN grace and Lords are palt up to fie the King, and my Lord is standand at the Black Frier Wynd fute, and bids you come to him incontinent:!” Quhere I laid my goun from me, and tuik ane ryding clock, becaus I

¹ Undated. Anderson’s Notes, ibid. ² Defering. ³ It is thus recorded in the Treasurer’s Books, Aug. 16, 1569. ⁴ Item, to ane boy passand of Sanctandre to Dundee and Perth, with xvi quarteris of the Bence of rail. ⁵ Item, to ane boy passand of Sanctandre to Ed’ with the head and ane lea of the said Paris, Francsham, vj. vijl d. ⁶ Anderson’s M.S. ⁷ Sup. A figures expression, borrowed from Holy Scripture. ⁸ Kate’s Thomas, a common designation at that time for servants and persons of low birth, especially in the Border counties. ⁹ Until. ¹⁰ Whereupon.
CRIMINAL TRIALS. 

A.D. 1567-8.

beleivit all had beene well neweke nowe aghret, feing they had paffit up to visit him: And comming, at
the first I miff the said Erle, for he had comen ene another closfe to feik me himselef, in my own
chamr; ther he fand my coumg Hòb, quhom he brought with hym; and thairafter, met togidder
in the middle of the Wynd, witch me again, and we all paffit up to the Freier Yaird, through
the flape,1 quhair Parriis and Archie Betoun com and met us, and felt all was ther preparit for the
setting of the lunt: And they all enquirit, how it could be set to? And, after diverse speakingis, I
said, 'Take ane piece of lunt of thre o four inch lang, and kindle the ane end of it, and lay to the caid
end, and it wald burn fyne to the train, and fwa will blow up.' After the quhilk, the Quinre paffing
hame, the Erle Bothwell said, 'Speid, and clois all the duris!' for they had 13 fals keys of the
lodging maidie, and givin, as they said to me, be him that ancht the house. After the quhilk I departis
incontinent, and came not neerer, as I shal answer befor God, nor the duir. And as I was cumb
hame, it flacke ten hores, wheer then I paff to Kat's Times house, to avoyd fulpitoune, thae man
sould say I was at the deid doinge; for I was an haur and mair in my bed or the blaf and craik was.

Being requirit be the said Minuter, 'Gif he knew not that The King was utterways handlit be
emenes handers, for it is commonlie spokin he was brought furth and wirrit!' Quha answert, 'As I
fell anwser to my head, I knew nothing but he was blawin up; and did enquere the sumy maist
diligentie at John Hepburne and John Hoy, and all that terrait behind me; quha swore unto me,
thev never knew use uther thing bot he was blawin up; and fwa I think it was ane work done be God
for the punishment of money wickit men, quhairesfo I am ane, ane great firner before God, for the
quhilk I ask God mercy.

Thirdly, Being requirit, Gif he knew na farder hereafter? anfris. At the Patche 8 thairafter, when
the brute begun to rys upon, and all cryit, ane vengeance upon them that flew the King, it
prickit my conscience, and I come unto the Erle Bothwell in his chamber, and saide to hym, 'Quhat
Devill is this now, my lord, that ever body suspeicts you of this deid, and cryes ane vengeance for
the sumyn, and few or no uther spokin of bot yow! Anether thing you fail to me!' Quha anfris, 'I
fall let you see some thing that I had for me!' Quha late 4 me see ane Contract subfricvit be four or
five handwrittenes, quhilk he affirmte me was the subcription of the Erle of Huntlie, Argyll, the
Secretair Mainland, and Sir James Balfour, and allegis that mony ma promisit, wha wald affit him
gif he were put at. And thairafter read the said Contract; quhilk, as I remember, containis ths
words, in effect: 'THAT, for famikle it was thought expedient and maist profitable for the commone
warmth, be the haill Nobilitie and Lords underfricvit, that sic ane young foule and proud tiranne
soold not reign nor bear reull over thame; and that for diverse caufes, thairfoir, that thays all had
concludit that he could be put of, by one way or uther; and quhosever sould take the deid in hand,
or do it, theyould defend and fortisse it as thamenfica; for soeuld be evey ane of their awin, reeknit
and halden done be themselfes.' Quhilk writitig, as said Erle thew unto me, was devysit be Sir
James Balfour, subfricvit be them ane quarter of ane yeir before the deid was done.

Ander the quhilk, I never spake to the said Erle of it quhill the day he gate his Affyle; quhaire the
said Erle, standing at the bair, buikin down and fad lyke, I plukit upon him and saide, 'Fye! my
lord, what Divill is this yee are dosan! Your face fawes what ye are! Hald up your face, for Godis
face, and buik blythlie;3 ye might buik fwa and ye were ganeand the deid! Allace! and wo
worth them that ever devyst it! I thow it fall gar6 us all murme!' Quha anfris me, 'Had 7 your
tongue; I walk not yet it wer to do!' I hawe ane out-guit fra it,9 cum as it may; and that ye will
know belyere!"10

Forder, the tyme when my brother was hurt be the Laird of Sefraird,11 first com word to me, that

1 A sleep, or broken part of the wall. 8 Than the door. 1 Easter. 4 Let, permitted. 5 Cheer-
fully. 2 Force, or make us all mourn. 9 Hold. 6 I would not that it were yet to do. 7 I have
a way of escape from it. 8 Presently; by and by. 9 Probably Sedfast (Cesford) in the original.
25 MAR.  CRIMINAL TRIALS.

they war slayne; and than their came ane Bill ¹ from thamselfis, and said they wer onley hurt, and wald nor die: But ane thing did them mair evill than the hurt, viz. that ane commoun bruict was rifen, that I was at the King’s Slaughter, and theirfor defirrit me to get some guid way to purge myselfe, that it paif na farder, or else ye have done with it. Qahilk Bill I tuik and gave to the Erle Bothwell, wha tuik it and gave it to the Quein; and the tuike it and gave it to the Erle Huntlie, thair present, wha read it; and thairafter turnit unto me, and turnit her back, and gave an thring ² with her shoulder, and paftit away, and spake nothing to me. This is the hail thing I knew, ather affoir or eftir, as I fell anfuer to my God, with whom I hope to fufe.

Efter the quhilk, being inquryed, Gif ever the Quein spake unto him at any tyme, or gif he knew what was the Quein mynd unto it? Anfrit, As I shall anfuer to God, tho spake never to me nor to hir of it, nor I knew nothing of hir part, but as my Lord Bothwell fhaw me: For I will not spake bot the treuth for all the gold of the earth, quhilk I defyre you, guid Minifter, bear record hearof as ye have written, quhilk I pray you read over to me: Let me aifwa fee it. Qahilk I did, affoir ³ Archibald Douglas, Constabill of the Caste, and George Tovars of Brijfo, with uthers divers gentlemen and fervants being in the chalmer.

Qahilk beand done, he said, for God’s fayke, fit down ⁴ and pray for me, for I have been ane greit finner utheryrfe, for the quhilk my God this day is punifhing me; for of all men on the earth, I have been ane of the proudefl and heich myndit, and maift filthie of my body, abufing myself dyers ways. Bot specially, I have fhad innocent blood of ane Michael Hunter with my swin bands. Alace theirfoir! Because the said Michael havand me yling upon my back, having ane fork in his hand, myght haif slayne me gif he pleافت, and did it not; quhilk of all things gires me maift in confience. Alwa, in a raige, I hangit a poor man for an horfe; with mony uther wickit deids: for the quhilk, I afke my God mercy: For its not merrell that I have been wickit, for the wickit companie that ever I have been in, bot specially within thir feaven yeeris bypait, quhilk ⁵ I never saw twa guid men or ane guid deid, bot all kind of wickedness; and gyt my God wald not fuffer me to be loft, and hes drawn me from them, as out of hell, and hes given me lazer ⁶ and fpase, with guid companie, to repent; for the quhilk I thank him, and is affuir that I am ane of his elect.

Thir words, with mony mae, cryand continually unto his God, even to the very end, cryand, 'My Lord Jesu! sweit Jesu! have mercy upon me, as you have had upon uthir fanners!' in fik and fort, that he was, to the appearance of man, ane of the maift penent fanners that hes bein fein this lang tyme, and may be compit ane example of God’s mercies to all penent finers.


The reader may be once more referred to the Collections by Anderson, &c., for farther illustrations of the Murder of Darnley. In the new edition of the State Trials, ⁷ the proceedings in the Trial of the Earl of Bothwell may be found, but in a modernized and mutilated form. Laing, in his History, also gives a brief notice of the mock Trial of Secretary Mailland of Lethington, ⁸ and he has likewise preserved the memory of many other minute points, which cannot be noticed in this work. Reference may likewise be made to Laing’s History ⁹ and Bannatyne’s Journal, ¹⁰ for the Confession of the Earl of Morton, on Jun. 2, 1581, the day of his execution, in which works are detailed the interesting Conference which took place between him, Mr John Durie, and Mr Walter Balcanquell, immediately before he suffered.

¹ Billet, letter.  ² Shrug.  ³ Before, in presence of.  ⁴ Knead; a common phrase.  ⁵ During all which time.  ⁶ Leisure.  ⁷ Hewett’s and Cobbe’s State Trials, Svo, Lond. 1809, I. 908.  ⁸ Laing’s Hist. II, 298.  ⁹ Ibid. I, 323.  ¹⁰ Edited by J. G. Dalyell, Esq. Edin. Svo, pp. 468 to 518.

† 3 T
CRIMINAL TRIALS
AND OTHER PROCEDURE BEFORE THE
HIGH COURT OF JUSTICIARY.

CURIA JUSTICIARIE S. D. N. Regis tenta et inchoata, in pretorio
burgi de Edinburghe, &c. per honorabilem virum Magistrum Thomam
Craig, Justiciarum deputatum nobilis et potentis domini, Archibaldi
comitis Ergadie domini Campbell et Lorne, Justiciarij Generalis dicti
S. D. N. Regis, totius regni fui, vbilbet constitut.
Sectis vocatis et curia affirmata.—INTRAN.

Slaughter.
March 15, 1568-9.—GEORGE HEPBURN of Eltaneufurd, Adam Hepe-
burne of Kingstoune, Adam Nicholboun in Hailis, Adam
Lamb in Eltaneufurd, and seventy-four others.

Delatit 3 off arte and parte 4 of the slauchter of vmo 5 Johnne Geddes, feruitour
to James Erle of Mortoune, committed in the moneth of . . . . . . 
laft bypafs ;
and vtheris crymis contenit in the lettres direct thairupoune.

Alexander Hoy in Lyntoune, alias Lard Hoy, and a number of other sureties
were fined, for non-appearance of the pannells: those not appearing, were or-
dained to be denounced rebels and put to the horn, and all their moveable goods
to be escheded, &c. The procedure is not inferted. 6

-footnotes: 1 Supremi (serenissimi) domini nostr. 2 It is proper to observe at the outset of the work, that by the
mode of reckoning in Scotland at this period, the year uniformly commenced on the 25th, and ended
on the 24th day of March. This practice was universally observed, until the beginning of the seven-
teenth century, when the style was changed by an express enactment, and the year was thenceforward
declared to commence, (especially in all public writings and instruments) with the 1st day of January,
from and after January 1, 1600. The want of attention to this fact, has led to many mistakes in the
quotation of dates, &c. 3 Accused, denounced, Law Lat. delaturae, deferre. 4 Being accessary to.
5 Left blank. 6 See Apr. 26, & Mar. 6, 1569.
CRIMINAL TRIALS.  A.D. 1569.

Appointment of Serjeant of Justiciary.
April 5, 1589.—Richard Bynning producit ane Gift, vnder our souerane lordis priue seile, for viuing and exercing of the office of Serjandship in the Courtis of Justiciarie, then vacand and pertening to our said soueraine lord, through deceife of Johnne Pennycuke, laft poiffeour thairof; conforme to the quhilk Gift, he defyrith the said Justice to admit him in the office thairof: Quhilk defyre being thocht reaasonabill be him, the said Rychert wes iworne and admittit, &c.

Slaughter.
April 5.—Mark Home and William Home, sones of John Home of Col- dinknowis, Thomas Stewinsoun and Thomas Lyndesay, their servants, and others.

John Home of Carroladye, and Nicholas Carnecroce of Calhill, as pledges for the entry of the above pannels, to underly the law, for art and part of the cruel slaughter of Alexander Haitlie, natural son of John Haitlie of Mellerstanis, on Feb. xxij laft, were fined for their non-appearance; and the pannels ordained to be denounced, and their goods efcheated, as fugitives from the law.

Keeping the Bar of the Court of Justiciary—Magistrates of Edinburgh.
April 18.—The quhilk day, comperit Adame Fowlertoune, Baillie1 of the burch of Edinbreugh, and protestit in name and behalf of the Proueft2 and toune thairof; becaus he wes this day requirit be the Justice Clerk, in name of my Lord Regent, to keip the bar, in place of the Sherief of Edinbreugh, quha fuld serue and deput officeris to that effect: That thairfoir, his seruice maide this day, conforme to the said command, fuld nocht induce ane preparatique3 to thaim, in tymes cuming.

Slaughter.
April 18.—Alexander Achesoun of Goffurd, Thomas Miller his serv- uand, Patrik Low, Henrie Cauldwell, Andro Moffet, Nicholl Achesoun.

Delatit of arte and parte of the slaughtir of vmq4 Johnne Sinclaire in Abir- ladye.

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1 One of the Magistrates, equivalent to Alderman, *ballius*.  
2 Chief Magistrate or Mayor, *prepositus*. The Provost and bailies of Edinburgh themselves, had Criminal jurisdiction within the liberties of the city; and on account of their office, protested against their being called upon to preserve order in absence of the Sheriff, who, they pleaded, was the proper officer to attend to this duty.  
3 Should not serve as a precedent against them.
PERSEWARIS.
The relict, with Thomas and William Sinclair, sonis.; and the kyn and freindis of vmq.
Johnne Sinclair in Abirldy.

The prelocutouris askit instrumentis, that the (King’s) Advocat comperit
nochtt conjunctlie, to perflew the pannell. The cafe was continued against ‘Ache-
fon and his seruand to the fyft day of Maij nixtocum. Plegius, Domino de
Ormeftoune et dicto Alex. Achesoune.’ The other four were dischargeit be the
Justice and his Affectouris, in respect of thair youth.

Hurting and Wounding, &c.
April 18.—WILLIAM Sinclair in Goffurd myyne, Johnne Sinclair,
his fone, Robert Sinclair, bruder to the said William, Adame
Lerthmonth in Abirldye, Thomas Sinclair, fone to Johnne
Sinclar in Abirldy, William Sinclair, his brother.

Delatit of the hurting and wounding of Johnne Reid in his heid, to the effu-
floune of his blude; and styrking of Johnne Lowrye, with diuerse bauch’s
straiks.

All thir perfonis forfeidys ar dischargeit be the haill persewaris, contenit in
the vtheris lettres direct thairvpon, except Johnne Lowrye and Johnne Reid,
quhilkis persewis the faidis Thomas and William Sinclairis, brotheris, for
the offence and crymes committit and done vnto thame.

PRELOCUTORIS for thir twa Sinclairis on pannell.

Achebauld Dowglas of Kilpindie, The Lard of Blanter, Oliber Sinclair,
Peter Hay of Melgyneche, The Maister of Sinclair, Mr Henry Kinrofe.

The said William Sinclair at the myyne and Johnne his fone, askit instru-
mentis, that thai come nocht to perflew the said Alexander Achesoun of his lyfe;
but to defend the lyves of thair freindis that ar perfewit on pannell.

The Prelocutouris for the haill vther pannell, askit instrumentis, that they
wald nocht perflew the Sinclairis, bot defend the lyfe of the said Alexander thair
freind, perfewit be the faidis Sinclairis; quhom thai runderftude to be innocent of
the cryme quhairof he wes acquitt.—Continued to the fyft of Maij nixtocum;
Plegio, Olivero Sinclair. On which date (May 5,) it was recontinued to the
Justice-air of Edinburgh, ‘ tertio Itineris, vel premunitione xv dierum.’

Slaughter.
April 26.—ADAME HEPBURNE of Kingstoune, and twenty-two others.

1 From numerous similar entries in the course of the Record, it is evident that some of the Lords
of the Privy Council, commonly sat in judgement with the Justiciar, as Assessors. The King himself
was often present, as may be seen from many of the subsequent entries.  2 Violent, deadly blows.
Dilatit of art and part of the slaughter of vmq Johnne Geddes, servitour to James Erle of Mortoune, &c.¹

Thir perfones ar all dischargeth, at command and consent of the Erle of Mortoune, and partye perfewarisch; be ane tekett, prefentit in jugement to the Jutice Clerk, be Mr Archibald Dowglaifs.

Slaughter.
May 6.—George Skirwing in Traprane, Mr James Arnot in Lyn-toune, Patrik Sydesfer, younger of that ilk, and forty-four others.

Delatit of the slaughter of vmq Johnne Geddes, &c. (as above.)
The Erle of Mortoune profetit, in caife the perfonis of Affyisle acquit the perfones on pannell, of the crymes contenit in dittay, that thay thairfoor incur wilfull error.²

VERDICT. All thir perfones ar acquit of arte and parte of the crymes contenit in the Dittay³ be the Affyisle.

Mutilation, &c.
May 10.—Richert Megot in Howpis, James Doby, fleshcheour in Edinburgh.

Delatit of the mutilatione of Johnne Farer of his left hand, and vtheris crymes contenit in the lettres direct thairvpoune.

Perewaris of this pannell. Their Prelocutours.⁴
Johnne Farer, sone to Thomas Farer, Alexander Wardlaw of Currehill,

VERDICT. The Affyisle, for the maift parte, be thair deliuerance, fylis and conduicts Richert Megot in the Howpis, and James Doby, of airt and part of the hurting and wounding of the said Johnne Farer in his heid, abune the vane organe,⁵ and in the foirpairt thairoff: And hes cuttit his left lug:⁶ And hurting and wounding of him alfw, in his left arme and diuerse pairtis thairof, to the effusione of his blude in greit quantite; committit at the Waft end of the burcht of Edinburgh, at Lowreis-dyskis, vpoune the tent day of Januar lastypaft,

¹ See March 15, 1568. ² This iniquitous practice of protesting against the Assise for wilful error, in case they acquitted the pannell, was justly complained of as a very heavy grievance. It was not formally abolished by the Legislature until the reign of Will. and Mary. Vide Acta Parl. IX. 45, 16 Apr. 1689.—Hume on Crimes, Edit. 1819, 1. 410. Instances frequently occur in the Record, of heavy fine and imprisonment following a verdict pronounced in the face of such a Protest. They were tried in presence of an Assise, but generally submitted to his Majesties will, rather than permit the case to go to trial. ³ The Indictment, Law Lat. indictamentum. ⁴ No Prelocutours are marked for the pannell. ⁵ The vein-organ is usually considered to be the flank or iliac veins; but in this case, and in many others on record, the term seems also to have been used at this period to denote the jugular vein. ⁶ Ear.
vpoun suddantie, &c.; continuand thair deluyerance, anent the mutilatioune, to the thrid day of August nixtocum.¹

Abiding from the Raid of Brechin.
May 13.—William Ramsay of Mwrye.
Delatit for remaning fra the Raid² ordanit to have convenit at Brechine.³ Continued to the Justice-air of Perth. 'Plegio, Wilelmo Scot de Balierye, tertio Itineris, vel premonitione xv dierum.'

Slaughter—Battle of Langside.
May 13.—John Sibbald in Kirklandhill, John Girdwod in Newbigging.
Delatit for the slaughter of vmq⁴ James Barclay at the Langlyde, &c.

PRELOCUTOURS for this pannell.
Alexander King, Mr Richert Strang, Hew Cokburne, brother to Scrauling;
The affife sworn in this cafe, (amongst whom is Robert Tynto of Crympcramp,) consists of only eleven, who 'acquit' the pannell.

Slaughter—Battle of Langside.
May 21.—Johne Wilson in Bordland, Johnne Armour there, and eleven others.
Hugh Erle of Egliuntoe as surety for these pannels, is americated for their non-appearance, in the sum of iij. xx lib.; and the persons on pannel ordained to be denounced rebels, and all their goods eccheated,⁵ &c.

Slaughter.
May 26.—Henry Congiltoune, tutour of Congiltoune, Andro Congiltoune, his bruder, Andro Reidpeth in Deringtoune, Thomas Reidpeth, his soine, Adame Nicolsoun in Hailis, Thomas Liddell in Smetoune, John James thair, and Robert Neibet.
Delatit of art and part of the slaughter of vmq⁶ John Geddes,⁷ and vyeris

¹ See August 3. ² The gathering of the King's army, oyst, or host. The usual signification of this word, is, an inroad, hostile incursion or invasion; and generally implies, that the parties concerned were mounted on horseback. ³ By Acts of Privy Council, Apr. 20, and May 16, 1559. ⁴ Confiscated. ⁵ See Mar. 15, 1568.
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crymes content in the lettres.—Continued to Jul. xxvi. Plegiis Thomas Fawfye de eodem, Domino de Reidpeth, &c.

Fine of Court—High Treason—Battle of Langside.
July 5.—ALEXANDER KINGRAGGE in Auld Lundoris.1
Quo die, Joannes Arnott in Wodmyne, sepe vocat. tanquam plegius, ad intrand. Alexandrum Kincragye in Auld Lundoris commor. coram Justiciary f. d. n. Regis, fuiffe deputatis, prefatis die et loco; ad fubeundum legem, pro illius proditoria venientia cum fuis complicibus, cum conuocatione subditorum domini f. d. n. regis ad numerum . . . . . perfonarum, more bellico armat. in comitibus cum diueris f. d. n. regis conspiratoribus, in instructa acie seu bello, cum vomentis curruculatis2 et extendis vexillis, contra f. d. n. regem et charissimum fium confanguineum Jacobum comitem Moravien. dominum Abirnethie, &c. regni fui ac subditorum suorum Regentem, apud Langfyle, xiiij die mensis Maij anno lxvijj; et ibid. perfonas dicti Domini Regentis aliorumque fidellium Confiliariorum et subditorum, pro fuis interfectionibus et distructione crudelter et proditorie invadendo; necnon pro crudeli interficiione quondam Jacobi Ballany in Pretoune, Jacobi Dowglas militis stipendiarij et Willelmi Purwes feruitoris Alexandri Home de Manderstoone, eadem tempore preffcript. commiff. Prout in literis regii desuper direct. plenius continetur. Et non comparant. ameriatrics fuit idem Joannes Arnot, tanquam plegius predict., in penis contentis in Actis Parliamenti: Necnon decretum et adjudicatum fuit, per dictum Justiciary deputatum quod predictus Alex. Kincragye ad cornu f. d. n. regis denunciatur et quod omnia eorum bona mobilia fui fuerent applicabuntur feu eschaeta buntur tanquam fugitivus a sua lege pro dicto crimine.

Abiding from Rait of Brecchun—Protest.
July 6.—WILLIAM RAMSAY of Mwyr.3
Comperit et aifit instrumentis, that he presenit him self on pannell, and offerit him redyse to vnderly the law, for ony cryme that mycht be impuitt4 to him. And in respect that he was summond be owr fouerane lordis lettres to this day, and that na persewar comperit to that effect, profeffit that he mycht have actioune agais the purcheffaris of the suidis lettres, and that his souerte fundin be him of befoir incur na danger, &c.

1 See May 21, 1569.—The Editor inserts this entry at length, to show the mode in which the earlier record is kept; and which was adhered to for a considerable time, in so far as relates to the marking of fines, &c. 2 Cannon or pieces of ordnance mounted on wheeled carriages. 3 See May 13. 4 Imputed.
Sheep-Stealing.

July 14.—Achilles Hendersonne.

Delatit of the thisthousfe fteling of ix lambes fra the perfones contenit in dittay, quhilkis he confest in jugement to be of verifie.

VERDICT. The Affyifie fylit and convict the fairfaid Achilles of the thisthous fteling of the faisd lambes, in respect of his confesfioun fairefaid; and alse of commoun thift.—Dome gevin, that he of his awin confent is baneift the boundis of Sanct Margrettis paraeine, Edinburgh, and schereford thairof, and seurgeit throwch the toune. 'FLAGELLAT.'

Mutilation and Demembration.

Aug. 3.—Richart Megot in Hoipis, and James Doby in Edinburgh.

The Justice, with bayth the parteis confent, allows Robert Abirnethie in Cornehous to be received on the Affyle, in absence of Patrick Louftat at the West Port of Edinburgh, (who was 'unlawt' in lib.)

Comperit alwa in jugement, in presence of the said Justice-depute, Nowye Bysflatt, dekyn of Scherurgianis, and product this writting following, quhilk bayth the parteis fairfaidis defyrit to be infert and regifrat in the buiks of Adiornale; quhairof the tennour followis.

Testimonial of the Churgerianis.

AFUD Edinbur. xxvii, die mensis Junij, Anno Domini mille quingentesimo seaxesimo nono.
The quhilk day, at findry tymes befoir, at pe queit and defyr of my Lord Justice Clerk, wes presentit befoir me Nowye Bysflatt deky, Robert Henryfounde, Patrik Hardy, and Alex. Tuey, cherurgerianis and burgeffis of Edinburgh, my breder, ane callit Johanne Farer, qua wes hurte vpoun the lef arm, on the elbok, on the arm beneth, and on the hand; to have our jugementis, quhiddar that the said Johanne fuld be mutulat or no of the faisd hurts and woundis then being hail: Eftir lang consultatons and ernst advylement, we fand the said Johanne nather to be mutulat nor impotent of his arm nor hand; bot pitt it wald be daylie better, gif he wald make laubouris vpoun it: And pis we teftesie be pis our hand wrytyis and subfcriptioune to all and findry to qhome it efferis, day, geir and place fairfaidis.

Nowye Byslat, Dekin of the Churgerianis. Robert Henryfounde, w' my hand.
Alex. Tuey, w' my hand.
Pat'. Hardy, w' my hand.

VERDICT. Eftir productioune of the quhilk wryting, the haill Affyifie fairfaid being removit furth of Court, and being well and ryplie adwyfit with the famin, reenterit again in jugement; and be thair deleyuerance pronunciet be Eduard Patrniejs, (at the Quarrelhoiles,) chancellor, sfand the said Richart Megot and James Doby to be convict of the crewale hurting and wounding of the said Johanne Farer in his heid abone the vane organe, and in the foir pairt

1 Parochin, pariah.  
2 See May 10.  
3 Surgeons, Old Fr. Churgerian.  
4 Requisition. 

Brethren in profession.
thaire of and cutting of his left lug; and hurting and wounding of him alwa in his left arme in diuerse pairts thaire of, to the effuion of his blude in greit quantitie; commitit at the west end of the burch of Edinburgh, at Lowriesdykis, upoune the tent of Januar 1568: and acquitis thaim of the mutilatioune and hail remenant poynits contenit in the lettres and dittay.

(On the margin) xvij Aprilis 1571. This pane and contentis of the amerciament, in fa far as concernis the King, is deleit, be precept and command of the thefaurer.

Treason—Theft—Spullzie.

Nov. 18.—Johnne Leyis.

Convict and filit be Affyle, off arte and parte of the cuming, with connuocation of the lieges of this realme, to the nowmer of thre hundreth perfonis, bodin in feir of weir,\(^1\) with jakkis,\(^2\) speris, stebbonnetis, culueriingis\(^3\) and vtheris wappannis inuafie, incontrair the Actis of Parliament, vpoune the . . . day of Januar 1568; in weirlike manner, with feit and wageit suddartis,\(^4\) and men of weir, to the castell, towre, fortifice, and place of Wauchtoune, being in keping for the tym of Johnne Carmichaell younger of that Ilk, at the speciale command of our fourer Lordis derreft Regent; and their maift awfulie perleweit, assailit, and affageit the faid castell, tour, fortifice, and place, and crewalie flew vmy\(^5\) Johnne Geddes,\(^6\) hurt and woundit Archebald Dowglas, Thomas Gardner, and Johnne Angus, garytour\(^7\) in Wauchtoune, be schottis of culueriingis and vtherwyfie in diuerse pairts of their bodeis, to the greit effuion of their blude, in perrell of their lyves; vpoune fett purpos and proifique: And for arte and parte of the vmbefettig of the gait to Johnne Murdo, taillour burges of Edinburgh, and Maufe M'Katie, his spoufe, at the Craikhill, quhair thai wer cumand furth of the toune of Dunbar, to their awin dwelling-place in Edinburgh; and their invading thame for their lauchteris; cutting of the said Mawle purfe, quhairin wes gottin xxxv Crownis of the fone, sex Angell-nobilis, twa Roife-nobilis, ane Harye-nobilis, ane Portugall-ducat, xvij pece of diuerse fortis of Scottis cunze of gold, ane xliij p. pece, twa Inglis Teftanis,\(^8\) foure pundis mony, ane chenze of gold,\(^9\) weand twa vnicis and ane half or thairby; thre Obligationis contenand diuerfe fowmes of money awand to the said Johnne: And als, spulzeit and reft\(^10\) fra him self, ane foir hewit\(^11\) horfe, with his hail harnefing, extending to the awail of fourefcoir pundis; with his awin cloik and hatt, ane

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1 In warlike array.  
2 Short shirts or coats of mail.  
3 A large kind of musket.  
4 Feed (waged) and hired soldiers.  
5 See Mar. 15, 1568, &c.  
6 Warder, watchman or sentry of the tower or battlements. Fr. quarré.  
7 Besetting, blocking up of the high road and attacking.  
8 Testing, so called from the teste or head which was impressed on them.  
9 A gold chain.  
10 Spoiled and took by violence.  
11 Sorrel or reddish coloured horse.
2 Jac. VI. CRIMINAL TRIALS.

fwerd, ane quiningeware, ane purſe with fynve pundis of quyte filuer contenit thairintill: And led and convoyt him as captue and prefoner to the toune of Hammiltoone (Haddingtoun?) quhair he wes put in ſtōkki̇s, and thairefter compellit to pay ranſoune. This was done in the moneth of Januar, the yeir of God, 1562. And vj yeiris.

SENTENCE. For the quhilk, he wes be Dome, pronunceit be the mouth of the dempter, ordenit and adigueit to be had to the Castl̄-hill of Edinburgh, and his heid to be ſtrikin frome his body; and all his movabill gudis to be efchett, and inbrocht to our foueran lordis vſe.

Treason—Slaughter—Resenting—and Intercommuning.

Nov. 24.—GEORGE HEPBURN of Elftaneurdu.⁴

PROLOCUTORIS.
Mr Edmund Hay, Mr Thomas Bannatyne,⁴ My Lord Lyndsay.

VERDICT. The haill perfones of Aſſyſſe Acquititis the saide George off arte and paire of the flauſher of vmq Johnne Geddes, and hurting and wounding of diuerfe vtheris; committit at the ſege of the place and fortalice of Wauchtoune, in the moneth of Januar latby paft, be Andro Hepburne, frone naturale of the saide George, of his caufing, fending, refſettin, command, affiſſſe and rathibatioune.⁶ And of arte and parte of the intercommuning, refſettin and supppling with Harye Hepburne of Fortune, Patrik Hepburne of Kirklandhill, and thair complicity, rebellis and declarit traitours, in plane parliamint, for certain cromes of Treaſoun and Leſe-maifſtis, committit be thame; Off the quhilkis thair wer conuicte in Parliament: And als, for refſettin and intercommuning with Andro Hepburne, his frone foirſaid, the tyme of his being denuncit rebell, and att the horne for the cryme foirſaid: And for arte and paire of the flauſher of vmq James Ballanye in Præſtoune, James Dowglas, fuddart, and William Purweſe, ſeruœur to Alexander Home of Manderſtoune, at the Langſlyde, vponſe the xiiij day of Maij 1568, committit of his caufing, hounding, fending, command, affiſſſe and rathibatioune.

⁴ A short sword or hanger. ⁵ Being small change in silver, probably reserved by him for defraying the expenses of his journey, the more valuable store being entrusted to his wife; in hopes that, if they fell in with thieves by the way, they would not molest his better half. It is not unlikely, that in this, as in many other similar cases, 'the grey mare was the better horse.' ⁶ See Mar. 15, 1568, &c. ⁷ Afterwaῐs Lord Newtyle, one of the Senators of the College of Justice, and brother of the now celebrated GEORGE BANNATYNE,—in honour of whose invaluable compilation of Scottish Poetry, THE BANNATYNE CLUB, recently formed, has been named. In a MS. of George Bannatyne the following notice occurs:—‘Maſſer Thomas Bannatyne, my bruder, deceif̄t the xiiij of August, 1591 yeiris, being of the age of li. yeiris, and one of the Lords of the College of Juſtics, &c. He left of chyldryne viij fenis and four dochteris, &c.’ ⁷ Receiving, harbouring. ⁶ Confirmation, Law Lat. rathabere, confirmare. ⁷ Holding conference or intercourse with one who had been denounced rebel against the king.
Slaughter.

Dec. 1.—JOHNE, alias JOK ALLANE, in Stow of Woddell.

Convict be Affyse of the crewall slaughter of vmq George Kay, smyth, within the toune of the Stow, in the moneth of Nouember lastbypast, vpoun the xij day of the famin moneth. 'Decollat.'

Perswaris.


Treason—Convocation of the Lieges—Battle of Langside.

Dec. 6.—JOHNE BROUNE of Carleuch.¹

Dilated of art and part of convocation of the lieges, bodin in feir of weir, and coming to the lands of Langside, &c.; and for the cruel slaughter of James Ballanye in Pretounel, &c. Came in the King's and his Regent's will for these crimes; and found Thomas Macellane of Bombye cautioner, &c.

Treason—Slaughter—Abiding from the Raid of Hawick, &c.

Dec. 6.—JOHNE CARKETTILL of Marcle, George Carkettill, his sonne.

Indyt bayth for arte and parte of the slaughter of vmq James Ballanye in Pretounel, &c. as above: And als for remaning fra the Raid² and oilt³ ordanit to convene at Hawik, vpoun the xvij day of October lastbypast; incontrair the proclamatioune maid thairupoune.

Prolocutorius.

The Lord of Innerleith, The Lord of Dalkowy, Johnne Logane of Coitseil, Mr Edmond Hay, Alexander King, Alexander Home.

The Justice, in respect of the non laughfull summoning of Johnne Carkettill younger, and allegeance proponit in his name, defertis the count fra his parte, and supercedes all proceeding aganis him, pro loco et tempore. Qhaurpoune he askit actis and instrumentis.

Assis.

Johnne Sydlerfe of that Ilk, Patrik Crevichtonne of Lughtoun, James Johnstone of Weftraw, Thomas Fawfyle of that Ilk, Patrik Monepenne of Firrig, James Ramfay of Cokpen, George Dundas of that Ilk, Walter Hall in Pretounel, William Reidpeth, younger of Olipher Sincle in Quhyte Kirk, William Moncrief, younger of that Ilk, Johnne Finlawson of Kileyth, that Ilk, W••. Paterfomme, burges of Ed.

Dec. 8. Verdict. This Affyse, in ane voce, be thair deliveran, filis and convicis the said Johnne Carkettill, of his contemplabill remaning and byding at hame fraouranous Lords Raid, ordanit be his hienes lettres of proclamatioune to have convenit at Hawik, vpoun the xvij day of October lastbypast;

¹ See July 5, 1569. ² Gathering of the King's army. ³ Hoff.
CONVICTION OF THE LIEGES—Oppression, &c.
Dec. 13.—JOHNN BROUGH, son to John Brough in Mollance, William Kurour in Blakene, John M'Kinnety in Grange, John Smyth elder ther, John Smyth younger, his son, ther.

VERDICT. The pernises of Assyfye, be ther deliuereance, in ane voce, fils and convititis the fairs Johnn Brough, &c., off arte and parte off the convocatione of our soueran lordis liegis, to greit newmer; bodin in feir of weir, with lances, stafis, fwordis, and quhinearis; inconnar the Act of Parliament, and cumand to the ground of the lands of the Bordland, for away-taking of the hay being thairon; and thaireffer beit and dang Catharine M'Ke, spous to Robert Levingston of Lyttil Airdis, with bauch straikis, in findry pairts of hir body, at the watter fyde of De, within the famin landis of the Bordland; committit vpoun fuddantie, in the moneth of Januar, the yeir of God, 1570. lxiiij yeiris: For the quhilch, thai wer fynit with the thefaure.

Protest.
Dec. 16.—JAMES STEWART, brother to the Lord of Traquair.

Mr David Borthwik, prelucour choifin for the part of the said James, afkit instrumentis, that the said James offerit him felfe reddy to vnderlye aie Assyfye, for all crymes in the letters purcheit in his contrair. The (King's) aduocat, Mr Johnne Spens, being preuent in jugement, declarit that he wald newyfie per-few, &c., thairfore (the pannel) protoestit, &c.

Adultery.
May 11, 1570.—Patrik Virquhard.

1 This latter notice has been preserved, on account of the names of the 'Assyfours,' and to show the practice of the Court at this period. 2 Beat, bastet. 3 Violent or deadly blows.
Delatit of the filthie and abhominabill cryme of Adultery, committit be him with Jonet Dauidfon, spous to George Hopper, burges of Edinburg.

PRELOCUTOURIS.
Mr Johnn Scharpe,
Gilbert Thornetoun,
The Schere of Murray, younger,
Alexander Donaldfon,

His PRELOCUTOURIS.
Walter Mawer,
Walter Lowfoun,
PERSEWAR.
George Hopper burges of Ed.'

VERDICT. The Aylife, be thair deliuerance, pronunseit and declarit be the mouth and speiking of James Young (cutlare in Edinburg) chancellor, sfiand and deliuerit the said Patrik, to be culpabill fylit and conviuit of arte and parte of the vning and bering of familiare and priuat cumpanye, at findry tymes, be the spacie of ane yeir or thairby laftbypast, with Jonet Dauidfon, lauchfull marit wyfe to George Hopper, burges of Edinburg; conuerfand and abufand his body with hir, in the filthie and abhominabill cryme of Adultery, within the said Georges awin duelling hous, and vtheris priuie places at his plesfouir: And spezialie, in the monethis of Januar and Februar laftbypast, quhen he (George) wes absent furth of this realme and cunte, and depairrit to the pairtis of Ingland, for wynning of his levving, in the honett and lefull traffique of merchandize: The forfaiid Patrik, than and diuerse tymes ofbefoir, alfluel be day as nycht, in priuat and publict maneir, hes conuerfit, uift, hantit, and reparit with the said Jonet Dauidfon, spous to the said George Hopper, in his duelling hous foirfaiid, and vtheris secrecte and priuie places, abufand thair bodies ather of thaim with vtheris, in the forfaiid filthie and abhominabill cryme of Adulterie: And in the meyn-tyme, hes thiftoufflie ftoile, fpended, waiftit, delapadat, confumat and putt away the said George Hopperis mony, gudis, geir, alfluel being within his merchand buith, as houfe foirfaiid, for the tyme, at his plesfouir, to greit quantitie.

"CONVICTUS ET WARDAT."

Fire-raising—Spullzie, &c.
May 12.—JOHNN COMMENDATOUR OF THE MONASTERY OF SAULSYDE, Johnn Johnniefloun in Lowringis, Thomas Johnniefloun, and Cuthbert Johnniefloun, brothers of the said Commendatour.

Caution is found for their entry before the Justice or his deputys, on the third day of the next Juftice-air of Drumfreife, or elsewere, on premnition of xv

1 Found guilty; literally, defiled; in opposition to another forensic term, 'clangeit,' i.e. cleansed, 'fund clean and acquit,' or 'affoilaird.'  2 With each other.  3 Convicted and imprisioned (warded.) A blank is left in the Record, for insertion of the final sentence.  4 Johnn Johnniefloun; Soul-seat, Sedes Animarum, in Dumfries-shire. See June 26, 1572.
days; to underly the law, ' pro arte et parte Cumbutionis et Incendij diuerfarum
domorum, Johanni Johnneftoune filio Roberti J. de Craigaburne et Roberto J.
de Newtone pertinen. ; Spiliationisique diuerforum bonorum in eifdem domibus
pro tempore existen.; aliisque criminibus in literis regis desuper direct. specific-
catis; secundum formam et tenorem earundem et sub penis in Actis Parliamenti
contentis.'

**Adultery.**

*June 14.—William Carnebye, baxter-burges of Edinburgh.*

**Persewar compierand,**

**Patrik Browne, indouler in Edinburgh.**

**His Preluc Touyr.**

**Johane Lowrenentence.**

**Preluc Touyrus for the said William,**

**Mr Johnne Mofcrepe, Mr Henrye McCalynge,**

**James M'Call, William Fiddee,**

**Nicol Rynd, Walter Wawne, taillour.**

'Maisteris Johanne Spens and Robert Creychtoun of Eliok, Aduocatis for our
fourane lord, being oft and diuerfe tymis callit, comperit nocht.

**Verdict.** The AFFYFE, be thair deluerness, pronunceit and declarit, be the
mouth and speking of James Dalzell (at the Weft-port of Edinburgh) chancellor,
ffand and deluierit the said William to be culpable, fylit and convict of arte and
part of the vfeing and bering familiare and privat cumpany, diuerfe and findry
tymes with Jonet Strang, lauchfull fpous and mariet wyfe to Patrik Browne,
indouler in Edinburgh, vnder the caufell wall thairof, conuerfand and abufand
his body with hir in the filthie, yyle, and abhominabil cryme of Adulterie, within
the saif Patrikis awin duelling houfe and place, within the saif burgh, vnder the
saif caufell wall thairof, in the houfe of Catherine Scot in Ryplochis wynd, within
the famin burgh, and diuerfe vtheris priue partis and places, at thair plesour,
alvue be day as nycht, in the monethis of October and Nouember, the yeir of
God 1. V. lxvij yeiris, December and Apirl laftbypaft; the said William ha-
uing Jonet Paflay to his awin lauchfull fpous and wyfe on lyve: And in the
meye tyme, hes thiftuioullie stollen, spendit, waftit, delapidat, confumit, and put
away the said Patrikis gudis, geir, money, and wictuallis to greit quantitie, and
thairthrow cauit the said Patrik to skaill1 his houfe and familie thairof, and hes
putt him self thairby to vter rewyn, herechip,2 and pouerte, &c.

And thairfoir wes put in ward within the said Tolbuth of Edinburgh, quhill3
ordour had bene takin heiranet.

**Fines of Court.**

*July 5.— MD.* The hail viwnawis precedeing this daift, wer extractit and

To dieplenish his house and disperse his family. 2 Utter ruin, destitution, and poverty. 3 Until.
delyuerit to the thesaurer, xix Augusti 1570; the sownes quhairof extendit to lx" j" xx lb.; by' the americiamentis of perfounis aduiget for slaughter of Geddefe and Aslege of Waughtoun.'

[Heaping of Mass, &c.]

Sept. 4.—Dame Marye de Pryeris Lady Seytoun, and Robert Seytoun, hire fone.

The lady, befor the calling of the Assyife, allegeit that scho fuld nocht be putt to the knowlde thairof in this caus, without hire husband, quha being hire heid, wer warnt to this effect.—Mr Johnne Spens (King's) Aducat, allegit in the contrair, be reafoun that in this maner of proceeding crimalie, scho mycht be putt to Assyife in respeit of hire offence, without warning maid to hire husband foirfaid.

The Juinte findis, nochtwithstanding the allegeance foirfaid, forther proces to be vfit.

The said lady protestit for remeid of law. The said lady, and Robert hire fone foirfaid, befoir the admiffioune and acceptatoune of Assyife, in presence of the said Juinte-depute, offerit thame selfis in our foureran lordis will, and to my Lord Regentis grace in his name, in maner following, that is to say . . . . .

Murder.

Oct. 4.—Mr Johnne Kello, minifter of Spot.4

Committer of the murthour of vmq5 Margret Thomesfoune his spous; committit be him within his awin lugeing in the toun of Spot for the tymne, be strangling of hir with ane towale, vpoun the xxiiij day of September lastbypast, befoir noyne.

SENTENCE. For the quhilk he wes aduiget be dome pronunceit, to be hangit to the deid, and thairefter his body to be cassin in ane fyre and brint in affis; and his gudis and geir quhalflumeur (pertening to our foureran lord) to be confecat, &c.

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1 L.9,190, besides, over and above the fines, &c.  
2 Second wife of George, fourth Lord Seytoun, a French lady, who came to Scotland with Mary of Lorraine.  
3 A blank left here in the Record. The Record affords no information of the nature of the crime. It may, however, be conjectured, from the religious tenets of the Wintoun family, that they were put upon their trial for intercommuning with and resetting Jesuities, or hearing mass said, &c.  
4 The Confession of Mr Johnne Kello, minister of Spott, together with his repentance made vpone the scaffold befoir his suffering, the fourt day of October 1570, was Imprinted at Edinburgh, be Robert Lekpriwick' (1570 Herbert's Ames.) Richard Bannatyne has inserted the whole Tract in his Journal, p. 39, which is well worthy of perusal. Kello was a person of considerable note, and of much religious profession. The circumstance of the murder, his subsequent deep contrition, his confession and execution, made a great stir at the time. These are noticed by Calderwood and several other writers.—Barilimo, Barbara, and Bessie Kello, 'sone and dochteris to vmq Mr Johnne Kello,' got a gift of his escheat 'throw the said vmq Mr Johnne being convict and justicet to the deid, for the crewell and odious Murthure of vmq Margaret Thomesoun his spous.' Regist. Secr. Sig. Oct. 5, 1570.
Theft.

Oct. 10.—Johnne Govane, seruitor to Mr Richard Strang, advocat.

Delatit of the thefing fra James Kinroie of Kippanroie, of his purfe, within the paroche-kirk of Sanct Geill in Edinburch, in time of sermond, upon the xvj day of Julij lastbypaft.

Assisa.

James Elphinstoun, bruder to the Johnn Strieling callit of Butis, Michæell Elphinstoun, bruder to
Lord Elphinsoun, James Strieling of Auchyle, the Lord Elphinsoun,
James Preftoun, apperand of James Richardoun in Edin', Harye Balfour, seruand to the Erle
Waylafiel, William Weir, cordiner there, of Mar,
Robert Porterfield, seruand to James McIllevreye, alias Bu-George Drummond, apperand of the Erle of Murray, chanan, Balloch,
Robert Halden of Bellyfoule, James Drummond, master Ralber Thomas Drummond, seruand to James Strieling in Strieling, to the Lord Drummond, the Lady Richardoun.

By a memorand, preffervd on the margin of the record, it would appear that Govane was 'Acquit.'

Treason—Convocation of the Ligeis, &c.

Oct. 31.—Johnne Rait, bruder to William Rait of Halgren, Robert Rait in Tippertie, Robert Neilson at the Kirke of Arbuthnot, Alexander Duncane, seruand to the said William Rait, Mr Johnn Fowlertoun, and James Fowlertoun, fonis to Richard Fowlertoun in Claffingdrum, Johnne Rait in Sallieflat, Robert Wiffbert and Johnn Riche, seruandis to the said Robert Rait, Thomas Rait in Pitkellie, Gilbert Lepar and Andre Lepar brother (brothers) George Falconer in Ballandro, Johnn Rait in Berwey (Bervie,) Johnne Fettes, David Irwyne, George Rait in Furrathie.

Delatit of the making of ane ragment and ryme in name of Johnne the Commoun-wele, and divulgatione thairof, with convocatione, &c.; and cheifing of Robert Hyde and Abbot of Unresoun, within the parochin of Arbuthnot and vtheris pairts respectively, in the bounds of Mernis; and diuerfe vtheris crymes, at length contenit in the lettres direct thairupoune.

Preflocutournis for this pannell.


1 It may be noticed here, that the term 'seruand' was at this period frequently, indeed usually, employed to signify secretary, clerk, a dependent or follower of a nobleman, &c.; not merely a domestic 'servitor.' The clerks of lawyers, writers, notaries, &c., were uniformly styled seruitors or seruands, as were pages, henchmen, and dependents, in the train of the great.

2 Choosing.

3 The popularity of these personages is too well known to stand in need of any explanation. For an abstract of the history of the Robin Hood games, and choosing of an Abbot of Unreason, reference need merely be made to Dr Jamieson's Dictionary, and the writings of Sir Walter Scott.
The advocatisa foirfaids akit instrumetmis, that insofar as the lettres quhairby
the pannell is callit contenis Treasoun, they wald only speik in this caus for their
defence, at command of ane deluyerance and charge of the lordis direct to that
effect; and thairfoir proteftit, &c.—Mr Johnne Spens, aduocat for the King, akit
instructmis, that he comperit to perfew at command of the Regentis Precept.

Replegation to the Regality of Aberbrothock.

Eodem die predict. ROBERTUS RAIT, Robertus Wifchart, Joannes Richie et
Joannes Fettes dilatat. de arte et parte invasionis Willemi Sibbald, fratris Da-
vidis Sibbald de Cair, pro ejus interfectione, et crudelis vulnerationis ejufdem in
fuo capite, ad magnam fui languinis effusionem, per omifionem tormenti minoris,
lie bent piffolet; et in mortis periculo eam relinquendo, vitimo die menfis Aprilis,
vitimo elapho, apud montem, lie Sanct Gilberis-hill commifiis. prout in literis
regis defuper direct. plenius continetur. Per Archibaldum Guthre ballium in
hac parte Georgij Commendatariij Monasterij de Abirbrothok, virtute commif-
fiionis ejufdem, Replegiati" extiterant ad privilegium et jurifdictionem fui Re-
galitatis, quasi infra bondas ejufdem commorantes; affignando tertium diem
proximi itineris dicti Regalitatis vel alibi fuper premonitione xv dierum, pro
eorum comperentia, ad fubeundum legem pro dicto crimine. Plegio, Alexandro
Guthre de Kincoldrum, pro eorum introitu ad fubeundum legem pro dicto cri-
mine, et predictus Willelmus Rait de Halgrené plegius deuenit pro administrat-
tione Jufitie in premiffis, secundum formam juris. 2

VERDICT. The Affyle acquit the haill pannell foirfaids, except the repleget
perfones foirfaids, of all Smyes contenit in their dittay; and acquit thaim aliwa
of the Smyes of treasoun mentionat in the famin: Quhairupouné testimonialis
wer writtine to the parteis.

Slaughter—Mutilation.

Oct. 31.—JOHNNIE ALEXANDERSOUNE, William, Gilbert, Andro, and
Roger Sibbald in Cornetoun, brother to David Sibbald of Cair,
William Barrye in Newton, David Strathauchin at the myyne
of Thorntoun, John Sibbald in Cafteltoun, Robert Barrye
fonne to the faid William, John Watt in Boyburne, Daud Sib-
bald of Cair, Catharine Striueling in Cafteltoun.

1 The Bailie or Judge of every Regality, &c. having the privilege of criminal jurisdiction, was en-
titled, on finding surety for the due administration of justice, to appear at the bar of another Regality
and even at the bar of the Supreme Court and claim the person of the pannel, if resident within his
bounds. This was often the occasion of much injustice and oppression; for, though liable to be
called to account for their conduct, the privacy of their proceedings, their distance from the seat of
government, and the frequently disturbed state of the country, often prevented the circumstances from
reaching the ears of the officers of the crown, excepting in very flagrant instances.
2 This entry
has been inserted at length to show the mode of procedure, &c.
Delatit of the slaughter of vmq* Petir Rait, brothre to Robert Rait of Tibbarta, and mutilaione of the said Robert of his rycht and left handis; committit in the moneth of Julij laftbipaft.

William, Gilbert, Andro and Roger Sibbald, and William Barrye came in the Kings will for the said crimes, and found John Strathauchin of Thornetoun, surety for fatissaction of the parties; David Sibbald of Cair binds himself to relieve him of his cautionry.

Prelocutoris for the pannell.
Mr Johnne Scharpe, The Lard of Kynneir, The Lard of Lathene,
The Lard of Balgonye, The Lard of Rankelour, Robert Lundye of Conland.

Mr Johnne Scharpe, as prelocour fairfaid, askit instrumentis, that Robert Neilloun and Robert Rait perfewaris comperand, declarit in presence of the said Justice-depute, that the fairfaid Catherine was innocent of the crymes contenit in the lettres, and that thai in respfeit thairof wald nocht perfew hir, but dinfochrageit hir jimpliciter; and thairof protfittit, that quhatsumeuir fouerte wer fundin at defyre of the Justice, for hir compearce to underly the law for the famin, the thrid day of the nixt Justice-air, or foner, vpoune xv dayes warning, that the famin be nawyiye preudiciale to hir, nor seco astrictit to entir or compair to that effect, for the caus fairfaid.

Verdict. The Aslyife in ane voce, without disrepanse, acquit the fairfaidis sex perfonis on pannell of the slaughter and crymes contenit in dittyay, quhairof thai wer accusit in jugement; and protfittit for thair testimoniallis.

Slaugther.
Nov. 4.—William Cwninghame of Aikett, William Fergushill and Florence Crawfurd, his[more]andis, Johnne Raburne of that Ilk.
Delatit of the slaughter of vmq* Johnne Mure of Cauldwell.

Prelocutoris for the pannell, My Lord Prowand, Mr David Borthwick.

The famin prelocutoris askit instrumentis, that thay presentlie behovit to speik in defence of the perfonis accusit, in respfeit of the lettres purschet be the Kings aduocattis, and of thair declaratioun maid in jugement, that thay wald inffit in perfute of this caufe.

Mr Johnne Spens of Condie, aine of the fairfaidis aduocattis, askit instrumentis, that he, be ane precept and wrytting subscryuit be my Lord Regent, wes chargeit to perfew the foidis perfonis, and conforme to the command thairrof, wald proceid to proces; quhilk wrytting he defyrit to be infert in the buikis, for his warrand quhairof the tennor followis.

Advocattis. It is our will and we charge 50w, just 50 perfew our Souerane Lordis lettres raifit aganis William Cwninghame of Aiket, and Johnne Raburne of just ilk, and pair complicis, for arte...
and parte of the slaught of vmq[1] Johnne Mwre of Caldwell, at the day contnent pairtill, but[2] delay or differing: As se will answe to his Majestie and us pairpoun. Subscriuict with our hand at Edinburgh, the thrid day of November, 1570.

Mathow, Regent.

The famine day compleit William Edmestoune, in pans of my Lord Justice and his deputis, in jugement, and exponit and declart, that sforfamekill as William Cwninghame of Aiket, and Johnne Raburne of that Ilk, his gudifone,[3] and remanent perfonis on pannell, be thair awin meane and informatione, at the leift be informatione of vtheris in thair names, off thair causinf, had pur- cheift lettres at the inftance of our fourerane lordis advocattis, vpoun thaimdefis, for the slaught of vmq[4] Johnne Mwre of Caldwell, kny[5]. committit and done be vmq[6] Alexander Cwninghaim younger of Aiket, and be thair caus, command and reflett off bludie hand, the said William for the intennentment of his gude- fonne, quha wes actouris, factouris, and principale committaris of the famin be thaim, the tent day of September laftbypaff, vpoun the Erle of Caflilles landis callit the Bordlandis; and thairwith, have caufit charge thaimdefis to find fouerte to vnderly the law for the said slaught in the tobluth of Edinburgh, befor the Justice or his deputis, the fer day of Nouember instant; as alwa caufit ane Affyfe to be summoned to that effect, of sic perfonis as thae beft pleafit, bayth fufpect and nocht knawand the veriti: To the perfute of the quhilk caus, Ro- bert Mwre now of Caldwell, sonne to the said vmq[7] Johnne wer nevir warnit nor requirit, nor gave information to the raiing of the saidis lettres, nor had knawlege thairof: And the said Johnne Raburne duellis within the Regalitie of my Lord of Sanct Johnne, and in hurt and preuidice of the preuelege of the said Regalitie, hes declynit thairfra, and tane him to the ryalty to this effect: And thairfor, allegit, that my Lord Justice nor his deputis heir presfent, fuld nocht put the said William Cwninghame of Aiket, and the said Johnne Raburne of that ilk to the knawledge of the said Affyfe, be vertew of the saidis lettres; the said Robert Mwre nevir being warnit nor requirit to the perfute thairof; and as he underftude, the affurance betuix the Lordis vnrun-out: In the meyne tyme thairfoir protedefit, gif my Lord Justice or his deputis did in the contrair, that the famin wer nocht preuidiciale to the said Robert Mwre; bot that he, for his interes, mycht in all tyme heireftir perchew the said William and his complices now on pannell, for the slaught of the said vmq[7] Johnne his fader; and that na declaratioune of the Affyfe, nor purgatioune of the said William thairof, fuld be reput nor haldin sufficient, nor testimonye of the Justice declaring the famin; and that speciall the late practik, laittie auctorit in the contrair. Vpoun the quhilk premisfes, the said William requyrit actis, &c.

3 Jac. VI.

CRIMINAL TRIALS.

ASSISA.

John Cwninghaume of Camlargo,
Mr Johnne Porterfield of that ilk,
James Stewart, son to the Lord
Ochiltree,
The Lord of Lamitoune,
Johnne Crawfurd of Craiglynche,
Johnne Schaw of Grenock,
George Maxwell of Newerwick,

Patrik Hmmmiltonoun of Garla-
noch,
Johnne Maxwell younger of Ne-
ther Pollok,
George Hmmmiltonoun, tutour of
Bordland,
David Hmmmiltonoun of Gairwis,
Williame Hmmmiltonoun of Rot-
tinyardis,

VERDICT. This haill Affyife, in ane voce, without discrepance, acquit the fairfaidis perfewaris on pannell.—Quhilk declaratioun being maid and pronounc-
be the mouth of Mr Johnne Porterfield, protestatiounis wes maid for thair testi-
monialis.

RESpite for abiding from Raid of Linlithgow.

Nov. 6.—Johnne Lyell in Foulfurdeis.

Ad respectuationem, pro ipsius proditoria domi remanentia ab exercitu f. d. n.
Regis apud Lynlythg, secundo Augusti ultimo elapfo convenire ordinat.; contra
tenorem Proclamationis de super direct., de data xvj Septembris 1570.

Perswar, Robert Neisbett in Bracsarigga.

FORGERY of the Regent's Signature.

Nov. 6.—Thomas Barrye, meffinger, (Unicorn Pursuivant.)

Convict be Affyife of the falieing,1 fenzeing, forgeing, and counterfutng of the
manuale subcriptionu and hande wryte of our fouerane lordis derreft gudchir2
and lauchfull tutour, Mathow Erle of Levenox Lord Dernelie, &c. Regent to his
hienes, and of his realme and ligies, at findry times fen the acceptatione of the
office of Regentrye: And speciale, of falieing and trefounabill counterfutting of his
grace subcriptionu, in the moneth of September lastbipaft, maid and done
be him selve, in subcriving of ane Signatour,3 concerning the confirmatioun and
ratificatioun of his office of Unicorn Purfevandship,4 allegit maid and grantit
to him of befoir, be our fouerane lordis derreft moder the Quene: And also, in
trefounabill counterfutting of his grace subcriptionu to ane vther lettre, directit
be his grace, in our fouerane lordis name, chargeing Sir Walter Ker of Branx-
helme knycht, Sir Thomas Ker of Pharnycherf knycht, and vtheris contentit
thairintill, to mak payment of thair mailes and deweteis, allegit awand be thaim
to his hienes: As at mair lenth is mentionat and contentit thairintill: This done

1 Falseifying.  2 Grandfather.  3 A writ bearing the King's sign-manual, and being a warrant
for a charter passing the seals, granting or confirming lands or office, &c.  4 Unicorn pursuivant.
in October laftbipaft: As his depositionis and confeffioune, with the faid Signatour and lettres counterfuitis and treafonable falfit be (him) beris.

Sentence. For the quhilik caus, dome wes gevinn and pronounceit, be the mouth of James Yule dempftar, that the faid Thomas rycht hand falbe ftrickin and cutit of, and himself to be banefit of the realme during all the dayis of his lyfe; and neuir to returne agane within the famin, without speciale licence of our foueran lord, had and obtenit thatirto.

Slaughter.
Nov. 9.—Schir William Cranstone of Doddo, Commiffar of Lauder.
Delatit of the faulchert of vmq James Brounlie. 'Plegio Ioanne Cranstone de eodem, tertia Itineris de Beruik, vel fuper (premonitione) xv dierum.'

Abiding from the Raid of Linlithgow.
Nov. 27.—Alexander Kennedy of Drumquharne, and Patrik Kennedy of Culuan.
Delatit for remaining fra the raid ordanit to convene at Lynlythqw, the second day of Auguft laftbipaft.
Perfweit be Thomas Kennedy of Barganye, as donatour (of their escheit) and the advocattis.—Continued to the Justice-aire of 'Air, tertia Itineris vel premonitione xv dierum. Plegio, Georgio Campbell de Skeldoun.'

Oppression—Convocation of Lieges, &c.
Nov. 30.—Mr William Balfour in Leyth, Johnne Younge taillour thair, and seventene vthers, 'skynnaris,' 'litftaris,' and 'cor-
derinis.'
Delatit of findry crymes of Oppreffioune committit be thaim, with convoca-
tioune, &c. vpoune Florence Balfour.—Continued to the Justice-aire of Edin-
burgh, tertia Itineris vel premonitione xv dierum. Plegis, M. Willemo Naper de Wrychtishousis et Joannes Young. This fouerete refullait at command of my Lord Regentis grace.

Nota.—Johnne Carwod, and Thomas Thomfoune fuddaris,1 wer dischargeit, be ane precept of my Lord Regentis grace, direct to the Justice, becaus thail wer in the Kingis service.2

Treason, &c.—Raid of Linlithgow.
Dec. 2.—Mr James Pawtoune, minifter.
Delatit of the treafonabill affittance maid and gevinn be him to George Erle of Hunltie, Archebald Erle of Argyle, and diuerfe vthers conspiratouris againis our

1 Soldiers. 2 And therefore liable to be tried by a Court-martial.
fouran lord, in erecting and setting vp ane vther auctorie nor his hieneffis; and furnessing and sending of Archibald Robefoune, in his name and vpoun his expensis to the toune of Lynlythqw, for the awancement of the fairsaidis conspiratoris treasonabill interpryfis: And siclyke, for reemanig fra the Raid ordanit to convene at Lynlythqw, the secund day of August lastbipaft.

Comperit Mr Robert Crecychtoune advocat, as perfewar, and produceit my Lord Regentis Precept and command direct to him, for perfute of the said Mr James; quhilk he deyryt to be red in jugment.

The Justice, in respect of the said Mr James office of ministrrie, and of my Lord Regentis grace command, ordanit that pairt of the lybell, qualefeit for his reemanig fra the Raid to be deleit; and that na proces be vfit anagis him for the famin.

Comperit Mr William Henderfoune, feruand to the Lard of Lochlevyn, and Protestit in name of his said maister, quha is baillie constittute of that pairt of the Regalitie of Sanct Androis, within the Baronye of McK . . . . . (McCarrachyre?) quhair the said Mr James duellis and makis his residence, that the continvewaitoune heirof prejuge nocht his priuelege nor jurisdictioune thairof; in respect that he prifentlie is willing and reddy to replege the said Maister James, conforme to his Commissioune, gif the Justice will content thairto: And heir-vpoune, askit actis and instruments.

`Continuat. tertio Itineris de Perth, vel premonitione xv dierum. Plegio, Joanne Reid de Aikinheid, pro suo introitu, ad subeundum legem pro dicto crimen, in proditoria sua afflictentia vt predicetur, tantum.'

**Slaughter—Langside—Raid of Linlithgow.**

Dec. 4.—MATHOW HAMMILTOUNE of Philipstoune.

Delatit of the slaughter committit at the Langlyde, and for remaining fra the Raid ordanit to convene at Lynlythqw, the secund day of August lastbipaft.

Continued to the Justice-air of 'Lynlythqw, tertio Itineris vel premonitione xv dierum. Plegio, Joanne Dowglas de Walterstoune.' Johnne Fowlis, burges of Lynlythqw, his cautioner, is fined 100 marks for non-appearance of the pannel, who is ordained to be put to the horn, and his moveables confiscate as fugitive from the laws.

**Abiding from Raids of Langside, Biggar, &c.**

Jan. 4, 1570-1.—JAMES SPENS in Glendukye, William Ruffale in Glaslie, and Johnne Dick elder in Eifter Cartmoir.

Delatit for reemanig fra the Raids of Langlyde, Beger, Striueling, Lynlythqw,
Brechin, and vtheris, in the auld and new Regentis tymes; contenit in the let-
tres maid thairupoune.
Thir thre, at command and defyre of James Lyndsay, donatour (to their escheit,) 
was dischargeit and the Court defert.
The Juftice ordaineid them to find caution to appear and underly the law, on 
xv Feb. next; John Wardlaw in Leyth being cautioner.

Abiding from Raid of Linlithgow.
Jan. 30.—Matho Hammiltoune of Philipstoune, Mr Johnne Cok-
burne, citiener¹ of Brechin.
Delatit for remaning fra the Raid, ordanit to convene at Lynlythqw, the se-
cund day of Auguft lastbipat.
Dischargeit be writingis of my lord Regentis grace, quhilkis wer producit in 
jugement and admittit.

Treason—Abiding from Raid of Linlithgow.
Jan. 31.—Johnne Hammiltoune of Perdowye (Bardowie,) and Ro-
bert Tripnay in Branzett.
Walter Strueling of Ballagane, is fined in ¹ lib. for non-appearance of the 
pannels, for whom he had become surety, that they should enter themselves before 
the Jufticiar this day, and underly the law, for the traitorous detention of the 
tower or fortalice of Perdowye against the King and his Regent: And also, for 
their remaining at home from the Raid at Lynlythqw, the second day of Auguft 
laft, &c.
The Juftice ordaineid the pannels to be denounced rebels and put to the horn, 
and all their moveable goods to be confiscatid.

Incest and Adultery.
Feb. 2.—James Bonar, marinare, and Agnes Boner, his sifter.
Convict be Affyife of the filthie, vyld and abhominabill Incest and Adulterie, 
committit be ather of thame with vtheris,² in abufing of thair boleis togidder; 
in respect of thair awin confeffione maid thairof. ‘Convict and Brin.’

Treason—Abiding from the Raid of Langside.
Feb. 12.—Dauid Ramsay of Jordanstoune.
Delatit for remaning fra the Raid of Langfide; treafonabill affistance maid

¹ Citizen, or indweller, probably implying that he was not a ‘burgess,’ or freeman, which is the 
usual description of a merchant or tradesman, who is ‘free of the burgh.’
² With each other.
and gevin to the Erle of Huntlie, and diuerse vtheris crymes, at lenth contenit
in the Lettres direct thairupouno:—Quhairof he wes ACQUIT be Affyise.

**Murder of the Regent Murray.**

Feb. 28.—Cristeane Schaw, the relict of vmq* Dauid Hammiltoune
of Boithuilechauch.

Delatit of arte and part of the murther of vmq* James Erle Murray, Lord
Abirnethye, Regent, &c., be hir speciale causin, hunding, sendin, diuising, re-
setting, command, affittance and rathabitioune, &c.—Continued to the Justice-
air of Lanerk, tertio Itineris vel premonitione xv dierum. Plegio, Roberto
Rois de Thornetoune pro introitu ejuident.'

**Slaughter.**

March 5.—Mr Robert Wyname, Collector of Fyff.

Delatit of arte and parte of the slaughter of vmq* Henrye Cairnis, cietiner of
Sanct Androis; (committed in the month of December last.)

Comperit Margret Spens, the relict of the said vmq Henrye, George Spens
hir bruder, Thomas Inglis in Auldlishtoune, and Mr Robert Crecythoune, Aduo-
catt, concurrand togidder, for perfute of the said vmq* Mr Robert Wyname, and
chufit the prelocutouris following, viz.

<table>
<thead>
<tr>
<th>PRELOCUTOURIS for the perlawaris.</th>
<th>PRELOCUTOURIS for the pannel.</th>
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<tbody>
<tr>
<td>The Lard of Balwerye, The Lard of Pittandro,</td>
<td>Mr Johnne Scharpe, Mr Richard Strang,</td>
</tr>
<tr>
<td>The Lard of Fimillie, James Malign,</td>
<td>The Lard of Ormeftoune, The Lard of Haltoune,</td>
</tr>
<tr>
<td>Patrik Schewes.</td>
<td>The Lard of Trabroune, Jn. Somuille de Hombye.</td>
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Comperit Patrik Lethermonth of Dairfy, knycht, Proueft of Sanct Androus,
and produceit ane Infeftment, Charter and Commiffioune, maid to him be John
Archebichope of Sanct Androus, togidder with our foueran lordis Charter of
Confirmatioune; quhairby he, as Stewart, Baillie and Justice generale, within
the boundis of the said Regalitie, vpoune the north fyde of the Watter of Forth,
speciallie constittue, defirit the said Mr Robert to be replgeit from the said
Justice Court, as duelland within the famin boundis; and offerit cautioune of
Collerayth, as accordis.

Mr Robert Crecythoune, Aduocat to our soueran lord, Protefit, in caife the
Justice wald, conforme to the saidis Charteris and Infeftmentis produceit, suffir
and permit the said Mr Robert to be Repleget, that the Replegiatoune thairof
suid nauyise preigue the Kingis prieulege, in quhais handis the hail benefice of
Archebischoperik and rycht thairof quhatfumeuir pretendit is becoming; and

1 Caution or surety, that justice shall be lawfully administered.
afkit instrumentis, that he aluitirle\textsuperscript{1} disaffentit fra the Replegiationone of the 
foirfaid caus.

The Juftice, after inspectioone had of the said Charteris and Infefmentis pro-
duceit and being ryplie adwyfit, thinkand the defyre of the said Patrik, as baillie 
foirfaid, to be reasonabil; ordanis cautione to be fundin for administratioone 
of Juftice within this tolbuith and the mater heirof to be replegit; dispensand 
with the place, et infra.—Peter Bruce of Erlifhall, becomes cautioner for due 
administration of juftice.

\textbf{Nemesucken—Abduction, &c.}

March 23—\textbf{Williame Oliphant} in Kellye-mylnis, and Johnne Oli-
phant in Over Kellye.

Petrus Oliphant de Pettoccer plegius deuenit ad intrandum Will. Oliphant et 
Joh. Oliphant coram Jufticiariori suffve deputatis, tertio die proximi Itineris Jufti-
ciarie de FYFFE, vel alibi, vbi et quando placuerit sive ferenitati, super premoni-
tione xv dierum; ad suhundum legem, pro arte et parte convocationis legiorum 
f. d. n. regis, ad numerum sexaginta personarum, more bellico armat., et per 
modum lie \textit{Hamesfucky} venien. ad domum habitacionis Patricij Smyth infra 
civitatem Sancti Andree situat. et ibidem oftia predicte domus confringendo, 
Jonetamque Smyth ejus filiam, pro tempore in lecto dormienti, extra eandem 
domum manu forti et violenter capiendo, rapiendo et abducedo, ipsamque in 
captiitate per longum spacium postea detinendo, auctoritatemque regiam inde 
viurpando; xxv die mensis Januarij vitimo elapfi commiss. : Secundum tenorem 
Literarum defuper direct. et sub penis in Actis Parliamendi contentis.

\textbf{Slaughter.}

April 6, 1571.—\textbf{Loweis Lummisdene} in Dysert and Johnne Lummisd-
dene his fone.

Delaitit of the slauchter of vmoq\textsuperscript{2} Dauid Erle, taillieour in Dysert ; committit 
at the Kirk of Dysert, vpuone the nynt day of Julij laftbypass

\textbf{PERSEWAR.}

Iffobell Spindye, relict of the said vmoq\textsuperscript{2} Dauid.

Hir \textbf{PRELOCUTOURIS} 

Mr Alexander Sym, Mr Richard Strang,

Johnne Stevinsone, and Mr Robert Crechtoune, 

Advocat, insfandt in the perfute thairof.

\textbf{VERDICT.} The Affye acquit the pannell.

It is worthy of remark, that Andro Forefter, minifter, one of the Affye, ‘ pro-
teftis, (that) his compersance hurt nocht his priveljeg’:\textsuperscript{2} And ‘ Mr Alexander

\textsuperscript{1} Entirely, altogether.  \textsuperscript{2} i. e. He pleads ‘his cloth,’ being a clergyman.
Sym askit instrumentis, that the said Sir George (Strathauchin, another of the Affife) declarit and allegit, that he fould nocht paue Affyife, in respect of the woirdis, 'quod non licet nobis interficere quemquam;' and thairfoir, that he fuld voit conforme to his said declaratioun.\textsuperscript{1}

\textbf{[Curia Justiciarie tena in pretorio Ville de Leth.]}

\textbf{Oppression—Convocation of the Lieges—Haemnscken.}


George Gib of Lumphay, and Patrik Anderfoun in Newtyld, as pleges and fouertes conjunctlie and feueralie actit in the buikis of our fouerane lordis, For agane bringing of his hienes lettres, purcheft be Laurence Lord Oliphant, Petir Oliphant of Twringis, and diuerf vtheris thair colligis, specifieit complenaris thairin; togidder with our fouerane lordis advocatis for his hienes interes, to tak fouertie of James Roisfe, &c. (above-mentioned) that they fall compeir and vnderly our fouerane lordis lawis befoir the Justice or his deputis, day and place foiridais: For conuocaitione and gagdering of our foueraniss liegis, to the nowmer of twa hunredth perfonis, bodin in feir of weir,\textsuperscript{2} vpoune the xxij day of September lafbipast, vpoun the landis pertening to Laurence Lord Oliphant, calves the landis of Duplene and Abirdalgy, lyand within the thirefdom of Perth; and thair, perforce, takand Johnne Mwle fureand to William Oliphant, Thomas Millar at the kirk of Duplene and dyuerf vtheris complenaris in the faidis lettres,

\textsuperscript{1} It being commanded, 'Thou shalt not kill,' Sir George protests, that if he be compelled to 'pass upon Assise,' he would Acquit the pannell, according to this his forced interpretation of the sixth commandment.  \textsuperscript{2} The Court of Justiciary is held within the Tolbooth of Leith, from this date, to the 8th day of August, 1572. The entry immediately following in the record, is datet at Stirling, on the 15th day of August; and that is succeeded by an entry, dated 'in pretorio de Edi. xxij Octobris;' after which period, the Court is regularly held in the Tolbooth of Edinburgh. The Record appears to be very defective at this period, and is probably only the Minute-Book of the procedure which then took place.  \textsuperscript{3} Arrayed in warlike manner.
furth of thair awin howfis and vtheris partis, quhair thay wer doand thair lefull biffines for the tyme; ledand thame as captiues and prefonaris to the toun of Perth, quhair thai held and detenit thame bundin in irnis, within strait prefoun and captiuitie, be the space of twentie dayis with the mair; vfiurand thairthow our fouerane lordis auctoritie vpoun thame, thay being his fre lieges: And for aslegeing of the place of Duplene, the famin day; purposlie to have flane Laurence Lord Oliphant, and vtheris complenaris contenit in the faidis lettres; vpoun auld feid and sburthecht seldonie: And for siclyke convocacione, cummand to the place and fortalice of Malare, lyand within the sherefdomes of . . . . . entering perforce thairrin, stryking and dingiing of Jane Hepburne, spous to the said Petir, and violentlie putting hir out of the famin, in the moneth of July laftbipaft: And for diuerfe vtheris crymes contenit in the faidis lettres: Efter the forme and tenour thairof, and vndir the panis specieft in the famin. Being oftymes calit, in jugement, to have produceit the same lettres dewlie execute and indorfat, that justice mycht have beene miniftrat thairon, conforme to the tenour of the said Act, and under the panis thairrin contenit: And the said lettres nocht being produceit as said is, lauchfull tyme of day biddin; the said Justice-depute declerit and adjudgeit the faidis George Gib and Patrik Anderson as pleegis and fouersteis forfaidis, cominuctlie and feueralie, in the panis and vnlawis contenit in the faidis lettres; quhiliks panis the forfaidis perfonis delatit be vertew thairof of the crymes above expremit, or thair fouersteis mycht have incurrit for thair nocht comperance the faidis day and place, to have vnderlyne the law for the famin, in caife the faidis lettres had been produceit in the said Court of Jufticiarie, dewlie execute and indorfat, as said is; that is to say, for non-produccione of the faidis lettres, dewlie execute and indorfat vpoun the faidis James Roife, bruder to the Lard of Craigie, being ane gentleman landit, in the fowme of ane hundreth pundis; vpoun the said Alexander Moncreif in the Kirktoun of Maler, being ane gentilman vnlandit, in the fowme and pane of ane hundreth markis; for the said William Morefoune, being ane gemane, in the vnlaw and pane of xi lib. &c. (each being fined according to his rank in the above proportions.) The Lord Ruthvene and vtheris, calit, be vertew of the lettres raifit at the Lord Oliphants infantie, askit instrumentis, (that) thay wer reddy to vnderly the law for the crymes thairrin contenit; and offerit thaim selvis to the knawlege of ane affylie for the famin: And prosetlit, in respect of the said Lord Oliphants declaracione, maid in jugement, that he wald nawylie perfew thair thairfoir; that thairfoir thay may have coifts, kfaith and expensis modefit, &c.

1 And more, and longer.  2 Ancient feud, enmity.  3 Beating.  4 Peter Oliphant of Turingis.  5 Expressed, exprimere.  6 Yeoman.
Slaughter.

Nov. 12.—Peter Oliphant of Tvingis, Johnne Oliphant, notary public, Lawrence Oliphant, son of Thomas O., portioner of Williamstoun, James Oliphant servant of the said Peter O., Johnne Menteyth and six others, servants to Lord Oliphant, &c.

Laurence Lord Oliphant, cautioner for the entry of these pannels to appear before the Justice or his deputies, this day, to vnderly the law for the cruel slaughter of vmq James Roife, lawfull son of vmq Thomas Roife of Maitlandis, committed upon the 20 day of September last; is fined in the sums of I'. lib., vj'. markis, and viij'. lib. for their non-appearance: And the Justice adjudged the pannels to be denounced rebels, and all their moveable goods to be confiscated to the Kings use, as fugitives from the law.

Abiding from the Raid of Leith.


Continued to the Justice-air of Edinbirgh, ‘tertio Itineris, vel premonitione xv dierum; ad subeundum legem, pro eorum domi remanentia, ab exercitu f. d. n. regis, apud Leith, primo die mensis Octobris vtilimo elaps. convenire ordinat.’

Nota.—Thir persons (following) being dammond and indorfat vpoune, wer drawin and delect fartyth of the executioune of the letters be Johnne Lawfoune, quha confess him to have rellevit command of the thefaure to that effect: George Ramfay of Dalhowis, . . . . . . Creychtoun of Bene fioun, Henrie Ogill of Harramwood, Johnne Hay of Tallo, James Hammiltoun of Sannemstoun, Francis Dowglas of Langudrye, Oliver Ramfay of Poltoune.—Nota. Alwasa, na executioune wes maid vpoune Quhattingem, James Dundas of Newhilton, my Lord of Torpbechin, James Cochrane of Balcacklaw, Robert Bruce of Byning, Archibald Tennent of Williamaftoun, and James Woddie fponne of Brighous; nochwithstanding thair being within the bodye of the letters forfaidis, as principallis.

Abiding from the Raid of Leith.


The above persons, (and others of lesser note) found caution for their appearance at the Justice-air of Forfar, ‘tertio Itineris vel premonitione xv dierum;’ to vnderly the law for their abiding at home from the Raid ordanit to have convenit at Leyth, on the first day of October last.—The said James Scrymgeeour of
CRIMINAL TRIALS. A.D. 1571.

Glaswell protested, that this cawtioun preuige him nocht anent his laughfull de-
fenfit; considering, he send his fone and air, sufficientlie furneigt, being of ha-
bilitie, conforme to the proclaimatioun.

Abiding from the Raid of Leith.

Nov. 24.—Petir Balfour of Bandone, George Ramsay of Cleittie, Da-
uid Balfour of the Kirktooune, David Seytoun of Ringavy, 
Thomas Walker in Drone, James Rankyne in Mariland, and 
Johnne Danzell in Fostertoune.

Delatit for remaning fra the Raid forfait. The first three came in the Kings 
will and were 'dischargeit thaireftir'; Seytooune of Ringavye 'dischargeit pro 
loc o et tempore'; Walker 'dischargeit'; and Rankyne and Danzell 'continued 
to the Justic-e-air of Fyff e tertio Itineris, vel premonitione xv dierum. Plejio, 
Roberto Scot de Balbartoun.'

Slaughter.

Nov. 29.—David Lindesay of Berneyardis, Jonet Ogilvie his spoufe, 
(non comparren.) and Thomas Jak in Tannadyce.

Delatit of the slauchter of vmq 'Johnne Fentoune.—Continued to ' xv day of 
Januare nixtocum.' Plegijs, Patricio Ogilvye de Inchemartyne et Andrea O. de 
Mygywye.

Abiding from the Raid of Leith.

Nov. 30.—James Drummond of Ochterardour ('dischargeit,) Malcum 
Drummond of Bordland ('dischargeit,) Andro Tofcheoch of 
Monyvaidd ('licence,) James Checholme of Cromlikis ('dischar-
geit be the thefauner,) William Bonar of Keitye, ('Perth, 
tertio Itineris, &c.) James Edmonstoun of Ballintoun, ('li-
cence,) Patrick Gray of Balleghernocht, ('licence,) Johnne 
Kynnard of Inchepture, ('dischargeit.)

Delatit for remaning fra the Raid forfait.

Abiding from the Raid of Leith.

Dec. 4.—Walter Wod of Balbegenocht, Alexander Ugtooune of Fod-
dercarne, George Arbuthnot in Bernehill,2 Henrye Grahame of

1 Heir. 2 This case was afterwards continued to the Justice-air of 'Forfear, tertio Itineris, 
vel premonitione xv dierum; when 'the pannell protestit, this continewatioone preuige nocht thair 
Replagiatione, and defenfis quhastumenur, to be allegeit in the contrair.' 3 Kinkardin, tertio 
Itineris, vel premonitione xv dierum.
Morphye, Robert Grahame his fader, Johnne Mideltoune of Kilhill, Johnne Strathauchin of Monbodo, Archebald Wod of Wodstoune, Robert Falconer of Ballandro, David Stratoun of Cragy, Charlis Dempstar of Balraye.\footnote{Delatit for remaning fra the Raid foirfraid.}

Treason—Assisting Rebels in withholding the Town of Edinburgh.

Dec. 28.—ALEXANDER GUTHRE burges of Edinburgh.

Delatit of the affistance maid and gevin be him to the rebellis, withhaldaris of the toune, in fortefeing, strenthing and detening thairof aganis our soveran lord and his auctoritie.—Pliegys, Robert Rynd et Johanne Ferguifoune burgen. de Ed'. coniunctim et diuifim. To the laft day of Januar nixtocum; and thair-etfir continewit to the penult day of Auguft.

Abiding from the Raid of Leith.

Feb. 15, 1571-2.—HENRYE BALMANN.

Delatit for remaning fra the Raid ordanit to convene at Leyth the firft of Julij laft bipaft, being one of the Quarter Raidis.

Comperit in jugement Patrik Lord Lindshay of the Byris, and in presence of the foirfaid Justice, and hall perfonis than choifin to pass vpoune the Affyfife of the said Henrye, Declarat and confeft, that he being lieutenant to our soveran lord, conffitute for the tyme, permittit and gaye speciale and fre licence to the said Henrye to remane and byde at hame fra the saifd oif\footnote{And raid, ordanit to convene the tyme foirfraid; nochtwithstanding the lettres of Proclamation doin maid theripoun, in maner aboue writtin:} Vpoune the quhilk declaratioune and conffession, maid be the said Lord in jugement, as said is, the foirfaid Henrye and George Logan (in Leyth) one of the nowmer of Affyfye, akit actis and instrumeties.

VERDICT. The Affifye, all in ane voce, in respect of the declaratioune foirfaid, Acquittis.

[Celebration of the Mass, &c.]

Mar. 13.—MR ARCHIBALD CRAWFORD, parfoun of Glifhame, Mr Ro-

bert Cuninghame.

Crawford's cafe is continued to the Justice-air of 'Air, tertio Itineris, vel pre-

monitione xv dierum; ad subeundum legem (pro) arte et parte criminis sequen.\footnote{Plegio, Wilelmo Cwninghame de Caprintoune.}

\footnote{\(' All dischargerit in respect of Licences schwain and produceit.'}
The other pannel is 'Abfoluit and dischargeit, in respect of the executione of the lettres; quhairby he is noch fundin lauchfulie fullmoned.'

**Vandykat—Celebration of the Mass, &c.**


Hugh Earl of Caffiliis, and Charles Mowet of Bufbye, are fined, the former in xl lib. and the latter in lxxx lib., as Cautioners for the above pannels, for their non-appearance 'ad fubeundum legem, pro crimine abominabilis et detestabilis Ydolatrie per ipfos et eorum aliquem commiss., in ministratione Sacramentorum, contra verum seu rectum Verbi Dei institutionem; Misflaque infra fortilletium de Eglintoune in mente Novembris, diueris temporibus agendo; et Matrimonium inter diueris personas incausti et vili incetfu datas contrahendo et communiter solemnizando; populumque ignarum eorum more Papisticali abutendo.'

—The Justice also ordained the pannels to be denounced rebels, and their moveable goods to be confiscated to the King's use, as fugitives from the law.

**Abiding from the Raid of Leith.**


Hew Wallace of Carnale, wes vnlawit in the pane of one hundreth pundis, for non-reporting and agane-bringing of the lettres dewlie execut and inderfet, purchest be the Kings aduocatiss; to tak fouerte of Sir William Hammitoune, to vnderly the law, for remaning fra the Raid, ordanit to convene at Leith the first of October lastbipart, for ailegeing of the burch of Ed'; as he that becam fouerte to that effect.

**Slaughter.**

Apr. 24, 1572.—**George Craw** in Eift Reftoune.

Alexander Howe of Manderfoune 'wes unlawit in the panis of one hundreth markis, conforme to the actis of Parliament,' for failing to produce our soueran lordis lettres dewlie execut and inderfet, purchest be the Kingis aduocattis, to tak fouerte of George Craw to vnderly the law for slaughte of vmq' George Dundas, the Lord Methwene, and utheris contenit in the faidis lettres.

**Furnishing Victual to Rebels in Edinburgh.**

Apr. 24.—**Robert Thomsoun** in Dalmahoy, Thomas Haiftie in Gogar, and twenty-three others, chiefly farmers and millers in Gogar, Currie, Langhirdmeftoune, Over Crawmond, &c.

All thir perfones foirfaidis become in will for arte of the furnefing of wittuale
to the Rebellis detenaris of the burch of Ed’. sen the dait of the proclamatioune maid in the contrai; and thairfoir fand the fouteries nemit, as plegeis for safisfactioune of the King and his bienes Regent for the famin will.—Eight others, being put to Asfyise for the said cryme, wer Acquit thairof."

**Treason.**

Apr. 29.—DAUID HAMMILTOUNE, seruand to Boithuilehauch.

Indyttit of fandry crymes of Treafoune, speciaillie mentionat in the Dittay maid thairvoune, qilibk James Millar hes in keping, &c.; Convict be Asfyise et ‘SUSPEN.’—A blank is left for the specjal verdict, or a detail of the Indictment; but, unfortunately, there is only opposite to the blank the following memorandum: ‘The Cannongait men. Ye Dittay to be cravit from James Millar.’

**Abditing from the Raid of Leith.**

May 9.—ALEXANDER CAMPBELL of Knoknae.

Delatit for remanig fra the Raid and army ordanit to convoye at Leyth the firft of October laftbipaft, fior asleinge of the burch of Ed’.—Plegio, Carolo Campbell de Skelidoune, to the xiiij day of Maj contextual: And at the famin day, be command of the Regentis Grace, the Court herof, for his pairit, wes defert.

**Celebration of the Mass.**

May 20.—SCHIR JOHNNE LERTHMOUTH.

Thomas Lerthmouth, fumptyme seruand to the Abbot of Jedburgh, wes vnlawit in the panis of fourtie pundis, for non-reporting and agan-bringing of lettres dewlie execute and indorfat, purcheft be the Advocattis, to tak fouert of S. Johnne L. his bruther, to have vnderlyne the law the faidis day and place, fior fying and miniistratioune of the Meis, being excommunicat, &c.

**Stouthref—Resett and Cheft.**

Maj 20.—JOHNE THOMESOUN in Hagbray, Michaill Scot in Vogarie,
Johnne Auchinleek thair, Johnne Briggs thair, William Briggs, his fome, thair, and Petir Hering in Cranfoune.

Delatit of assistance, reslett, and intercommuning with Hob Ewart of the Schawis and Ade his bruther, commoune thevis; and specialie, reslettand thaim within thair awin houfs, gevand thaim meit, drink, and vtheris necellaris, thay being newlie cumin furth of Ed’. for the tyme. ITEM, for arte and pairit of the steling, be way of stouth-ref, reslett, concealing, detening, and withholding

1 ‘This point delayit’
fra James Rutherfurd and Adame Aynsle, burgesis in Ed'. off four pakkatis of scheip-skynnis, reft and stollin be the commoun shevis faifaidis, quhilkis the faidis perfones reflett and secrealie conceit and kepit the famin within thair housis, be the space of fyve dayis and nychtis; committit xxv' Aprilis vit'. elaps.: And statt furth of ane of the faidis pakkatis, the fowme of xxxv lib.—Continued as to Scott, to the JUSTICE-ARIE of ‘Ed’. tertio Itineris vel premonitione xv dierum, plegio Abbotihall feiniere.'

VERDICT. The Aislyife, in ane voce, Acquit the fyve perfones faifaidis of the laft point of Dittay, aman the skynnis and fluer, thairin contenit.

Treason—Conspiracy against the Regent—Slaughter, &c.


All Convict and Fylit be Aislyife, off arte and part of thair treasonabill cuming in cumpany to the feildis with Capitanis Halkerstoun, Lauder, and vtheris conspiratorius and inobedient subiectis to our foueran lord, to the now-mer of vj'. (600) perfones, bodin' in armes, with displayit baners; first, to the Burrow-muir of Ed', quhair thai invadit Capitan Ramsay and vtheris the Kingis lieges for thair flaucheris; and nocht cumand to thair intent, came agane to the bak of Craighaill, quhair thai invadit maift awfulie my Lord Regentis grace, reprentand our foueran lordis perfoun, be vertew of his Office of Regentrie, and vtheris his bienes subiectis for thair flaucheris: AND for arte and part of thair flaucheris of vmq" Thomas Trynche fleicheour, Richard Crawfurd and Johnne Barbour; committit vpoun the tent of Junij instant.

Celebration of the Mass.

Jun. 26.—Johnne Johnnestoune alias Schir Johnne Johnnestoune, Commendator of Salti.

1 Delinuirit to Capitan Hume, at command of the Regent.’ It is likely he was delivered over to serve as a soldier.

2 Delinuirit to Capitan Hume, at command fooraid.’

3 Arrayed, furnished.

4 Not succeeding in their enterprise.

5 Saulse, Sedes-Animarum, a Monastery in Dumfries-shire.
Delatit for ministratioun of the Meis and of the Sacramentis in the Papisti-
call maner.—Continued to the Justice-air of 'Drumfreis, tertio Itineris, vel
premonitione xv dierum. Plegio, Jacobo Johnneftoune de Kellobankis pro ejus
introitu: Et Symon Johnneftoune obligauit seipsum ad relevandum dictum Ja-
cobum.'

Assisting of Rebels in Castle of Edinburg.

Jul. 8.—Olipher Sinclare, bruther-germane to the Laird of Roisling.
Andro Lindsay, javelour1 of the Tolbuith of Edinburgh, and Johnne Loche,
lycht-holman, wer vnlawit as fouerteis, coniunctlie and feuerallie, in the panis
of ane hundreth markis, fir non-reporting and agane-bringing of lettres dewlie
execut and indorfat, purchet be the Kingis Aduocat, to tak fouertie of Olipher
Sinclare, to vndirly the law, for affiltance maid and gevin be him to the rebellis
withhaldaris of the burch and Caftell of Edinburg and vtheris contenit in the
lettres direct thairupoun.

Slaughter of the Captain of Clannanald.

Jul. 9.—Johnne Dow MacKewyne WicKewyn, Doule Oig Mac-
Coule MacCondoquhy Roy, Donald MacCayne MacCondoquhy
Roy in Bar, Ewyn MacWilliame McCayne Dow in Auchi-
lytht, and above thirty others.
Hugh Lord Fraer of Lovete, and Lachlan M'Yntoche of Dunnachtie, are
fined in xl li. for each of these persons, for their non-appearance, to vnderly the
law, for art and part of the slaughter of vmq Donald Dow MacCoule Wic-
Kewyn, Captain of Clannanald. The principal parties 'adjudget to the horne.'

Treason—Intercommuning with Earl of Huntly, &c.

Jul. 17.—George Wilkie, portioner of Sauchtonhall, and Robert Wil-
kye, his fone.
Delatit of arte and part of the treasonabill resfetting, supple, and intercommo-
ning with George sumtyme Erle of Huntlie, Williame Kirkaldy sumtyme of
Grange, knyght, Sir James Balfour sumtyme of Pettindrych, knyght, and diuerfe
vtheris Conspiratouris within the Toune of Edinburghe, at thair awine dulelling
houffis, and diuerfe vtheris pairtis of the cuntre; affistand and takand pair
tham in thair treasonabill deidis; committit monethle and continewale,
fen the tyme of thair foirfaltour, quhilk wes in Maij 1571.—Item, for arte and
pairt of the treasonabill furnenfing and wittualling of the said burch and foirfaltit

1 Jailor, gaoler. Old Fr. javilleur.
Criminal Trials. A.D. 1572.

Traitors, withholderis thatrof, with malt and vtheris viwaris; takand money thatrof and selland the famin als frelie to the saidis rebellis as thai wer the Kingis lieges; nochtwithstanding the Kingis grace proclamationis maid in the contrair: Committit in Marche, Aprile, Maj, Junij lastbipast, and Julij instant.

Verdict. For the quhilkis crymes, the saidis perfones being put to the knawlege of the Asylfe vndirwrittin, the said George wes Acquit, and his fone foirfaid Fylit of the famin.

Mutilation.

Jul. 18.—Cristeane Gudsonne, spos to Andro Burne in Leyth.

Delatit of the mutilatioun of William Broune burges of Edinburgh, of his (forme) fingar, be byting thatrof.—Plegio, Magistre Joanne Logane de Scheref-brayis, to the sunkit day of August next-to-cum; (on which day the cale was continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.)

Slaughter.

Jul. 19.—James Tuedie burges of Peblis, Johnne Wychtman, Mairtyne Hay, and Johnne Bowr thair, and Thomas Johnneftoun, fone to Thomas Johnneftoun of Craigburne.

Delatit of arte and pairt of the crewale slauchter of vmq Johanne Dikkesfoun of Wynkioun; committit within the toun of Peblis the first of Julij instant.

Prelocutouris for the Perfessoris. Prelocutouris for the Defendoris.

Blanerne afskit instrumentis, thai he will nocht affift the perfute of this caus aganis Martyne Hay, becaus he hes mareit his kynniufwoman; bot he will perfew the remanent.

Verdict. The Asylfe, in ane voce, but ony discrepance, Acquittis the haiul perfones on panell of the slauchter foirfaid.

Contrabening King's Proclamation, &c.

Jul. 22.—Andro Grey in Corforphin.

Convict and Fylit be Asylfe, for contraventioun and breking of the Kingis Proclamationoun, be hame-bringing of his gudis to the Cragis of Corforphin,

1 Vizers, victuals. 2 As if. 3 The only persons of landed property in this Assise are Alexander Wardlaw of Currehill, and Alexander Dalmahoy of that Ilk; the rest are feuars, &c.
eftir that the famin wes takin away he himself of befoir: This wes committit the tent of Julij instant. 'Conulct. et in varia positius.'

Celebration of the Mass, &c.


Delatit for contravening of the Actis and Minifterioun of Sacramentis in the Papiftical maner.—Continued to the Justice-air of Edinburgh, tertio Itineris, vel premonitione xv dierum.

Celebration of the Mass, &c.

Jul. 26.—SCHIR THOMAS KER in Auld Roxburch.

Andro Ker of Hetoune, wes vulawit in the pane xl pundis, for none-entre of Schir Thomas Ker, to vnderly the law for Minifterioun of the Sacramentis in the Papiftical maner; and for fying of Meis: And als, the said Schir Thomas wes adiugit to be denunciet Rebell, &c.

Treasun—Murder of the King (Henry Barnley), and of the two Regents.

Jul. 28.—MR JAMES HAMMILTOUNE. Plegio, S James Hammitoun, jn li.®
William Weir of Auchxerfardell, Plegio, Domino de Corhous, jn li.
John Bannatyne of Corhous, Plegio, Domino de Lamingtoune, ijn li.®
Arthur Knaland of Knowhobblihil, Plegio, Domino de Kneland, v markis.®
Gawin Baxter in Boithuile, Plegio, eodem Kneland, v markis.
Adam Muir of Kittemuir, Plegio, Domino de Carmichael, seniore, v markis.®
John Levingtoun of Belfane, Plegio, Cobington, jn li.
James MChayre of Auchtule, Plegio, Corhoufe, v li.
Robert Allane of Cornfurd, Plegio, eodem Corhoufe, v li.
Robert Tweedel of Bankheid, Plegio, eodem, v li.
William Lohhart in Cornfurd, Plegio, Quintigerno Lohhart de Ley, v li.
Alexander Dalzell of Kype, Plegio, S James Hammitoun, v markis.
Thomas Fowlis of Brownxeydye, Plegio, Fowlis de Colentoun, v li.
Thomas Ingles of Murefteoun, Plegio, Will. Wallace de Johnsttoun, ijn li.
James Baillie of Carphin, Plegio, Domino Dalzell, ijn li.
Robert Dalzell of that Ilk, Plegio, Cobingtoun, ijn li.
William Kneland of that Ilk, Plegio, Dalmahoy, ijn li.
Johnne Stevinfoun of that Ilk, Plegio, Domino de Ernok, ijn li.

1 Plegio, Patricio Cokburne filio Jacobi Cokburne de Langtoune. 2 Plegio, Johanne Dikfoun in Ednem. 3 Plegio, Domino de Touch. 4 Plegio, Will. Dawlfoun in Leyth. 5 Plegio, Richardo Brounefeild in Payntoun. 6 Plegio, eodem Richardo. 7 Plegio, Thoma Aitken predict. 8 Finds security to the extent of L.1000. 9 L.5000. 10 500 markis. 11 5000 markis.
CRIMINAL TRIALS

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Mongo Lokhart of Clegborne, . . . Plegio, Jarwefwo, . . . ij’s li.
James Weir of Blakwood, . . . Plegio, S’ James Hammiltoun, . . . v’m markis.
Robert Hammiltoun of Newhous, . . . Plegio, S’ James Hammiltoun, . . . j’s li.
James Lokhart of Ley, . . . Plegio, Hugene Montgomery de Heislop, . . . v’li.
James Robertoun of Ernok, . . . Plegio, Domino de Myno, . . . i’s li.
Stevan Lokhart of Wickettcaw, . . . Plegio, Domino de Ley, . . . j’s markis.
Gawyn Lokhart of Kirkwod, . . . Plegio, S’ James Hammiltoun, . . . v’ markis.
Johnne Someruile of Cambufnhath, . . . Plegio, Scraling, . . . v’t li.
James Maxwell, younger of Calderwood, . . . Plegio, S’ James (Hammiltoun), . . . i’s li.
Thomas Baillie, tutoir of Jarweftoun, . . . Plegio, Carpbin, . . . v’t markis.
Gawin Hammiltoun of Ardrie, . . . Plegio, Ernok, . . . i’s li.
Johnne Hammiltoun of Pedderfoune; } Plegio, Johanne Dunbar de Barmuir, j’s li.
Johnne and Thomas Hammiltoun his sonsis,

David Forsyth of Dykis, . . . Plegio, Carnell, . . . j’s li.
William Baillie of Lamintoune, . . . Plegio, eodem Carnell, . . . j’s li.
Thomas Levington of Halhill, . . . Plegio, Lamintoun, . . . iij’s li.
Gawin Hammiltoun of the Hill, . . . Plegio, Banhard eldar, . . . j’s li.
Robert Ra younger, noter, . . . Plegio, Capitan Lambye, . . . (left blank.)
James Maxwell of Calderwoo, . . . Plegio, Jacobo Maxwell suo filio, . . . j’s li.
George Hammiltoun younger of Prieftoone, . . . Plegio, Hugone Wallace de Carmyre, . . . j’s li.
Arthour Hammiltoun of Parkheid, . . . Plegio, Carnall, . . . j’s li.
Johnne Millar in Mynebeuch, . . . Plegio, Myno, . . . j’s li.
William Grenefiches of that Ilk, . . . Plegio, Ernok, . . . j’s markis.
Thomas Weir of Kirktoone, . . . Plegio, Jacobo Dowglas de Todboilis, . . . j’s li.
Patrik Hammiltoun in Hammiltoun, . . . Plegio, Ley, . . . v’t li.
Johnne Hammiltoun in Merytoun, . . . Plegio, Cultermanys, . . . v’t li.
William Hammiltoun in Corkillan, . . . Plegio, eodem, . . . i’s li.
Johnne Hammiltoun of Stanheous, . . . Plegio, Skraling et Carnall, . . . j’s markis.
Alexander Were of Halcrig, . . . Plegio, Todboilis, . . . j’s markis.
James Hammiltoun, sumtyme of Wodhall, . . . { Plegio, Forsyth de Dykis et Alexander
Home, rectore de Spot, . . . (left blank.)
Bartilmo Robertoun in Hammiltoun, . . . Plegio, Ernok, . . . ijs li.

Thir perfoones being delatit for arte and part of the slaukteris and murthour of vmq” the King and twa Regentis: Fand respecctu suerties vndir the panis aboue writtin, to the thrid day of the nixt Juistice-air of Lanark, or foner, vponou xx days warning.

The saidis Johnne Hammiltoun of Stanheous and Patrik Hammiltoun, askit instrumentis, that thai offer thaim felis prefentlie to vnderly the law for the saidis crymes.—Lochlevin tuik instrumentis, that he, as perfewar, wes reddy to perfew thaim and all vtheris sufpect and gittie of the said cryme.

Slaughte.

Jul. 31.—WILLIAM KER of Ancrum, Johnne Home, sone naturale to
Johnne Home of Cranftane, Wm. Henflie of Fawlay, Jok Pyle of the Raw, George Pyle his bruder, George Pyle in Mylne-heuch, Andro Hall of the Sykis, and Jok Hall callit Perfeis Jok.

Richard Rutherfurd, provost of Jedburgh, was vnlawit for non-reporting of lettres dewlie execute and indorfat, purcheft be the kin and freindis of vmq" James Henrye, burges of Jedburgh, and James Mitchell, and (be) the provost himself, and the baillies, counfale, and commontie of the said burch, to tak fo- uertie of William Ker, &c., to vnderly the law, for arte and pairt of the flauchter of the saidis perrones, committit the xv day of Junij lastbipast ; viz. in the pane of j" li. for the said William Ker, j" markis for the said Johnne Home, and xl pundis for ilk ane of remanent perrones foresaidis.

Refusing to appear before the Regent and Counsell.
Aug. 8.—Henrye Lovell of Balumbie elder, Johnne Lovell sfeor of Balumbie, and James Meluile in Eifter Forrye.

Lettres being produceit be the partye, quhair the said Henrye wes denunceit rebell and at the horn, for his non-comperance before the Regent and Coun· sale; the said Henrye was thairfoir put in ward, and thairafter deliuerit to my Lord Thefaurer, to be kepit in true firmane and cuftody; as he wold anwer to the Regent thairypoune: Quhairrupoune instrumentis were takin.—Continued as to the others to the Justice-air of Fyffe, tertio Itineris vel premonitione xv dierum: Plegijs, Powrye Ogilvye (for Johnne L.) vnder the pane of ij" li., vnder protestatione it preiuge nocht his regalitie; et Will". Muncreif de eodem.

[Curia tenta in pretorio de Striueling, 'cum consensu partium."

Piracy—Resett and selling of stolen goods, &c.
Aug. 15.—Walter Cowsland, fone to Robert Cowlband, burges of Striueling.

Delatit of the affiitance maid and gevvin be him, to Harye Balfour, perat, be thiftuous reflet of diuerse guidis and geir, reft and spulzie be the said Harye, be way of commoun Peracie, furth of the raed of Burdeaulex, from findry the Kingis confidderat freindis. And wes art and part with him in his reif and spulisie of the saidis guidis, be way of Peracie, as said is: And eftir felling of the saidis stollin guidis, he, with the said Hary, paft away with the ship and pryfe, quhairin the saidis guidis wer takin, furth of Kirkaldye, vnto the raed of Abirdene; quhair thai, for cullouring of their Piracie and for feir of cuming

1 Pirat. 2 The Roadsteal of Bourdeaux. 3 Allies or confederates, by leagues of amity, &c. 4 Robbery and seizing by violence.
thairof to Leyth, sank and drownit the said ship: And for diversi other crymes of Peracie, at lenth specifieit in the Lettres thairof.
Quhairof he was ACQUIT be Asyllis.

PRELOCUTORIS for this pannell.
Robert Cowland, fader to the defender,  Robert Ramsay,  George Nicholl.

[Curia tena in pretorio de Edinburghe.]

Assisting Rebels retaineres of Edinburgh.

Oct. 29.—Elizabetht Inglis, spouse to vmq* Capitan James Moffet.
Capitan Johnne Spreule wes vnlawit in the pane of x1 pondis, for non-reporting of lettres purchaft be the Kingis Advocat, to tak fouerte of Elizabeth Inglis, spouse to vmq* Capitan James Moffat, to vnderlye the law, for asststance maid and gevin to the rebellis, detenaris of the burch of Edinburghe.
NOTA. Himself is donatour heirt.

Slaughter.

Oct. 29.—Thomas Baillie, in Sanct-Georgis-Kirk.
James Lockhart of Lay becomes pledge for the entry of Thomas Baillie, to underlye the law for art and part of the slaughter of James Johnnestoun of Weltrau, committed in the month of January last; before the Jusice or his deputies at the Air of 'Lanark, tertio Itineris, vel premonitione xv dierum.'

Witchcraft.

Dec. 29.—Jonet Blyman, spouse to William Steill.
Delatit of divers crymes of Witchcraft.° 'Conuict and Brint.'

Bearing of Mass.

Dec. 29.—Alexander Creychtoun of Newhall.
Delatit for hering of the Sacramentis to be ministrat in Papisticall maner, within his awin place of Newhall, yerlie and monethlie, fen the tyme of his laft convictioune, quhilk wes in Januar lxvij yeres: in contrair the Actis of Parlia-
ment.

VERDICT. Fylit be the Asyllis, in respect of his awin convictioune (confes-
fioune?) 'Conuict and Wardit.'
Comperit Capitain Robefoune, and protestit in name of James Douglas, that this his convictioune preigue nocht his etchete, quhairof he hes the gift.

° The trials after this date are all held within the Tolbooth of Edinburgh. " No particulars whatever inserted in the Record.
6 Jac. VI.

CRIMINAL TRIALS.

Slaughter.

Delatit of the slaughter of vsq Robert Inglis in Medoheid.

Prelacotouris for the pannell.  

Piercewaris.

The Lard of Balwerie, The Lard of Bamff, Catherine Spens, relict, Thair Prelocotour.
Mr Richard Strang, Johnne Ruffles, Johnne Inglis, bruder, and Niniane Thomefoune.
Mr Malcum Merfer, sevin fatherles barnis.

Mr Richard Strang, prelocotour fairlaid, akit instrumentis of the executioun of the lettres; as thai heir: And allegeit, in respert of non-deliverance of copeis to twa of the principallis contenit in the saidis lettres, the executiouno nocht to be dewlie maid conforme to the Act of Parliament; nochtwithstanding the offer maid of ane copy, and refuis of the famin.

The Justice Repellis this allegeance, in respert of the Executioun.¹

The prelocotouris for the pannell allegit, this James Merfer, being ane gentilman of the Lard of Aldeis house, hes nocht ane sufficient nowmer of Aisyfe, in peris;² and without his peris, conforme to the Act of Parliament, he aucht nocht to be put to the knawlie thairof.

The Justice finds this Aisyfe sufficient for the pannell, in respert of the caus and parteis present perewaris and defendaris.—'All four Acquit.'

The same day James Fergusfon of Dirtullie, alias Barrown Fergusfon, is fined for non-appearance of William Naune, fone of George N. of M’Karfe, James his brother, and Patrik Bell, brother of Johnne Bell in Schannmar; and Patrik Fergusfon of Stroymak, and Donald Stewart of Dalwongie are fined for non-appearance of James Weikie and Patrik Stalker, servants of . . . . Merfer of Auldy, for art and part of the above slaughter, et lesionis vulnerationisque Catherine Spens, ejus spoue in diversis fui corporis partibus, ad magnam sanguinis ejusdem effusionem, illam ex partu puere fui masculi abortam faciens, et crudeliter eundem inde interficiens, in mensis Octobris vt. elapf. sub noctis sylentio, &c.

Assisting Rebels in Castle of Edinburgh.


Delatit for afflittance maid and gevin to the Lard of Grange and vtheris de-

¹ The official attestation of a messenger at armes, that the letters were lawfully intimated by delivery of a copy for the party, or leaving the same at his dwelling-house, &c.
² His equals in rank, his peers.
clarit tratouris, in keping, strenthynge, fortefeyng, wittualynge and withholding of
the burch and Caftell of Edinburg, incontrair our foueran lord and his hienes
auctoritie.

Continewit to the nyxt day of Februar instant. At that diet of Court, the pannels came in the
King's will, excepting Moffatt, whose cafe was continued to the third day of the ensuing Air; and
'pe thefaurar clerk grantit him to be faitisfie' as to Kinkaid.

Assisting Rebels in Castle of Edinburg, &c.

Feb. 4.—JAMES Fleming.

Delectit for furnesfing the rebellis within the Caftell of Edinburgh, with a
great quantity of wine, flesh, fish, malt and other victuals, and receiving from
them falsé and adulterate money or counterfutit cuñe, and paffing thereof
amongst the lieges; committed in the months of Auguft, September, October,
November, and December laft.

Andrew Fifheare, burgef of Edinburg, is fined in xl lib. for his non-ap-
pearance, and Fleming ordained to be denounced, &c.

Slaughter.

Feb. 6.—ARTHUR FORBES, fon of Arthur Forbes of Reres, and Henry
Forret.

Walter Scot of Branxhelme, and Alexander Forbes of Petllego, fined in ij' li.,
ij' markis, and ij'. markis, for non-appearance of these perffons, to underly the
law for being art and part of the slaughter of vmq" Mr Johnne Wod, committed
on the xv day of April 1570: The principal parties adjudged to be denounced
rebels, and their moveables efcathed, &c.

Treason—Conspiracy against the Regent, &c.

Feb. 9.—ALEXANDER Haistie, Andro Gotterboun finyth, Johnne
Gairland fclater; Thomas Galloway officer, William Forfyth
cardinar, Patrik Cowper tailliour, James Hammiltoun skyn-
er, Johnne Mayne, elder, merchand, and Petir Thomefoune.

All thir perfonnés were conuict of the hail crymes contenit in the auld
lettres, maid in Leyth; and for cuming to the Craigis, with the remanent,
vpon the tent of Junij laftbipaft; purposlie to have flane my Lord Regent and
vtheris, his faithful fubiectis for the tyme.

ITEM, the faid Petir Thomefoune fylit and convict of ryving⁸ of the nobill
mennis armes.

¹ Tearing in pieces.
[Mr Thomas Bannatyne, Justice-Depute.]

Reset and Intercommuning with Rebels, &c.

Feb. 23.—Patrik Lord Gray, James Scrymgeour constabill of Dundie, Alexander Maxwell of Teling and David Maxwell his fone and air.

Johnne Lovell fcar of Balumbie, being of thymes callit for productiou, and agane bringing of the letters dewlie execute and indorfat, purchaes be the Kings Aduocattis to take fouertie of Patrik Lord Gray, &c., to vnderly the law for reflett and intercommoning with Henrye Lovell of Balumbye, Patrik and David Lovellis his fonis, and vtheris, being denuncte rebellis and at the horne; and nocht produceand nor reportand the flamin, wes thairfor vnlawit in the panis following, viz. for the said Lord Gray, in the pane of

Slaughter—Field of Langside.

Feb. 27.—Thomas Baillie, in Sanct Johnis Kirk.

Delatit of the slauchter of vmsq' James Ballanye and vtheris; committit at the Langfyde, the xij of May anno lxvij (1568).

Plegio, Alex. Home to the morne. Postea, dischargeit and the Court desert, with content of Carmichael, donatour.

Slaughter of Regent Lennox, &c.

March 4.—Johnne Monour in Dunglass, and Patrik Heriot thair.

Delatit of the slauchteris of Mathow Erle of Leuenoix Regent, George Dun-das and Williame Schaw; and vtheris crymes.

Williame Reidpeth fear of that Ilk, fined in xl. pondis, for nocht produceing and agane bringing the lettres dewlie execute, &c.

Incest.

March 31, 1573.—Marioune Reid.

Delatit of arte and pairt of the abominable crime of Incest, committit with Gilber Young in Barnaught; being his wyfe, and knawing perftylie his laid spous to have lyne in fornicatioun with Jonet Reid his fitter, of befoir, and ane barne procreat benuix thaim; and fcho adiponeift be the Kirk, to abstene thairfra.

Plegio, Johanne Reid de Freyndlaithed, to the morne; and thaireftr, continnewit vndir fouertie to the thryd day of the Justice-air of Air, or foner, vpoune xv dayes warning.

1 Mr Thomas Bannatyne appears, in this Record, for the first time, as a Judge, on Feb. 17. He is to be considered as the officiating Justice-Depute after this date, unless the contrary is noted. Vide Nov. 23, 1569.

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Incest.
March 31.—GILBERT YOUNG in Barnaucht.
Delatit for the same crime.—Johnne Reid of Freyndalshie, his cautioner, is fined for his non-appearance; and Young ordained to be denounced rebel, and his moveables confiscatit, as fugitive from the Law.

Assisting Rebels in Town and Castle of Edinburgh.
April 1.—JOHNE WATSOUN, sinyth, burges of Edinburgh.
Delatit of arte and part of the affittance maist and gevin be him to the triautouris and rebellis withhalderis of the Toun and Cافت of Edinburgh; and otheris crymes, contenit in the Lettres direct thairypoune.—Ad remissionem, pro crimine. Plegio, Thoma Atchesoun burgen. burgi de Edinburgh, ad satiissiend. partibus in fe conquerentibus, secundum formam juris.

Assisting Rebels in Town and Castle of Edinburgh.
April 2.—WILLIAM HUCHESOUN, skynner, burges of Edinburgh, and Crifeane Barroune, (alias Gudefoune,) his spous.
Delatit of affittance maist and gevin to the rebellis withhalderis of the Toun and Cafort of Edinburgh. Huchesoun 'ad remissionem pro crimine. Plegio, Johanne Gilbert fabro aurario ad satiissiend. partibus et ad relevand.'

Preludetour for Crifeane Barroune, Mr Alexander Sym.

This Preludetour askit instrumentis, that he acceptit the summondis and all partis thairof, as it is qualsefit; protestand, that he wald nocht compeir for hir husband; and allegeit, that seing na body perfewis this actioun bot the Kingis Advocat, defyris, befoir forther proces, that he will gif his ayth gif he hes just caus to perfew the said Crifeane for this caus, quhilk he allegeit aucht to be gevin, in respect of the ditty is nocht sworne of befoir; and in caife he refuitt to giff the famin, that na proces aucht to be vfit anent hir perfitute this day.—Answieris the Advocat, he fuld gif na ayth, nor is nocht haldin to giff the famin in na criminaile actioun; and specialie in crymes of Lefc-maistie.¹—Anfuieres Sym, he aucht to giff the famin, in respect of the natour of the caus and simplictie of the woman; quhilk hes nocht occurrit of befoir; and als in respect of the Com- moune Law berand, that in all cauissis, the perlewar being requyrit, na thing aucht to proceid, quhill² he the perlewar gif his ayth that he hes caus to perfew.—The Advocat, in respect of the practik of the realme and municipale law, allegit in the contrair; and specialie, in respect hir husband hes takin remissioun for the famin cryme, quha is conjunct perfsoun with hir.

¹ Treason. ² Until,
6 Jac. VI. CRIMINAL TRIALS.

The Justice be Interloquitour; Findis forther proces to be vfit, nochtwithstanding the allegeances forfaitis.

Sym, as prelocutor foirfraid, allegeit this mater aucht nocht to pas to the knawlege of ane Affyife anent the perfute of Cristiane Barroun, becaus fcho is callit, principalie, for remaning within the burch of Edinburgh the tyme lybellit; quhairin gif fcho remanit, fcho remanit with hir huvand, beand vnder his obedience; by1 quhome fcho had na remaning; fhra quhome, fcho be na law wes haldin to depart, nor culd nocht leve in na place by2 him, having na thing to leve vpoun: Attour,3 feing that hir huvand hes gottin ane Remiffioune, fcho being ane pairt of his body, the famin Remiffioune aucht to comprehend hir: Alwaysis,4 aganis hir, be na law, perfute can now be deduceit, for ony caus contenit in the Summondis; specialie, in respect of the commoun practik of this realme in supulzeis, that albeit5 wemen be at the suplze, they can nocht be perfewit thairfoir, hir huvand being on lyf: And specialie, in respect that thair is na particular deid, for the quhilk the woman is callit for the famin: Lyke as, thair is na deid in the summondis, that can fall vpoun hir; — igitur, ut supra.—Anfuerit the Aduocat, the mater aucht to pas to ane Affyife, in respect of the natour of the caus libellit aganis hir and hir huvand, bayth;6 sfor the quhilk caus he has takin Remiffioun him selve and vfit the famin: Specialie, that nowder7 fho nor hir huvand were haldin to abyde in this Toune, bot haldin to depairt furth thairfoir, conform to the Proclamationis maid thair-vpoun; ac tenta est etiam, quod delictum est personale et in solidum, and srykis vpoun all committaris thairfoir, alfuels woman as man.

Anfueris Sym, that in respect of the same anfuer maid be the Aduocat, na proces can be led aganis hir now, hir allane;8 bayth becaus that ar callit conjunctie; and swa, being conjunctie callit, and be the deid, unum corpus et una caro: And as to the allegeance, that thay wer bayth chargeit to depart, it is anfuerit as ofbefoir;9 that gif he had depairt and nocht fcho, it mycht have bene ane cryme; but feing he remanit and nocht fcho, na law can mak hir to incur ony cryme: And feing my lord Aduocat hes maid this allegeance, defyris that he will give his ayth, give he hes iuft caus to propone the famin; And gif he refusis, that this mater aucht nocht to proced ony forder.—Anfueris the Aduocat, in respect of the anfueris maid ofbefoir, specialie, in respect the is nocht onelie callit for remaning with hir huvand, but for dierfe vtheris capitale crymes contenit in the summondis, sic as furnitour10 of meit, drink, &c.11 And

1 Besides, forbye. 2 Without, apart from, but, independent of. 3 Besides, moreover. 4 At all events. 5 Although. 6 Besides, also, together. 7 Neither. 8 Individually, by herself. 9 Before, formerly. 10 The act of furnishing or providing. 11 To the rebels.
as to the defyre of the syth, nane suld be gevin, in respect of the ansueris maid of befoir.

Attour, the said Mr Alexander allegeit, the crymes contenit in the Summondis can nocht pas to inqueifc aganis hir perfoun for the said caus, to wit, that thair is na cryme that can fall competentlie, in the perfoun of the said woman; and seuerallie, na thing aganis hir, vpoun hir awin speciale deid and fact: And the principale pairt of the crymes is allegeit to be committit, be the caufing and convenient of thaim; quhairof na thing can be laid to the charge of the said Cristeane, sacho having na command nor affect of hirself, bot of hir husband being on lyve, quhilk is hir heid; and fwa, sacho can nocht be accusat vpoun na command nor caufing, and thairfore, aucht nocht to pas to inqueifc; speciale of the said Remissioun grantit to hir husband for the hail crymes, at leaft Lese-maieftie, quhilk comprehendis all and produceit in Jugement; feing he hes takin vpoun him, quha had it in deid, the hail caufing and command, vnder quhose fcho culd nocht, in ony wyfe, content nor command.—Anfuerit the Aduocat, it suld be Repellit, in respect of the Summondis as it is libellit, and crymes of Lese-maieftie specefeit thairintill.

The Regentis grace ordanit, be his Precept, this Court to be desert, as eftir followis.

Apr. 8.—Johnne Sym comperand, protefit for his relief, as fouerte, quhilk he becom for entre of the said Cristeane.

The said Cristeane askit instrumentis of hir entre, and thaireftir produceit ane Supplication, with my Lord Regentis grace deliuerance, maid and subfcriuitt be his grace thairvpoun; quhairof the tennour followis.

APUD HALEYNUDEHUS, septimo Aprilis, anno, &c. (1573). My Lord Regentis grace Ordanis pe compleuar to present pis supplicatione to pe Justice, Justice clerk, and his deputis, and pame to contineu and superfed all forder pewewing of pis compleuer for pe cases within mentionat. As pey will anfuer to his grace pairypoun.

Conforme to the quhilk, the said Cristeane defyrct the said Justice to obey the samyn; quhilk he thinkand reasonabill, obeyit the said deliuerance, and desert the Court heirof.

Slaughter.

May 6.—Lawrence Lord Oliphant.

Delatit of the slauchter of vnq James Roie. Plegio, the Maifter of Marcheall, to the thrid day of the nixt air of Perthe, or xv dayis warning.

Nota. This containewatioun was in default of Affyisc nocht comperand.

1 Separately, as an individual. 2 On account of. 3 She is named 'Gudeisoun' at her entry on this diet. 4 Bill, or Petition.
Fire-raising—Sheep-stealing, &c.

May 8.—William Donald and James Oliphant, forfaym of Ermeoudowne.

Delatit of the treasonabill burning of S. Andro Kerris coirnis; and for thistious steling of nolt, sheip, and vtheris gudis, as the dittay beris. Quhairof they wer bayth Convict be Asfyife, and Hangit.

Holding of the Abbey and Place of Paisley, &c.

All convict, for hauingd the Abbey and Place of Paisley, incontrare our fourane lordis lieges; and againis the tenour of his charge, direct be his lettres.

Item, this Alexander Clerk Convict of the slachter of Johnne Cawldwollis, in Gawynnis-Westir; and of taking his purfe, money, iword and buklar.

Forgery and falsing of an Instrument.

Jul. 16.—Sir Dauid Anderson in Glasgow, and Sir Johnn Crawford, notar.

Delatit of the Forseving and falsing[1] of ane instrument.

Verdict. The Asfyife Convicts and fylis the said Sir Johnn[2] of the steling of the Instrument from Marione Millare, contentit in the first poynt of Dittay; and of the secund, towartis the fangeing and forgeing famin Instrument; and of the thrid, contentit in the dittay: And the Asfyife, quhill Saturday, delayit their jugement vpoune Sir Dauid Andervon, viz. the xviiij day of Julii.

Jul. 18.—The Asfyife, in respect of the Confeffoun maid thaireftir of the said Sir Johnn, Acquit the said Sir Dauid Andervon of the crymes specifit in the Dittay.

Curia Justiciare s.d.n. Regis, tenta in pretorio de Edinbur, tertio Augusti anno,
&c. (l=V) lxxiiij per nobilém et potentem dominum Archibaldum Comitem Ergades,
dominum Campbell et Lorne, Justiciarim generalem, &c.

Treason.

Aug. 9.—Mr James Kirkaldye and James Cocke (Cokkie), goldfinnyth, burges of Edinburgh.

1 Sentence not recorded. 2 Falsifying. 3 By a marking on the margin of the Record, ('Subpen.') it appears that Craufurd was hanged. His confession is above alluded to.
Delatit of certane crymes of Treafoune, &c. committit aganis our fouerane lord and his hienes auctoritie.

Assisa.
William Naper of Wrychtishowffis, James Foirman, thair, George Campbell of Dowchall,
Andro Ker of Fawdounsfyde, Andro Naper, bruder to William Ramfay, burges thair,
James Boifwell of Auchenlik, Merchantoune, Richard Rurtherfurd, proveit of Ed.,
Alexy Edward, burges of Ed., James Aikman, thair, James Zoung, cutlar,
Johnne Dunbare, thair, Edward Hoipe, thair, Johnne Aikinheid, thair,

Mongo Bradie, goldfinyth.

No particulars of this case are preserved. The sentence is as usual inserted, but only upon the margin. 'Conuict. et Susp.'

Slaughtour.

Aug. 5.—Capitane Johnne Pentaland.

Delatit of the slaughtour of vmo Niniane Liddell of Halkerstoun.

The quhilk day comperit the said Capitan Pentland, and prefentit my Lord Regentis grace Precept, subsercruit with his hand, chargeing the Justice, Justice Clerk and their deputis, to fence' ane Court of Justiciarie, and to prefent before thaim the said Capitan, delatit of the fairfaid slaughtour: And he being prefentit to refrauie him in will for the faid cryme, takand fouertie for afflythment' of partye, as vle is: And that in respect the parteis compleanaris procureit mercye and pardoun of his lyfe at the Regentis hand, and the fouerte being fundin, to pronounce and declar the famin will to be Baneischement of his perfoun furth of the realme; takand lykewyfie fouertie, that he fuld depart furth thairof, within xvij days nixt efter the dait of the faid Precept, and that he fuld nocht returne agane thatairintill without licence of my Lord Regent, vnder the pane of ane thowland pundis. As the famin Precept, of the dait the ferd3 day of August, the yeir of God I°. V°. Ixiii yeiris, subserruit be James Erle of Mortoune, Regent fairfaid, at mair lenth beris.

Conforme to the quhilk, the said Capitane enterand in jugement, and being accuit of the said slaughtour, become in our fouerane lordis will for the famin; quhilk will the Justice fairfaid declarit to be Baneischement of his perfoun during the Kingis grace and my Lord Regentis will. And thairfoil ordanit him to find cawtioun for fatiffactione and afflythment of partye, and that he should depart and remane baneischheit furth of the realme, conforme to the said Precept. Quha fand in Jugement, according to the said Justice command, Dyoneife

1 A forensic term, equivalent to hold, open, commence. The act of fencing a Court is still performed by an officer, who forbids all persons from disturbing or molesting the Court during its sitting, &c. 2 A fine or compensation paid to the relatives of a murdered person, as a salutium and stone- ment for that deed. 3 Fourth.
Elphinstoun, burges of Edinburgh, his bruder, Patrik Ogilwyke, burges alswa of the famin burch, with him self, coniunctlie and feueralie, plegeis and fourteis, bayth for Afslythment of partye and that he fall depart and remane baneisheit furth of the realme, during the space aboue writtin.

**Treason—Assisting Rebels in Town and Castle of Edinburgh.**

Aug. 13.—Johnne Adamesoune, younger, burges of Edinburgh, and twenty two others.

Delatit for treaonabill affistance maid and gevin be thaim to the rebellis and conspiratouris, withhaldaris of the Toun and Castell of Edinburgh.

All thir commerand, become in will for the saif cryme, &c.

N.B.—A great number of others, burgesses of Edinburgh, are brought before the Justiciar during this month. Their trials are continued to the third day of the ensuing Justice-air for Edinburgh.

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**RECORDS OF THE COURT OF JUSTICIARY.**

The Records of the Court of Justiciary, from this period to the close of the year 1576, are unfortunately lost or destroyed. There is every reason to suppose that this must have taken place previous to A.D. 1700.

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**Intercommun with a Traitor an dRebel.**

Oct. 23. 1576.—Andro Commen dator of Jedburgh.

Dilatit of the treaonabill Intercommowning with vmq James Ormestoun, fumtyme of that Ilk, declarit traitour and rebell, in his awin ludgeing, within the burch of Jedburgh, in the moneth of Marche 1570 yeiris; and at the hill of Dvn3one, beweft Jedburgh, in the monoth of Januar, the yeir of God faifaid.

Persewar, Mr Davd Borthui.$

Allegit the saif Commender, for himself, that he fuld haif Perife to pas vpoun his Afsyis, in respect that he is aine Lord of Parliament.—Anfuerit my Lord Advoacat, that albeit the saif Commender haif voit in Parliament, yet that may nocht contryne the Juge to gif him Lordis vpoun his Afsyis; for then it fuld follow, that the burgeffis being accufat, sould haif Lordis vpoun thair Afsyis, becaus thai are the thrid Eftait in Parliament. In respect of the quhilik, alleges the saif Mr Davd Borthui, advocate, that the Lard of Riddell, being aine barroun of auld blude, fuld pas vpoun his Afsyis, and is suficient thairto.

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1 To the westward of.
2 Mr Davd Borthui of Lochhil, and Mr Robert Crechton of Ellick, held the office of joint King's Advocates at this time.
3 In this instance, perife signifies not only equals or peers in point of rank, but Peers or Lords of Parliament.
4 Bind, or constrain.
The Justice, be Interloquitor,¹ in respect of the allegations, continewis the mater, vnder fouerte, to the morne. Plegio, Alexandro Hume de Hutounhall.

Oct. 24.—Continued to Feb. xv.²

Shooting and Slaughter of Deer and Hoes.

Oct. 26.—JOHANNE CARMICHELL of Medowflatt,³ Thomas Mureman, younger, in Kirkbraiderig,⁴ William Johnustoun of Kellobank, Sym Carmichell,⁵ Thomas Johnustoun of Podene, Johnne Bretame in Dafulhill, Johnne Moffett in Hennalind, James Johnncoustoun of Brakinfyde, Herbert Brettame, his bruder.

Dilatit of the schutting and slaughter of deir and ra, in Meggitland, incontrair the tennour of the Actis of Parliament.

George Balfour, Priour of the Charterhous, Sir Kew Kennedye of Girvanemanys, knycht, John Johnustoun of that Ik, and Thomas Johnustoun of Cragaburne, become fouerties, &c., that thai and ilk ane of thame fall fatesse our fourerane lordis will, abstene in tymes cuming, and deliuer their gunnis to the Capitane of the Caftell of Edinburghe, betuix and the first day of December nixttoctum, vnder the pane foirfaid.

Stealing of Tombstones.

Nov. 3.—ALEXANDER MCKE in Inurowrie, Johnne Fraer, mafoun in Aberdene, David Scherare mafoun thair, and Johnne Baynse, at the croce of Inurowrie.

Davud Leith of . . . . . . . , scherorgeane and cuttir of the flane⁶ befode Abirdene, oft tymes callit to haft producit our fourerane lordis lettres deulie execut and in dorflate, purschet be James Elphinston of Glak, Johnne Seytoun of Lumfurd, Kirkmaisteris of the Kirk of Devyot and the Adoucattis, to tak fouerte of Alex. Mcke, &c., that thai fuld compeir befor our fourerane lordis Justice or his deputis this day and place, to vndirlye the law, for the thifteous steling and away taking furth of the Kirkyard of Devyot, of ane grit nowmer of heuyn kirk-flanes, committit in the moneth of Junij laftbypaft, &c. And nocht comperand, was thairfor amerciat in the panes contenit in the Actis of Parliament, viz., for ilkane of thame, in the pane of ten pundis.

¹ A judgment so called, quia judex ad interim loquitur, Crooksh. Church Hist., &c. ² This case was afterwards continued to April 16 and 22, 1577. ³ 150 (1000) marais. ⁴ Vz (500) li. ⁵ And the remainder in the pane of iiij marais each. ⁶ Surgeon and stone-cutter (not cutter for the stone)—in utramque paratus—dexteros alike in the use of the scalpel and chisel—a resurrectionist of tombstones as well as of the tenants of the tomb; at all events it may be charitably inferred, that the four worthies on pannel were his purveyors, in at least one of the branches of his calling.
CRIMINAL TRIALS.

10 Jac. VI.

Consecration of the Lieges—Asurpation of King’s Authority, &c.

Nov. 6.—George Crawfurde of Lefnoris, Hew Crawfurde of Auchinzie his Bailie, George Crawfurde of Auchincroiche, Ronald Hutcheon in Hannayfoum, and thirteen others.

Delitit of convocation of our fouerane lordis liegis, to the nowmner of ix persones or thairbye, bodin in feir of weir,1 incontraire the Actis of Parliament; and cuming to the hous of Dauid Blak in Dallek-killis, quhairin thai had houfit Johne Crawfurde of Heidmark, affegeing to the famin be the spase of thre houris or thairbye, quhilk2 thai forceit him to rander the famin to thame; taking of the said Johne Crawfurde in Heidmark perfoure, and haifing of him bund as captiue to the place of Lefinoreis, quhair thai detenit him within the famin, be the spase of xvij dayes or thairbye, in fruite captiuitie and prefoun: Vfurpand thair-throw our fouerane lordis auctoritie vpoun thaim; the said Johne being his hienes frie liege-man, and thai haifand na power nor Commiission to that effect: Committit in the moneth of October, the yier of God I".V", lxxiiij teris; of the speciell cauing, deuifing, sair, pairt-taking, command, affiitance and ratification of the said George Crawfurde of Lefinoreis; and vtheris crymes, at lenth contenit in the lettres direct thairvpoun.

Prelocutouris in defence.

The Lord of Kelwod, Johnne Crawfurde of Camlarig, Johnne Crawfurde in Heidmark,
Mr Alex. Sym, Mr Alex. Mauchane, Mr Robert Crevichoun, King’s Advocat.
Mr Johne Mcfrope, Mr Thomas Welfoun. Prelocutor. The Maister of Yncilte.

Continued to the Justice-air of ‘Air, tertio Itineris vel super premonitione xv dierum.’

Sorcery, Witchcraft and Incantation.

Nov. 8.—Elizabeth or Bessie Dunlop, spous to Andro Jak in Lyne.4

The Trial of Bessie Dunlop is one of the earliest, and may assuredly be reckoned as one of the most extraordinary cases on record, in reference to the infatuation, common to all the nations of Europe at that period, on the subject of Witchcraft. It is in every view extremely interesting, but more particularly on account of the very minute and graphic details given by Bessie of many circumstances connected with the prevailing superstition, especially in relation to the Court of Faerie; which, so far as the Editor knows, are not elsewhere to be found. Few scenes perhaps are anywhere to be met with, so intensely attractive as the meetings with 1 Thom Reid.’

The Ditty, or Indictment, seems to have been an echo of two Declarations, emitted by this

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1 Arrayed in warlike manner. In Latin it is usually expressed more bellicic armatus. 2 Until.
3 Confirmation; from Law Latin, ratibadere. 4 On the margin of the Record, ‘Connic, and bruyt.’ Lyne or Linne, in Ayrshire, was a six-mark land, lying in the barony of Dalry, the property of the family of Lord Boyd. It is likely that Bessie and her husband were tenants or cottars on this estate, as the principal scene of the following transactions is within the county of Ayr. There is also a parish of Line in Peebles-shire.

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ill-fated woman; no doubt extorted, as usual, by the application of the most exquisite tortures. The Inquest or Assize return a *Special Verdict*, corresponding to the various Articles or *points* of the Dittay and Examinations; which poor Bessie, to avoid farther torture, (as may naturally be inferred,) confesses; and is accordingly *fylet,* on her own confession. It is very unfortunate, that in this, as in most other instances during the Sixteenth Century, the Record is so very brief with regard to the procedure which took place in Court.

With regard to the guilt of this unlucky woman, there can hardly be two opinions. She was certainly the dupe of her own overheated imagination, already well stored with such fancies, before her first interview with Thom Reid;¹ who (if not entirely the phantom of a disordered brain) may not unlikely have been some heartless wag, acquainted with the virtues and use of herbs, and who possibly may have played off this too fatal joke on his unhappy victim.

In vindication of the Criminal Tribunals of this country, as well as those of England and France, &c., it is worthy of remark, that in almost all cases of Witchcraft, the trial and the punishment following upon conviction, were as frequently for the public profession of the art, *using of Sorcery,* &c., and for abusing the people with their devilish crafts; as for the act of Witchcraft itself. In some instances, the poor creatures were convicted for being notour Witches, and were put to death, after undergoing the most frightful tortures, on the slendest evidence, afforded by the testimony of ignorant and superstitious country people, when added to the circumstance of their being *habit and reput.*

There was generally, in all cases of this nature, a previous Precognition taken before the Privy Council, most frequently after repeated examinations before the Kirk Session, or the Presbytery of the bounds where the unfortunate victim resided. Such inquisitions generally proceeded upon a special Commission issued by the Privy Council; when the evidence of neighbours was taken down, whose lamentable ignorance and superstitious fears would magnify into Sorcery and Witchcraft the simplest actions in the life of the suspected Witch. Solitary confinement, cold and famine, extreme thirst, the want of sleep, and the privation of all the comforts, even the commonest necessities of life, the desertion of their affrighted relations and friends, added to the cruellest tortures, generally induced them at length, weary of life, to make their *Confession,* as it was called.

One of the most powerful incentives to *Confession* was systematically to deprive the suspected Witch of the refreshment of her natural rest and sleep; and the crueller means were often resorted to, to accomplish this heinous purpose. Even the indulgence of lying in a reclining posture on their handful of straw was frequently denied them. This engine of inhuman oppression was perhaps more effectual in extorting confessions, than the actual application of the torture or *question* itself. Iron collars, or *Witches bridles,* are still preserved in various parts of Scotland, which had formerly been used for such inquietous purposes. These instruments were so constructed, that by means of a hoop which passed over the head, a piece of iron, having four points or prongs, was forcibly thrust into the mouth, two of these being directed to the tongue and palate, the others pointing outwards to each cheek. This infernal machine was secured by a padlock. At the back of the collar was fixed a ring, by which to attach the Witch to a staple in the wall of her cell. Thus equipped, and night and day 'walked' and watched by some skilful person appointed by her inquisitors, the unhappy creature, after a few days of such discipline, maddened by the misery of her forlorn and helpless state, would be rendered fit for 'confessing' any thing, in order to be rid of the drags of her wretched life.

At intervals, fresh examinations took place, and these were repeated from time to time, until her *continancy,* as it was termed, was subdued. The Clergy and Kirk Sessions appear to have been the unwearied instruments of 'purging the land of witchcraft;' and to them, in the first instance, all such complaints and informations were made.

¹ In Article 14, we are informed that Thom was 'officier to the Lord of Blair,' probably his baron-officer.
Trial followed closely on the emission of one or more of the Declarations or Confessions thus obtained, which formed the groundwork of the public accusation and prosecution. The Assize, having merely to compare the indictment or dictat with the previously extorted Confession, and such other written or oral testimony as the prosecutor chose to adduce, returned their verdict, 'culpable and felony.' Doom was, of course, pronounced in terms of law—and in a few hours the wretched victim was led out to the stake, to be strangled and burnt to ashes.

Dilatat of the vifing of Sorcerie, Witchcraft, and Incantatione, with Invocation of fpretis of the devill; continewand in familiaritie with thame, at all fic tymes as siche thocht expedient; deling with charms, and abufing the peple with devillish craft of sorcerer forfaid, be the meanis eftir fpeeceft; vift thir diuerse yeiris bypast; spesialie, at the tymes and in maner following.

In the first, That sforfamekle as the saide Elizabeth being demandit, be quhat art and knaunege siche culd tell diuerse perfounes of thingis thai tynt, or wer floillin away, or help feik perfounes? Anfuerit and declarit, that siche hirulf had na kynd of art nor science swa to do; bot diuerse tymes, quhen onye siche perfounes come ather to hir, sichewald inquire at ane Thom Reid, quha deit at Pinkye, as he himself affirmit; wha wald tell hir, quhen euir siche askit. — (8.) Item, Schie being inquirit, quhat kynd of man this Thom Reid was? Declarat, he was ane honest wele elderlie man, gray haird, and had ane gray coitt with Lumbart levis of the auld faffoun; ane pair of gray brekis and quhyte Ichankis, gartait abone the kene; ane blak bonet on his heid, cloife behind and plane befoir, with filkin laiffis drawin throw the lippis thairof; and ane quhyte wand in his hand. — (8.) Item, Being interrogat, how and in quhat maner of place the saide Thom Reid come to hir? Anfuerit, as siche was ganged betuix hir awin hous and the yard of Monkefalt, dryvand hir ky to the pasturie, and makand hevye fair dule with hir self, gretand verrie faft for hir kow that was deid, hir husband and chyld, that wer lyand feik in the land ill, and siche new ruffle out of gislande.
The forefaid Thom mett hir be the way, heisit hir, and said, 'Gude day, Beffie;' and sche said, 'God spieid yow, gudeman.' This Sancta Marie, said he, 'Beffie, quhy maiks thow fa grit dule and fair greting for ony wardlie thing?' Sche anuerit, 'Allace! haife I nocht grit caus to mak grit dule? for our geir is trakit; and my husband is on the point of deid, and ane babie of my awin will nocht leve; and my self at ane walk point; haife I nocht gude caus thane to haife ane fair hart?' Bot Thom said, 'Beffie, thow hes crabit' God, and afkit fum thing you fuld nocht haife done; and, thairfor, I counsell thee to mend to him: for I tell thee thy barne fall die, and the feik kow, or' yow cum hame; thy twa scheip fall de to: bot thy husband fall mend, and be als haill and feir as euir he was.' And than was I sumthing blyther, fra he tauld me that my gudeman wald mend. Than Thome Reid was away went fra me, in throw the yard of Monkcaisell; and I thocht he gait in at ane narowe hoill of the dyke nor ony erdlie man culd haif gane throw; and fwa I was sumthing flet.' This was the first tyme that Thom and Beffie forgadderit.—(4.) Item, The thrid tyme, he apperit to hir, as sche was gangand betunix hir awin hous and the Thorne of Damwetarnok, quhair be tareit ane gude quhyle with hir, and spierit at hir, 'Gif sche wald nocht trow' in him?' Sche said, 'Sche wald trow in ony bodye did her gude.' And Thom pro-mefit hir bayth geir, horfis, and ky, and vthir graith, gif fcho wald denye hir Christindome, and the faith sche tike at the funt-flane. Quhairvnto sche anuerit, 'That gif sche fuld be revin at horf-taillis, sche fuld nuer do that;' bot promiseit to be leill and trew to him in ony thing sche culd do. And forder, he was sumthing angrie with hir that (fche) wald nocht grant to that quhilk he fpak.—(5.) Item, The ferd tyme he apperit in hir awin hous to hir, about the xij hour of the day, quhair thair was fittand thre taliȝecours, and hir awin gudeman; and he tike hir apperoun and led hir to the dure with him, and sche followit, and zeid vp with him to the kill-end, quhair he forbaid hir to speik or feir for ony thing sche hard or faw; and quhene thai had gane ane lytle pece fordwerd, sche faw twelf perfounes, aucht wemen and fouren men: The men wer

1 'Fylit.'
2 It seems not a little singular that these personages, whether 'gude wychtis,' 'brounies,' or 'ynpis,' et hoc genus omne, nay, even 'Sathanas' himself, uniformly make use of the most pious salutations; often, indeed, the very words which the strange superstition of the Judge and Jury would have uttered in time of need to have dispersed them, or sunk them 100 fathoms deep in the Red Sea! Their own superstitious recollections should have informed them, that no evil spirit, such as they imagined the Thom Reids, Sathans, &c. to be, could have, even for a moment, listened to these holy words; far less to have gravely pronounced them. No doubt these were the common salutations of the Catholicks of the Church of Rome of this period, but assuredly not lightly to be pronounced by such questionable characters as Thom. Earthly, worldly. 4 Dwindled away. 5 Provoked, displeased, made angry, vexed. 6 (Likewise?) before you get home. 7 Fleyed, afraid. 8 'Con-sefitt and fylit.' 9 There is probably a clerical omission in this part of the Record, for no notice is taken of the second meeting. 10 Thorns were well-known 'tryling places,' as well for brounies as for lovers. 11 Believe, put confidence in. 12 At the font, in baptism. 13 Vide Articles 6 and 25, &c. 14 'Consefitt and fylit.' 15 Fourth. 16 Gael, went.
ished in gentilmennis clothinge, and the wemene had all plaiddis round about thame, and wer verrie femelie lyke to fe; and Thome was with thame: And demandit, Gif fiche knew ony of thame? Anfuerit, Nane, except Thom. Demandit, What thai said to hir? Anfuerit, Thai said hir fit dou, and said, 'Wel-cum, Beffie, will thow go with us?' Bot fiche anfuerit nocht; becaus Thom had forbidden hir. And forder declarit, That fiche knew nocht quhat purpois thai had amangis thaine,' onlie fiche faw thair lippis move; and within a short space thai pairtit all away; and ane hideous vglie lowche of wind followit thame: and fiche lay feik quhill Thom came agane bak fra thame.3—(6.) Item, Schene beginning demandit, Gif fiche sperit at Thom quhat perfoones thai war? Anfuerit, That thai war the gude wychtis that wynnit in the Court of Elfame;2 quha come thair to delyre hir to go with thame: And forder, Thom defyr it hir to do the fiam; quha anfuerit, 'Schene faw na proffite to gang thai kynd of gaitiss, vnes fiche kend quhairfor!' Thom said, 'Seis thow nocht me, baith meit-worth, clai-th-worth, and gude aneuch lyke in perfoun; and (he?) fuld make hir far better nor euer fiche was?' Schene anfuerit, 'That fiche duelt with hir awin husband and bairnis, and culd nocht leif thame.' And fwa Thom began to be verrie crabt4 with hir, and said, 'Gif fwa fiche thocht, fiche wald get lytill gude of him.'5—(7.) Interrogat, Gif fiche had socht ony thing at Thom to help hir self, or ony vthir with? Anfuerit, That quhen fundrie perfoones cam to hir to feik help for thair beift, thair kow or yow,6 or for ane barne that was tane away with ane evil blatt of wind, or elf-grippit, fiche gait7 and sperit at Thom, Quhat mycht help thame? And Thom wald pull ane herb, and gif hir out of his awin hand; and baid hir fchein8 the famin with onye vthir kynd of herbis, and oppin the beiftis mouth, and put thame in; and the beift wald mend.7—(8.) Item, Thom gaif hir, out of his awin hand, ane thing lyke the rute of ane beift, and baid hir owthir feith, and mak ane faw9 of it, or ellis dry it, and mak pulder of it, and gif it to feik perfoones, and thai fuld mend. Interrogat, How fiche knew the famin wald hail? Declarit, That fa fon as fiche rubbit the fa wvoun the patient, man or woman, or chyld, and it drank in, the chyld wald mend; bot gif it fwa out, the perfooun wald die.7—(9.) Item, Demandit, To whom fiche applyit that kynd of medecine? Anfuerit, That fiche mendit Johne Jakis barne, and Wilfounes of

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1 i.e. What was the subject of their conference. 2 'Confessit and sylit.' 3 The good neighbours or brownies, who dwelt at the Court of Faery, q. d. Elf-hame. 4 Crabb'd, cross, angry. 5 'Confessit and sylit.' See Articles 4 and 25, &c. 6 Ewe. 7 West. 8 This word 'fchein' does not only here signify to shear or cut as with a scythe or sickle, but to 'schair,' 'scheir,' or 'strain, i.e. after being mingled with other herbs, it was to be sifted, if in the state of powder, or strained, through a sieve or cloth, if in a liquid form. See also Article 9. 9 'Confessit and sylit.' 10 i.e. Either seethe, and make a salve or ointment of it, or else dry it, and make a powder of it. 11 'Confessit and sylit.'
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the toun, and hir gudeman-fiferis kow: Thre tymes Thom gaif hir sic ane herb out of his awin hand. And demandit, To quhom fiche applyit the powder in drink? Declarit, That the Ladye Johnsteoune, elder, fend to hir ane feroand of the said ladies, callit Catherine Dunlop, to help ane young gentill woman, hir dochter, now mareit on the young Lard of Stanelie; and i thairvpon akit ounfall at Thom. And he faiid to me, 'that hir seiknes was ane cauld blude, that gaid about hir hart, that caufit hir to dwam and vigous away,' and Thom baied hir tak ane pairt of ginger, clowis, annetfiedis, licorefe, and fum flark aill, and feith thame togidder, and fchyre it; and put it in ane veschell, and tak ane luyll quantettie of it in ane mutchkin cane, and fum quhyte fucker caffin amang it; tak and drink thairof ilk day, in the morning; gang' ane quhyte eftir, befor meit; and fiche wald be haill. Interrogat, Quhair fiche gaif the gentill woman the drink? Anfuerit, In hir awin fitteris hous, the young Ladye Blakhallis. Demandit, Quhat fiche gat for hir doing? Declarit, Ane pek of meill and fum cheife.—(10.) Item, Demandit, Gif any vther perfoune had bene at hir for the lyke caus? Declarit, That the Ladye Kilbowye, elder, fend for hir, and defyrit to se gif fiche culd mak hir ony help for hir lyk leg, that was cruiikt; quha promeit anfuer, sa fone as fiche had spokin with Thom; but Thom faid, 'Sche wald neur mendi; becaus the merch' of the bane was conumit, and the blude dofinit; and gif fiche focht onye forder help, it wald be war with hir!'—(11.) Item, Sche being demandit, Gif fiche culd do onye gude to onye wemene that wer in travell of thair chyld bed-lair? Anfuerit, That fiche culd do nathing, quhill fiche had firft spokin with Thom; quha layit doun to hir ane grene filkin laife, out of his awin hand, and baide hir tak it to thair wylie coittis, and knit about thair left arme; and incontinent the felk woman fuld be deliuer. But the faid laife being layit anis doun be Thom, fiche culd neur apprehend it, and maid grit feking thairfuir? Item, Declarit, That quhen hirself was lyand in chyld-bed-lair of hir laat laid, Thom come to hir, in hir awin hous, and baide hir 'tak ane gude hart to hir, for nathing fuld all hir.'—(12.) Interrogat, Gif fiche culd tel of ony thing that was auy, or ony thing that was to cum? Anfuerit, That fiche culd do nathing hir felff, bot as Thom talid hir: And farder declarit, That mony folkis in the

1 Suddenly to swoon or faint away; vertigine corripi. The word 'vigous' the Editor never before heard of. It appears to have a similar sense with 'dvwalm,' and is probably from Lat. vacare, vagare, or Fr. vaguer, indicative of an extraordinary vacuity, or wandering of the mind and senses; or the indescribable sensations experienced by those who are recovering from a swoon. Extremely old people are vulgarly said to be 'quite enig,' when insensible to what is passing around them, although they still retain, to a certain degree, the senses of hearing and seeing. Vige, Dan. and wage (voiege). Swed. signify, to give way, to give way from want of ability to resist, and may perhaps be the root of this word.
2 Vid. Article 7. 3 Go, walk. 4 Marrow. 5 'Conseffit and fylit.' 6 Tack or attach it to their under-dress. The 'wylie colt' seems to have been an under-dress, such as a woollen or flannel jacket. 7 'Conseffit and fylit.' 8 Burden, not lad or laddie. See also Article 20.
countre (came to hir?) to gett witt of geir ftoillin fra thame. Demandit, Quhat perfooues thai wer? Anfuercit, The Ladye Thridpairt, in the baronye of Renfrew, fent to hir, and sperit at her, Quha was it that had ftoillin fra hir twa horns of gold, and ane crowne of the fone, out of hir pyrfe? And, efir fche had spokin with Thom, within xx dayis, fche fent hir word quha had thame; and fche gat thame agane. Item, James Cwninghame, chalmerlaine of Kilwinning, come to hir about fum beir that was ftoillin furth of the barne of Cragance; and fche talcd him quhar it was; and he gat it agane. Item, The Ladye Blaire fun-drie tymes had spokin with her, about fum claisfe that was ftoillin fra hir; ane pair of stemming hoife, ane pair of fcheittis, ane codwair, lynning claithis, färkis and feruettis, for the qhilkis fche dange and wrackit hir awin fernandis; but Thom tauld hir, 'That Margret Symple, hir awin friend' and fernand, had ftoillin thame.' Item, Being demandit of William Kyle, burges of Urvin, as he was cumand out of Dubmantane, quha was the stellair of Hew Scottis cloik, ane burges of the sam toum? Thom anfuercit, 'That the cloik wald nocht be gottin; becaufe it wane (ware?) tane away be Malye Boyde, duellare in the sam toum, and was put out of the faifoun of ane cloik, in ane kirtill:" and albeit, ye faid William had promeifit that fche fuld nocht be trublit for the declaratoun of the famin; yit, fa fone as fche com to the mercat of Urvin, fche was put in the tol-buyth and frrukin; bot was relevit be James Blair, brothir to William Blair of the Strand.'—(13.) Item, Demandit, (Gif fche had been applyit to?) be Henrie Jamefoun and James Baird in the Manyis of Watterftoun, to get thame knaw-lege quha had ftoillin thair plew-irnis, fittick and mufell? Declarit, 'Sche fuld gif thame anfuer fa fone as fche had spokin with Thom; quha fchew hir that Johne Blak and George Blak, finythiss, had ftoillin the famin; and that the cow-tir and fok wer lyand in his awin hous, betuix ane mekle ark and ane grit kift:' And forder fald, 'That quhen thai com thair to the ryping, thai fuld nocht find thame; becaus that Jame Dowgall, therifiss officiar, quha than prefentlie was with thame, fuld reifai thre pundis for the concealing of thame; for the qhillik caus alt, fche was apprehendit be the faids finythis, and brocht to my Lord of Glasgouw.'—(14.) Interrogat, Quhow fche kennit that this man was Thome Reid, that deit at Pinkye? Anfuercit, Sche neuir knew him quhen he was on lyfe; bot that fche fuld nocht dout that it was he bad hir gang to Thom Reid, his fone, now officiare in his place, to the Lard of Blair, and to certain vtheris his kynniifene and freinds thair, quhom he namit; and baid thame re-floir certane guidis, and mend vthir offfensis thai had done; and that it was

1 Relative or relation. 2 Altered from the shape of a cloak into that of a kirtle. 3 Fylit. See Article 15. 4 See Article 26. 5 Confesfit and fylit.' The Bishop of Glasgow, James Boyd of Trochrig, was the second son of Adam Boyd of Pinkill, brother to Lord Boyd, who was Bessie's landlord; and, as appears from Article 23, seems to have been favourable to Bessie.
he that send thame word thairof: 'Remember that quhen he and he went togidder to the blak Settirday; and that the sauld haif bene ane vther gait; he drew him be the Kirk of Dalrye, and thair coft ane pund of feggis and gaif him, and put thame in his naipkin; and sa thai went togidder, quhill thai com to the feld.'—(15.) ITEM, Interrogat, Gif Thom, at his awin hand, had send to ony perfoun, to schaw thame thingis to cum? Declarit, That he send hir to na creatour in middlyerd, bot to William Blair of the Strand, and his eldste dochter, quha was contractit and schortlie to be mareit with Crawfurd, young Lard of Baldland, and declar vnto thame, 'That gif fsche mareit that man, fsche fuld sythir die ane s chamefull deid, flay hir self, caft hirself down our ane craig, or ga reidwod; quhaisby the faud mareage was fstayt; and the lard foorfald mareit hir youngeste futter. Tryit to be of veritie.'—(16.) INTERROGAT, Quhat fsche thocht of the new law? Anfuerit, That fsche had spokin with Thom about that mater; bot Thom anfuerit, That this new law was nocht gude; and that the auld fstayth fuld cum hame agane, but nocht ic as it was befoir.—INTERROGAT, Gif euir fsche had bene in fupfect place with Thom, or had carnell deill with him? Declarit nocht vpoun hir fulatioun and condemnation; bot anis he take hir be the aproun, and wald haif had hir gangand with him to Eilfae.'—(17.) ITEM, Interrogat, Quhat tymie of the day or nycht meait fefrit to hir? Anfuerit, That at the twelft hour of the day was his commoun appearing.—(18.) INTERROGAT, Gif fsche had fene him gangand vp and doun the warid? Declarit, That anis fsche fsaw him gangand in the kirkyard of Dalrye, amangis the people.—(19.) Demandit, Gif fsche spak onye thing to him? Anfuerit, Na, because he ha had fobiddin hir, that, quhais euir fsche fsaw him, or mett with him, fsche fuld neur fspeik to him, vnles fsche spak to hir firft. ITEM, fsche fsaw him gangand vp and doun on the gait of Edinburgh, vpoun ane mercat day, quhais he leuch vpoun hir, and gaed vp and doun amangis the peple, and put his handis to the lavis, as vthir folk did.—(20.) INTERROGAT, Gif fsche neir afskit the qeftioun at hir, Quhaifoir he com to hir maire (than) to ane vthir bodye? Anfuerit, Remembrig hir, quhen fsche was lyand in chyld-bed-lair, with ane of hir laiddis, 1

1 These and the following blanks left in the Record. The words quoted are those which Thome desired her to repeat to each of these persons, in testimony of the truth of her errand. 
2 The fatal field of Pinkie, Inveresk, or Musselburgh, fought on 10th Sept. 1547. Besides the account by Patten the Londoner, reprinted by Dallyell in his Fragments of Scotch History, there is an interesting French account of this battle by M. Berteville, lately presented by Mr D. Constable, to the Members of the Bannatyne Club, accompanied by a very curious contemporary plan of the battle, the original engraving of which (the property of the Bannatyne Club) is now placed in the Museum of the Society of Antiquaries of Scotland. 
3 Viz. to Pinkie. 
4 Fylit. 
5 Middle-earth, often alluded to in fairy superstition. 
6 Vide Article 12. 
7 Stark, or raving mad. 
8 The Reformed Religion. 
9 Fylit. be the affyns heirof. 
10 Fylit. Fairyland, (q. d. Elf-hame.) See Article 6, &c. 
11 Fylit. 
12 Fylit. 
13 Fylit. 
14 Street. 
15 Fylit. 
16 See Article 12.
that ane stout woman com in to hir, and sat down on the forme befyde hir, and askit ane drink at hir, and fche gaif hir; quha aulfua taud hir, that that barne wald de, and that hir husband fuld mend of his feiknes. The said Befis an-
funet, that fche remembret wele thairof; and Thom said, That was the Quene of Elsam his maistres, quha had commandit him to wait vpoun hir, and to do hir gude.\(21\) \textbf{INTERROGAT}, Gif euir fche had fpokin with him at ane loich and watter-fyde? Anfuerit, Neir fave anis that fche had gane aefild with hir husband to Leith, for hame bringing of mele, and ganging aefild to teddy\(8\) hir naig at Restalrig-loch, quhair thair come ane cumpanye of rydaris by, that maid fic ane dymn as heavin and erd had gane togidder; and incontinent, thair raid in to the loich, with mony hiddous rumbull. Bot Thom tauld, It was the gute wichtis that wer rydand in Middilzerd.\(22\) \textbf{INTERROGAT}, Quhene fche spak laft with Thom? Declarat, On the morne aftir Candilmes-day laftwas, quhair fche spak with him, and he tauld hir of the evil weddir that was to cum.\(4\) \textbf{INTERROGAT}, Gif fche neir speter, quhat truble fuld cum to hir for his cumpanye? Declarat, That fche wald be trublit thairfuir; bot baird hir feik ane afillis of hir nychtbouris, and no thing fuld aill hir:—ffordir declarit, that fche fuld be brocht to Glaigw, and fche come in the Bischopis handis, fche wald be wele treit, and fend hame agane.\(24\) \textbf{ITEM}, the said Befis declaris, that the Lord of Auchinfkeyth\(8\) is rydand with the fmal-folk,\(7\) albeit he deit in zeur fyne.\(8\)

\textbf{APUD Dalkeyth, xxm Septembris, anno 1576.} \(25\) \textbf{BESSyE DUNLOP} being re-examinat, in presence of the Lord of Quhittinghame and George Auchinlek of Balmanno, and being inquirit, Quhow oft Thom Reid come to hir, or\(8\) fche inquirit quhow thai callit hir? Deponis, That he com thris, and that fche had na power at na tyne, to try or tell ony vthir, in the monetyme, of his cuming. He requirit hir fundrie tyymes to pas with him, and becaus fche refusit, he schuikel his heid, and faid that he fuld caus hir forthink it.\(29\) Deponis forder, that fche has fpokin with him at diuerfe tyymes, be the space of fouer zeciris.\(11\) \textbf{BEING inquirit anent the pleuch-irnis, rollin fra Henrie Jamefoun and James Baird,\(1\)} depones, That fche inquirit at Thom Reid, quha declarit to hir, that Gabriell Blak and Geordie Blak in 'Lokarfyde law thame, and brocht thame to thair faderis hous, namit Johnne Blak, vpoun ane cuttit gray horfe;\(12\) on ane Setterday, in the nycht; quhilk fche tauld agane to the saids Henrie Jamefoun and James

\textbf{1} 'Conffeil and yfilit.' \textbf{2} 'Toher, or tie to a stake at pasture.' \textbf{3} 'Conffeil and yfilit.'

\textbf{4} 'Conffeil and yfilit.' \textbf{5} 'Conffeil and yfilit.' \textbf{7} 'Conffeil and yfilit.' \textbf{8} 'Conffeil and yfilit.'

\textbf{9} 'Before, ece.' \textbf{10} 'See Articles 4 and 6, &c.' \textbf{11} 'Con-

\textbf{feil and yfilit.'} \textbf{12} See Article 12. \textbf{13} 'See Article 18.'

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\textbf{H}
Baird.—(27.) Item, deponis that four 3eir fyne, or thairbye, fiche saw the Laird of Auchinfinkeith, at a thorne, beyond Monkcaftell; quhilk Lard deit mair nor fyve 3eir fyne. Thaireftir, fiche, at the defyre of the Ladye Auchinfinkeith, inquirit at Thom Reid, Giff sic 3eir 3eir was amangis thame? Quha anfuerit, That he was amangis thame.

Assisa.

Andro Craufurd of Baithlem, Henry Clerk in Cokeydaill, James Harvy in Kilburnie,
Hew Hommyll in Kilburne, Johane Knok in Kilcafe, Robert Roger their,
Thomas Gaway their, James Aitkyn in Belgrene, Johane Boyde in Gowanlie,
Cubbert Craufurd in Kilburne, Johane Or in Barnach, Johane Cochrane in the Manyes of Bar,
Hew Dunlop of Crawford, Thomas Caldwell in Bultreis, Thomas Stewart of Flafwood.

Verdict. And immediatlie efter the cheing and swering of the faidis per-
sones of Aylis, as wie is, the said Elizabeth Dunlop, being on pannell, accuit be
dittay oppinie red in judgament, of the crymes aboue written; the faum per-
sones removit thame felsinis furth of Court, and altogidder conuenit, and reflow-
nit on the pointis of the faid dittay; and being rypelie awysit thairwith, and re-
foluit thairin; re-enterit agane to the said Court of Jufticiarie, and thair, in
preence of the said Juftice Depute, be thair deluerance, pronunciet and declarit
be the mouth and speking of Andro Craufurd of Baithlem, ssand and deluerit
the said Elizabeth Dunlop, to be culpable fylit and convicct, off the hail pointis
aboue written, and of vfang of Witchcraft, Sorcerie, and Incantatioun, with Inno-
catioun of spreittis of the devill, continewand in familiaritie with thame at all
tymes, as fiche thocht expedient, and thairbye deling with charmes, and abufing
the peple, with hir devellisiche craft of forcerie forfaifaid, be the meansis aboue spre-
cefit.

Sentence. 'Conuict, and Brynt.'

Note. Unfortunately, the sentence has not been recorded at length in the Books of Adjourn;
but the terms of it most probably were, that she should be carried to the Castle-hill of Edinburgh, and
there 'murreit at one flash,' and thereafter her body to be 'brynt in aflis,' and her whole moveable
goods 'echeit, and inbrocht to the kingis vfe.' There is merely a marginal marking on the Record,
such as was usual at that period, viz. 'Conuict, and brynt;' and there is no reason to suppose that the
sentence was mitigated.

[Alexander Bannatyne, Justice-Depute.]

Ambesetting of the High-way, &c.

Nov. 16.—James Witherspune of Brighous.

Dilatit of the vmbefetting of the hie gait to William Park younger in

1 'Conseifit and fylit.' 2 The ' thorne' here alluded to, was a fairie's trysting-tree or imp-tree.
Thorns have ever been favouritte trysting-places, as well for lovers as 'brounies,' and 'the guid wichten,'
or 'guid nighbours.' 3 'Conseifit and fylit.' 4 See Article 24.

This is usually rendered in the Record, obaidiatio vici regii, a besieging, obstructing, or besetting of the high way.
Lynlythgwy, and schutting of him with ane pithulet in the rycht sid, to the grit effusion of his blude; committit the xxviiij day of March laftbypaft.—Continued to Dec. xix; 'Plegio, Roberto Levingtoun de Weystquarter.'

**Breaking Lock-last Places—Theft, &c.**

Nov. 16.—**William Burrell,** servand to Dauid Clerk in Dysfert.

Dilatit of the thiftuous vpbreking of ane lokfaft kist, being within his said maisterys hous in Dysfert, in his absance, he hauing the credit and keping the said Dauid his maisteris hous, in the menetyme; and steling, canceling, and away-taking fra the said Dauid, thifnewlie, furth of the samyn, of I'. pundis1 money of this realme, and disponing vpoun ane pairt thairof at his pleȝour; committit in the moneth of October laftbypaft.

The quhilk cryme of thift the said William Burrell confesfit in prescence of the said Justice-Depute, and haill perfonnes of Assyis.

**Verdict.** The Assyis, be restoub of the said Willeames awin Confeffion, sfaund and deliuerit the said William to be culpable of the cryme aboue writtin, and convict yairof.—'Convict. et Suspen.'

**Deforcing of a Messenger.**

Nov. 20.—**Patrick Gordoun** of Brakny and **Patrick Hunter,** burges of Abirden.

Dilatit of the deforcing, at the leiff stopping of Mr Gilbert Buchane, messfinger, in executioun of his office, &c.

**Prelocutouris for the pannell.**

Mr Alexander Skene,
Maister Thomas Craig.

**Persewaris.**

Mr Gilbert Buchane, messfinger,
Mr Robert Crevshot, advocat.

The Justice, be interloquitour, finding the mater and cryme quhariafof the per-sonnes on pannell are accufit, to be ane allegeit deforcing, at the leiff stopping of ane officer in executioun of his office; ordanis the samyn first to be ciulie di-cussit.

**Field of Langside—Slaughter.**

Nov. 26.—**George Mowtray** of Markinche.3

Dilatit of the treasonable cuming to the field of Langside, aganis our souerane lord and his hienes auctorite royale, and vmywile his darrest vncle, James Erle

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1 L.100.  2 Plegis, Dom. de Awdie junior, Will. Hammilton de Portmanno, Will. Blacader de Taifis et Joh. Seytoun de Pitude. Plegios devenerunt, conjunctim et divifim, sub pena bis mille librarum.' This case was, on Nov. 9, remitted to the Justice-air of 'Fyffe, tertio Itineris vel super premonitioxe x spectrum.
of Murray, Lord Abirnethie, &c. Regent to his hienes and of this realme and ilegis for the tyme, of gude memorie, the xiiij day of Mai, the seir of God, 1568 seiris, and fauchteris committit thairat, &c.

Persewar, Mr Robert Creychtoun, aduocat.

ASSISA.

Henrie Lord Sinclair, Thomas Grundeofon of Kyngarick, The Lord of Castogre, 1
David Barclay of Cullarnye, Johane Borthuilc of Gordownifall, 2 David Carmichael of Balmadie,
The Lord of Anfruther, Alex. Monypenny of Kynkell, 3 Robert Strang of Kildrummy,
The Lard of Balgonie, younger, The Lard of Balfour, 4 Robert Betoun, brother to the
Florence Auchmowtie, in The Lard of Balcaskye, 5
Dumfermling, The Lard of Balfour.

Proteftis Mr Robert Creychtoun, aduocat, that in caife the Aflisyis acquit, for
wilfull error, &c.

The saide George Mowtray of Markinche, afskit intrumentis of his disafenting
to onye continuawion of this mater ; and that he defyris the perioones of A-
syis, prefentlie to cognofce thairin, and nocht to pas away vnsesoluit.

ABSENTIS AB ASSISA Domini de Markinche.

Magnae Sinclairi bruder to the Lord Sinclair, David Durie of that Ilk, Alex. Inglis of Inglis-Turriv,
John Kuninghame younger of Barns, the young Laird of Torrie, James Henderson of Fordell,
David Betoun of Creycht, James Mowbray of Pitloe, Andro Klipene of Pitconsthy, the Lard of
Orrok of that Ilk, Alex. Sibbald of Rankselour-over; ikane of thame amerciast to the pane of x
pundis, for non-comperance vpon the saide Aflisyis. 6

The famin day, the Lord of Cullarnye become fouerte for Henrie Lord Sinclair; the Lord Sinclair
for Cullarnye; Carl Roley for Anfruther; Florence Auchmowtie for the Lard of Balgonye; Balgonye
for the saide Florence; Gordownifall for Carl Roley; Cullarnye for Balmadie; Balcaskye for Robert
Strang; Balgonye for Baram; the Lard of Balfour for Robert Betoun, with the refh abose writtin;
ilkane for vtheris, vnder the pane of 1' pundis, to re-entir the xviij day of December nixttoecum.

Jamesuciken — Oppression — Theft, &c.

Dec. 1.—JOHNNE MUNTGMURIE of Scottistoun, Walter Muntgmurie,
his broder, 7 and Robert Kent, feruand to the saide Johnne. 8

The saide Walter Muntgmurie proteftis, that the continewatyon of the said
mater to the third day of the Air, or foner, &c., preinge nawyill the regalitie of
Glaigw, quhairin he duellis.

The saide Robert Kent, dilatit of airt and pairt of the crymes vnderwrittin,
contenit in our foueran lordis lettres, purchest be Hew Muntgmurie of Heafilheid,
Marioun Sempiill his fpuos, M' David Borthuilc of Lochhill, and Robert Creych-

1 Plegio, Kynkell. 2 Plegio, Carl Roley. 3 Plegio, Anfruther. 4 Plegio, Rob. Betoun.
5 Plegio, Rob. Strang. 6 NOTA. Yis vnlaw nocht to be gevin furth, in respect of aue sufficient
newmer of Aflisyis gottin. 7 L.100. 8 Plegio, Johanne Spreall de Ladyemure, pro his duobus.
town of Eiok, Advocatiss to our fouerane lord, for his hienes intereft: Qubillikis lettres makis mentioum:

DITTAY against Robert Kent.

That vpoun pe six day of Julii lastbypast, vmq" Gabriell Muntgunrrie, broder to Johne Muntgunrrie of Scotstifoum, being cumit to the place of Hesflibde, and being offendit be ane cuff;1 allegit gevin be pe said Marioun Sempil to Robert Kent, siruand to pe said vmq" Gabriell; and seing the tymne wald nocht ferse to tak revene at that time, of his former confuitt malice; he depairrit in his rage, and confuitt hartrent2 that nycht, to the place of Thridpart, in Giffing, thre quartaris of ane myle distant fra the said place of Hesflibde, or pairbye; qubair, he having menit3 himself vnto his said brodrid, qubas was pair at buirding, off pe diplesfour, as he allegit, done to his said siruand, and schame vnto himself; the said Johne Muntgunrie, reprochent him of his feblenes, pe he tak nocht thant prestantlie ane revene pairof; exHORT, entyfitt, and houndit him furth pe sam nycht, to pe effectes efur following: Qubas immediatlie pairesfit, pat famun nycht, come to pe said place of Hesflibde, at aj houris in pe nycht, and awaut beseify in pe famun, in pe hous of Alex. Knok qubill4 pe morn pairesfit, qubillik was pe xx day of pe said moneth of Julii; and than returnit to pe said place, to tak revene of pe said Hew, as he in qubais place pe said inuerie was allegit committit, and of pe said Lady, allegit committer of pe famun, by way of deid, as he mycht: And fwa pe said qumhile Gabriell, vpoun pe houndig, furthfitting and counfel of pe said Johne Muntgunrie, his broder, and of his caufing, command, art, part, affitance, and ratification, vpoune prouitoun, forthecht fellonye, bid hartrent, prcogitate malice, and be way of Hameflickin,5 accompaniet w? pe said Robert Kent his siruand, come to pe said place of Hesflibde, in pe morning, vpoun plane purpouis to half flane pe said Hew and his said fpous; and finding pe 3ett of pe said place oppin, and cuming up pe flane pairow, to half endit and perfrme pair fairfayd wickit interpryis, enterit in pe hall of pe famun, and finding pe said Ladye oppining ane lockit bowall,6 and na perfoun with hire painin bot ane lafs, the said Robert Kent pullit hire doun be pe hair of pe heid bakwart to pe ground, and straik and dang hir w? his nevis7 and fett, diuerf mony fair bunch8 straikis, qubairwith pail hair frutit and brokyn hir bowelit, pat fche is neuir abill to confaif barse agane, and is and has been verie evill diusait pairith feynye; and all pe tymne pe said Robert was firykeand hir, pe said qumhile Gabriell fpedef with ane benedit pitule9 in his hand, haldand pe mouth pairow to pe dure pat cumnis fra pe propir chalmir of pe said Hew to pe Hall, thinking pe said Hew fald half cummit in at pe hall dure to reise his said wyfe, quhen he hard hir cry; qubairby pe said qumhile Gabriell mycht half fchoth hir at pe incuming of pe dure forseid.—And becas, pat throw pe crying of pe said Marioun, pe effray10 raife within pe said place, fwa that pe said qumhile Gabrieli and Robert perfuait it was nocht tymne convenient, and was impossibill to pame to execute pair malioust and wickit intent and purpouis againis pe said Hew, quhom pail intendit to half flane; and seing, pat his feruandis within pe said place, fald hane commenit and focht ane revene of pe said pairowd inuerie done vnto his said spous, past furth of his said place, and lokit pe tour get11 pairow outwith behind pame, and take pe keyr of pe famun away with pame: And nocht content pairith, pae thistunfie fall and away take, ane pe hay blak baifoun12 hors fra pe said Hew, furth of his landis of Balgray, pe said xx day of Julii lastbypast; qubairypoun pail raif to pe said place of Thridpart, qubair pae wer refuait in pair fairfayd thistoues deisid be said Johne Muntgunrie, w? plane ratification and maintenance of all pair wickit interpryis and executionis pairow: And 3it, pe saidis perfounes, nocht content w? pe

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1 A slap or slight blow, as with the palm of the hand.  
2 Hatred, remorseful ill-will.  
3 Made known his grievances, complained.  
4 Until.  
5 A violent attack made on a person in his own dwelling.  
6 Perhaps for scone, a small cupboard, or opening cut out of the solid wall, so frequently met with in ancient buildings.—a 'hole-in-the-wall'.  
7 Seat.  
8 Violent, deadly, or unmerciful blows. The word also implies shameful, filthy, dishonourable, &c.  
9 A pistol on full cock.  
10 Alarm, hue-and-cry.  
11 Tower gate, on the outside.  
12 Probably the same as 'beweissit,' having a forehead marked with white.
CRIMINAL TRIALS.  A.D. 1576.

Scheamefull offence committit be pame in maner foresaid; feit pame bydhe Hews, etur pat he had brokyn pame lokkis of pe laid tour yett, to follow on horseback, for recovering of his laid black hors; and cumyn to pame laid place of Thiridpart, quhairin he was adverteist pat paim war enterit with pame famin hors, pame laid Hews having depechit1 his tua fernandis, quhilkis onli he be had with him at pat tym, to viffe and fe about pe laid place of Thiridpart, giff his laid hors was careit ony farder away or nocht, and he be his self lychtand his alane at pat stet pairof, to fe giff his laid hors be necht pare; the said John Muntgunrie and pame laid vnoth2 Gabriell his broder, haifing fene ane reddey occasioun and tym, convenient to pame to execute pairof foresaid creuell intent and wickit interprys, befor confaut and precogitate be pare, and to defend pare scheamefull and thiftuous deidis foirfaisid, and to posyf pame geir conqueist be pame as laid is, mett pame laid Hews at pat stet of pe laid place of Thiridpart, with pifturnetis and drawyn fwerdis in pare handis, and pare lett vpoun him, and scheamefullie, crewallie, and vnmercifullie, allwelly befor his face as behind his bak, invadit him for his slaughtir, and hurt and woundit him on his fillestit,3 behind his bak, and diners vtheris partis of his bodys, to pe gret effioun of his blnde, and left him lynand for deid; and had nocht faillit to haif bled to deid, wer nocht4 pe grace of God and gode neychtbouris, pat come and careit him lame in plaidisi to his laid duelling place.

And, for pame mair bettir performance of pe laid John Muntgunreis eill will and confaut hatrent, aganis pe laid Hews, feiting be Goddis grace he mycht nocht performe pe famin of befor, he pan immediatlie pareftir refssait pe laid Robert Kent in houns with him, with pe recent bludie hand; and he continewallie, fenfuye, reteni and retensi in him in companie and housfhal; to pe effect pat he may get his foresaid wickit interprys of pe laid Hewis slaughtir mair eafele performit: Lykea, vpoun pe xxvij day of August lastbypart, pe laid John Muntgunrie of Scottibfon, accompanaeit with pe laid Robert Kent and Walter Muntgunrie, his broder, bodin in feir of weir5 with jaccis, pifturnetis, fwerdis, buklaris, fleil-bonetis, and vtheris wappinis, insegued, come be wway of Hameflickin to pe landis of Nethirton of Heilheid, and fercheit and focht him parest for his slaughtir; and becaus paim cald nocht appreheid him parest, thai apprehendid James Paterfoun his fernand, kempand his hors yairpoun, and chaift him furt of pe laid landis to pe laid Hewis place of Heilheid, to pe effect pat in cais he had cumit furt of pe famin for his releif, pat paim mycht half bereft him of his lyfe. And parethow, pe laid John Muntgunrie of Scottibfon, Walter Muntgunrie, his broder, and Robert Kent, committad oppins, manifest and vyl opprioufoun vpoun pe laid Marioun, and crewall bludeheding vpoun pe laid Hews, vpoun fett purpois, prouifoun, foirthoocks fellonye, precogitate malice, and Hameflickin; and affus thift and refis pairof, in maner above wriiten. As pe laidis lettres at lenth beris.

Pere sewaris.
Marioun Sempill, Ladey Haelheid.
Mr Robert Creychtoun, advocate.

Pere loctouris, in perfute of the haill crymes lybelit, except the thift.
Johnne Sempill of Belress.

Pere loctouris, in perfute of the said Robert for the haill crymes lybelit.
Mr Robert Munstgunrie, capitan,
The Lard of Bradielane.

Pere loctouris, in defence of the faid Robert for the haill crymes, except the thift lybelit.
Johnne Munstgunrie of Scottibfon,
Edmund Maxwell of Tywall, Mr Alex. Skene,
Gabriel Sempill, younger of Cathcart.

The faidis prelocutoris, in defence of the faid Robert Kent, akfit instrumenitis, that thai will nocht infift in his defence, for the thift lybelit, bot for the remenant crymes onlie.

The faid Robert Kent tukke instrumenitis, that Marioun Sempill, Ladey Hefil-

1 Dispatched, despachett, Old Fr. 2 The fleshy part of the thigh, next the loin; Fr. filet, so termed from the number of sinews which that part covers. The word is still in use in a certain sense, e.g. a filet of veal. 3 Had it not been for the grace, &c. 4 In warlike array.
10 Jac. VI. CRIMINAL TRIALS.

heid, Capitane Robert Muntgumrie and the Lard of Braidstane, inisftis in his perfute of the thiff and vtheris lybellsit.

Assise, prefatis Roberti Kent.

Johns Rois of Hazing, Alex. Wiltoun, in Treerne,
Thomas Steurt of Gaufloun, James Dunlop of thil kirk,
William Kneland of that ilk, Johne Dunlop of Hapland,
Neill Muntgumrie of Langschaw, William Dik, in Gymifhill,
Hew Muntgumrie of Auchin- Johne Steill, younger, in Mony-
hude, akers,

And immediatlie eftir the cheifing, swereng, and admitttng of the saidis per- founis of Aslyis, and accusing of the said Robert Kent, be the Letteris of Dittay forlaid, in thair prefence; the said Mr Alex. Skene, prelocutor forlaid, in name of the said Robert, denyit simpliciter the said dittay and lybell, as it is confauint; specialie, the thiftuous steling and away-taking of ane blak bafoun hors fra the said Hew Muntgumrie of Hefilheid, furth of his landis of Balgray; but that the said Robert onlie fled away thairvpon to the place of Thridpart, for feir and saiftie of his lyfe; and thairfoir, the said Mr Robert Crevichtoun, advocate, in respect of the said confessioun and notoriety of the caus, protestit, giff the perluounes of Aslyis acquit the said Robert Kent of the Dittay forlaid, for wilfull errour.

Verdict. The saidis perluounes of Aslyis, for the maist part, sstane and de- limerit the said Robert Kent to be acquit and innocent of the crymes aboue written, content in the saidis lettres of dittay: Lyke as, thai declarit in iugement in the said Court, and in prefens of the said Juftice depute, be the mouth and spe- king of Johnne Someruell of Cambufethane, chancellare of the said Aslyis.— Quhairvpon, the said Robert Kent akfit instrumentis; and protestit for his tefti- moniall, and the panis content in the Actis of Parliament vpoun the perluwaris forslaidis.

Continued against the other parties, to the Juftice-aire of Renfrew, tertio Itineris, vel super premonitione xv dierum.

Slaughter.

Dec. 1.—Patrik Bruntscheillis in Hefilheid, Andro Giffing in Ne- thir Hefilheid, and James Reid pantreman to the Lard of Hefilheid.¹

Dilaitit of art and part of the crewall slauchtir of vmq Gabriell Muntgumrie, broder to Johne Muntgumrie of Scottifton; committit in the moneth of Julij laftbypast; vpoun sett purpois, prouifioun and foirthocht fellonye.

¹ This Assise was afterwards tried for wilful error. See Jan. 31, 1576-7. ² Plegio, Adamo Muntgumrie de Bruntstane.
The saidis perfounes askt instruments, that Johnne Muntgumrie of Scottifstoun and Waltir Muntgumrie his brother (brether to the said vmq\(^4\) Hew,) being inquisit be the Justicie depute, gif thai wald infilt in perfute of ye saidis perfounes for the said saucthir, declarit, that thai wald pas fra the perfute for the famin; And siclyke, diisaffentit to onye continewatoun of the said mater, offering thame fieldis presentlie to the knauluge of ane Afflys thairfoir.

Continued to the Justice-aire of ʻRenfrew, tertio Itineris, vel super premonitione xv dierum.'

_**Treason—Field of Langside.**_

Dec. 18.—**George Multray** of Markinche.\(^1\)

Dilaitit of the treasonable cuming to the feild of Langlyde, aganis our fouereane lord and his auctoritat royall, &c.

Plegias, Jacobo Seytoute de Touche, Roberto Wardlaw junioire de Kilbabetoun, ac Joanne Seytoute de Pittady, conjunctim et divisim: et prefate perfone, ad relevandum. Dom. de Touche plegium, comiunctim et duisim, sub pena bis mille librarum:—et Dom. de Seyfelid, ad relevand. reliquos cautionarios.

_Absence of an Accusor._

The qhilk day, the said mater continewit agane, at command of the Regent, be the Lard of Cleish, to the xv day of Januar, in respect of the absence of the Lard of Kynkell; and thairfoir, the said perfounes of Afflys, except the said Laird of Kynkell, become fouerties for vtheris, as in the court preceding; vnder the famin panis; and the Lard of Anfruthir becom fouerte for the said Laird of Kynkell, to compeir at the said day.

_**Forging and Counterfeiting adulterate Money, &c.**_

Dec. 29.—**Johnne Bell**, shopman.\(^2\)

Dilatit of airt and pairt of the treasonabill forgeing, fein\(3\)eing, falsing, counterfuting; at the leif, inbringeing of certane fals and adulterate money, sic as _pennnis_, faillie cu\(3\)isit and ftampit; quhilkis wer output be him in grit quantitie, amangis diuerse our fouereane lordis liegis, disfaund thaim thairwith, to the grit hurt of the commoun (wealth) of this realme.

_VERDICT._ The perfounis of Afflys, (amongst whom are Mungo Bradie, James Stalker, Johnne Mofman and _George Heriot_, goldsmiths in Edinburgh,) for the maist pairt fand and deleyerit the said Johnne to be Convict of the reffait of fourtie _hardheidis\(^3\)_ fals money, and inbringeing of thame ignorantlie within the

\(^1\) See Nov. 36, 1576.  \(^2\) Chapman, or vender of small wares.  \(^3\) _Hardheids, hardies, or lioes_, formerly of the value of three half pence, but depreciated by Regent Morton to a penny.  He also depreciated the _plack_ from four to two pence.  It need scarcely be remarked, that this was a very unpopular measure.
realme: AND Acquit him of all outputting of onye vther fals hardheidis, or vtherwyis of reflait of the hardheidis abowe writtin, to be put out wittandlie amangis our fourane lordis liegis, for diffait of thame yairwith.

The Sentence is not recorded.

Convocation of the Lieges—Besieging House of Strechin, &c.

Dec. 31.—WALTER BARCLAY in Bannagook.

Dilatit of the convocation of our fourane lordis liegis, bodin in feir of weir,' incontrair the tenour of the actis of Parliament thairanent; cuming about the houes and place of Strechin, affageing of the famin maist auffullie, be schutting of culveringis and daggis, and vfin of vthirs weirlyke perfute; and swa continuwing in affageing and persewing of the saif houes and place, fra thre horsis in the morning or thairbye, quhill the fone ganging to; quhill at laft, be plane force and hoftilitie, he compellit the perfounes being within the saif houes, and kepars thairof, and Johnne Gordoun rebell thairin, to rander the saif houes, and to deliuer to him and his complices the saif Johnne Gordoun, rebell; and swa reft and tuke fra thame the saif rebell, ypoun na vthir purpois, bot to saif him fra punisheiment and executeion of justice ypoun him, for his demereittis: And vtheris crymes, as the lettres beris,

Prelucutouris for this pannell. Persewar.
The Lord Saltoun, The Lard of Aifounes, The Lard of Corfe, Mr David Borthuil, Mr Alex Sym, Mr Alex Skene. (Lord) Adovacet.

This case was continued, first to Jan. 1, and afterwards to Feb. 25, ' Plegio, Waltero Barclay de Towye, when the pannel came in his Majesty's will. ' Plegio, Magiftro de Forbes cum feiplo, conjunctim et diuifim, ad fatiffaciendum voluntati et partibus conquerentibus; et Waltero Barclay, ad releuand. dict. Magiftrum de Forbes.' The King's award is not inserted in the Record.

Theft—Reset of Theft—Sheep-Stealing, &c.

Jan. 8.—DAND ELLOT,' callit of the Heuchhous.

Dilatit of commoun thift, commoun refett thairof, outputting and inputting of thift in thiftuous maner, betuix land and land, bayth of auld and new; and of the flealing fra the Lard of Ceffurd of 1xxx sheip.

Verdict. Fand and deliuerit to be culpabill, fylit and convuit of the crymes aboue writtin.—Convict. et Suspen.

1 Arrayed in warlike manner. 2 Until sunset. The phrase is quite new to the Editor, and is singularly expressive. 3 Dan or Dandy, a familiar abbreviation in the South of Scotland for Andrew, e.g. 'Dandy Dinmont.'
CRIMINAL TRIALS.  A.D. 1576-7.

Demolishing and Overtrowing March-Stones, &c.
Jan. 15.—Willeame Hay of Delgatie, Maister Walter Hay and Pattrick Hay, his breder; Willeame Hay, James Lowrimer, Mr James Buchane, Andro Burnett, George Scott and Alexander Scott.

Dilatit of airt and pait of the dimolifcheing and doun-caisting to the ground of certane marcheis and flanis, fett be the Justice-Deputies at ane Court of Perambulation; and vfurpation of our fouerane lordis authoritie, conuocation of his henes liegis, and vtheris crymes at length contenit in the lettres.

‘Desert.’ de mandato domini Regentis, dato Alexandre Hay, scrive secreti consili.

Treasonable Importation of False Money.
Jan. 22.—Johnne Suthirland, Scottifman, borne in Culrois.

Being conviuit of befoir, vpoun the aucht day of Januar instant, for the trefoilabill hamefending of certane fals and adulterate money (sic as balbeis, piakkis, and zijd d. peces, extending to xx lib.,) to be output and warit treasonable amangis our fouerane lordis liegis, to thair disfalt and hurt; and being committit to ward quhill dome wer pronuncieit, at the pleafour of my lord Regentis grace: And thairfor, his grace, temperand iuftice with mercye, ordanit the said Johne, of his awin consent, to be benefitt this realme during his graceis will, and neuir to returme within the famin without his licence, vndir the pane of deid and payment of ane thowlawd merkis; and that he fall depart furth of the fam within the spacie of fouurie dayis, and fall do his exact diligence to sperir and try out the forgearis, feinraris and deutfaris of the said fals cuinze, and mak report thaireftir of the famin diligence to the Juftis and his deputis, vndir the famin pane forfai. And for observing heirof, fand William Huchefoun, cordiner in Edinburgh, Henrie and Alex’ Suthirland in Culrois, brethir to the said Johnne, &c.

Convoication of Lieges—Using of Culberings, &c.
Jan. 29.—Johnne Muntgumrie of Scottiftown, Gabriel Sempill, younger of Cathcart, &c.

Adam Hall of Foulbar becomes pledge for the entry of Johnne Muntgumrie of Scottiftown; and the said Johnne, Adam Hall of Foulbar and Andrew Maister of Sempill, become pledges, jointly and feueraly, to enter Gabriel Sempill, younger of Cathcart, Robert Sempill of Craigbait, Gabriel Sempill, his brother, James and Walter Muntgumreis, brothers of the Laird of Scottiftown, Bartholomew Muntgumrie, uncle of the said Laird John Andirfoun in Walkmyne of Partik, and Robert Kent, fervant to the said Laird, before the Juftice or his
deputies, on the third day of the next Justice-air of Renfrew and Lanark respectively, or wherever and whensoeuer it shall please his Majesty, on premonition of xv days, to underly the law for convocation of the liegis, 'bodin in feir of weir,' against the tenor of the Acts of Parliament, and 'umbefetting' the high way to Hew Muntgumrie of Hesilheid, and for using of 'culueringis and pif-tulettis;' committed in the month of December last, &c.

Wilful error in Assise.

Jan. 31.—Johnne Schaw of Grenok, James Dunlop of that Ilk, and thirteen others.3

Dilatit of the wilfull and manifeft errour, committit in the acquitting of Robert Kent, feruand to Johnne Muntgumrie of Scottiffoun, of divierse crymes contenit in the lettres purcheft aganis him be Hew Muntgumrie of Hesilheid.

Persewaris. Mr David Borhaik, Mr Robert Creychtoun, advocatiss. Mr Edmund Hay, (advocate.)

Allegeis the said Mr Edmund for the pannell, acceptand the summondis, in quantum, nocht grantand ony part of the famin; that nothing aucht now to be put to the knowlege of this secund inqueift, bot onlie the clangeing of this Robert Kent of the allegeth frithuous steling of ane hors fra Hew Muntgumrie of Hesilheid, in safar as thair is na resoun in all the hail summonnis, alleging or concluand aganis the Inqueift, for clangeing of him of ony vther point contenit in the said summondis: Atteur, acceptis the summondis, in safar as is confessit in the famin, that the gentill-woman was onlie in the hous hir allane, the tyme of the committing of the allegeth deid.—To the quhilk anfuerit the Adovcattis, that the said allegeance ful be repelit, in respect of the summondis as it is ly-bellit, berand the Confessioun of the partie and notorietie of the caus; and ficyke, (locus quo) &c.

The perfoounes on pannell, nochtwithstanding the said allegeance, askis instrumentis, that thai offer thame felis at this day to the knowlege of ane condigne Affyis, disaffenting to ony continewaion of the said mater.

The Justice, vpoun findrie reffonabill caussis, moving my Lord Regentis grace, ordanis the mater to be continewit to the thrid day of the Air, or foner, vpoun xv dayis warning; and cautioune to be tane of the perfoounes on pannell, for thair entre.

1 Obsidiatione vici regij. 2 See Dec. 1, 1576. 3 Plegis, Andrea Magistro de Sempill et Dom. de Ernok, confunctam et divinam, pro eorum introitu; et prefate perfoane, ad relevandum; se Dom. de Trearn, obliguit felpum, ad relevandum dict. cautionarium, pro fals tenetibus. 4 See Dec. 1, 1576.
Slaughter—Burning of Town of Dornoch.

Feb. 12.—Neill Angusson (MacLeod) in Assent. 1

Dilatit of art and part of the crewall slaughter of vmq" Hutcheon Angusfome his broder, in the Ille of Assent; committit in the moneth of Junij, the 3ir of God IV.1xxv 3eiris: AND for the slaughter of vmq" Donald M'Hetchezon Angussone, brother to the said Hutcheon; committit at the famin tyne: AND for the treffonabill byrning of the town of Dornoch in Sutherland; committit in the moneth of Junij, or thairby, the 3ir of God IV.Ixxv 3eiris; AND diuerfl vtheris slauchteris, as the dittay beris, &c.; speciale, of Duncane M'Corye.

Assisa.
Willeam Sutherland of Evelik, Adam Bell, in Edinburghe, Alex'. Brody of that Ilk,
John Hay of Park, (Chancellor,) Thomas Frazer, tutour of Lovat, James Campbell of Archinglas,
Alex'. Hay, his brother, Thomas Robefoum, burges of Ed', Alex'. M'Nachtene of Dundaroch,
Nicholas Rois of Dunkeith, Johne Rois, prouet of Narne, Johne Campbell of Inserlevene,
Duncane Campbell of Both, Johne Campbell of Caddell, Alex'. Innes of Crumyse.

Mr Robert Creycztoine tuke instrumentis of the fad Neillis Conoffion, declaring that his fone Tormot flew the fad vmq" Hutcheon and Donald his fone; And that he himself was cumand to Ed'; to speik my Lord Regentis grace, and to offer him to underly the law, for the fadis crymes, quhan he was tane in the menetyme, be Torquill M'Cloyde apperand of the Lewis, be the way, and incarcerate. And siclyke, that he conffissit the slauchtir of the fad vmqle Duncane M'Corye, and that he had his comoniotur thairfoir: 3 And that

1 This person, according to Sir Robert Gordon, commanded the country of Assint. He was the fifth son of Angus-more, Laird of Assint. The eldest son, Donald-Cain, died of his wounds shortly after being taken prisoner by the Laird of Lewis, (John Corquill M'Cloyd,) against whom he had revolted. Tormot, the second son, was slain by his brother Angus-beg, who, in his turn, was slain by his bastard brother Alexander, in revenge of Tormot's death. John-rewisch succeeded his brother Angus-beg, (who died without issue,) and governed the country for 16 years. On John's death, he left the government to this Neill-Angusson; whose younger brother Hutcheon, jealous of Neill's prosperity, took him prisoner, and detained him until he forced him into certain terms. In revenge for this act, he killed Hutcheon, with his second son Donald, who had come to visit him in the Isle of Assint. 4 Whereupon Torquill Conaldaig MacLoyd of the Coggh pursued the Yle in Affint, and apprehended Neill Angusfome, whom he sent to Edinburgh, where he was executed the yeir of God 1581. 5—Gordon's General Account of Earldom of Sutherland, p. 263. —Neill left his sons John-rewisch and Donald-bane, with three bastards, Tormot, Angus, and Alister. 6 Y Macky of Far 7 invaded the cuntirie of Souterland after the death of Earl John, wafted the barony of Skibo, came to the town of Dornoch, and, (vpon some privat quarrel betwixt himself and the Morayes,) being afflii with the Laird of Duflus and his frendis, he brunt the said town, the yeir of God 1567, which was then cheifle inhabited by the Morayes. —Gordon's Sutherland, p. 150. —This town was a second time burnt after a siege by the Master of Caithnes and Y Mackay, anno 1570, 8 in the night season, which the inhabition could no longer defend; yit eftir the town was loft, and the cathedral church brunt, except the fleiple, they held the caflle and the fleiple of the church for the space of a week, the Catteynes continualie assaulthing them, bot in vain without succeffe. —Ibid, p. 156. 9 i.e. Paid his Aiswythment, and obtained Letters of Slains thereupon.
he was compellit be M'Kye to pas with him to Dornoch, quhair he and his cumpanye did na thing bot lay on the feildis, &c.—‘*CONUICIT ET DECOLLAT.*’

**Slaughter.**

Feb. 14.—ROBERT HOWSTOUN, broder to the lard of Houftoun, and forty-fix others.

Dilatit of art and part of the crewell slauchter of vmq* William Lyndesay, seruitour to James Maitfer of Glencarne, in October laftbypast.

Continued to the Juftice-air of ‘Renfrew, tertio Itineris, vel fuper premonitione xv dierum.’

**Slaughter.**

Feb. 28.—WILLEAME PORTERFEILD of that Ilk.

Dilatit of art and part of the slauchter of vmq* Johnne Birlbane of Middill Walkinischaw; committit in the moneth of Maij 1573 zeiris.

Continued to the 30th March, Plegio, Domino de New-wark Maxwell.

Mar. 29.—The Laird of McFarlane and James Flemyng de Kilmacolme, become securitis for Porterfeld; and, on the following day,

Mar. 30.—The Laird of Knok becomes securit to present him at the Juftice-air of ‘Renfrew, tertio Itineris, vel fuper premonitione xv dierum.’

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**Persewar.**

Maister Johanne Schaerp, Maister Thomas Craig.

The faidis preloquouturis in defence, that thair is na cryme committit, in respect that the said Johnne Birlbane wes flane at the horne, put thairto, be vertew of our fouerane lordis lettres; and thairthrow, being rebell, for ane treafonabill cryme: As the lettres of horning, direct thairvponis heiris, and produceit presentlie in proces. And siclyke, the said Mr Johnne Schaerp produceit the generale band of the Sherefdome of Renfrew. Johnne Hammilton of Schawtoun, afit instrumentis of the production of the faidis Lettres of Horning, and protesfit that thay be keipit in proces, as evidentis to my Lord Claude Hammilton.

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**Slaughter.**

Feb. 28.—JOHANNE CWINGHAME, fone to vmq* . . . . Cwinghame of Clovinbayth, and John Maxwell, broder to Thomas Maxwell of Southbar.

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1 Beheaded. 2 Plegios, Domino de Glengarnock, Dom. de Houftoun et Dom. de New-wark, coniunctim et divinit, pro omnibus, tertio Itineris de Renfrew, vel alibi, fuper premonitione xv dierum. Et postes, viz. xv Feb., Will. Porterfeild de Duchall obligavit seipsum ad relevand. dictos plegios, de prefata cautienne penifique omnibus in eadem contentis.
CRIMINAL TRIALS. A.D. 1576-7.

Dilatit of art and part of saide slaughter. James Sandelandis of Calder, their cautioneer, fined 'I'. markis' for non-appearance of 'ather of the saide per- founis.'

Treasonable detaining of the Place of Duchall.
Feb. 28. WILLIAM PORTARFIELD of that Iik.
Delatit of the treasonabill deteaning of the place of Duchall, incontrare our fouerane lordis chairgis.—Plegio, Jacobo Flemynge de Kilmacolme pro ejus introitu, tertio Itineris de Renfrew, vel super premonitione xv dierum.

Fire-raising.—Burning Corn.
Apr. 17, 1577.—ANDRO THOMESOUN, in Siluerburne.
Delatit of the birning of certane coirnes to Mathew Lowrye of Cairnhill.—'Conuict. et Combust.'

Using and seeking of Inchantments and Witchcrafts.
Maij 4.—EDUARTR KYNINMONTH alias Lowrie.
Dilatit of vling and seking of Inchantmentis and Witchcraftis, in the moneth of October 1.V. lxxiiij þeiris, quhen findrie of his cottell wer stricken with seiskenes; and vtheris crymes contenit in our fouerane lordis lettres, purcheft thairvpoun.—Quo die, Joannes Addie de Deurothane plegius deueniit ad intrandum dictum Eduardum Kyninmonth coram Justiciario s. d. n. Regis feu suis deputatis, tertio die proximi Itineris de Forfare, vel aibi, vbi et quando placuerit fue ferenitati, super premonitione quindecim dierum, ad fubeundum legem pro frequentacione et vfurpacione Incantacionis et prestitiarum, lie Witchcraftis appellat. alijique criminibus in literis regis defuper direct. specificat. Hec ple giacio capta fuit, de mandato M. Dauidis Boirthuik aduocati.—Et Jacobus Strieling obligatum seipsum ad relevandum dictum Joannem Adie, de prefata cautione et penis in eundem content.

Treason.—Conspiring the Death of Regent Morton.
May 15.—ADAM QUHYTEFURD, younger of Myltoune.
John Quhytefurd elder of Myltoun, being often called to produce Adam his son before the Justice, to underlie the law for art and part of confulting with John Sempill of Bylltreis, and treasonably conspiring the murther of James Earl of Mortoune Lord Dalkeyth, Regent; committit in the month of January 1575. The said Adam not compearing, the said John as his pledge was amerciated in

1 Sentenced to be burnt. No part of the procedure in this case is preserved.
the pain of Ie, lib., and Adam adjudged to be denounced rebel, and all his moveable goods escheated to the King's use, as fugitive from the law, for the aforesaid crime.—Richard Binning, messenger and officer of the Court of Justiciary, reports the denunciation on May 18.

**Shooting with Pistoles, &c.**

May 21.—**John Blair** of that Ilk, William Blair his brother, Johnne Rois and John Mitchell, his feruandis, Johnne Crawfur in Birkheid, Johnne C., his sonne, Niniane C. thair, Robert C. in Ryhill, Robert Blair, brother to William Blair of Halie, Androw Blair Redare at Dalrye, and eighteen others.

**Persewaris,** Capitane Thomas Crawfur, Mr Robert Creychtoun, advocate, Robert Ker of Kerrisland.

**Preloquutouris** for the pennall.  
**Preloquutouris,** in perfute.

Mr Henrie Kynroife,  
Mr David Mackill,  
James Mure,  
The Laird of Cauleswell,

Johnne Maxwell, in Portarhill,  
Johnne Blair of Middill Auchina-  
burne.  
William Crawford in Camlaurg,
Quintene Crawford, brother to Cannouris,
Mr Nicoll Elphingtoun.

The pennall a skin instrumentis of the perfonis comperand and inffand in perfute.

**Assisa.**

The Laird of Ferme-Nobill,  
Waltare Riddell of that Ilk,  
Robert Huntare of Huntartoun,  
James Weir of Blakwod,  
The Laird of Airnok,  
The Laird of Auchinapell,  
The Laird of Drumquhassell,  
The Laird of Keir,  
The Laird of Dalzell,

Claud Hammiltoun of Colenoch,  
Johnne Cleland of Ffoulach,  
The Laird of Annetoun.

**VERDICT.** The Affyite, for the maift pait, be thair deleyuerance, fylis and concertis **William Blair,** brother to the Laird of Blair, of schutting with pistolletts, of following and chaifing of Thomas Crawford and ferwandis for thairفاعتيريس, vpoune foirthocht fellonie. **ITEM,** Fylis the **Laird of Blair,** of following and chaifing of the faid Thomas and his ferwandis for thairفاعتيريس, vpoune foirthocht fellonie, allenarie. **ITEM,** Fylis **Johnne Or** (Notare,) of the following and chaifing of thame for thairفاعتيريس, vpoune fuddantie.

May 23.—The quhilk day, . . . . Loird Rois of Halkheid and . . . . . .
Mure of Cauleswele, become fouertees coniunctlie and feueralie, for Johnne Blair of that Ilk; and Deuid Blair, 3oungar of Adamtoun, and Williamie Cuninghame, 3oungare of Glengarnok, become fouertees coniunctlie and feueralie, for William Blair, brother to the Laird of Blair, and Johnne Or, notar, ferwand to Glengarnok; that thai and ilkane of thame, fall enter thair perfounes in waird, within the Caftell of Blaknes, or acht houris at evin,¹ and nocht escape

¹ By eight o'clock in the evening.
CRIMINAL TRIALS. A.D. 1577.

nor eschew furth thairof; ay and quhill he (they) be relevit; viz. of the said Laird of Blair, vnder the pane of Fyve thowfand pundis; and for the saidis William Blair and Johnn Blair, or ilkane of thame, vnder the pane of Twa thowfand pundis. Et Dominus de Blair ad relevandum.

Fire-raising.

Jun. 14.—JOHNNIE CRAWFURD of the Schaw, Hew and Johnnne, his fonnes, Patrik, Jokie and James Crawford, sumtyme ser-
wendis to Hew Lord Somervell.

Dilaitit of the tresfonabill fyir-ryfing and burning of ane byir pertening to Johnn Beolfwall of AUCHINLEK, and vtheris crymes contenit in the letters direct thairvpoun.

PERSEWAR, Johnn Beolfwall of AUCHINLEK.

PALEOQUOTURIS for the pennall.
The Laird of Traboun, Johnn Crawford of Camlaige, Allane Cattcare of Carbonstone.

Continued ‘in craftinum.’ Pleigio, Hugone Kennedy.

Jun. 15.—The pannell akit instrumentis, that the Laird of AUCHINLEK compeairand, difafentit to the perfute of thame; and nochtwithstanding the Justice command aen the continewatique of the samin, difafentit thairto alluterlie.

Treason.

Jun. 15.—JOHNNIE SEMPILL of BELTREIS.1

Dilaitit of the tresfonabill Conpiracie of my Lord Regentis Graceis slaughtare.

ASSISA.

George Dundas of that ilk, W.Wauchope of Naddre-Marchell, Hew Weir of Howburne,
Johnn Rois of Swantoun, Johnn Rois of Suanston, Johnn Bannynye of Corsboune,
Johnn Toonis of Inuereleth, Johnn Fairie of Colmeftoun, James Rig of Carberry,
Johnn Logane of Cotfeide, The Laird of Merchifoun, The Laird of Anstruther,

VERDICT. Johnn Sempill of Beltreis, being presentit and enterit in juge-
ment vpoune pannell, as dilaitit of the tresfonabill cryme eftir specifeit; at lenth mentionit in the dittay maid thairvpoune; was put to the knawlege of ane Afiyife of the perfonis befoir expreft: And immediatlie eftir the chefind
and sweiring of the saidis perfounes of Afiyife, as vfe is, the said Johnn Sempill being acufit be dittay, opponlie red in jugement, togidder with his depositionis
and confessionis of the crymes following. The fame perfounes of Afiyife remo-

1 On the margin of the Record, ‘Convict, and the dome of foifaltour pronunseit agains him.’
veit furth of Court, and altogidder conuenit and ressonit on the poynit that rouf; and being ryple aufft thairwith, enterit agane in Court: And thair, in presenc of the said Justice depute, be thair deluyerance, pronunceit and declarit be the mouth of Robert Lyndesay of Dunrode; fand and delyuerit, that he was culpeable, fylit and convict of airt and pairt of the maist treffonable communi-taun, confultatoun and conferans, had be him, in inyryng, dyuing, con-cluding, treffonaiblie undertaking and conceling, to fla, schwit and cruelie mur-thour, the rycht nobill and michtie Prince, James Erle of Mortoune, Loirde Dalkeyth, &c., Regent to our fouerane loird, his realme and liegis; planelie confenting and confaving the famin murthour and slauchtar, maist treffonable and diffalitfyllie, in his hait and mynde; ordaining the famin to have bene fud-danlie commitit, efter his said treffonabill conferance faifaid, quhilk wes in the moneth of Januare or thairbye, the 3eir of God 1°.V.lxxv 3eiris; doand thair-by that was in him, to haif performit the famin, conforme to his deliberat inten-tion, treffonablie deyfit and precogitat, as said is; lyke as, he had nocht faillit to haif put the famin to full pruif of executioune, gif God, of his infinit mercy and grace, be his vthir meanis and instrumentis, had nocht reveit the famin, and put sght thairvnto: And swa, he hes committit oppin and manesfeit treas-toun, anagis our fouerane loirdis darrest Regent and his hienes auctoritie; and aucht thairfuir to be pynedit as ane publict trautour to his Maiestie; in example of vtheris, to attempt the lyke treafonabill conspiracieis, in tyme cuming: Quhilk conspiracioun and conferance thairfuir, in treffonabill maner faifaid, was vit be the said Johnne, within the Kirk and Kirkland of Pailay, and vther places of the cuntrie appointit to that effect, in the moneth aboue specefeit, and findrie vtheris tynes thairfoir, as he thocht meit and expediant.—AND the dome of foirfaltour was pronounceit anagis him be the mouth of Andro Lyndesay, dem-pfaire, That he fuid be takin to the mercat-croce of Edinburgh, and thair dema-nit as ane trautour; and all his landis, takis, fedingis, rowmes, posselions and gudis to be foirfaltit and efchest to our fouerane loirdis vit.

[Mr Thomas Gilbert, Justice Depute.]

Mutilation.


Dilaittit of the hurtynge and wondynge of Johnne Binning, mesdinger, in his rycht schuldare and collare-bane.

Quo die Dominus de Kinkaid, seniour, plegius devenit, ad intrand. Robertum Struieling, tertio Itineris de Dunbartane, vel alubi vbi et quando placuerit fue ferenitati, super premontione quindecim dierum; ad subeundum legem, pro arte et parte lefionis ac vulneracionis Joannis Binning nuncij.
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[Mr Thomas Bannatyne, Justice-Depute]

Oppression — Intercommuning with Rebels.

Jun. 29.—DAVID GRAHAME of Fyntrie, knyclyth, Waltare Grahame and James Grahame, his brother.

Dilatit of the taking of Johnn Pegot, and intercommuning with Robert Belouch (Betounne) of Weithhall, rebell, and vtheris crymes.

Preloquoutouris in defence.
The Erle of Mwentrofe, The Maifter of Grey, Maifter Robert Creychtouse,
The Lord of Balfour, The Dene of Glaifw, Mr David Borthisk,
Mr Alexander Sym, Mr Alexander Skene, Advocates (to our tounze lord.)

Assisa.
Gilbert Ogilbye of that Ilk, George Gray of Scheilhill, David Roffle of that Ilk,
Thomas Fotheringham of Powrie, George Drummond of the Blair, Dauid Lindefay of Edzell,
Alex' Guthrie of that Ilk, Robert Durhame of the Grange, Da. Guthrie, fear of Kincauldrum,
George Haliburtoun of Petcure, Henry Guthrie of Colefhoune, The Laird of Auchinlek,
Robert Erlyne, fear of Dun, George Somer of Balyordie. Alex. Lander of Winnouque.

David Grahame, &c., war put to the knavlege of ane Affyle, of the perfonis befoir expreffit; and immediatlie eftir the cheffing, swerling and admitting of the fame perfoues of Affyle, as wie, the hall forinmmit perfoues on pennall, being accuft be dittay, oppinlie red in jugement, of the crymes following; eftir repetitione of the Act of Parliament, maid anent convocatione of his hienes liegis, at tumultis, courtis or gadderingsis; as aliwa, with atteftatione maid for wilfull errour, in caic the fame perfoues on pennall war acquit of the saide crymes: Maifter Alex'. Sym, preloquoutour for the fame pennall, eftir denyall of Dittay, and crymes thairof, produceit ane wryting subcruyit be vmq' Johnn Peget in Bannabeith, declairing the defendaris to be innocent of all cryme committit to the said Johnn, and that he was onlie moueit be malice of vtheris perfonis to perfew the fame: Quhilk wryting the said preloquoutour and perfonis on pannell, deffyrit to be red in jugement, befoir the perfoues of Affyle; quhilk being red in their prefens, as was deffyr, be the said Mr Alex'. Sym, as preloquoutour foirfaid, afsiks instruments thairypoune.

Mr Robert Creychtoure, aduocate; nochtwithstanding productioun and reiding thairof, proteffit the fame fuild nocht be as motyve vnto the Affyle, nor 3it credit to be treuw in the self; and disfacentit it fuld be red or publieit ony forder to the Affyle, in the tyme of the refliat of thair woittis; but that the famin fuild be gevin agane to the paiyte; quhilk, at command of the Justice-Depute, was gevin be the clerk of Court to their preloquoutouris.

1 Called Betounne in an after part of the trial. 2 When they retired to return their verdict.
VERDICT. The name perfoinne of Affyith, be their deluyerance, pronouciet and declarit be the mouth of Dauid Lyndsay of Edzell, Fand and deluyeris, for the maist pair, the saidis hall perfoinne accust be planell, to be clengit and acquit of all cawing, bounding, fending, arte, partaking, command, affittance and ratihilbutione vift be thame, in the moneth of October, the 3eir of God lxvii (1567), in comin to the dwelling hous of the said Johnne Pegot, in Balnaboth, within the shire of Forfar, quhair he was then, in quyas and fober maner, believeand na harme nor injurie to have been done to him, be any personis, bot to have leviit vnder Goddis peax and our souerane loirdis; and their, violente, maisterfullie and perforske, take the said vmq* Johnne furth of his awin dwelling hous of Erinis Stradichkie, quhair the said Dauid and remanent perfoinne fairfaisdis, of his special cawing, bounding, fending, denying, arte, partaking, affittance and ratihilbitione, as said is, detenis and held him in captivitie thairintill, be the space of viij dayis or thairby thairrefer; committand thairthrow, manesef oppreffionne vpounis, be their ouer souerane loirdis frie liege; and vfarand of his biens, autorisie ypounis thaima, in his and manesef contemploion theairof—Fox the quhilk cryme the said Sir Dauid Grahame of Fyntrie, knycht, and his colligis fairfaisdis, being callit to hame vnderlyne the law, befor the Justis of his Deputis, in the Tolbooth of Edinbughe, the tent day of Februarie, in the 3eir of God P.v.xlvij 3eiris, was then reaplegate to the freedome and juridiccion of the Regalitie of Killinmuir, be vertew of ane Commissioune of the nobill and potent lord, Archebald Erle of Angus, Lord of the Regalitie theairof; quhais baillies steveris and produceris of the said Commissioune thaima fand cawtione for daw and faithfull administratoune of justice ypounis the saidis perfoinne, for the saidis crymes, in the toune of Kelemuir, place vit and wont for hauling of Courtis thairintill, the viij day of Maij nixt thairrefer, in the 3eir of God P.v.xlvij 3eiris, quhilkis was affignet thairto be the Justis and his Deputis: At the quhilk day, ane Court was fencit, within the said toune of Keremuir, place vit and wont for hauling of Courtis within the same: And albeit the said Dauid and his colligis fairfaisd, 3i in respect of the troubles quhilk occureit within the realm, for the tyma, justice thaima culd nocht be miniftret in the said mater; but wes continewit to the last day of Janij nixtocum theairrefer; and at that day continewit to the xxvij day of Julii nixt thairrefer following; and cawtione thaima for thame to entir that day: Vpounis the quhilk twantie fevin day of Julii foirfaisd, compeirit Johnne Ogilvyhe of Inuerquharratie, knycht, and James Scrymegeour of Glaflaw, baillies of said Regalitie in that pair, vnder the said toune of Keremuir; and their, at the said place, vit and wont for hauling of Courtis thairintill, fencit and held Court in daw tym of day, thinkand to have proceidit to the administratoune of justice in the said mater: In the meintyme, the said Dauid Grahame of Fintririe, knycht, getand knawelege theairof, and vnderstandin him glitte of the said cryme, and nawaisis willing to compair and vndirly the law theairfoir, joyinit him vmbour George Erle of Huntlie, Dauid Erle of Crawford, James Lord Ogilbye, quhilkis throw his perluasionne and counsail, part-taking, denying, affittance and ratihilbitione, togijder with the said Dauidis self and his compleis, in proper perfour, with convocatoune of the Kingis liegis, to the noumer of ane thowland man or thairby, boddin in feir of weir vwith swordis, jakkis, steel-bonetis, speiris, calveringis and vtheris wappinins, inuaue, incontrair the tenour of the Actis of Parliament, come to the said toune of Keremuir, the said xxvij day of Julii, the 3eir of God P.v.xlvij 3eiris, and floppit the hauling of the said Court, and all administratoune of Justis theairin; causit the saidis baillies, thair clerk and vtheris memberis of Court, for feir of thair livis, to ryse and depairth thairfrae, the famin Court being dewlie fencet* of beforis, as said is: And nocht onlie floppit the hauling of the said Court, but thai intendid

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* By a majority.  * At this period, Lords of Regalities &c., had a right to demand the person of any criminal, resident within the bounds of their Regalities, on finding security, that justice should be lawfully administered. This was termed, being replegied, or replegitis. It was a fruitful source of injustice and oppression, and was often employed to frustrate the ends of Law.  * Kinnymuir.  * A forensic term, still used in our Criminal Courts. Before proceeding with the trial, an officer proclaimed that the business of the Court was now commencing, and interdicting all manner of persons from disturbing their proceedings. This was called fencing, q. d. defending or protecting the Court against all intrusion or molestation.
purposifie, of verrie malice, to have bereft the saidis Judges, and vtheris convent and aschiffting thame in settynge fordwart of justicis the saide day, of thair lyvis: Lyke as, in deid, the saide Dauid, accompaned as saide is, than inuidit, followit and perffewit thame for thair bodelie barme and flauchter; levedand na thing that micht have brocht his wickit and vngodlie interprryte to effect, and had noch faltit to have performit the same, gif God had noch provydit remeit.—And alle, the saide Dauid Grahame of Fyntrie, knycht, and his brethr fairfaydis, daylie, monethlie, owklie and continewalle, at thair plefeour, in the monethis of October, November, December, January, February and Marche, in the yere of God 1677. In the yere of God 1677, after the droughtsone of Robert Betoun of Westhall, our sowerane loidris rebell, for the creme vnderwritt, qhilkis was vpoun the xxiiij day of September, the yere of God 1677. Yn the yere of God 1677, and siclyke, daylie, monethlie and continewalle, in all thame or thairbeh na thing and immediatly following the said droughtsone, intercommonit, relfct, suppleit, thwey famouris, gaff meit, drink, houes and herberis to the saide Robert Betoun of Westhall, within the said Dauidis places of the namis Erlis Stradichtie, Fyntrie, and borrowis of Dauidis, Forfure, Breuchin and dinitis vtheris pairis of the realme qhailr thai thocht maif expedient, the saide Robert being ordourlie denunceit our sowerane loidris rebell, and put to his bines horne the tyme fowsaif, in default of finding of sounste to have vnderlyne the law befor the Justicis or his deputis, in the tolbwyth of the burghs of Edinburghe, the viij day of November, the yere of God 1677. In the yere of God 1677, and for arte and pair of the cruell flauchtare of rannis James Ramsay, tutour of Lawis, committit in the moneth of September immediatly precedit; and vtheris cromes contenit in the lettres raifit thairpowne, and remaining vnder the proce of horne during the said hail space, incontrair the tenmour of the Actis of Parliament; in his contemptioune of our sowerane loidris auctoritie and lawis.

Vpoun the qhilkis purgatione and pronunciatione declarit in jugement, the saidis Sir Dauid Grahame of Fyntrie, knycht, and his fowsaif brether, askit instrumentis and protestit for their testemonialis.

[Mrs Thomas Gilbert, Justice-Depute.]

Witchcraft, &c.


Dilaitit of the ving of Sorcery, Witchcraft, and Intantatioune, with Inuocatione of spirettis, at the tymes contenit in the saide Dyttay.

ASSISA.

William Drummond at the myll of Nab, James Drummond in Auchtar- George Drummond, alias Gauir, dour, in Strageyth,
Johanne Grahame, appeirand Johnne Drummond of Pitkenne- Andro Hillar in Ballochlochargye,
of Calandare, tie, Johanne Anderfoun thair,
David Murray of Goldwall, David Murray in North Kynkell, Patryk Murray in Auchityr, George Marchell of Inuerpethie, Johnne Drummond in Laynooch, Johnne Drummond, in South Kin- George Drummond of Balloch, Hew Merichell in North Kinkell, kell.

VERDICT. The saide Violat conuict be Aflythe, of the poynit of Dyttay contenit in hir awin Depositionis and Confesfioun, maid of hir trefonabilv vndertaking, to put down my Lord Regentis Grace with Witchcraft, at the tyme and place contenit in the fam Depositionis.—ITEM fylit, for ane commoun vfare of for-

1 On the margin of Record, 'Convict.' Kildeis lands lay within the barony of Methven, Perthshire, where there was a chapel called Kildeis. 2 James Earl of Morton, Lord Dalkeith, &c.
cerie, libbis' and charmes; and abusare of the pepill, aganis the lawis of God and manne.

ABSEN. AN ASSISA.—Malcolm Drummond of Bordland, Gilbert Moyll in Alloquhy, Andrew Ramsay in Pittinclerough, Patrick Maxtoun of Culloquhy, Patrick Drummond of Moayje.

It is much to be regretted that the 'poynits of Dittay,' and the Declarations and Confession of this personage, are not preserved in the Record. There is no doubt, from the singular respectability of the Assise or Jury, that she must have been of superior rank.—Although her conviction is recorded, the Justiciary Clerk has not marked the sentence on the margin as usual. It had likely been referred to the Lord Regent and Privy Council; and when pronounced, omitted to be inserted in the Record.

Slaughter.

NOV. 13.—GEORGE BRUNTFIELD, alias callit Cutluge. Dilatit of the slaughtare of vmq' George Ingis. 'DECOLLAT.'

Slaughter and Murder.

Feb. 5, 1577-8.—THOMAS TRUMBLE and Waltare Trumble, sones to the Laird of Bedrewle, (Sir Thomas Trumble).

Dilatit of art and part of the cruell slaughtare and murthour of vmq' Johnne Forbes, sone to Johnne Forbes of Ardmurdoch, committit in the moneth of December or thairby laft-was, vpoune set purpoeis, prouifloun, be way of vm-befetting of the hie gait, vpoune foirthocht fellonie.

Prelisetours in defence.
Mr Thomas Craig, The Laird of Gleditanis, Johnne Forbes of Ardmurdoch, fader to the defunct.
The Laird of Cranfoun, Mark Hwme, Nicholl Carnecroce, Mr Robert Creycotte.
The Laird of Huntihill, 

Prelisotouris in perfus.
The Laird of Eggle, The Laird of Lowrestoun, ASSISA.

Robert Lowfoune of Humbye, Stevin Kinsaid, in Brochtoun, James Hart, in the Cannagait,3 James Kinsaid of the Coittis, Clement Kincaid, in the Coittis, The Laird of Pilrig.4

VERDICT. 'ACQUIT AMBO.'

Slaughter.

Feb. 26.—WILLIAME THRISLE in Dundie, skipar of Nychtingall,

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1 Magical incantations. A.S. lib-lac, L. libellus, incantatio per fascina, fascinatio. 'Lac' properly signifies play; thus, 'Lib-lac' means 'the playing off of magical charms or delusions,' or 'bewitching.'

2 Crop-ear. 3 A relation (father?) of Andro Hart the printer. 4 The remainder of the Assisa are feuars, &c.
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James Daies, youngare thair, Thomas Broune, in Anfruther, James Rankene, marinall in Dundie, five others ' marinallis,' and William Swane, cuik thair.

Dilatit of art and pairt of the crewall slaughtare of vmq" Robert Watson, in Leyth, committit in October lastbypast.

PRELOQUITOURIS in defence.
The Connessabill of Dundie, Mr Johnne Scharp, Perewaris.
The Laird Eggell, Mr Alex'. Guthrie,
The Maister of Glammis, Mr Richard Strang.

Perewaris.
Elizabeth Anderfoun, relict of vmq" Rob'. Watson of Leyth,
The thre faderles bairnis,
' Mr Robert Creychtoun, advocat,
James Mowbray of Pidouer.

VERDICT. On the margin of the Record, " Omnes ACQUIT, de omnibus infra script."

ADULTERY.

Apr. 11.—CUTHBERT AMULLEKYN of Dompstartoune.

Dilatit of the crime of Adulterie, committit with Elizabeth Hammittoun, the spous of Roger Kilipatrik of Cloisburne, committit at diuerfe tyme.

PRELOQUITOURIS in defence.
Roger Kirkpatrik of Cloiburn, Mr R'. Creychtoune, Mr Thomas Fermoure, William Grahame.

VERDICT. The Affyise, for the maist pairt, conuictis and fyllis this Cuthbert Amullegane, for art and committit of the filthie and abhominabil cryme of Adulterie with Elizabeth Hammittoun, spous to Roger Kirkpatrik of Cloisburne, conuerrin bodie with hir in thame filthie act, within the place of Cloisburne, diuerfe and findrie tyme, preceding lawfull admonitionis maid to him to abstene thairfor, quhill was the aught day of March, the 3eir of God I".V". lxxvj 3eiris (1576-7). As alfw a for his committit of the same filthie and abhominabil cryme of Adulterie with the saith Elizabeth, diuerfe and findrie tyme, within the said place of Cloisburne, burch of Edinburghe, and parts of the cantrie in findrie housills and chalmeris thairof, fence the tyme of his confessioun of the same, and repentance maid thairfor, and fence the tyme of lawfull and dew admonitione maid be him the day forsaid, and vtheris days and tyme specifed in the testimoniall gevin thairanent. And conuictis him alfw a of the thifftuous spendinge, wafting and putting away of the faidis Rogeris guidis and geir, during the same space and tyme, quhill he vfit in maner forfaide to hant and conveir with the saith Elizabeth, in the saith Adulterie. In witniss heirof, the Chancellare, in name of the rest of this Affyise, hes subdrued this deluyerance with his hand.

NOTE. Sentence of punishment is afterwards pronounced, see Feb. 18, 1578-9.
[Mr Alexander Bannatyne, Justice-Depute.]

Treasonable Slaughter of John Lord Glamis, Lord Chancellor.

Jul. 22. — DAVID ERLE of CRAWFURDE.

Dauid Betoun de Melgound, plegius devenit, ad introand. Dauidem Comitatem Crawfurde coram Jufticiario f.d.n. Regis in preterio burgi de Ed., xxij die mensis Septembris proxime futuro, ad fubeundum legem, pro arte et parte crudelis et proditoriae interfectionis quondam Joannis domini de Glamis cancellariij, in mens... 1 ultimo elaps., commis. infra burgum de Strieling; ex veteri inimicitia, certo proposito, prouifione et precogitata felonia commis. Secundum formam et tenorem Literarum regiarum defuper direct., et sub penis in Actis Parlamentii contentis. Et hec plegiatio capta fuit de mandato dicti f. d. n. Regis, per ejus Preceptum hac de caufa direct.

(Sic Subscribitur) DAVID BETOUN of Melgound.

(Nov. 4.) The Earl of Crafurde again finds security for his appearance on the 1st day of March next.

Slaughter of Chancellor Glamis.

Jul. 22. — WILLIAM FOWLARTOUNE, junior of Crago, Thomas Strathauch, brother to the Laird of Bgotoune, and Johnn Scrymgeour, in..., servants of the Erl of Crawfurde.

Dauid Betoun of Melgound also becomes surety for their appearance on the 13th day of October next.

[Mr Thomas Bannatyne, Justice-Depute.]

Slaughter.

Nov. 6. — WILLIAM STEWART and Harie Stewart, fones to Andro Lord Ochiltre.

The quhilk day, compeirrit Alexander Mowat, fone lawfull to vmq* Charlis Mowat of Bulbie, quha produceit our soueraine lordis lettres, dewlie execut and indorfat, purchaft be him, and the remanent kyn and freindis of vmq* Charlis Mowat, aganis William and Harie Stewartis, fones to Andro Lord Ochiltre, being funmond be vertew thairof to wnderly the law, for the slaughter of the faid vmq* Charlis; in respect quhairof, the faid Alexander protestit for releif of the fouercet fundin for reporting of the faidis lettres, to this day nixtocom; and tuke instrumentis of the productioune of the kingis graces lettre and charge, di-

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1 This unfortunate scuffle took place on the streets of Stirling, Mar. 17, 1578; between the followers of the Earl of Crafurde and those of the Lord Chancellor, when Lord Glamis was accidentally slain by a random shot. It is understood that the Earl Crafurde had no immediate concern in this affair.
rect to the Justice and his deputis, for continewatiquane of this Court to the thrid day of the Air or sñnnor, vpoune xv dayis warning, dispensenand with the compereance of the saidis personnes in the Court; As the said charge beiris, quhilik, he protestit, fuld be infeirt in the proces: And in respect the famin was pircheft be ane finifter informatioune, maid to the Kingis grace, for keipin of the said malefactouris vpuneifit or accujeit be the law, quha fà cruellie had fiched the innocent blude of the said vmq° Charlis, as alwa to the hurt of him and vtheria perfewaris, in the hindrance of justice: Thairfore, the said Alexander protestit for remeid, at God and the Kingis grace; and afkit instrumentis of the premises; and that he prefiitle disfaifentit to the continewatioun maid be the Jus-
tice and his deputis in this Court; and heirvpoune, tuke actis in the handis of me notare publict wnderwritten and fcrybe of the said Court.

[Mr Johnne Grahme, Justice-Depute.]  
Administering Poison to her Husband.
Jan. 12, 1578-9.—HELENE COLQUHOUNE, spouse to William Cuning-
hame of Aket.

Clement Kinkaid, in the Coittis, oftymes callit to have produceit our souerane lordis lettres, dewlie execute and indorsit, purcheft be William Cunningham of Aket, and Mrs° Dauid Borthuik of Lochhill, and Robert Creychtoun of Eliok, aducatis to our souerane loird, to tak fouerte of the said Heilene, that he (she) fould conpeir and wnderlie the law this day and place, ffor the treffionabill Mi-
instering of Poyfoun to the said William, hir spouse; committit in October laft-
was: And nocht produceand the famin, was thairfore amerciat in the panis con-
tenit in the Actis of Parliament.

Adultery.
Feb. 18.—CUTHBERT AMULLEKIN, in Dempfartoune. ¹

Johnne Hammitoun, parfoun of Crawfurd, Johnne and Cuthbert Amullekin, fwerand to my Loird Ruthene, become souerties coniunctlie and seueralie, for Cuthbert A. in D., conviit for Adulterie, committit with Elizabeth Hammit-
toun, Ladie Cloifburne, that he fall depairt furth of this realme, within thre scoir dayis, immediatlie eftir the dait heirof, and remane beneift furth of the famin in tyme cuming: And als, that he fall abstene fra the cryme abouewritten, vnder the pane of ane thousand merkis: And this done at command of secreit coun-
sale, be thair precept direct to that effect: Lykeas the said Cuthbert, of his awin confent and will, reffauelt the said banisfiment.

¹ See April 11, 1578.
Convocation of the Lieges—Making an Abbot of Unreason.
Jun. 23, 1579.—Andro Chalmer in Fyntoray, and five others.
Dilaitit of art and part of the conuocationiune of our fouerane loirdis liegis,
and making of ane ABBOT of WNERSOUNE ; committit in Juniij 1578.
Continued to the Jusfrice-air of ‘ Abirdene, tertio Itineris, vel super premoni-
tione xv dierum.’ Plegiis, Richardo Blyth, burgen. de Dundie et M. Will.
Chalmer (camerario) de Lundoris (portionario de Fyntray) conjunctum et diu-
lim ; et omnes perfones ad relevand.

Slaughter.
Jun. 23.—Andro Gisboun in Fyntrie, Andro Chalmer thair, and seven
others.
Dilaitit of art and part of the cruell slauchtare of vmq* Alleftrare Reid, alias
MacHenrie ; committit in Auguft lastwas.
Continued to the said Aire of Abirdene, with the same perfons as cautioners.
Mr Will. Chalmer, chalmeriane of Lundoris, as baillie of the Regalitie of L.
produces ane Commiffioune of Replegiationoune, subfcryuit be the Abbot of Lun-
doris ; and protefrit that the said continefatioune be naiife prejudiciale to the
privilege of the said Regalitie, &c.

Slaughter.
Jun. 27.—Johnne Broun of Carleuch.
Johnne Lord Maxwell amerciated in forty pounds, for non-production of
Johnne Broun of Carleuch before the Justiciar or his deputies, to underlie the
law, for art and part of the slaughter of James MacCulloch of Barholme ; com-
mittit on the 17th day of April laft.

Jun. 27.—The famin day, Johnne Gordoune of Barfkeoch, oftymes callit
to have produceit our fouerane loirdis lettres, dewlie execute and indoratif, pur-
cheft be Elizabeth Kirkpatrik the relict, bairnis, kyn and freindis of vmq* James
MacCulloch of Barholme, &c.

Besieging House of Warriston, &c.
Jul. 10.—Alexander Dalmahoy of that Ilk, William Dalmahoy his
brother, Johnne Dalmahoy his fader brother, Johnne Wilfoune,
Johnne Reidheid, William Reidheid his fone, Allane Gilchriift,
William Duchell.
Dilaitit of the affieging of Williame Somerwell in Wareiftoune, within his
duellung place of Wareiftoune ; and vtheris crymes, at lenth contenit in the let-
tres direct thairvpoone ; committit in Juniij 1578.
This mater continewit be the Kingis Maiestie, be ane Precept, produceit be
Johnne Somervell, meffinger, to the twentie day of August nixtocum; and take
instrumentis of the producion of the famin.—Plegiis, Domino de Fawlyde,
pro Dom. de Dalmahoy; et Dom. de Dalmahoy, pro reliquis omnibus.'

Forging of Avulterate Money, Harditis.

Jul. 31.—Johnne Mayne, burges of Edinburghe, now duelland in
Birraine, in Norway, Bergen.

Dilaitit of art and pairt of the forgeing, fenseing and prenting of certane
fals and adulterat money, viz. fals hardittis; committit ten zeitris fyn or
thairby.

PRELOCUTURIS in defence.
Mr Johnne Scharp, Mr Thomas Craige.
James Mowbray, Williame Downie.

PERESWARIS.
Mr Robert Creychtonne, aduocat,
Williame Mylne, Scottifman, duellant at Birraine,
Thomas Beill, Robert Melulie.

Thomas Cok, (merchand in Edinburghe,) chancillare, askis instrumentis in his
awin name, and in name and behalf of the rest of the perfons of Aslyife, that
thai haive deposit and gevin their deluyerance according to their knawlege and
consciencel vpoun the fycht of the peisics produceit; and in respeit that they haif
na notorietie nor fure knawlege of the deid it self, nor na suffecient tryell or
probatione verefeit in writ be the pereswaris; that thairfoir they incure na
denger nor cryme be Aslyife of Errour, or ony vtherwayife : And protetris to
this effect, that the decreit vfeit be the defendare, togidder with the haill writris
produceit in procex, be regitrat in the buiks.

'Followis the Testimonialis' and writris produceit be the said Johnne
Mayne in his defence,' eiz. (1.) From the Council and Senators of Bergen, in
favor of Mayne and Helen Bowman his wife, Maij 26, 1578.—(2.) Ane vther
Testimoniall from Birraine, June 8, 1578.—(3.) The King of Scotlandis Testi-
moniall, direct to the Toun of Birraine, Sterlins, Julij 28, 1578.—(4.) Ane Testi-
moniall direct from the burghe of Edinburghe, Julij 15, 1578.—(5.) Ane decreit
gevin befor the Lordis (of Counfale), Julij 24, 1579.—(6.) Ane Testimoniall
gevin be the Toun of Inuerkething, Julij 30, 1579.—Then follow 'Copies of
the writris and Testimoniallis produceit be Williame Mylne againis the said
Johnne Mayne,' being five in number. The Record on this cafe is closed by
the infertion of a Testimonial of innocence granted by Colin Earl of Ergyle,
Lord Campbell and Lorne, Juficie-General of Scotland, Julij 81, 1579, in favor
of Johnne Mayne of the whole crimes charged against him in his Dittay.

1 Hardheits or, limes, formerly of the value of three half-pence, but depreciated by Regent Morton
to a penny, which caused much discontent. The plack also was depreciated by him from four to two-
pence. 2 These documents are preserved at length in the Record.
13 Jac. VI. CRIMINAL TRIALS.

Justiciar within the Bounds of Atholl appointed.

Nov. 12.—JOHNNE ERLE OF ATOILL produceit ane Commissioun of Justiciarie, gevin to him be our fourane loird, wnder the Grit Seill, makand him Justice within the boundes of Atholl: And defyr that his aith mycht be acceptit, &c.

Slaughter.

Nov. 17.—MARGARET LINDESEY, Ladie Kerbank and Maister James Fotheringham his spous.

Dilaitit of art and pairt of the cruell slauchter of vmq Katharene Fotheringham, spous to James Page in Aberlamnay; committit in Februar lastwas.

Preflocutouris in defence.

'ACQUIT.'

Besieging House of Warriston, &c.

Nov. 20-21.—ALEXANDER DALMAHOG of that Ilk, and seven others.¹

Dilaitit of the aseffing of William Somerwell in Warieftoun, and vtheris crymes at lenth contenit in the lettres direct thairvpoune; committit in Junij 1578; speciallie, for beiring and schutting of culveringis at the said place, with conuocation une, &c.

Presewaris.
William Somerwell, in Wareystoun, Mr Robert Creychtoune, advocat.

Preflocutouris in defence.
The Laird of Ormeftoun, The Laird of Trabroune, The Lairde of Covintoun, Mr Johne Scharp, Mr Thomas Craig.

Verdict. All Acquit of the crymes put to the knawlege of Asyle, viz. of the schutting and beiring of piftolletis in the moneth of Julij, and thaireftir cuming to the hous and aseffing thairof, and schutting of piftolletis thairat, and hurtig and wondung of Barbara Barrie, &c.

Incest and Adultery.

Jan. 15, 1579-80.—ELISABETH PRESTOUN, sister to the Ladie Borthuik.

Dilaitit of the crymes of Incest and Adulterie; committit with the Loird Borthuik, at findrie tymes, contenit in the lettres.

Verdict. 'ACQUIT.'

¹ See Jul. 10, 1579.
CRIMINAL TRIALS.  A.D. 1579-80.

**Incest and Adultery.**

Jan. 15.—**MARGARET SCOTT,** fister to the Ladie Borthuik.

Thomas Borthuik of Mediltoun is americiated for the non-appearance of Margaret Scott before the Justice, &c. to underlie the law for the crimes of Incest and Adulterie; committed with William Lord Borthuik, husband of the said Dame Grizzell Scott, her fister, ‘et procreacione filii ad eundem Dominum Borthuik,’ &c.

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Prelocutoris in defence.  Persewar.

Mr David M’Gill,  Mr Johane Prestoun.

ASSISA.

James Hoppringill, in Hoppringill, James Rig of Carbarie,  Robert Trumble, in Heriot mylns.
Johnne Hoppringill, in the Murrois,  (Chancellor,)  Robert Deware,
James Hoppringill, in the Bow, The Laird of Fawlyde,  Thomas Adintaun, in Carcant,

**Incest and Adultery.**

Jan. 15.—**DAME GRISSELL SCOTT,** Ladie Borthuik.

Dilaitit of Incest and Adulterie; committit with Walter Scott of Tufchelaw.

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Prelocutoris in defence.  Persewar.

Mr Thomas Craig, Mr Johane Leirmouth, Mr William Harvie.  Mr Robert Creychtonne, advocat.

ASSISA.


‘Desert.’

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**Poisoning his Wife—Adultery.**

Feb. 15.—**ANDRO GLENCORSE,** in Peristoun.

Dilatit of art and pairt of the Poisoning of Issbell Staig, his spous; committit twa 3eiris fyne, or thairby: AND ficklyke, for the lying in the filthie cryme of Adulterie with his wyffis moder, callit Helene Bathcote.

VERDICT and SENTENCE.  ‘Convict of baith the crymes, and print.’

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**Slaughter—Convoidation of the Lieges.**

Feb. 24.—**VTHRED MAKDOWELL,** young Laird of Garthland, and others.

Dilatit of art and pairt of the crewal slaughter of vmq James Gordoune, sone of Johanne Gordoune of Barfskeche, with Convocatioun of the Liegis, bodin in feir of weir, &c., in the moneth of Julij laftbypast.

Hew Kennedie of Barquhennye, allegeit, that na proces aucht to be led aganis him, as cautioner for the entrie of the young Laird of Garthland and remanent;
in respect, that he is noch lawfullie chargeit, at his dwelling place, albeit it be
indorfat, that he was chairget at Dawcarrane, quhair his wyff was for the
tyme; quhilk is naywise his dwelling houz, nor yit was he chargeit personale;
and prowestis, that quhatsumeuer procis be laied in the said mater, that the famin
be noch prejudicial to him as fouertie foirfaird, and offeris him to prve suffi-
cificentlie, that he duelt in nather of the saidis places quhair he was chargeit.—
Anfuerit Mr Thomas Craig, for the Gudeman of Barlkieoch, that he is lawfullie
chargeit, at the place where his wyff duelt for the time, and the law preuisponis
the famin to be dwelling place; and that thai thairfor abyde at the execucion
of the saidis lettres.

Eodem die, Hewgo Kennedie de Barqueennie, fippe vocat ad introand. Vhridum Makdowel
juniores de Garthland, Andream MacDowell ejus patrem, Joannem M'Dowell de Knokinrofchie,
Georgium M'Dowell juniores de Darregillis, Patricium M'Dowell ejus fratrem, Gelbertum M'
Nelie, vocat. the Rymour, Alex. Agnew in Blair, Adamum M'Kie in Culinik, Joannem M'Dowell frat-
trem Vhridis M'Dowell de Bararg, Nicholaum MGoune et Gilbertum McClennoch, coram
Juftriciis f. d. n. Regis suisve deputatis, predict. die et loco; ad fubmendum legem, pro arte et parte
crudelis interfectionis quondam Jacobi Gordoune filij Joannis Gordoun de Barlkieoch; cum Convoca-
tione subditorum dicti f. d. n. regis, more bellico armat., contra tenorem Acti Pari, in meuse Julij
ultimo, &c.

'AMERICAT.' 'NOTA. Nocht to be extractit, in respect of the Kingis Warr-
rand.'

Falsing of Evidents — Forcergy.
Feb. 28.—JOHNE SOWTARE, notare and meffinger.
Dilaitit of the falsing of findrie evidentsis and vling of fallat; speciellie, for co-
peing of James Brounes evident in Dundie, and deluyering to the said James of
the said copi falsifieit be him; and the said James awin proper evident to Ro-
bert Stewart, the said James aduerfare, quhairin decreit is pronounceit.
VERDICT and SENTENCE. 'Convicted of driers poynitis, and hangit.'

Slaughter of Lord Chancellor Glammis.
Mar. 5.—DAVID ERLE OF CRAWFURDE.
Patrik Loird Lindefay of Byrris, et Davud Lindefay of Edzell, fined, for non-
production of the Earl of Crawfurde, to underlie the law for the slaughter of
vmquhile Lord Glammis, Chancellor, and James Johnnestoune.

Murder—Theft.
Apr. 30, 1580.—ANDRO TRUMBILL, sone to Ekkie of Belfis, and Johnne
Young, in the Cames, duellar under the Laird of Minto.
Delaitit of art and part of the cruell and schamefull murther of vmqu
Johnne
Hammiltoun of Beneftoun, committit in Januar laftwas; and breking of the faid vnq Johnnes kift, and thiftounous ftelings, concealing and away taking furth thairof, certane coitis, clokiis and vtheris gudis and geir.

Vertict and Sentence. Conuict, baith of the murthour and of the thift, and the faid Johnne Young hangit.—Nota, This (Andro) Trumbell, fone to Ekkie of Beifis, becaus of his minoritie, the dome nocht pronuceit vpoun him; but he delait and delyuerit to Andro Lindefay, to be keipit in waird, as he will anfuer, &c.

Treason.

Maij. 23.—George Balfour, Pryour of Charterhouse.

Comperit my Loird Thesaurer and the Aduocate, and declarit, that for famekil as that, at ordinance of the Kingis Maiestie and Counfale, thai wer ordanit to perfew the faid George Balfoure, Pryour of the Charterhous, of certane crymes, for the quhilk he is tane, and ane Affyise summond to this day; thairfoir afsik instrumentis, that thai haue done their diligence, and wer reddie to perfew him, conforme to the faid ordinance: And protetis, in respect of the absence of Mr Johnne Graume, Justise-Depute, that the occasioun of the stay of proces this day be imput to him, seing na Court culd be fensit without him, nor proces led thairin, conforme to the faid ordinance.

Maij 23.—The quhilk day, in presence of me Notare publict and witnesse wnderwritit, comperit George Balfoure, Pryour of Charterhous, qua exponit and declarit, that in respect the Capitane, Connextable and keiparis of the Castell of Edinburghe, had enterit and presentit him in faice of Court, within the Tolbuyth of Edinburghe, conforme to ane Warrand direct to thame thairvpoon: Thairfoir, and in confiderationis of his entrie, he tuik and afsit instrumentis thairof, that he presentlie was content to wnderly the law, for all crymes of Treffoune allegit comitttit be him, and for the quhilk he has bene this lang tyme bypaft haildin in waird: Offering him, thairfoire, to the knawle of ane famous, condigne and vnfuspect Affyise; diffalenting of all forder delay or continewatoune of Court thairanten. Quhairvpoon, the faid George afsit instrumentis, as faid is, in the handis of ane Notare publicit, and fcybe of Jufticiarie, appointit in the Courtis thairof. This was done, day and place forfaid, before Sir Lwes Ballendene of Auchnowle, knycht, Clerk of our fouerane loirdis Jufticiarie, the Laird of Cloiefhe, Davuid Lawtie, Hew Tod, with vtheris diuerfe.

1 Respectable, persons notoriously of good fame.
13 Jac. VI. CRIMINAL TRIALS.

Falseing, Forging, and Feinzeing of Letters.
Jun. 29.—ROBERT CARMYLIE, seruitour to vmq\(^1\) John Sowter.\(^1\)

Dilatit of the cryme of falsfat, speciallie of the falsfeing, forging and fenezing of lettres (of) Arreifeftment and the subfcripoune-manuall of Gilbert Thornet- toune wrytoure; and the Kingis Signet thairto of ane vther lettre, vpoune James Adame in Alyth, for payment of viij\(^2\) merkis.\(^6\)

VERDICT and SENTENCE.  'CONVICT. ET SUSPEN.'\(^3\)

Murder of the Regents, Murray and Lennox.
Dec. 15.—ARTHUR HAMMILTOONE, in Bothwelhauche.\(^4\)

Dilatit of the treffonable Murthouris of vmquhile James Erle of Murray Regent, committit in the moneth of Januare lxxix (1569) 3eiris. And ficiyke, for art and part of the treffonable Murthour of vmquhile Mathow Erle of Leue- nox.

ASSISA.
John Blair of that (Ilk,)  Mr Archibald Cuming, fear of Alane Lokart, yngar of Clegborne,  
Johne Cuninghame of Drum-  Archebald Douglas of Punfeith,  
cowte,  W. Schw in Braeaddogins,  
quasfill,  John Millar in Mynebeuch,  
William Beaillie of Lammingtoun, Johne Nowene of Kirvode,  Thomas Beaillie, tutour of Jar-  
Mungo Lokart of Clegborne,  Joh. Gilmore, burges of Gla\frw,  reftoune,  
Gawin Crawford of Farne,  Thomas Inchaw in Nethirtoun,  Gawin Ra in Bothwll.

The said Arthour tuik instrumentis, that the Asyllfe aboue writtin clengeit him of the flauchtaur of the tw Regentis, quhairof he was dilaittit.

The famin day, comperit Mr Robert Creychtoun, aduocate to our foueran lord, and produceit ane warrand, subjcryuit the Counfale, defyryng and commanding him to infift in perfute of the said Arthour Hammiltoone, for all crymes to be layd to his charge, and gevin vp in Dittay vpoune him; quhilk he defyrri to be regisrat : Quhairof the tennour followis.

SUPPLICATION OF ARTHOUR HAMMILTOONE.

Sourane Loird, Vanto 3our Maietie and Loirdis of Secret Counfale, humelie menis and schawis, I, 3our seruitour, Arthour Hammiltoone, callit of Bothwellhauche; That quhair, eftir pe aifeinge of Hammiltoone, I was committit to waird within pe Caftell of Dumbartane, quhair I hau remanit continualie fenfynie, baseing nathing of my awin, bot fulfenit vpoun pe expenflies of my freinds. And now, it hes plefit 3our Maietie, and Il. charge pe Captaine and Keiparis of the faid Caftell of Dumbartane, to tranpjoit me, hiddin,\(^6\) to pe toune of Edinburghe, to quhat purpois I kau nocht; qba hes brocht me heir, quhair I am reddie to abyde the trual of ane Asylfe prefentlie, for the slauchter and murther of 3our bienes vmq\(^4\) fader and Regentis; or then to find cawtione to entir agane to pe effect, and wnderly all things can be laid to my charige, vpoune pe mony days warning, and wnder sic panis, as 3our bienes and Il. pleffis to appoint, I being fred and at libertie.

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\(^1\) See Feb. 28.  
\(^2\) Seven score, or 140 merks.  
\(^3\) Hanged.  
\(^4\) There is marked on the margin of the Record, opposite the name, 'Acquyt.'  
\(^5\) Lordships.  
\(^6\) By stealth, in a concealed manner.
as the rest that was subject of the kyte ofences. Maiest hume in his bairf, I bekef 3our hienes and l. that aper I may be put presente to pe knawlage of ane Affyle for pe faid crymes, or cavtoun may be reftant of me in maner and to pe effect aboue wrettin, and 3our Hienes and l. anuer hume I bekef.

WARRANT. ‘Apud Halludhous, xiiij Octobris, anno &c. lxxx° (1580). The Lordis of Secret Counsali ordanis the Justice Clerk and his deputis to appoynt ane particulair daye to pe Arthouare Hammiltonoue, to wnderly the law, for all crymes can be laid to his charge; and to direct lettres requyring all or fonerane lordis lieges, be oppin proclamation at the mercat croces of Lanark, Glasgw, Lynlythiqu, and otheris places nudesfull, to ge weave Ditay, quhairythrow pe faid Arthour may be accusit at pe faid day to be appointit, and iifec ministrat as accordis. And ordanis pe advocate to infrict in perfit of pe faid Arthour, as he will anuer pairvponne.

(Sic subscrititur) ‘MORTOUN. R. DUNFERMLINING.’

Arthouare Hammiltonoue (then fitled ‘of’ Bothuelhauch) was afterwards restored to his eftate, &c., under the Act ‘of the restitution of the noblemen and otheris reffauit to the Kingis Maiesties favour.’ 1581, chap. 21.

The following illustrative documents are excerpted from the Books of the Privy Council of Scotland:

I. APUD Hammiltonoue, decimo Maii, anno, &c. lxxix. The quhilk day James Robertoun of Ernok become actit and oblieft as cautious and soortie for Arthour Hammiltonoue, soone to wynquhali Arthour Hammiltonoue of the Haleisf, to enter and present the faid Arthour before our fonerane lord and lordis of his hienes secrect Counsali, as the faid James falsbe requirit thairto, yponne aucth dayis warining, under the pane of ane thowland pundis; and Patrick Hammilton, burgis of Hammilton, oblieft him and his soris to releif pe faid James of pe premisfs, and of all pane and danger that he may incur thairthrow.

(Sic subscrititur) JAMES ROBERTOUN of Ernok, PATRIK HAMMILTON, with my hand.

II. APUD Castrum de Struiling, secundo Juni, anno, &c. lxxix.

SEDERUNT.

Colinus comes Ergadie, Robertus comes de Lennox, Robertus comes de Buchane, Andreas dominus de Vehiltrie, Allanus dominus Catchart, Commendatarius de Cambelkenneathe.

DUNROD dijchargit of the Letrunn. ¹

ANENT the supplicationis presentit to our fonerane lord and his Priuie Counsali, be Robert Lynde-say Dunrod, makand mention, that quhair he wes burdymnit be his hienes and his faid counsfale, to serche, felk and bring to his Maiestis, ane Letrun pertaining to David Hammiltonoue of Bothul-hauch, quhaira or contenit certane writis; quhilk Letrun, the faid Robert hes brocht and delinirit, at his Maiestises command, to Alexander Hay, ane of the ferbis of the counsfale, in presence of the faidis lordis. In reseft quhairyot, it is necessairlie requirit that the faid Robert be reletit of the same, and disharge gervin to him of all intromission thairwith, and act of counsfale to be extandit to that effect: Lykeas, at mare lenth is contenit in the faid supplicationis. The Kingis Maiestis, with suits of the faidis lordis of his secrect counsfale, in reseft of the produccion of the Letrun above written be the faid Robert, conforme to the command gervin to him to that effect, dischargis him thairot, and of all pane and danger that he may incur thairthrow for euir.

III. APUD Halbrudhous, xxij die mensis Januarij, anno V. lxxx° (1581, neiv style.) The quhilk

¹ Robert Pitcairn, Commendator of Dunfermling, and Secretary of State, &c. ² A writing desk, or box for holding writings.
day, Johnne Roos of Hanayng become actit and oblieft, as cautioner and fourtie for Arthoure Ham- 
mythoun, callit of Bothvilsheuch, that the said Arthour fell contene himself as sae faithfull and obedi- 
situe to our sounerane lord and his authoritis: and on newye reflett, supple, intercommunie, or 
schaw fassour to Johnne fumtyme Commendatari of Abirbrothok, and Claude fumtyme Commendatari 
of Faillay, nor to any vtheris their complices that ar or heirether faile declarit rebellis and fugitives 
fr the lawsis, for the treffnable murder of vmque the King, his bienes dearest father, and of the Eris 
of Lennox and Murray, his bienes Regentis of gude memorie. And as, that the said Arthoure fall 
compeir persoanalie befor his Maiestie and Lords of Secret Counsile, as he faile requirit thairto, vpoum 
fyftaine dayes warning, vnder the pane of fyve hundreth merkis. 
(Sic subscribitur) JOHNNIE ROSS of Haning.

MURDER.

Dec. 15.—WALTARE LAWDEIR, servand to vmque, the Lairde of Bafs. 1
Dilatit of art and pairt of the crewall murthour of vmquhile Mr James Law- 
der of the Bafs, his maistir; committit in the moneth of October.

SLAUGHTER.

Dec. 20.—LAURENCE LORD OLIPHANT, Arthoure Forbes apperand of 
Reres, &c. (fortye-one others).

Dilatit of airt and pairt of the crewall slaughter of vmque Alexander Stewart 
of Schuitingleis; committit in the moneth ('the fyrf t day) of Novembereat-
paft: ('And for invading of William Lord Ruthvene, Thefaurer, for his slaugh- 
ter,) and vtheris crymes specifict in the lettres produceit vpoun thame.

PRELOQUITURIS for the pannell. PRELOQUITURIS in perfuit. PERSEWARIS.
The Laird of Lochleven, The Laird of Barnbarroch, William Lord Ruthvene, 
The Laird of Cardene, George Corrie of Kelwod, Sir Johnne Stewart of Traquair, 
The Laird of Dunias, Wm. Murray of Letuir Bennettis, knycht, 
The Laird of Delgatie, Mr Rol. Creychtoun, advocat. James Stewart in Tinnis, broder 
Mr Johnne Scairp, to the deunct, 
Mr Thomas Craig. James Hoppringill of Wodhous.

The quhilk day, eftir cheifing of the preloquitouris, alwise for the pannell as 
the perewaris; comperit Mr Johnne Scairp, and askit instrumetis of produc- 
tione of aine deleyuerance of the Lordis of Sefflounie, purchese be Laurence Lord 
Oliphant, chairging him (Mr Johnne) and vtheris procuratoris thairin con- 
etit, to compeir this day and place, and procur for the perfonis enterit on pann- 
ell in thair defence; quhilk deleyuerance, he defyrirt to be anfuerit and registra- 
tr in the buikis of Adiornall. Quhilk defyre the Judge thocht resonable, and or- 
danit the fame to be registra.

INTERLOCUTOR. The Justice-depute, vpounne certane alledgeanes proponit be the partis Acte- 
isde, coominewit this casde to the morne; and ordanit the perfonis on pannell, to find fourtie for thair

1 There is marked on the margin of the Record, ' Convict. et decollat.' The Assise are designed, 
being all burgesses of Edinburgh, but the procedure is not entered.
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entrise, to vsurily the law for the crymes sochaizd, and vtheris contenit in the lettres direct vpoun the same;
who shand the Laird of Lochlevin cautioune to that effect.

Dec. 21.—The Justice Depute, in respect of the appledgeance proponit be
athir of the parteis proeliquitoris, and that ane Asflie could nocht be obtien to
my Lord Oliphant, for objectioune; ordainit the mater to be continevit quhill
the morne, xxij day of November, &c.

VERDICT. (Dec. 22.) The Asflie, be their delyuerance, pronunceit and decla-
rit be the mouth and speking of George Symmer (Sommer) of Balsoirdie, Chanc-
illar, shand and delyuerit the perfonis enterit on pannell and persewit, to be clau-
seit, innocent and acquit, of airt and part of the crewwall slauchter and mur-
thoure of vmq Alexander Stewart of Schuttingleis, shôit with ane poysonit
bullet: And of the convocation of our fourane lordis liegis, bodin with cul-
veringis, pitolettis, jakis, speris, steibonnettis and vtheris wappinnis inos/ciuej
incontrair the tennoir of the Actis of Parliament: And siclyke, of vmbefett-
ing of the his way to William Lord Ruthvene, Thefuarer, invading of him and his
feruandis being in his cumpanie, for their slauchteris: With the haill circum-
cstances thairof libellit, committit vpoun the fyreit day of November laftbpaft,
vpoun fett purpous, provifion, auld feid and foirthocht fellonye.

Eftir the pronunceing and declaratioun quhairsof, the perfonis on pannell aikit
instrumentis, and protestit for their testimoniial.

Slaughter.
Dec. 23.—William Lord Ruthvene, (Lord High Thesaurer of
Scotland,) James Ruthvene, Alexander Ruthvene, James
Ruthvene, callit Swaddinis Jame, &c. (feventy-nine others.)

Dilatit of airt and part of the crewwall slauchter of vmq Johnn Buchane;
committit vpoun the fyreit day of November laftbpaft; and vtheris crymes,
contenit in the fummondis.

PRELQUITORIS for the pannell.
Mr Lord Barnbarroch, The Laird of Traquir, Lawrence Lord Oliphant,
Mr Alexander Syme, Mr David McGill, William Now, officer,
Mr Johnne Ruffell, The Laird of Keild. Mr Robert Creychtoun, Advocat, pro rege.

Mr Robert Creychtoun, Advocat, produceit ane Precept subcroiyzt be the
Kingis Maiestie and twa of his hienes Previe Counfell, direct to him, chairgeing
him to inftit in the perfute of the perfonis enterit on pannell, &c.; quhilk Pre-
ccept he requyrit to be registrat, quhairof the tennoure followis.

JUSTICE. Justice Clark and youre depunitis, and Advocat: It is our will and we command 50w, that
incontinent estir fycht heirof, 5eoure Advocatt persew pe Lord Ruthvene, vpoun pe lettres riflin

1 This is the only instance in the Record of poisoned bullets having been made use of in Scotland.
agains him to the xxij day of pia moneth, and continewit to pia day; and we our justice, Justice Clark and your deputis, proceed to the perfuit fordwart to the putting of my Lord Ruthven and his servandis and frendis on pannell to ane Affyle, and do justice pairwise: As ye will anser to uspairpoun; keeping pia for your warrand. Frome Halyriadhous, the xxij day of December 1580.

JAMES R. LENOX, ROBERT STEWART.

My Lord Olinphant assit instrumentis, that he paft fra the perfuit of my Lord Ruthvene and remanent perfonis on pannell, pro loco et tempore; and that, in respect that Master Robert Creychtoun, Aduocat, wald nocht vse his information, as he alledged. And provestit, that quhatsumevir thing the Aduocat did, in the perfuit of thame, could nocht prejudget nor hurt his actione, but quhen tyme and place fall serue, he may perfou the famin, according to the lawes of this realme.

My Lord Ruthvene alledged, that he and the rest enterit on pannell, aucht nocht to be put to the knowledge of ane Affyle, for bering, wering and vsing of pistolettis against the lait Act of Parliament libellit; in respect, he had ane Licence grantit to him, be oure fouerane lord, subscryuit with twa of the Counsell: Quidilk Licence he produceit, defyryng the famin to be infrct, quhairof the tennour followis.

Licence in favo of William Lord Ruthvene, Thefauter, &c.

We, for divers reasounis canfeis movin us, be the tennour heit, Gevis licence and power to oure rycht trait cousing and counseleare, William Lord Ruthvene, oure Thefauter, his servandis, paiptakaris and defendaris, in his campan, to beir, weir and vse bagbutis, culveringis and pistolettis, for his and pair defence, againis his inimeis; nochtwithstanding our Actis, statutes and proclamationis, maid incontrar; with the quhiliks he pair presentes we dispence: Diicaireng our Justice, his deputis and all vtheris judges within oure realme, of any troubling, calling or perleyng of oure faid cousing or his fairdis, ciuile or criminal, att any day or dayes pairfoure; inhibiting pairfoure, and of pair offices in pair part, be the pair presentes. Subscryuit with oure hand, at Halyriadhous, the xxij day of October 1580.

(Sic substribuit) JAMES R. LENOX, JAMES STEWART.

The perfonis on pannell, in respect of the Kings Maiesties Precept, direct to the faid Justice depute, wes ordnait to be put to the knowledge of ane Affyle, of the perfonis following, for the slauhter of the faid viq Johnne Buchane and vtheris crymes, &c; exceptand the bering, wering and schutting of pistolettis, quhilik is cutit away, be resou of the Licence produceit and registrat.

ASSISA.

James Lord Innermaithe, Robert Mure of Cauldwall, Hew Lord Somerwell,
Allane Lord Cathcart, Johnne Quhytefard of that Ilk, James Erle of Glencairne,
Andro Erle of Rothes, George Drummond of Blair, Andro Lord Stewart of Vchilte,
Gylbert Ogilvie of that Ilk, Wm. Cwnynghame of Caprintoune, Alex. Drummond of Medop,
Patrik Lord Lyndsay, Alex. Maiter of Levingtoun, Harye Drummond of Riccartoun.

The famin day, the Laird of Caprintoune, being schofin, sworne and admittert vpoun the Affyle of the perfonis aboue writtin, enterit on pannell, and
haifing removit him self (furth) of Court with the remanent perfonis of Aflyse, to deliberat and decyde vpoun the pointis of Dittay, quhairof thay wer acquitt; he re-enterit agane, fend be the Chancelar of Aflyse in the saied Court, and in presence of the saied Justice depute, demandit of Mr Robert Creychtoun, Aducat, perewan, gif he had ony vthir prefiucmoun, certaintie or taikin of the crymes lybellit, contenit in the summondis, quhaiby the perfounes on pannell wer acquitt; quha anfuerit, that he had na thing bot the saidis lettres, vndir oure fourene lorde signet, sub scriut with the clark, togidder with the Kings Maiesties Precept, defyng him to inisf in perfuit thairof; vpoun the quhilk anfuer, the said Laird of Caprintoun askit instrumentis.

The Erle of Rothes, Chancelar of the saied Aflyse, re-enterit lyke wyife in the said Court, and askit instrumentis, that the perfounes on pannell wer nocht orderit to be put to the knawle of ane Aflyse, for bering, wering and vñging of piptolettis; in respect of the Kings Licence, grantit to thame to that effect; and profeit, that the said Licence fouldt be anfuerit (infertiit) and registrait in the buikis of Adjournall.

Verdict. And immediatlie efthir pe schesing, swareng and admitting of pe saidis perfounes of Aflyse, as vñe is, the fairsaidis perfounes enterit to pannell, being acquitt be dittay oppialis red in judgment, of pe crymes following; the saidis perfonis of Aflyse, being allodgider removit furth of Court, and fyne convent and refounit vpoun pe points of pe said dittay; and being rypele ayfis pairwith, re-enterit agane within pe said Court of Justiciarrie, quhail thay, in presence of pe said Justice depute, be pair delyuerance, prononceit and declarit be pe mouthe and speikig of pe said Andrea Erle of Rothes chanceliar, fand and delynerit the said William Lord Ruthvene, and remanent perfounes nocht repledgeist, to be clangeit, innocent and acquit of pe slauchter of vanq' Johane Buchane, ferman to Laurence Lord Oliphant, committit with convocatoun of oure fourene lordis liegis, be way of hamefuckin, vpoun pe fyrit day of November laibypast, vpoun feit parpoise, prouifoun, auld feid and forthocht fellaone; feing na verificatoun schawin to pame, nor zit na perfoun swerand pe Dittay.

Upron the produceing quhairof, the said William Lord Ruthvene, Thefaurare, in his awin name, and for the remanent perfonis on pannell, askit instrumentis.

Slauchter, &c.

Dec. 24.—Laurence Lord Oliphant.

Willemus Dowglas de Loclevein, plegis devenit, ad intrandum Laurencium Dominum Oliphant, coram Jusdticiario f.d.n. regis suifue deputatis, tertio die proximi Itineris Jusdticiarie de Perthe, vel alibi vbi et quando placuerit suo ferenitati, super premonitio xv dieorum; ad fubeundum legem, pro arte et parte crudeliis interfectionis quondam Alexandri Stewart de Schuitingleis, primo die memfis Novembris ultimo elapso, ex certo preposito, prouifone et precogitatia phelonia commissi.; alijque criminibus in literis regisiis defuerit directo specificat.; secundum formam et tenorem earundem et fub penis in Actis Parliamenti contentis.
Theft.

Jan. 6, 1580-1.—Frances Armestrang, sone to the Laird of Quhit-hauch, Frances Armestrang, sone to Sym of Tinnisburne, Hob Elliot, callit Ill Rob of Ramsgrill, Quintine Nikfoun, sone to Clemmie the Crune, Gawin Elliot, sone to Scottis Hob, Thomas Armestrang, sone to Sandies Niniane, Andro Armestrang, sone to Thom of Gingillis, William Elliot, sone to Jokis Willie, Hob Elliot of Braidlie, Johnne Elliot, sone to Eldar Will.

Dilatit of certane crymes of theft, specifieit in the Dittay to be gevin in vpoune thame.

Mr Robert Creychtoun, aduocat, askit instrumenitis of the cheuing, swering and admitting of the saidis perfonis of Assyfishe.

The Jutice-depute, ordanit the perfonis of Assyfishe, desift and ceful, frome all delyuyer vpoun the pointis of dittay, red oppinlie in Court; and ficlyke commandit the saidis perfonis on pannell to be committit to weird within the Cafftell and Tolbuth of Edinburghe.

Piracy.

[JURISDICTION OF HIGH ADMIRAL.]

Jan. 10.—Johnne Cockburne in Leith.

Dilatit of certane crymes of Pirrasia (Piracies) att lenth specifieit in the lettres produceit.

The samyn day, comperit Mr Thomas Gylbert, Admerall-depute to ane nobill lord, James Erie of Mortoun, &c. Grit Admerall; and alledgeit, that the Jutice aucth nocht to be Judgeis to the said Johnne Cockburne, in respect the cryme quhair-of he is accuit is ane sefairrand\(^1\) mater; and thatfuir, defyrat the said Johnne to be repelled furth of the said Court, to the jurisdictioun, libertie and priviledge of the Admerall, as Judge compitent thairto. Mr Robert Creychtoun, advocat, comperand for the Kingis intres, alledgeit, that the said alledgeance aucth to be repellit, in respect thair wes na Commifion seficialie to that effect; and albeit thair wer ane seficial Commifion produceit, it fould nocht be obeit, becauf he is fyrst perfewit heir, \textit{et locus eft preventioni}. Forder, the defyre of the Admerall-depute is for hinderance of justice, and wes neuer in vfe to repledge ony caufe from this judgement.

\begin{interlocutor}

The Judge continewis the interloquitor vpoun the alledgeances aboue writitis, to the tent day of February nixtucum; and ordanit the said Johnne Cockburne to find cautioune for his entrie att the said day.

The said Amerall-depute protestit, that the continewatioune of pronunceing of
\end{interlocutor}

\(^1\) Seafaring, or maritime cause.
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the interloquitoure, be nawayse prejudicial to my Lord Admerallis juristic-
tioune, and askit instrumintis that he diissaفت to the continewatianne of the
said interloquitoure.

Feb. 10. Robertas Kirkcaldie, burgen. de Edinburghe, et Willelmas Downie, alias Laird Downie, in
Leith, plegii deuserunt, conjunctim et dividim, ad intrandum Joannem Cokburne in Lethe coram
Justiciario s. d. n. regis, suisse deputatis, tertio die proximi Itineria Justiciarie de Edinburghe, vel alibi,
vel et quando placuerit sue serenitati, super premonitione xv dierum, ad siveandum legem, pro arte et
parte dinerorum criminum Piracie et Spoliorum facta, super nones Flandrionum et Gallorum; necnon,
pro arte et parte furtiva depredacionis suurreptionis, per modum lie Piracie, omnium et singulorum bo-
norum et mercium, extra nauem Flandrionum lie vocat. Bonaventure, pertinen. ad Joannem MacMichael
de Larew, Lucam Remont alloque dineros locupletos mercatores in oppido Antwerpie remanen., in
menfe Maj vtimo elspfi commiss. ; allique crimiibus, in litteris regis desuper direct. speciat. ;
seundum fornam et tenorem erandum, et sub penes in Actis Parl. contentias.

Oppression—Taking Captive and Prisoner, &c.
Jan. 11.—JOHNE GORDOUN of Blalak, George Gordoun, sone to James
Gordoun of Craigmynle, George Gordoun of Kandmoir, Mr
William Gordoun of Dalperfe, James Gordoun of Craigmynle,
Thomas Gordoun of Dawane, Alexander Vaus of Ruthvennis,
Robert Gordoun of Halheid, Andrew Tailseour in Smiddie-
hill.

Dilatit of the taking of James Mortymer, apperand1 of Craigievar, captiue and
prefoner, and detening of him within the wod of Kilblene, be the space of ten
dayes or thairby; commit vpoun xxvj day of Auguft laftbypaft; and vthiris
crymes specifieit in the lettres produceit vpoun thame.

PRELOCUTIO in defence.
Captain James Stewart, The Maister of Seytoun, James Mortymer apperand of Craigivar,
The Maister of Caflillia, Mr Thomas Craig, Advocat, Mr Robert Creychtoun, Advocat.
Mr Thomas Buchquhanann, Mr Johnne Scharp, (The Erle of [Sutherland] law-borough4
(sub pena ter centum mercaran.)

The perfonis on pannel afkit instrumintis of their entrie, and protestis for
relie of their cautionaris; and that thay war reddie to byde the treyll of the
law for the cryme libellit. Askis instrumintis, that nane perfewis bot young
Cragyvar and the Advocat; and that the Lord of Cygvar declarit, he wald
perfew the Lord of Ruthvennis, and the rest of the pannels.

Continued to the Justicie-air of ' Abirdene, tertio Itineris, vel super premoni-
cione xv dierum. Plegio, Comite de Sutherland et omnes intrantes ad relevand.,
pro rato.'

EXPENCES OF PANNELLIS. The famin day, the haill perfonnes on pannel
protestit, that na lettres be grantit in tymc cuming to the perfewar, for calling

1 Heir apparent.
2 Legal pledge or security, that, in the interim, no injury should be inflicted
against the other party.
of thame to vindirly the law, for the crymes libellit, vnto the tymie he find cau-
tion for satiffaction of their expenffis.

Protestationoun of Assyile. The perfonis of Assyile, chofin and admitter, 
reign that na ma perfounes of Assyile could be had to pas vpoune the intrantis 
Assyile, protestit, in caif thai wer summond att any tymie heirerftir to pas vpoune 
the Assyile of the faidis perfonis, for the cryme libellit, That they be nocht 
verlawit, in respect of thair obedience att the present; and that they wer bot puir 
men, vnmelit to pas vpoun Lairdis Assyilis, and that they wer drevin to exhor-
bitant expenffis be cuming fa far of.

Slaughter.

Jan. 17.—George Adam, maifoun, fone to Alexander Adam in Gaf-
toune.

Dilatit of airt and pairt of the crewall slauchter of vmq" Andro Cuninghame 
of Forrestierhill, committit vpoun the xxiiij day of December, anno 1577. And 
als, of the slauchter of vmq" Johne Wallace, committit vpoun the ix day of 
Januar instant.

Verdict. The Assyile pronounceit and declarit the faid George Adam cul-
pabill, convicit and fylit, of airt and pairt of the crewall slauchteris of the faidis 
vmq" Andro Cuninghame and vmq" Johne Wallace.

Sentence. To be taikin to the Caftell-hill of Edinburghe, and thair his heid 
to be frikin frome his bodie; and all his movabill guidis to be eftcit and in-
brocht to our fouerane lordin vife; and that dome was pronounceit be Andro 
Lyndesay, Demptar to the Justice.

Murder of King Henry Barnley.

Jun. 3, 1581.—Johnne Bynning, feruand to Mr Archibald Dowglase, 
parlone of Glasgw.

Dilatit of airt and pairt of the tresfonabill paricide, murthoure and crewall 
slauchter of vmquhile Henrie, King of Scottis; committit in the moneth of Fe-
bruar, I"V".lxvij 5eiris.

Persewar. Mr Robert Croychoune of Eliok, Advocat.

The Justice ordanit the said Johnne Bynning to be put to the knowlege of 
an Assyile, for the crymes contenit in Dittay; [by virtue of 'ane Warrand pro-
duceit, subicryuit with (by) the Kingis Maieste, quhilk the advocat desyrit to be 
registrat.] This document does not appear on Record.

Verdict. The Assyile, be thair deluyerance, pronounceit be the mouth and 
speiking of Mungo Scott, (merchand, burges of Edinburghe,) Chancilair creat of 
the Assyile, fand and deluyerit the faid Johnne Bynning, fylit and convicit, of
the crewall, schameful, tresfonabill and abhominabill slauchter and murthour of
vmo[3] Henrye, King of Scottes, fauer to our fouerane lord, in his awin ludgeing,
for the tymne, within the burgh of Edinburghe, beyde the Kirk of Feild, quhair
he was lyand, in his naikit bed, takand the nychtis reft; tresfonabill raifand fyre
within the famin, with ane grit quantite of powlder, throughe force of the qhilk
the said haill ludgeing wes raifit and blawn in the air, and his Grace wes maitst
awfullie and tresfonabill flame, mordreif and distroyit: And ais, fland and de-
lyuerit the said Johnne, gilte, of airt and pairt of the crewal slauchter and mur-
raifing of the said fyre, committit in cumpanie with James, sumtyme Erle of
Boithvell, and diuerse vthris declarit traittouris, in the moneth of Februar 1566;
and of the tresfonabill counseling and hyding of the saidis horribill crymes, com-
mittit be the said Johnnis affittance, at the tymne and place fairfaid.

SENTENCE. For the qhilk caufis, the Justice, be the mouth of Andro
Lyndefty, dempstar, ordanit the said Johnne Byning to (be) tane to the croce
of Edinburghe, and thair hangit vpoun ane geibet, and thaireftir demanit lyke
ane traittoure.

High Treason.

JUN. 7.—ARCHIBALD ERLE OF ANGUS.

Johnne Cowningham of Boningtoun, oft tymes callit to haif enterit, Arch-
bald Erle of Angus, Lord Dowglas and Abernethie, &c., before our se fouerane
lordis Justice, or his Deputis, the saids day and place, in the houre of caus, to
have vndirlyne the law, for the tresfonabill disobedience of the command of our
fouerane lordis vthris lettres; in nocht entering of his perfoyne in waird, beyond
the watter of Spay, within fix daies efter he wes chairegit thairto; and on na-
wyise to cum be-fouth the said watter, quhill he wer fred be oure fouerane lord;
and that he fould fend ane procuratorie sufficientlie authorifit, obleffand him to
fulfill the premisfis: Qhilk chairege wes gevin him, vpoun the xviiij day of
March, 1580 seiris, be Johnne Broun, messfinger, vndir the pane of tresfoone;
and on nawsyis obeyit be him, nathir within the saids fix daies, nor jeit att na
tyme fenfyne; incurrand thairby the panis of Tressoun, viz. tinfull of lyfe, landis
and guidis, and be extinguion of his tytillis, fame, honoure and memorie for
evir. And ficlyke, of his disobedience of the command of our se fouerane lordis
vthris lettres; be the qhilkis he wes chairegit, be Johnne Calder, Buit Purfe-
vant and Shereff in that pairt, within constitute, vpoun the xxix day of March
laftbypast, in oure se fouerane lordis name and authoritie, as kepar, detener and
withhauder of the Caftell and fortalice of Thomptailoune, to rander and deleyuer
the famin to the said Johnne Calder and Shereff in that pairt, executoure of the
faidis lettres, to be kepit be him, in our fourane lordis name, during his hienes will, within xlviij hours eftir the faid chairege, vnder the pane of treffoun \^e; with certificatiqueone to him, and he failseit, he fidbe repute, hauadin, estemit and perfewit and demanit as ane traittour; and nochthneles, he on na wyise obeyit the famin chairege, Nathir within the tyme foirfaid appointit thairto, nachir 3itt att na tyme fenfyne; nochtwrthstanding the said Caftell and fortalice wes lauchfullie requirit, be the executour foirfaid of the faidis letteris, eftir the outrinning of the space contenit in the famin. And rycht\^awa, for his treflonabill disobedience of the command of oure fourane lordis vthir letteris, in nocht randering and delyuering of the Caftell and fortalice of Dowglas to Johnne Adie, meffinger, within xlviij hours nixt eftir he wes chairgeit thairto; quhilk chairege wes gevin be the saif meffinger, ypoun the penult day of March lastwas, in anno 1581; and fwa, nocht obeying of the said chairege, nathir within the space appointit thairto, nor 3itt att na tyme fenfyne. And vtheris crymes contenit in the letteris direct thairwpoun, eftir the forme and temnour of the famin, and vnder the panis contenit in the Actis of Parliament.

And the said Archbald Erle of Angus nochter comperrand, to the effect foirfaid, the said Johnne Cwninghame of Bonington, his cautioner, wes vnlawit, for his non entrie to vndirly the law for the saidis crymis, the saidis day and place, in the panis contenit in the Actis of Parliament, vis. in the pane of ane hundreth poundis. And siclyke, the said Archbald Erle of Angus, Lord Dowglas, &c., wes adjugeit in the famin Court, to be denunceit our fourane lordis rebell, and putt to his hienes horne; and all his movabill guidis ordanit to be escheit and inbrocht to his Maiestatis vfe, as fugitive fra his hienes lawes, for the saidis crymes.

High Treason.

Jun. 13.—George Dowglas of Parkheid.

Johnne Charterhouse of Amissfield, for non appearance of George Dowglas of Parkheid, is vnlawit in the pane of ane hundreth poundis, to haif vndirlyne the law, for the treflonabill disobedience of the command and chairege of our fourane lordis lettres, in nocht randering and delyuering of the Caftell toure and fortalice of Torthorrell, to Robert Maxwell, meffinger, theref in that pait, &c. Dowglas adjudged to be denounced rebell, &c.

Slaughter.

Dec. 9.—Johnne Striuling of Glorat, Johnne Striueling, younger of Craigbernat, Walter Striueling of Ballagane, Louke Striueling
of Baldorane, Alex. Abirnethie in Strablione, and Johnn Striueling, servitour to Gnorat.

Dilatit of airt and part of the crewell slauchter of vmq* Malcum Kincaid, sone to [James] Kincaid of that ilk; committit in Junij laftbypast.

Persewarin
Mr David McGill, advocate, Charles Kincaid, eldeft sone to the defance, The Laird of Caids-
The Laird of Keir, James Kincaid, elder of that ilk, fader, well,
The Laird of Blaquhannan, James Kincaid, younger of that ilk, The Laird of Bla-
The Laird of Merkintoun, elder, Thomas Kincaid, broder,
The Laird of Knokdolian, George Kincaid, broder, The Laird of Lug-
Mr Thomas Buchquhannan, Mr Robert Creychtoun, advocat.

The quhilk day, comperit James Stewart of Cardonall, and produceit ane Precept, subferyt be the Kings Maieftie, and twa of the lordis of Secret Counfall, direct to the Justic, Jutice Clark and thair deputis; commanding, that this criminall caife fould be continewit to the tent day of Januar; quhilk wes obeyit, and cautioen ordanit to be found be the defendaris, for thair enrie the faid day, in the Tolbuith of Edinburgh, to vndirly the law for the crymes lybellit.

(Jan. 10, 1581-2.)—Preloquoutouris in defance.
Sir James Hammiltoun, The Laird of Restarig, The Maifter of Sempill,
The Laird of Elphinstoun, Mr David McGill, Mr Thomas Buchquhannan.

The pannell afsit instrumentis, that young Kincaid, being requirit, gif he wald percew thame of thair lyfis; anfueris, that he wald.

Mathew Stewart of Mynto, bailie depute of Efme Duke of Leuuenox Earl of Darnelie Torboitoun Dalkeyth and Obenzie, &c. replegated the pannell to the Regality of Lennox, and asignned the 24th day of March following, for adminif-
tration of Justic.

[Mr Henry MacCalzane, Justice-Depute.]

Slaughters near the Kings’s person—Jurisdiction of Magistrates of
Edinburgh, Lord High Constable, &c.

Dec. 15.—William Bikartoun of Caftch.

Dilatit of bering, wering and schuuting of pitolettis, within thre quarteris of
ane myle to the Kings perfoune, (inconstr the tennoure of the Actis of Parlia-
ment and Secret Counfall;) and schuuting of George Auchtine (of Balmanno)
throughe the bodie; committit vpoun the xij day of December instant, vpoune fett purpois, prounifioun, auld feid and foirthocht fellonie.

Buchquhannan, (Buchanan.)
15 Jac. VI. CRIMINAL TRIALS.

Preluduitouris for the panell.
Mr Alexander Sym, Mr Henry Balfour, Archibald Aunchinleke of Cumledge,
The Laird of Durie, young, the Laird of Abbotshall, (broder,) Mr Robert Creychtoun, aduocat.
The Laird of Courton, young.

The Justice, with auife of his Affeifouris, vpoun the allledgeances and anfueris, afwelke proponit yester-day as this day, hinc inde, that the deid contenit in Dittay, sould be remittit to the knowledge of an Affyfe; and quhatfumevir thing contenit in Dittay super penam juris, with the dome, sould be referuit to the Judge, to be pronunciet accordin to the lawes of this realme.

The said mater, for laik of Affyfouri, continewit to quhatfumevir day it plefit the perlewair to fummond an Affife thairto.

Dec. 16.—Comperit Mr Alexander Clerk, Prouest of Edinburg, togidder with Mr Alexander King, aduocat, and declarit that Wm. Bikartoune had committit the crymes aboue writtin, and committit to thair weir; and in respect thay ar Shereffis within thaim seifis, protestit, that the Justice Court and thair proceding vpoune him sould be nawife prejudicall. The (Lord High) Constabill protestit in lyke maner, that in respect the famin wes committit within the Kingis, &c.

William Bikartoune remittis him self in the Kingis will for the shot, quhilk wes done on fuddandie; conforme to the lawis of this realme; and denyis foirthocht fellonie.

The aduocat allgeidit the mater wes done vpoune auld feid and foirthocht fellonie, in respect of the deidlie feid standand vnreconfilt betuix George Aunchinleke and William Bikartoune, for the hurtig of Archibauld B. his broder, in September lastbypast; as the Dittay beris.

[Mr John Grahame, Justice-Depute.]

Dec. 18.—Maifter Robert Creychtoun akit instrumentis of production of ane new Warrand, direct fra the Kingis Maiestie, subcriuit be him self and twa of his hienes counfall, commanding the Justice and his deputis, to putt the said William to the knowledge of ane Affyfe.

VERDICT. The Affyfe, be thair delyuerance, pronunciet be the mouth and spekeing of Hew Montgnumrie of Heffilheid, chancellar, fand and delyuerit the said William Bikartoune of Cafche, to be culpabill, fylit and convict of the bering and wering of pistolettis, and of schuting of George Aunchinleke of Balmanno through the bodic to the grit effuifione of his bluid, committit vpoune the xij day of December instant; and fand him acquit of the doing of the fame, vpoune auld feid, fett purpois, prouisioun, be way of vmbefetting of the hie gait, foirthocht fellonie, and within thre quarteris of ane myle to the Kingis Maiestie...
and cruelly murdered of vmq" Hary King of Scottis, fathir to our souerane lord, committit in Februar lxvj (1566). At the leift, of the treffionabill hyding and concealing of the famin, he haveing foiiekwalge thairof, and knoweing perfytie, that Mr Archebault Dowglas and vmq" Johnne Byning his seruand, war actualie at the committing of the same. And for the slachter of vmq" Erle of Murray, Regent; and vtheris crimines contenit in the letteris.

Fharsewar, Mr David McGill as Advocate to our souerane lord.

Compeirit Richart Cah and Jafpart Hwnne, as procuratoris for Alex. Hwme of Manderfloune, as informer of the saidis crimines lybbellit aganis the Laird of Spott; and defyrat to be admissit procuratoris, conforme to thair Procuratorie, produceit thairin.

Compeirit lykewayis James Cuninghame, procurator for Dame Annes Keyth Countes of Murray, and Elizabeth Stewart his dochter,1 be thair lettres de Procuratorie speciallie constitut; and produceit the said Procuratorie, and defyrat to be admissit for his intres.

The Laird of Spott, in respect Richart Cah compleenis as procurator for Alex. Hwme of Manderfloune, informant, in this causs, defyrat, that lykewayis he may haif preloquitouris admissit for his pairt.

DITTAY against the paunet.

George Hwme of Spott, dilisitt and fummond be vertow of our souerane loirdis lettres, purchaist be Mr Robert Creychtown of Elick, his hienes advocate, to his day and place, for airt and pairt, red and coumfaile, of pe crewall, schamefull and abominabill Murthour and slachter of vmq" our souerane loirdis darret father, Henry King of Scottis, committit in the moneth of Februarie, the 56ir of God I.V. threfoir saw 56iris, within his ain lugging, befyde pe Kirk of Feild, vnder silence and cloudie of nycht, be treffionabill rasing of fyre within the saif lugging, with ane grit quantitie of powdere; throw force of the qhillik powedere, pe baill lugging was raift and blawin in the air, and his Majestie maist treffionabill and awfully murdraid, flaine, and destrooid: At the leift, treffionabill hid and concealit the saif horribile and treffionabill crimine, he hasand foiiekwalge pairof, and knawand perfytie that Mr Archebault Dowglas, famyntyme pasfour of Glaifg, and vmq" Johnne Byning his fer-

1 This, at first sight, would appear to be a mistake, especially when contrasted with the mention afterwards made of these noble ladies, in another part of the trial. 'Dame Anna Keyth, Countess of Murray,' was the eldest daughter of William, fourth Earl Marischal, and is elsewhere named Lady Agnes; and Lady Anne (Annie) Keith; and was the second wife and relict of Regent Murray, to whom she was married in February 1561. She was afterwards married to Colin sixth Earl of Argyll, to whom she bore two sons, Archibald the seventh Earl, and Sir Colin Campbell of Lundie. By her marriage with Regent Murray she had two daughters, Ladies Elizabeth and Margaret Stewart.—Dame Elizabeth was married to James Stewart, son of James Lord Donne, who having, in 1580, got a gift from King James VI. of the Ward and Marriage of the two daughters of the Regent Murray, a few days afterwards wedded the eldest daughter, Dame Elizabeth Stewart, and immediately assumed the title of Earl of Murray. Lady Margaret was married to Francis, ninth Earl of Errol, and died without issue.

In order to distinguish the mother and daughter, the former was usually styled Countess of Moray and Argyll. She died in June 1588. The husband of Dame Elizabeth is best known in Scotland as 'the Bonny Earl of Murray.'
15 Jac. VI.  CRIMINAL TRIALS.

and was actualis in the committing of pe said odious and cruel Wall Murthour; and nochttheles, keipit the famin secrect to him self, nevir reveling the famin to the hier poweris, pat pei wert the committar peirof, quhairby they micht haff bene punisit peirof. 

And siklyke, for sairt and pairt of the treffonabill and horribill Murthour of vmen* James Erle of Murray, lord Abernethy, &c. RESENT to our fourane lord, and of his hienes realme and liegeis for the tyne, committit actualle James Hammersone, callit of Bothwellbauch and Johnne Hammilltoun, Prowest of Bothwell, his brother, within the burcht of Linlythog, ydoun the xxiiiij day of Januar, the 3eir of God 1v. lxix. yeiris; and that of his cawfing, counsal, command, auffiance and ratchibitionone; treffonabill refettiton, suppleing and mentiong the saidis James and Johnne Hammilltounes, actual committariss, immediatle after the said Murthour, with the het blude hand, within his awin dwelling place of Neldpeth-hied, quhair he deids for the tyne; thay being fugitives peirof, and taksand the horribill cryme ypdoune thame; treffonabill concelland and byland the Murthour and Murthouarin, he being beith of the firk-nawlege peirof, as alifwa, treffonabill burding and keipint of the saidis murtheis within his said place, at the tyne foirfand, and be the space of fandrie days thairefit; nochtwithstanding he perfyttly knew, that girt diligence wes tane in fercheing and seiking of the saidis murtheis, to haff takin and apprehendit thame for execution of justice. 

And lykesways, for the treffonabill Refettiton, siffflit, suppleing and helping the said Mr Archebeand Dowglas, fumtyme Puroun of Glaifw, in the place of Spott, quhair he deids for pe tyne; and that in the moneth of Marche Iv. fourfoir geiris, efir pat the said Mr Archebeand wes daletit for the treffonabill and vanature Murthour of vmen* our darerf loirdis father, Henry King of Scotiss, of gude memory, and fugistine for the famin, acceptand thairby the cryme ypdoune him: Lykens, the said George treffonabill supportor and cousinyt the said Mr Archebeand, be him self and vtheris in his nayme, of his cawfing, command, auffiance and ratchibitedone, furthe of his hienes realme, at pat tyne, to the pairtis of Ingland, for fanstis of his lyff, that he fuld nswayls be apprehendit, prescient to our fourane loirdis lawis, nor punisit for the said horribill cryme; and nocht fandrie pairtis, with treffonabill wait directit messagis to pe said Mr Archebeand, into the pairtis of Ingland quhairunto he fud for the caste foirfand; and treffonabill practisit with him, be him self and vtheris mediate perfonis, of his feuding, fer his paffing in Ingland, at diurere tymes, in pruisidice of our fourane lord, his hienes realme and liegia; and fwa hydeing and couering of the said Murthour, that the committariss thairof fuld nather be knewin nor punisit for the famin: 

And alifwa, for sairt and pairt of the treffonabill accepting to tak and put violant handis on our fourane loirdis perHon, and fandrie of his hienes nobilitie and secrect counsal, at diurere tymes, in the moneth of December and Januarie in the 3eir of God Iv. lxix. geiris, and that within the burcht of Edinburgh, and Palise of Hallruthous; and treffonabill hid and conceilt the saidis attempstatis, he being of the firk-nawlege peirof, and maid prue peirof, be Archebeand fumtyme Erle of Angus, and vtheris of that conspiracie, and treffonabill gevin counsal to pe said Erle and vtheris of the said Conspiracie, to put the famin to ful exicution: And vtheris treffonabill conspiracies and crymes, at leith specifict and contenit in the saidis lettres direct thair ypoune.

Comperit Capitane James Cuninghame, as procurator for Dame Annas Keyth Countas of Argyle, and Dame Elizabeth Stewart Countas of Murray, her dochter, be thair lettres of Procuratorie, subfcryuit with thair hand allanterlie, speciallie constituite; and defyrit to be admittit for his intres, be vertew thairof; and skit instrumentis ypoune the productione of the famin.—Comperit lykewyfe, Richart Kafe, feruitour to Alexander Hwme of Manderfitoun, and Jafpart

* Vide note at the commencement of this trial.
Hwme, as procuraturis speciallie constitute be the said Alexander Hwme of Manderffoune and his lettre of Procuratorie, subscryuit with his hand, being speciale informer, in the fummondis of Treaoune lybellig and persewit againis the said George Hwme of Spott, defying to be admmitt procuratoris conforme thairto; and askit instrumentis vpoune the productioun of the famin.

The said George Hwme of Spott, haiing respect to the compeirance of Richard Cæfè and Japart Hwme, as procurators for Alexander Home of Manderffoune, informar in this cas, protefit that lykewayis he may haij prediquitouris admmittit for his pairt, to appone againis the said Alexander Hwme and his procuratoris compeirand in his name, allanerie fa far as concernis his pairt, as informare of the Adwocate.

The Justice, being rypleie awysit with the defyre of the Laird of Spott, admittis that he fall haij prediquitouris to appone againis the said Alexander Hwme of Manderffoune and his procuratoris, as informaris foirsaidis, vpoune the danger and perrell of law.

The said George Hwme of Spott, askis instrumentis vpoune the productioun of the Procuratorie be the said Capitane James Cuninghame, onlie subscryuit be the saidis Dame Annas Keyth Countas of Argyll, and Dame Elizabeth Stewart Countas of Murray; and that the famin is nathir subscryuit be the Erle of Argyle, spous to the said Dame Annas, nor yet be the Erle of Murray, spous to the said Dame Elizabeth.—To the quhilk, answert the said Capitane James Cuninghame, that the Procuratorie is sufficient, and thairfoir aucht to be admmittit, nochtwithstading the famin is nocht subscryuit be thair husbandis, in respect the actioun is trefsnaibill.

The said Laird of Spott, haiing regaird to the tryell of his innocencie, condiscendit, that albeit the said Procuratorie war nocht subscryuit be the spouses respectice foirsaidis, as the famin is nocht; sit, gif it wer to the forderance of justice, he wald admit the famin; and wnderstading alwayis, that it tendis to delay the mater, askis instrumentis, sit as ofbfoir, that the productioun thairof nocht subscryuit be the husbandis respectice as said is; and allegit that the famin thairfoir aucht nocht to be admmittit; and nochtwithstading thairof, he is content that the said Capitane James Cuninghame insift in perflute, be his Procuratory, and nocht to delay the mater; Lykeas, the said George allegand, that it wes the Kingis Maiesties mynd for forderance of justice, that presfent tryell be tane thairin at this dyet, produceit his hienes Precept in jugement, off the quhilk, the tennour followis:

Rex,

Justice, Justice Clerk and your deputis, We greit 3ow wele. Forsamekill as, we wnderstading that pair is ane Justice-Court to be haldin, the fextene day of this instaut, for tryell of George Hwme
of Spott; thairfor it is our will, and we appoynt Adame Bischope of Orkny, Robert Commendatour of Dunfermline, Mark Commendatour of Newbotill, and Mr Johnne Lindsey perfoun of Manderfoune, to be Affyrisse vnto zow: And that zy cheis ane consignane Affyrisse to the saud George, efficiard to his effect and degree; and that zy admit name that ar ferandis, kin, freindis or dependaris to Alexander Hwnne of Manderfoune, his competitor. Admitting alfwa to the saud George, his lawfull defensifs, quhilksis may be competent vnto him of the law, conforme to justic. Subscrivyit with our hand, Att Dalkeith the twelf day of Junij 1598.

(Sic subscribitor) JAMES R. LENOX. ARRANE.

Vpoun the productioun of the qheilk Precept, the Laird of Spott afsit actis and instrumentis.

Followis the Copie of ane Precept, direct be the Kingis Maiestie, for direction of lettres aganis the said George.

Justice, Justice Clerk and zour deputis, Forfamekill as, George Hwnne of Spott, has bene ofymes illestit of certane crymes of Trefoune and Leefe-maiestie, grettumulie fudcept pairof: Thairfor, zy fall nocht faill, and we command 3ow, for tryell to be had heirin, that zy caus sumpmond the said George, to wnderly our lawis pairof, in our Tolbuyth of Edinburghe, vpoune fytiene days warning; nochtwithstanding our Actis of Parliament and vthirias, that thy quha ar to be accuitt of Trefoune, saud hai furtie days sumpmond ofbefoir; because the said George is willing to anfuer vpoune the famin xv days warning: And to pat effect, that ye sumpmond ane Affyrisse, of the maift honest perfonis, and leif fudcept of partialitis, and that best knawis the veritis, in the said mater. This omawayfis zy leif widdone, as zy will anfuer to ws pairopoun. Subscrivyit with our hand, Att Dalkeith, the xxvij day of Maij infinit, and of our regnum, the xv 3eir, 1592.

(Sic subscribitor) JAMES R. LENOX. ARRANE.

The said Maifter Johnne Grahme, Justice-Depute, in name and behalfe of the Justice Generale, and for himself, afsit instrumentis and documentis, vpoune the productioun of the twa Warrandis of the Kingis Maiestis, as thair ar; and profeftit, that thai remane in proces, &c.

The said James Cuninghame afsit instrumentis, that the sauid twa Warrandis produceit, ar nocht paft in Counsfale. Quhairvnto anfuerit the Laird of Spot, that the Warrandis ar suffcient, in respect the famin are subfcrivit be our fervaner loird and the Dukis grace, conforme to ane Act of Secreet Counsfale maid at Striueling; and for corroborationit thairrof, produceit the said Act in juge-
mment, quhairof the tennour followis:

Apud Striueling, duodecimo die mensis Aprilis, anno domini 1582.

Forfamekill as, findrie gud Actis hes bene maid, alswell in Parliament as in Secreet Counsfale, aganis the vreffonailill and vdiificrit behavour of findrie his Maiestis domestis ferwandis, and vtheris subiectis; that ceifie nocht, raichlie and inopportunitie, without dw reverence of his hienes, or acknowlegeing jamfelfis or the nature of pairof sestis, and without respect of tymes, place or vhir circums-

APUD STRIUELING, duodecimo die mensis Aprilis, anno domini 1582.

Forfamekill as, findrie gud Actis hes bene maid, alswell in Parliament as in Secreet Counsfale, aganis the vreffonailill and vdiificrit behavour of findrie his Maiestis domestis ferwandis, and vtheris subiectis; that ceifie nocht, raichlie and inopportunitie, without dw reverence of his hienes, or acknowlegeing jamfelfis or the nature of pairof sestis, and without respect of tymes, place or vhir circums-

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fair the letters be read, hard or confidensit in Cousfile: quhairwith swondie incovenientia occurrit. For reme id of the ghillies, in tyme quoming, it is thocht expedient, statute and ordainit, that name presume or tak vpone hand, to present to his Majestie, any signator, procer, charge or missifis to the Loird of Seilhoune, or any inferior Judge, for staying or farthering of proced, in materia of justice, or vther extraordinari writis, or to prese to urge him with the subscryving pairos, except his hienis ordinari officers of the said, in thingis properly belonging to pairo officis, according to pe saidis Actis; without pe famin be first read, hard and allowit be ane ordinari number of his hienis Cousfile fittand, and subscryvit with twa of pair hands. That name of the letters first subscryvit be his hienis Maiestie, befor the allowance pairof in Cousfile, or althocht pai be subscryvit be anie vther twa of the Cousfile out of Cousfile fittand, it fals be any sufficient Warrand to pe keipares of the signet, privie or grit seallis, or the clerk of the Cousfile; nor 3is fall it be any case of offence or perrell to disfobey the same, quhairuir thay fall happen to be vit or presentit, without the Duikis Grace haif considerit and subscryvit pe famin, for awaying and eschewung of pe foirfaisis inconvenientia, abufe and confusione, in tyme cuming: And qua sir offendis in the premills, being the Kingis domefitke ferwandsis, fall vpone tryall that pai ar gyltie, be cafit, and put furth of pair service in the said houes: And being anie vtheris perfonis, fals be rigorussie punnishit at the fycht of his hienis, and his said Prinie Cousfile.

Extractum de libro actorum secreti confetti f.d. n. regis, per me Ioannem Andro, clericum depen taturum ejusdem, sub mei signo et subscribitione manu scriptis.

(Sic subscribitur) Joannes Andro.

The Advocate, being inquirrit, gif he wold inffit in perfitue of the said George Hwme of Spot, for the treffonabill cryme abowe writtin, and vtheris lybellit; declarit, that he wull inffit and perlew, diffalenting fra all contnawatqoun in the said mater; and reigurrit the said James Cuninghame compeirdand for the Countas of Argyll and Countas of Murray, togidder with the saidis Richart Cafe and Jespart Hwme, compeird as procurators for Alex. Hwme of Manderforoune, informer, to inffit and concure with him in the said perfitue. Quhairvpsone, he afkit instrumentis.

The JUSTICE, being awyfit with the saidis Adame Bishope of Orkay, Robert Commendater of Dunfermling, and Mr Johnne Lindefay parloun of Menmwe, his Affeouris foirfaisis, fand be Interloquitour, that proces fuid be deduceit in the said actiouen this day, conforme to the lawsis of this realme. Quhairvpsone, the said Laird of Spot afkit instrumentis.

James Cuninghame protestis, that the Procuratorie and heidis producite be him in writ, be keit, in proces, in caicte this mater passe to ane Aslyise, and the said Laird of Spott be acquit of ait and pairt of the treffonabill Murthoure and slaughtter of vmq" James Erle of Murray, Regent to our fouerane loid, and of his hienes realme and liegis, and conceling of the famin, as the Dittay beris, for Wilfull Errour, &c.

The said Richart Cafe afkit instrumentis, that be reigurrit this mater to be continewit; in respect, the Kingis Advocate is seik, to quhome his maiSter, informer in this caus, gaif his informacione.
The said Mr Dauid McGrill, sit as ofbefair, afsis instrumens, that he presentie defyris the said James Cuninghame, Richart Kafe and Jefpart Hwme, procuratoris and the informaris foirsealdis, seeing that justice ought to be ministret on the treasonabill crymes, but delay, to remane and affliss him as informaris, to giff him informatione.—To the quhilkis anfuerit the said James Cuninghame, that he compeiris onlie as procurator for the twa Countaiss foirsealdis.

And the saidis Richart Kafe and Jefpart Hwme anfuerit, that they will inffhit in the said perfute, in name and behalf of the informar, fwa that the famin be nocht prejudicial to the caus.

The said Mr Dauid McGrill, aduocat, defyris the roll of Apsyfe, subfcrivitt onlie be Mr Robert Creychtoun, Advocate to our souerane lord, to be fift callit.—Quhairifndeft the said Laird of Spott, that thair is ane roll of Apsyfe of the maist famous peronis of the countrie, and leift suspekt, subfcrivitt be William Erle of Gowie Lord Ruthven, thefauner to our souerane lord, the Justice Clerk, and the said Mr Robert Creychtoun, aduocate; conforme to the Kingis Maistesteis Warrand direct theirpoune; quhilk roll aucht to be reffualit and firt callit: And protefit, that the tothir roll be nawyfe reffualit; in respect, the famin is gevin vp the be informer.

THE JUSTICE, with awyfe of the Loirdis Aisfoursis foirsealdis, Ordinas be Interloquitour, that ane of ather of the saidis twa rollis be red and callit, and fwa furth ordourlie, ane for ane vther.

Assisa.


The said James Cuninghame proteftis, that quhatffumeur thing the faidis peronis of Apsyfis dos this day, in this matter, that the famin be nawyfe prejudicial to the faidis Dame Annaes Keyth Countys of Argyll and Dame (Elizabeth) Stewart Countys of Murrayis actioune; vpoune the quhilk he requirrit ane document.

Verdict of the Apsyf. Acquitting of George Hwme of Spott. And immediatis efter the chesfing, swearing and admitting of the faidis peronis of Apsyfis, with confent of ather partie, and swearing of thame in jugement, as vfe is; the said George Hwme of Spott, being auctit be vertew of the faidis lettres, of the treasonabill cryme above writtin, and vberis contentis paikis, firtseth be findrie takanis of Distay gevin in theirpoune, and the famin being denyit simpliciter be the said George, and referret to the tryall and deliuerance of the foirneisnis peronis of Apsyfis; they remouit furth of the said Court, and alsegiddar consenst and refonis vpoune the povatis of the said lettres and distay; and efftir lang reffloning had be same pairpoune, being ryplie awyfit thairwith, and sueris povit of the famin, votis, deliuerit and Acquitt je saif George of ever povit of the famin; and fyne re-enterit agane in the said
CRIMINAL TRIALS.

Court of Justiciary, and there, be pair delinuerance, prononceit be pe mowth and speikng of Johnne Cokburn of Ormestoun, Chancellar of the said Affylf, fiand and delynuerit the said George Hyame of Spott, Acquit off art and pairt, red and counfaile of the crewall, SCHAMEfull and abominable Mor-thour and flauveret of VMQ our sonerane loirdis darrest father. Henry King of Scottis, commitit in the moneth of Februar, the 5eir of God I."V". tresfoir fex sairis, within his swin luguring befyde pe Kirk of Fellsd, &c. &c. (as before detailed): And forders, of art and pairt, rede and counefale, of the trefsonabbill attempting to tak perforce, be way of deid, James sumtyme Erle of Mortoun, furtth of our sonerane lordis waird, quhirs kis he was commitit, for the horribill Mor-thour of our sonerane loirdis VMQ darrest father; and that, in the said moneth of Januare, the 5eir of God I."V". fourcoir seiris, as he was to be transportit furtth of his Maiefetis Caftell of Edinburg to his bienes Caftell of Dum-bartane; thair to be keipit, quhilk his be put to the knavlege of ane Affylife: And of the trefsonabbill counefaile-giving, to corrupt and seduce his keparris, and otheris haffing credit of his fadis wairdis and Capitanis pairof, to fust effect; and pairby, trefsonabbill hyding and conceling pe said conspiracie, he beand of the foirknavlege pairof: And auteur of art and pairt, rede and counfaile, of the trefsonabbill attempting of the inbringer of the Ingles force, within the paircis of Scotland; thairby to disfoule the peax, of laung tyme keipit, betuix the realmes of Scotland and Ingland; and be his perfuasion, trefsonabbill drawling and alluring grit poweris of Inglesmen, wele inarmit, to the nowmer of Ten thoufand perfonis or pairby, to the borduris of Ingland, foirenae the bordar is of Scotland; daylie manaffand and boifand wair, and to disfoule the publik peax fofiraid; commitit be him in pe said moneth of Januare, the 5eir of God 1580 seiris, quhen the said VMQ, James suntyme Erle of Mortoun was in waird, for the crewall and trefsonabbill Mor-thour of the said VMQ our sonerane loirdis darrest father: And beig the firt purpoois to misfit, towards the relieft of the said VMQ James furtth of waird, practisit and inter-pryfit his purpoois, thinkand pairby, that the said VMQ James fult recover his libertie, and escap treyll and pwnishtment: And rychtwia, of the trefsonabbill hyding and conceling of the said attemptatis, and caus quhairfoir pe famin wes attemptit, and quha was conspiratoris pairin with him, quhome be pe famin wes attemptit; he being of pe foirknavlege of all the crymes and trefsonabbill geuing counefale to pe said Archebauld suntyme Erle of Angus, and theris of the fadis conspiracies thairnent.

[Mr William Oliphant, Justice-Depute.]
Fire-raising, &c.

Jun. 5, 1583.—ALEXANDER JARDENE of Apilgirth. 1
Dilaitit of the trefsonabbill Birning of the Place of Litillgill.
The Justice, continewis the mater abowe writtin; in respect of the allegeaneis proponit agains the name of Hammitoune and Baileis, and deddilie feid, vpoune the commoun caus; as alifwa, vpoune the said Alexanderis peiris: And ordinat thame to be commitit in waird, within the Caftell of Edinburg.

[Mr Johnne Grahame, Justice-Depute.]
Breaking Warid out of Castle of Edinburghe.

Aug. 5.—JOHNE STEWART, watchman in the Caftell of Edinburghe.
Dilaitit of the breking of the Kings Warid of the Caftell of Edinburghe, and convoying of the Laird of Apilgirth and Williame Tailfeifir his serwand furth thairoif.

1 See Nov. 27, 1584.
The Justice ordains Johnne Stewart to be committit in waerd, quhill the Advocate be present for his perfute.

Fire-raising—Burning corn, &c.

Aug. 5.—JOHNN LINDSEAY of Covingtone, Mr James Lindesay and Robert Lindesay, his fonis.

Dilatit of airt and part of the treffonable rasing of fyre and birning of fyn flakis of beir, quheit and aitiss, pertaining to Mr Johnne Scharp, Advocate.

The Constable of the Caftell of Edinbughe askit instrumetnis of the entrie of the Laird of Covingtone and his fonis on pannell, conforme to ane Warrand direct to that effect. Compeirit Mr Johnne Frude, and produceit ane substitutio, maid be Mr Dauid MacGill, Advocate, makand ane substitutand him in his place, to perfew the Laird of Covingtone and his fonis, for the crymes therein contenit; and defyrit thame to be inert in proces.

The Dittay, which is inerted at length, charges the pannell, for the maist treffonable, awfull and horribill rasing of fyre, within the barne-gaerd of Horfaine, and coirns standing flakkite within the famin, pertaining to Mr Johnne Scharp, Advocate; quhilkby, be ane grit quantitie of powder and vtheris neceffariss vbit be 30w, at the leift of 3our cowling, airt, pair-taking, refletting, concealand and command, 3e maist treffonablelie and awfullie brint and deestroyit to him, within pe famin barne-gaerd, lyand within the Shereflome of Edinbugh, fyn flakkis of corne or pairby, contening pe quantitie of foure chaldor of victuall or pairby, of quheit, beir and aitiss.—This 3e did, vptune pe xx or xxj dayis of March laithypaft, vnder scellence of nycht,' &c.

The Juftice, continewis the mater to the morne, be Interloquintour, in the same force and effect as it now stondis; and Ordanis the Laird of Covingtone to be committit agane to waerd, within the Caftell of Edinbugh.

Aug. 6.—The said Laird of Covingtone, willing that his innocencie be tryit, of the said cryme, conforme to the lawis of this realme; declarit, that he is now twyis perfentit in this jugement, to that effect; lykeas, he offerris him self presentlie reddie to abyde thairin, be the knawliege of ane Affyfe, &c.

Interlocutor. The Justice, being ryplie awfit with the premisles, haing consideratione of the wechties of the cryme, being ane mater of Treffoun; findis be Interloquintour, that he can nocht gudlie proceid at this present, in the said mater; specialie, in respect of the absence of Mr Dauid MacGill, Advocate principall; and that the Justice is nocht in vife to refflate ane substitute, to perfewe ane crymes of Treffoun, sic as birning of coirns; quhilk, for the weill of the countrie, requyris sufficient tryell. Secunditis, becaus the said substitutit declarit, that he had refflateit na infractioun, information or taikin of Dittay, fra our fonerane loirdis Advocate, nor fra the pairtie offendit; but onlie ane smpill Dittay but taikinnis, as send fra the advocate, deleyrit to him be William Somer-

1 Without proofs or evidence in support of the averments therein contained.
well, nei kinsman to the said Laird of Covingtone. Thridlie, in respect of the saidis letters of Affyfe wer raifit be the said William Somerset, as was notore; and that the officer executour of the saidi confesseit in judgament, that the said William Somerset gait vp to him the names of Affyfe, with the letters; quhilkis wer summoned be his directoun and at his defyre. Furdie, being it is manifest, that inquisition was takin in this matter, at command of the Kingis Maiestie, be certane of the Loirdis of his hiesn Prizes Counsall, quhilkis is, be resoun of the advocatis abstinence, is supprest and nocht produceit. Fyldie, because the speciall pairtie and interest awner of the saidis counsall, mentionit in the saidis letters and ditty, being ordainit to vertew paid to be summoned, was nocht lawfullie warnt for his intrea; in respect he was nocht warnt quhill\(^1\) yesterday, eftir the senfing of the Court, and the hour of cas naeirly bypass; the said day being assignit as peremptour, to his perfuit. Asc finallis, considerit, pat Mr James Lindefay and Robert Lindefay, fonis to the said Laird of Covingtone, presentit samne falsit yesterday in judgament defying samne to be put to the knowlege of one Affyfe for the said cryme, they neir be being attaisht, conuenit nor commitit to waird; quhik accripis ane grit noesilie, far by\(^2\) the accusatit ordour of this Court: and for diversis vtheris resonsable casillis and consideratiions moveing him; specialie, becas our said sonerane lordis Precept commandit him to do justice in the paid mater, as occasioun fuld ferne: Thairfor continwit the said mater, quhill he war awyfit be the Kingis Maiestie and his hiesn Secret Counsall pairmenn: And ordainit the said Laird of Covingtone to be commitit to waird within the paid Castell of Edinburghe.

The Laird of Covingtone protestit, that he may be put to libertie, in respect he offerit him self, as said is, to the tryell of ane Affyfe, and cowntioner for his entrie the thrid day of the Air or sone, vpoun sit xvi dayis warning, vnder the pane of Fyve thowland pundis.

The Justice continwit the mater quhill he be awyfit, and ordainit him to be commitit to waird.

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\[Mr Johnne Grahame and Mr Eduard Bruce, Justice-Deputys.\]

**Bigamy—Adultery.**

Jan. 17, 1583-4.—ALEXANDER ABERCRUMBIE of Pitmedden.

Dilaitit of the mareing (marrying) of twa wyffis, contrair the Actis of Parliament, and committing of Adulterie.

Continued to the Air of 'Abirdene, tertio Itineris, vel xv diemur.'

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\[Mr Johnne Grahame, Justice-Depute.\]

**Fire-raising—Burning of Corns.**

Feb. 1.—EDUARD MAXWELL of Tinwald, William Maxwell his sone.

Dilaitit of airt and pairt of the treffonabill birning of certane coirnis pertening to Robert Maxwell of Bratoch; committit vpoun the fyft day of Marche laftwas.

' Committit in waird to the Capitane of Blaknes.'

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\(^{1}\) Until. \(^{2}\) Beyond, contrary to.
Feb. 3.—Johnne Kirkpatrik appeirand of Ellifland, Robert Kirkpatrik of Bratoch, Roger Greirbon of Lag, and fifteen others, fined in 'fourtie pundis' each, for absenting theselves from the Affyle; in consequence of which, the pannells were again 'delyuerit to pe Capitane of Blaknes.'

Mar. 16.—They were recommitted, owing to non-summoning of a proper Affyle.

[Mr William Oliphant, Justice-Depute.]

Cattle-stealing—Perjury.

Feb. 10.—Archebauld Crozer, sone to Martene Crofer. Dilaitit of airt and pairt of the thiftuous steling, confeling, resfettig and away taking, fra George Ra and Thom Lindefay, travellouris, of lxx ky and oxin, cumand to Hallow-fair, in October 1582 seiris; and of periurie anv other poynts contenit in the Dittay.

VERDICT. The Affyle, be the mouth of Thomas Ker of Merfname, sfind and delyuerit the sain Archebauld Crozer to be culpabill, conviut, and fylit.

SENTENCE. To be tane to ane gallous, befyde the mercat-croce of Edinburgh, and thair hangit quhill he wer deid; conforme to the lawis of the realm.

[Mr Johnne Grahame of Hakaairdis, Justice-Depute.]

'Erie of Gowries, Lord Ruthvenis and Birliounis process.'

May 4, 1584.—At the Ladys Mariis Lugring in Striuling, the ferd day of Maij, pe seir of God I'.V'.xxvij seiris. In preffns of the rycht honorabbill Sir I. Lewes Bellenden of Anchnowlie, knyght, Clerk of our fourteen lordis Justiciarie, Robert Grahame of Chornik, . . . . Grahame, secund sone to Sir Daid Grahame of Fintrie, knyght, and Johnne Creycottoun, sertonour to the said Sir Lewes, witnesfis in the mater anv effect vnderwritten.

The quhilk day, compeir in preffns of Johnne Auchmowtie, an James Castellaw, bailleis of the burcht of Strieulig, and me Mr James Bannatyne, Clerk Ordiner depute, in the office of Justiciarie an Notare publict, ane discreet man, Mr Johnne Grahame of Halzairdis, quha in our preffns, befoir the witnesfis fairfaidis, produceit our fourteen lordis Commissioune, vnder his hienes fignet, off the daif, at the Caftell of Striuling, the third day of Maij, the seir of God I'.V'. fourefcoir seiris fairfaid; makand him his Maiestis Justice, in that pairt, to fens an hauld Courtis of Justiciarie, for administratioune of justice,
vpoune quhatfumuir persoyn or persounis, tane, fulspeak or dilaitit of the fairth-
knawle, airt and pairt, of the treffonabill takking, fortseing and withhoulding
of the burcht and Caffell of Striuelng, and vtheris treffonabill and capitale
crymes quhatfumuir; and conforme thairto, defyrrit the famin to be admittit,
and him selff sworne, according to the ordour. Quha immediatlie thaireftir, in
prefens of the faidy baillies, me Notare and witneffis foirfaisonis, be halding vp of
his rycht hand, faoir and gaif his ayth, that he fuld leilie and trewlie fyrue in
the faidy office of Justiciarie, as Justice in that pairt, according to the tennour of
the faidy Commissoun; as he wald anfuer to our fouerane lord thairvpoun: And
than incontinent chefit, creat and constitit, Alexander Peblis meffinger, Alex-
ander Craigingait and Johnne Hodge in Striuelng, conjunctlie and seuerallie, in
officiaris; and Robert Scott in Striuelng, in Dompfere of Courteis of Jus-
ticiarie; thay being lykewayis sworne be thair grit aithis, gevin befoir the faidy
Justice, to fyrue and minifter leilie and trewlie in thair offices thairof, ilkane for
thair awin pairtis, ay and quill thay be dischargeit, &c. Quhairvpoun, the faidy
Maitrer Johnne afsit instrumentis of me Notare publict and clerk foirsaid.

It is much to be regrettit, that during so important a part of the history of
this country, the Criminal Record should be so defective. There are too good
grounds for believing, that much of that valuable Record has been wilfully de-
sroyed during this troublesome period. A great part of the earlier portion of thos
Volumes of the Books of Adjournal now extant, evidently consists of the 'Minute
Books' of the Court. Accordingly, in the extraordinary matter of the RAID
OF RUTHVEN, no part of the procedure which took place under the above noticed
Commission, is inserted in these Books. It was usual, no doubt, in these in-
stances, for such Commissioners to report directly to the Privy Council, who
had previously appointed the enquiry to take place; and their proceedings did
not of necessity, at least in that shape, form part of the proper Record of the
Court of Justiciary. In other instances, however, the process of Treason and
the Forfeiture was led before the three Estates of Parliament, and therefore
could not enter the Books of Adjournal, unless ordained to be therein recorded.
After diligent search, no trace of this Report is to be found amongst the Books or
Warrants of the Register of the Privy Seal; but fortunately, in the Parliamentary
Record, Official Copies or 'Extracts' of the Verdicts and Processes of Forfeiture
of the Earls of Morton and Gowrie are furnished, under the Attestations of
William Stewart, junior Clerk of the Court of Justiciary, and of Sir Lewis
Bellenden of Auchnoule, Lord Justice Clerk. Although the trial of the Earl of
Morton thus occurs out of its regular chronological order, it has been thought
proper to preserve it precisely as it has been inserted in the Books of Parliament.

1 Act ratifying the Domes of Foirfaltour led in Jugement againis vmq James fumtyme Eyll of Mortoun and William fumtyme Eyll of Gowrie, convict of the crims of Lefé-Majestie, and execute to the deith theirfor. 1

May 22.—In presence of the Kingis Maiestie and thrie Eftatis convenit in this present Parliament, Maifter Daudi Makgill aduocat to our fouerane, prouctour for his hienes, at his speciall command, sçew and declarit, how thair is certane domes of Foirfaltour gevin againis certane perfonis for crymis of Lefé-maiestie; speciallie, againis vmq James fumtyme Eyll of Mortoun and William fumtyme Eyll of Gowrie: And becaus the memoria of trastouris fuld remane to the shame and flander of thame that ar cum of thame, and to be terrou to vtheris to comitt þe like crymis in tym cumming; and becaus þe buikis of Adornall may be tint and be oft handeling be worne away 2 and vperwayis the faidis domes of Foirfaltour be destroyit; defiring theirfoir, that it wald pleis his Maiestie and the faidis thrie Eftatis to command the faidis domis of Foirfaltour to be drawin out of þe buikis of Adornall and attenticlie copeit, and the Kingis Maiestie great seall to be hung to the fame; and fïlike, that þe faidis thrie Eftatis fuld append their seallis theairto, for the fortificatioun, approbatioun and confirmatioun theairof. The quhilk defyr the faidis thrie Eftatis thocht verie reasounable, and be sentiment of Parliament, thocht the same to be done and grantit, to append their seallis to þe attentick extract of all Foirfalturis, baith gevin in Parliament and Justice courtis. Then incontinent Sir Leues Ballenden of Achnavull knycht, Justice-clerk to our fouerane lord, produceit the attentick Extractes of the Domes of Foirfaltour gevin againis þe faidis vmq James fumtyme Eyll of Mortoun and William fumtyme Eyll of Gowrie; to þe effect that þe famyn may be put and registreat in the buikis of Parliament to be extractit vnder our fouerane lordis great seall and the seallis of þe thrie Eftatis, as said is. And attour our fouerane lord, with aduise and confent of þe faidis thrie Eftatis, gaif command to Alexander Hay of Eïfter Kennett, clerk of his hienes Regifter, to giff out þe attentick copy of the faidis Domis of Foirfaltour, to pas as said is vnder his hienes great seall and vnder þe faidis thrie Eftatis. Of the quhilkis Decretis of Foirfaltour, gevin in our fouerane lordis Justice courtis, presentit as said is, and subscrüit be þe fâid Sir Leues Ballenden clerk of Jufticiarie, and William Stewart 3oungar, clerk be commissioun for þe tym, respectiue, the tennour followis.

1 From the Records of Parliament, Acta III., 304. 2 The precaution thus judiciously taken, has been the means of preserving legal evidence of the procedure in these highly interesting cases.
CRIMINAL TRIALS. A.D. (1581.)

CURIA JUSTICIARIE suprmi domini nostri Regis tenta et inchoata in pre-
torio burgi de Edinburg, primo die mensis Junij Anno Domini millesimo
quingentesimo octuagesimo primo, per honorables et discretos viros Jaco-
burn Strueling de Keir militem et Magistrum Joannem Grahame, com-
missarios in hac parte, per Commissionem s. d. n. Regis ac dominorum eius
Secreti Consilij specialiter constitut. ad effectum subscriptum: Sectis voca-
tis et curia legitime affirmata.

Lene-Majesty — Murder of King Henry Darnley.
JAMES EEARL OF MORTOUN LORD DALKEITH, &c.
JACOBUS Comes DE MORTOUN Dominus de Dalkeith, &c.

JUN, 1, 1581.—Accusatus, calumniatus, de arte, parte, prescientia, conce-
latione et non revelacione proditorie murthure quondam nobiliissimi et charissimi
Henrici Regis Scotorum, patris f. d. n. Regis Jacobi texti.

NOMINA ASSISE

Electe, jurate et admissae super prefato Jacobo Comite de Mortoun, vix.
Colinus comes Argar, Joannes dominus Maxwell,
Joannes comes de Montroithe, Georgius dominus Setoun,
Andrea comes de Rothes, Jacobus dominus Ogilvie,
Jacobus comes de Glenarne, Jacobus dominus Innermeith,
Hugo comes de Egilstone, Hugo dominus Somervell,
Alexander de Sutherland comes, Alex Magister de Levingstone, millis, millis,
Joannes Gordum de Locchivarr, Patricium Hepburne de Wachton,
Joannes does de Montroithe, Patricium Lernoult de Danerde

The quhilk day the saiid James Earl of Mortoun being indytit and accuffit,
that in the monethis of Januar and Februar in the seir of God I. V. lxvj seiris,
he, accumpanit with vmo James sumytyme Earl Bothuell, James Ormiftoyn
sumytyme of that Ilk, Robert alias Hop Ormiftoyn his fader brother, Johne
Hay sumytyme of Tallo youngar, Johne Hepburne callit Johne of Bewton and
diuerse vperis his complicis, craftelie and secrectlie confiprit amangis thame seffis,
trattit, devilt and maliciouline conclusit the maif scamefull, detefable and
vnnaturall murthour and patricide of our fouerane lordis vmo darrest father,
Henrie King of Scottis, lawfull ipous for pe tyme to his hienes darrest mother
Marie than Quene of Scotland, and that within the burgh of Edinburg, palace
of Halleruidhous and vperis placeis thairabout: And to pe end he miicht bring
his wikit, slithie and excrcable attempitat better to pas, he, with the remanent
perfonis afoirnamit, be thame seffis, thair srunandis, complices and vperis in
thair namis, of thair cauing, command, hounding, fenditg, pairtaking, assistance
and ratihabitoun, vpon pe tent day of pe saiid moneth of Februar 1566 seiris,
at twa houris after midnycht or thairby, come to pe lugeing beseide pe Kirk of
Feilde, within the saiid burgh of Edinburg, quhair our saiid fouerane lordis
darrest fader wes lugeit for pe tyme, and thair, be way of Hame-fukkin, brigancie
and forthocht fellony, maift vyldlie, vnmercifullie and tresfounable floew and murtherit him, with William Tailleour and Andro MacAige his cubicularies, quhan as they, buriit in fleip, wes takand the nichtis reft; brint his hail lugenie fairfaide, and raitst the fame in pe air be force of gun-pulder, quhilk a litill befoir wes placeit and input be him and his fairfaide vnder pe ground and angular rtanis and within the volitis, laiche and darse pairtis and placeis thAIRfoF to that effect: And rycht faa, he, with pe remanent perfonis afoirnamit, marrowis of his mischeiff, be thame selfis, thair fervandis, complices and vperis in thair namis, of thair caufing, commanding, hounding, fending and airt, pairt-taking, affifiance and rathabitioun, at pe tymis fairfaides, respectiue, gaif thair fauour, counfell and help to pe preparatioun of the faid horrible crymis: And ay femfyne, hes fimulat, hid, [and] conceilt the famyne in maift tresfounable and fecrete maner; and thairthrow had incurrirt the panis of Lef-e-maeftie and fuld haue bene pvniffit thairfoir with all rigour, be tynfell of landis and guidis and be extinctioun of fame, titillis, honour and memorie; conforme to pe lawis of this reame. Likas, the remanent perfonis afoirnamit, his complices and conspiratours with him in thir his tresfounable impieties, wer alreadie tryit and foirtait for the fame-fellf hienous and deteftable crymis; and for the maift pairt, as they culd be apprehendit, had fufferit maift thamefull deade thairfoir, according to thair defenuing. As at mair lenth is contenit in the Dittay gevin in anent the premisfes, with the takinis and probations producit and vfit thair-with. Qhillis being red to the faid James Eril of Mortoun and he anfuerand thAIRto, denyit the famyne; be reafoun quhairof, the faidis Justice-deputisis referrit the famyne to the knawlege of pe Inquidentified and Affife aboniewrittin, quha wes sworne, refualit and admittit in presence of the faid Eril.

**VERDICT.** And they being furth of Court removit and ryplie aduiftit with the faid Dittay, takinis infalliblie and maift evident, with pe probations producit and vfit for verefeing thairfof; and thairefter enterand agane in Court, they all in ane voce, be pe pronoucing of pe mouth of Johne Eril of Montroilie, Chancellair chofin be pe faid Affife, fyllit the faid James Eril of Mortoun of airt, pairt, forknawlege and conceiling of pe tresfounable and vnnaturall murtherour fairof.

**SENTENCE.** Efter pe quhilk conviction, the saidis Justice-deputisis, be pronunciatoun of Andro Lyndday dempftar of pe said Court, aduitive and for Dome gaif, That pe said James Eril off Mortoun fuld be had to ane geibbett, befile pe mercatt-croce of the faid burgh of Edinburgh, and thair hangit quhill he wer dead; and thairefter drawin, quartarit and demanit as ane traitour. And that

1. Grooms of the bed-chamber. 2. Hidden, concealed. 3. Equals, partners. 4. Loss, deprivation. 5. Spotswod, p. 318, states that the King mitigated the sentence to beheading, &c. The Confession of the Earl of Morton shall be inserted in the Appendix. 6. Although burial was allowed, and 'his
all his landis, heretageis, offices and posisflions, takis, ftedingis, cornis, cattell, actionis, debitis, obligationis, guidis, movable and vnmoveable and vperis quehat-fumeur, quhillis pertenent to him, fuld and aucht apertene to our fouerane lord and to be applyt to his vfe be reafoun of esheat of foirfature, to be vptakin, vfit and difponit be his hienes at his pleafour.

Vpoun the quhill premiffies Mr Robert Crychtoun of Eliok, advocatt to our fouerane lord, afsit instrumentis and actis of Court.

EXTRACTUM ex actis Curie Justiciarie antedictae per me Willelmum Stewart Juniorem notarium publicum et clericum dicte Curie, per Commissionem dicti s. d. n. Regis antedict. specialiter electum et juratum, sub meis signo et subscriptione manualibus. Ita est,

Willelmus Stewart Junior
notarius publicus ac scriba dicte Curie.

CURIA JUSTICIAE S. D. N. REGIS tenta in Edificio Domine Mar, infra burgum de Striueling, quarto die mensis Maij, anno domini milleffeno quingentenfimo octuagefimo quarto, per discretion virum Magiftrum Ioannem Grahame de Haizairdis Jufticiarium in hac parte virtute Commissionis f. d. n. Regis specialiter confitut. : Sectis vocatis et curia legitime affir mata.

Lese-Majesty.—Kaid of Ruthven.—Treasonably taking Burg and Castle of Stirling, &c.

WILLIAM EAIL OF Gowrie LORD RUTHVEN.

May 4, 1584.—The quhill day William Earl of Gowrie Lord Ruthven, being preffentit and enterit vpoun pannell, in presence of pe said Juftice, and put to pe knowlege of ane condigne Affife of pe rycht honorable perfonis following, to witt :

ASSISA.

Coline Erll of Argyll, James Erll of Arrane, William Lord Levingtoun,
David Erll of Crawford, George Erll of Merthill, Patrik Lord Drummond,
Johne Erll of Montoroife, Alexander Lord Saltoun, James Lord Ogilvie,
James Erll of Glencarne, Hew Lord Somerrell, Alexander Master of Elphingtoun,
Hew Erll of Eglinton, James Lord Downe, Sir John Murray of Tillibardin, k.

Dilatit and accuift of the tresaunfouble crymis following, wes, be thair dellicors carried by some bafe fellowes to the common fepulchre, his head was fixed on the Tolbooth. The king afterwards granted the following Warrant to take downe the head, which is preserved in the archives of the City of Edinburgh:

' Rex. Proeft and baillies of our burg of Edinburgh, We greit 30w well. It is our will and We command 30w, that incontinent efter the ficht heirof, ye tak down the head of James sum tymes Erle of Mortoun of the pairt quhair it now is placeit, upon 30w awld tolboith ; fwa that the fam heid may be buirit: For the quhill this our lettre fall be to 30w sufficient warrand. Subscribit with our hand, At Halyrudhus, the aucht day of December, and of our reigne the extene 3eir, 1582.'
uerance, pronunceit be pe mouth and deliuerance of George Erll of Merhill, Chancellair of the said Affisfe, found and declarit culpable and convict: That forfamekill as, in the beginning of Febuar laftwes, Mr Dauid Home servitour to pe Erll of Angus, and Mr James Erlykeyne seruitour to the Erll of Mar, come to him privilie, vnder silence of nycht, within pe tooun of Perth, and declarit to him how they wer directit be pe saidis tua Erllis, to certifie vnto him, that they wer baith of ane mynd, in following out and executing of thair treasounable devife, in taking of pe kingis burrowis of Sterling and Perth, at left pe ane or the vper of thame: Quhairesfetter, pe said Mr James reid bak agane to pe said Erll of Angus, and affurit him, that he had aggreit to thair maist treasounable interprifie. And thairthrow, he hes committit maist manifast Treafoun, not onlie in concealing of ane treasounable purpos of fa greit confe- quence, but also mekill mair, in confenting and aggreig. Item, fyllit and convict, that forfamekill as, he vnderstanding that Mr James Erlykeyne, seruant to the Erll of Mar, wes travelland throw pe cuntrie, in Stratherne, Striuilingfhir and Angus, treendand and consulant with pe partakeris and affisfaries with pe saidis Johne Erll of Mar, Archibald Erll of Angus,\(^1\) Thomas Lyoun Maifter of Glammis and Johnne Carmichael of that ilk youngar, vpoun thair treasounable interprifie, in taking of the Kingis Maierties frie burgh and Caftell of Striueling and dyuerfie vther treasounable purposses, he layit pe wywis for the said Maifter James and garrit await for him be his feruandis, that pe said Mr James micht be convoyt to him: And after his cumming to him, pe said Erll enterit in conference with him, towards the treasounable interprifie attemptat be the perfonis abonewrittin, towards the said treasounable surprifing and taking of pe said (burgh) and Caftell. Quhilk treasounable interprifie they broocht to effect, and

\(^1\) Rode.\(^2\) Ane Act anent the arreisitng, intromiission and sequestration of pe echaist guidis and debitis of pe rebellis befor he convict or put to the horn: immediately follows the Act of Ratification of 'the domes of Fairfaltoun' above quoted, and states, that 'forfameke as be Act of Parliament it is provided, that gif ony perfoun or perfoun beis flanderit or fucpact of Treafoun, they falsbe tane and remane in firmanse and their guidis vnder fuir burrowis, quhill the tyme they hane tholit ane Affisfe quhidditer he be quyrt or faul: And trow it is and of veriteit, that Archibald Erll of Angus, Johnne Erll of Mar, Mr Thomas Lyoun of Baldkie Maifter of Glammis, with their com- plices, quhilk laiitlie tace and detenit his hienes burgh and Caftell of Striueling, refand opin weir aganis his hienes and his auctoritie, ar fenyne pairtis fied and remanis out of pis realme, and pairtis remanis bid and coneris within the fame vnapprehendit as sit, &c. And they and thair freindis and fanoairis in the meantyme fellsis, annaleis, diponis, cancelsis and puttis away thair guidis, geir and debitis, and gevis acquaintances and discharges to thair detouris, in manifest defraud of our fourene lord anent thair echaes; fus that till or na thing thairof falsbe left to cum to his hienes we and behalff, gif pe intromiission of pe famyn be left, quhill they be convict or put to pe horne for pe said treasounable crymes: Thairfuir our said fourene lord, with auife of his thirie Esfatis, hes statute and ordinatit, that all their puddis, gear and debitis, maillis, fermis, rentis, &c. fall remane sequefrat in the handis of the Lord Thekurn, sy and quhill they falsbe trit quit or fowill of the saidis crymes; &c.
reasonablie tuik (the) said town and Castell of Striueling, forset and furnish
the said Castell with men and (munitionis?): Quhairthrow, he affiittit thame in
their treasonablie deid forfaid and wes foriknowin of pe famyn, and wes art,
pair, red and counfell thairof; at leaft, treasonablie concelit pe famy fra his
Maistrie, contrair to his dewtie and dew obedien. Item, of the diobedien
maid be him, in not renderin of William Drummondis hous in Dundie to my
Lord of Pettinwene, ane of our souerane lordis Previe Counfell and Capitane
of his hienes garde, efter pe intimation of our soueran lordis Commiffoun to him,
maid be pe faid lord Commiffonair; bot keeping the famy be pe space of thrie
hours or thairby thairafter. Item, of committing of ane maift his Treaoun,
in concealing of ane purpos of wechtie importance, quhairthrow pe lyif and eftait
not onlie of our souerane lord, bot alfo of his darrest mother be perrellit; quhilk
had fallin out, gif he had not flayit and impedit it: And sua, not onlie maift
vnnaturallie and treasonablie committing maift his Treaoun, in concealing of
ane purpos of sa wechtie importance, bot alfo perfifting in the said Treaoun,
be continowanie of his silence and not declaring of pe faid purpos, tending to
pe perrell of his Maistries lyf and eftate.

Sentence. And thairfor the sentence and dome of Foirfallure was pro-
nunceit aganis the said Erll, be pe mouth of Robert Scott in Striueling, dempftar
of pe faid Court; That pe faid Erll fuld be tane to pe skaffald bedefe the mer-
catt-croce of Striueling, and thair his heid strikkin fra his body and demanit as
ane trauour: And that he hes foirfallit and tint all his landis, heretagesis, posses-
fionis, takis, stedlingis, offices, lyfrentis, actionis, debitis and vperis guidis moveable
and vnmovable, to be applyit, vptakine and disponit be our souerane lord at his
pleaour, and to remane with him and his fucefavouris for euer, be reafoun of
efcaet and foirfallure; as the proces maid thairvpon beris.

Extractum de libris Actorum Adijornalis dicti s. d. n. Regis, tanquam sen-
tentia Foirfallure dicti Comitis, per me Ludouicium Bellenden de Ach-
noull militem clericum Justiciarie eiusdem generalem, sub meis signo et
subscriptione manualibus. Ludouicus Bellenden clericus Justiciarie.

1584.—Apud Edinburghe, vigesimo die mensis Augusti anno domini 1584,
s. d. n. Rege ipso presente, cum tribus regni statibus; vnacum Johanne
Irving, deputato Mariscalij, Willelmo Henrysoun deputato Constabularij,
et Magistro Johanne Arthur deputato Vicecomitis de Edinburgh, ac
Andrea Lindsay Adiudicatore1 officiarijs Parliamentij: Sectis prius vo-
catis et Curia affirmata.

1 Dempftar, deemster.
Raid of Ruthven—Fortitude of the Earls of Angus and Mar, 1

(Aug. 20.)—The quhilk day, Mr Dauud Makgill of Neibet, advocate to our fourane lord, producit ane Summondis of Trestoun, dewlie execut and inordit againis Archibald Erle of Angus, Johne Erle of Mar, Dame Agnes Drummond Countes of Mar his spous, Dame Annabil Murray Countes of Mar his mother, Mr Thomas Lyon of Baldeuekey, Maister (and Tutour) of Glaumes, Dame Agnes Gra Ladie Home his spous, Dame Margaret Lyon Countes of Caflillis, Dame Dorothy Stewart Countes of Gowry, Adame (Erfkine) Commandater of Cambuskynevanthe, Dauud (Erfkine) Commandater of Driburgh, William (Erfkine) Commandater of Paflay, Mr James Erfkene brother to Robert Erfkene of Lytill Sauchy, Johne Leslie of Buchane, Michaell and William Elphingstonis, brether to the Lord Elphinstoun, George Dowglis of Park, James and George Dowglis pair fonis, James Dowglis of Todhoillis, Johne Dowglis of Glafpene, William Dowglis of Boncle, (William) Dowglis his fone and apperand air, Robert Dowglis youngar of Lochlevin, Laurence Maister of Oliephant, Johne Maister of Forbes, Patrik Drummond apperand of Carnok, Johne Levingtoun younger of Dynnypace, Johne Carmichael younger of that Ilk, Hew Carmichael his fone, William Carmichael of Rowntrecerce, Johne Lyoun younger of Collynis, James Lyoun of Eifter Ogill, William Lyoun of Balgellie, Hew Neibet of Raffhill, Patrik Home of Argaties, Johne Leslie of Largie, Johne Leslie of Authorteis alias Bannaich, James Hammiltoun of Haggis, Robert Hammiltoun of Corfe, Arthur Hammiltoun of Boithuelhauch, Mr John Coluill, chantour of Glafgwr, Mr Patrik Quhitlaw of Newgrave, Johne Arbuthnocht of Lynutuk, James Murray of Pardowis, Vthreid McDowgall of Gartheland elder, Vthreid McDowgall of Garthland younger, and Robert Eikene of Lytill Sauchy: Quhairby they were summoned to haue comperit befor the Kingis Maistrie and his Eftaitis of Parliament this instant day, with continewaitoun dayis, for certane crymes of Trestoun contenit in the summoundis rafit thairvoun.

**DITTAY against the Earls of Angus and Mar and their accomplices.**

......super proctoriojs criminibus sequentibus dictis, felicet, ARCHIBALDUM ANGSIE et JOHANEM MARIE COMITES, suofoque complices et alios specialiter ante nominatos, et eorum quemlibet, pro suis recentibus proctoriojs Conspirationibus earundemque executionibus, modo subsequenti. QUANDOQUIDEM palam conttat et eft notum, quod in mensa Aprilij, anno dominj millefimo quingentefimo septuagesimo octauo, immediate posd acceptum imperij regimen in nostram personam, matura statuum nostrorum habita deliberatione, dum nos infra dictum

Castrum nostrum de Striving permanerens, Quodquidem tunc temporis fidissim et predilecti nostri Alexander Erskin de Gogar custodie committit fuit, qui trium statuum nobilium et confultum nostrorum unanimi confensu, ex antiqua et nobilitate prestantis familiae de Erskin oriundus et dicta cura dignus comprobatus est: Prefatus vero Johannes Marrie Comes, nihil jam prifer fidelitatis retinent om... arbitrio suo statuens ob horrenda facinora prae se nunc commissa declinans indignus omnium vifus, idem ipsum nostrum Castrum Castellum proditorie cepitum, dictusque Alexander Erskin eiusdem Capitaneus violenter depulit et remotus, cum diueris alius nobilibus viris, per nostrum Conflitum deputatis nobiles cum permanere, pro nostre perfone firmiori tutela et rei publice vniuerse conservati, idque summa vi et violentia illata per antedictos Johanne Marrie Comitem, Davidem Erskin Comcntariaturn de Dryburgh, Adamum Erskin Commtariaturn de Cambuskynnet, Willemum Commtariaturn de Paliay, Robertum Erskin apparentem de Littill Sauchye, Magistrum Jacobum Erskin eius fratrem suoque complicis, qui subito domesticos nostros feritores ad voluntatis fue libitum amouerunt; alios vero sibi cognatos et sue factionis homines asfiguerunt; certo propofito et animo deliberato, eorum subiecitioni nos perpetuo damnare et retinere; nunc hos ut sibi optimum vifus erat promouere, nunc illos nostros nobiles et fideles ligeos profequi odio et opprimeret: Atqui in hoc facinore nesim fuo fanguinij et cognatis pepercrunt, quorum partim merore perculsi mortem obierunt; neque in atrociiffima fidelium nostrorum cruois effusione modum ac modeftiam vallam habuerunt, porefing infra portas dicti nostri Castr, licet (in eo nobis resistentibus) idem et campus omnis vndeque quatuor milliaris proxime circumiacens, pacis propugnaculorum, ara et asylum speram extitit et est. Quod facinus proditorum, prefatus Comes suique complicis, tanquam probum opus approbari volentes, nos prefecto violenter per ipsos detentos Parlamentum factuer et tenere infra dictum Castrum compulerunt, erga mensem Julii anno antedicto, cuiuquidem Castrum tunc fide superiores et magistros modo superascripto effecerunt, nosque contra animi nostri desiderium armatorum prefidio circumvallatos ibidem detinuerunt; qui certe locum Parlamento tenendo speram inido- neus est vifus, quandoquidem more maiorum et veteri oblivuata confuetudine, Parlamento in locis et vrbibus accessuit et recefsit liberis tenenda sunt, vbi nobilium ac trium regni statuum vnumquifque libere loqui et suffragia dare potuit; non vero in Castris, arcibus et fortaliis, ipsum vestibulis, portis et januis vndique armatorum militum prefidio circumceptis, per dictum Comitem ad hunc effectum deputat. nobilium autem ac statuum ne villo quidem ingredior permiffo sed tali comitante catarua vt prefato Comiti fuis complicibus et deputatis ante- dictis cui ingreffum patefieri perpeti collibuit, Protestatione etiam accepta tunc contra ordinem et locum tenendi Parlamentum: In quo tamen, pro se suisque
complicibus prelibatis, antedictum fuum proctorium nefas vt fidele feruitum approbari obtinuit, atque hec omnia in amplificandam gratiam et promotionem talium confecta sunt. Qui nefande quondam charissimi patris nostrorum prime tempore eorum sunt quondam Jacobi olim Mortonie Comitis aliqurum fociorum, qui convicti pro eodem fcelere debitam et confusam proctorum mortem dignem perpefli sunt. Postea ob communem reipublice quietem nostrique saltem preceptivo audace periclitante dictum Comitem de Mar, nobis intimum tanta benevolentia fumus amplexi, premijs et largitionibus munificentissimis, pro reliquis nobilibus, ipsum abunde remunerati eius pristinam dignitatem amplificamus, quo certius ac melius eum nobis ac debito erga nos officio deinciremus, in tali saltem fidelitate et singulari obscruantia qua suus olim pater patriusque Alexander Erkyn antonominatus alijque fui primores nos nostrisque progenitores nobilissimos perpetuo ante, summa diligentia coluerunt: Atqui ille adverfum nos noftramque mentem inftitutum alius nefarie et audacter prosequens, falsibus nostris confilij quos fcrorgeret et proditionibus hujusmodi abfintem ret fepius adhibitis minime aufcultans, Seditiones tamèn utra concitare et jurgia fouere, ne vilo tempore deftitut qua occasione permot, nostris fideles subditis fide armatos in vnum compulerunt nobili nostra perfona in dicto Caftro, tanquam in carceri, per antedictum Comitem et fuos complices detenta et cuftodiata, modo suppercripto, vt in quo statu effemus et qua valetudine frueremur intelligentem, ac pro nostra salute et libertate ipfiorum vitas pericilitari et corpora morti objicere non definerent: Quocircum apud Falkirk conuenuerunt in mense Augufo anno predicto; quodquidem tempore dicti Marrie, Mortonie et Angufie Comites fuique complices, noftram nobilim perfona ipfiorum potestati subjugatam in Caftro noftri detinentes vt predictur inuitos nos compulerunt Proclamationes dirigere ad conueniendum noftror leges vnde per probam affectionem qua dicti noftri fideles subditis in recuperanda nostra libertate alliciti erant: Et per publicam Proclamationem cum obtemperantes alli noftri ligij fe conuenuerunt, dicti Comites et fui complices effecerunt quod in ijs pollibili factu erat, vt huius regni subditori partem alteram ad reliquirum extremam perniciem et necem cruamentam, in arma fubito irrure et pretium inire allicerent: Quo facilius hec patria, perfona nostra nobilis, statu publicus et auctoritas regi cuuiis externe gentij et iniucis prad pracluior fieret, nisi nos singulari omnipotentis Dei fapientia et prouidentia diuinitus nobis conceda replei, dictas turbas tumultusque concitatatos max comprimeremus et fedaremus. Preterea dicti Marrie et Angufie Comites, in proctorij fuis ceptis perfeuerantes, fuifqoe complices in eifdem fouent, prefiterunt; precipue, vbi dictus quondam Jacobus olim Mortonie Comes, de arte, parte, profciencia et concelatione horribilis et nefarie necis quondam charisminj noftri patris confcius dilatus, ideoque in Caftro nofro de Edinburgh in-
carceratus et paulo post hinc transportari in Castrum nostrum de Dunbartane jussus fuit, prefati Archibaldus Angufae Comes, Johannes Carmichall de eodem junior, Hugo Carmichall eius filius, Georgius Dowglas de Parkheid, Jacobus et Georgius Dowglafe eius filii, prodictorio more conspirantes, molientes et concludentes, violentam interceptionem et ablationem dicti quondam Comitis et manibus fidelium nostrorum subditorum ad ipsius conductionem per nos affixatorum, specialem nostram Commiissionem ad hoc habentium: Idque in mensis Januaria, anno domini millesimo quingentesimo octoagesimo, fese in unum omnes cum suis complicibus, more bellico accincti, conveniebant, juxta rupes de Bred, ea intentione et ex certo proposito vt prefatum quondam Comitem interciperent, apprehenderent et vi armata auferrent. Quemadmodum etiam direxerunt quondam Archibaldum Dowglas olim Confabularium Caffri de Edinburgh, qui nuper morte multatus est, jubentes eum significare et ducem dicti Caffri certiorum facere, vt dictum quondam Comitem retineret ac obseruaret apud se: nostro interim jussu ipsius transportandi vt predictur plane dato: Hinc manifestissime crimen Prodktionis et Lese maiestatis committendo. Et ob hec plerique alia pradictoria secuta, dictus Angusie Comes suique complices ante nominati, in Parliamento nostro tento apud Edinburghe, in mensis Octobris anno domini millesimo quingentesimo octoagesimo primo Conicii et florifacti decernebantur. Prefatur tamen Johannes Marrei Comes certo intelligens dictum Angufae Comitem ea frui conditione et ob causas preceptas nostrum incurriisse indignationem, ipsum nihilominus in Castrum nostrum de Sterling intromissit, recepit, familiari tractavit, pactiones, Conspirationes, diuerfas consultaiones et conclusiones fecum inuit et deliberavit; in magnum nostro contemptum tocius patrie communificque pacis perturbationem atque adeo ne adhuc fatiffactus; immo vitra perfident, non modo in regni huius vniueriam subuerionem, sed nostro quoque faluti et auctoritati regie periculum intulit. Postquam, Deo optimo maximo saeunte, nofter consanguineus fidelis honeustus, virtutis exuperancia pretans et Christiane Religionis profefior sincerus, quondam Efinus Leuinie Dux, charifimus nofter amicus, et tua natuia patria Gallia proefctus, se huc includit inviolabilem ob ingentem zelum fue erga nos obferuantie: In qua, cum se fidifimum, integerrimum et obfequentiffimum declarauerat, et in nos fidelis animi suae officio probe functus effec, proditorium feelerum et Coniurutionum preffcriptarum male conficios sefe intelligentes, in eisdem inueffigandis patefacentiis, metuentes prefatum quondam nobilem dominum Ducem grauiter operam adhibiturum ob noftram falutem et incolumitatem atque ipsius fedulitate et integritate, reliquis Conijurationis impetus et conatus retardari pertimefcentes peregere, nunquam defiterunt donec pradictorie conspirarent: Cum quondam Wilemo olim Comite Gowrie domino Ruthwene, nobilem noftram perfonam apprehendere et captam detinere apud Castrum illius
de Ruthuene, et hoc super vicefimo tertio die mensis Augustij, anno dominj
millefimo quingentesimo octuagesimo secundo; eodemque tempore fidos et dilec-
tos nostras Consules aliosque probos ligeos nobis inferuire appropinquantes, pro
ipforum interneceone et cede, crudelissimo inuaderunt et vulnerarunt; tunc
quoque Consulum et aliorum fideliun subditorum nostrorum quosdam captiuros
celerunt et cuftodierunt, ordinarios remouerunt, Precepta nostra, nobis repug-
nantibus, dicto quondam charissimo et fideliissimo nostro consanguineo dirigere
imperierunt, eum inaudita celeritate huic regi finibus eximiarum curae
runt, perfœam nostram ad fui animi libidinem et desiderium (magna fuerunt
fociorum catena) fitapam, hac atque illuc deduxerunt per spaiciun decem men-
sium deinde sequentium: Inftituto certifìmno et mente deliberata hujusmodi jugo
feruitutis imperpetuum nos implicare et retinere, nisi ineffabilis Omnipotentes
beneficentia et auxilio nostro iepœ hinc abdicaremus vicefimo sexto die mensis
Juni proxime elapsis. Quod impia facinora jam explorata et prodigiones nefande
jam patefacte, certifìmna sunt indiciis et argumentis, ipfœ ab initio juiffe auctores,
defensores et promotores, talium qui reuerar quantum contractum inierunt,
subscripsierunt et perpetuaruerunt crudelissimam charifìmni quondam nostris patris
cedem. Quamobrem quidab hinc mortem condignum vt prescribitur perpetu
funt: Ex supra predictis etiam foie meridiano clarius patet, eos ipfœ maliciofe et
maxime proditorie contra nos, nostrum falutem, dignitatem, coronam et auctori-
tatem regiam, femper coniurauife, elementa tamen ineffabilis humanitate mo-
destisque tanta in libertatis nostrae recuperatione leniter fumus vbi, vt proditorie
illius nostræ captivitatis et diuturnæ cuftodie, ne quispiam auctus aut captus
periculum aut terraram, honorum jactarum vilam fustinuisse aut incurrisse video
etur; atque adeo praefcripta feclera omnia et prodigiones implifìmne per dictis
Angufie et Marrie Comites fuoque focios, confefleratos proditoriis particulariter
ante nominatos, commifse, mifericordia et lenitatem nostra floreïscente, partim tum
temporis, venia data, obumbrare et invitare preterierunt, partim in dicto Parlia-
mento in prefato Caesar tento pro fidei feruitio approbate, alioquin naturali clem-
entia et manuertiae nostrâ remifse sippliciter et imperpetuum obflusioni tra-
dite condonabantur: Quibus benemeritus et gratitudinis cujufpiam fideles et
grati fubdit(i ?) montem (mentem ?) concitarj ac inffammarique maxime decuit non
modo manibus pedibusque ob . . . omnia facere vt vicifim obfèquij fui et debite
erga nos obfueranœ fructum aliquod perceperemus, quinetiam cùluis flagiti et
proditorio feclerì nobis noftrœ auctoritati et liegibus repugnanti fè fœ totios viribus
opponere et obluctari fummopere oportuit. Nihilominus, contemptis et fpreis
hisce omnibus, prefatus Archibaldus Angusi Comes, Johannes Comes de Mar,
Agnetae Drummond Comitissa de Mar, eius fponfa, Annibalem Murray Co-
mitissa de Mar senior mater dictj Comitis, Thomas Lyonne de Baldukye Mafif-
tertio, vicevisco quarto, et vicevisco quinto diebus mensis Aprilis ultimo elapsis, in vnum armati conuenuerunt, ac liberum burgum nostrum de Streveling expugnarunt et cepserunt, Balliuos magistratuque eiusdem captivos deduxerunt, Pontem, campanile, diuerfasque partes dicti burgi fortiter munierunt, mercararios milites conuocarunt vndique juxta Australia menia viam facerem per vicinos parietes adiacentes patecerunt, prope scholam murum saxis et lapidibus congevis extruxerunt, cuius pars ad huc indiulis permanet, Castrum nostrum de Streveling summa vi strenuo oppugnauerunt, paucos nostros fideles ligeos eiusdem custodes idem ipsum derelinquere et sese dedere compulerunt, quos deinde tanquam captivos arcifisme mandauerunt custodi, Johanne Gleditanae Ormond Signiferam, aliosque nostros nuncius, qui litteras nostras publice proclamare apud forum dicti liberis nostri burgi dirigebantur, easdem debite executioni mandare impedierunt, atque eas ab ipsis violenter furriperuerunt, Proclamationes publicas fieri ad militis stipendiarios conducendum essecerunt; expresse contra Parliamentum Statutum, et in manifestam legum violationem: Perpetratiisque hifice omnibus nedum flagitijus fagina aut fattacti, prefatum nostrum Castrum de Sterling armatis viris, prouisionibus bellico ac cibarijs compleuerunt, et strenuo munierunt, certo propofito et animo deliberato idem ipsum contra nos auctoritatemque nostram regiam pertinaciter et proditione detiner ac tueri. Quauidem occasione merito, nos commoti, ad expugnationem et recuperationem dicti Castrum et burgi, exercitu sedulo conuocauimus atque ipsi diligentem proceffimus: hinc audacter et temerarie crimen summe proditionis et Lefemaiestatis committendo, in magnum nostrae auctorialis contemplationem et legum violationem. Atque adeo, pro sua proditoria celatione et occultatione predicte Coniurationis, consullatione, conclusione, contractu et executione eiusdem: IDEOQUE dictos Archibaldum Anguffle Comitem, Johanne Comitem de Mar, Agetam Drummond Comitissam de Mar eius fponiam, Anabillem Murray Comitissam de Mar feniorem, matrem dicti Comitis, &c. Conspiratores, proditoriosque executores ad videndum et audiendum se in eorum quemlibet, respectu premiis et crimen Lefemaiestatis incurriisse, per nos et trium regni nostri flatuum decernere declarari; et super predictis et alij quamplurimis rebellionibus, transgreffionibus et proditorij criminibus, per prenominas personas contra nos regnum nostrum et auctorialum regiam impie ac nefarie perpetratis; et dictis die et loco, cum continuatione dierum, proponendis et ostendendis ac juri parendum et super hujusmodi judicium nostrum et nostri Parliamenti, secundum leges regni nostri expectandum et fubeendum, dictas viis personas, Conspiratores, perpetratores et celatores criminum precedentium respectue, ad videndum et audiendum se in eorum quemlibet, intuitu premiis et crimen Lefemaiestatis incurriisse, per nos et trium regni nostri flatuum decernere declarari; et propterea ipso-
rum bona mobilis et immobilita, tam terras quam officia, aliasque res ad eos spectantes, nobis conficiari et properpetuo nobiscum in proprietate remanere, perfo- nasque suas penam proditionis et vitimi supplicii a regni nostrorum legibus infictam subire : Et vberius in premisis respondendum et imparendum intimando supradictis Conspiratoribus et corum culibet, quod siue dictis die et loco cum continuatione dierum comparuerunt siue non, Nos dictuque nostri Jusdictiarius, in premisis iusticia mediate, procedemus et procedet. INSUPER citis, &c. ad compropendium corum nobis nostroue Jusdictiarius dictis die et loco, cum continuatione dierum, ad perhibendum fidele testimonium in caufa predicta, sub pena legis; et presentes literas debite executas et indorfatis earundem latoris reddatis : Et vos qui presentes executis fuitis ibidem dictis die et loco coram nobis seu dicto nostro Jusdictiario, portantes vobifcum funmonitionis vester testimonium in scripto pro premisis seu ipfos testes. Ad quod faciendum vobis et velitum cullibet conjunctum et diuifim vicecomitibus nostris in ha parte committimus potestatem. DATUM sub Testimoniali nostri Magnij Sigilli, Apud Edinburgu vicefimo quinto die mensis Maij, anno domini millefimo quingentesimo octoagesimo quarto et regni nostri decimo septimo.

Quilkis halii perfoounis abonevritin war thrie findrie tymes oppinie callit at the tollibuyth wyndok, and none of thame compeirand [exceptand Dame Anabill Murray Countes of Mar elder, Dame Agnes Drummond Countes of Mar youngere, Dame Dorothy Stewart Countes of Gourie, William Elphingftoun, John Leifie of Authorteis, William Dowglas of Bonkie elder, quho offerit thame to the tryell anent the poynis contenit in the funmondis of Treffoun ; quhome the Eftaitis of Parliament ordanit to reteir to pair lugeinsis, thairin to remane quhili the morne at aucth houris, and thay than to compeir befoir the Kingis Maiestie and Lordis of Articles, to anfer to the said funmondis,] and immediatie pairefter the said Aduocat product Richard Byning, &c. meffingeris, executoris of the said funmondis, quha maid fayth that thair said executionis, as thay heir, ar iuft and trew, &c. Efter the verificatioun of the quilkis executionis, the said Mr Dauid Makuill, aduocat, product thir twa wrytingis following, subfcriuwit be the Kingis Maiestie, off the quilkis the tenouris followis :

Warrant to delete Robert Ershin of Lytill Sauchie from the Summondis.

REX.

Mr David Makoill of Nefbet our aduocat : Forfameikle as we vnderstand that thair is one funmondis of Treffoun directit agains duerfe perfonis, for the late tumult and rebellious leitlie committed agains ws, and that our feruitor Robert Erkene is chargeit thairwithe to compeir in our nixt Parliament, to be faifait for the caufes contenit in the said funmondis : Newertheles, remembering the said Robertis gud and thankfull servitise done to us of befoir, and for certane gud consideratiounis, we ar mowit nocht to inifit agains him in our nixt Parliament, be the said funmondis raifit agains him ; that ye deieit his name furthe of the famin and executionis pairof, to the effect be he nooht
Heir followis the tennour of the vther writyng:—

Warrant to declare Makdowgalls of Garthland from Summondis.

Our Advocate we greit 50w weill: Forfameke as pairis summondis of Trefloun raft and execute at our and 50w our Aducatis inffance in our name, aganis Vhirid M'Dowgall of Garthland, and Vhirid Makdowgall his fone and apperand air, for the treffonable suppyryng and taking of our Cas tell and toom of Strueling, being in companie with diuerfle our conspiratoris contenus in the summond is raft pairypoun; at the leit, art and pairt pairof: for diuerfle refloannahill causis and consideratioris moving us, it is our will that ye extinct and deleit furthe of the said summondis the saidis Vhirid M'Dowgall and his fone, and pas fra that pairt of the said summondis, faier as concernis thame, for the said cryme or any other crymes mentionit in the said summondis; dischargeing 50w of all per seuing or infilling againis thame for the fainir, and of 5our office in that pairt. As alia discharges the Lordis of our Parliament, our Jusitice general and his deputis, of all proceding aganis thame for the premises, simpliciter. Subscrivitis with our hand at Edinburghe, the nyntene day of August, the seir of God L. Vl. xxxiiij. seiris.

(Jic subscribitur) JAMES R.}

And according to the command of the saidis twa wrtyngis, the said Advocate, in prefens of the Kingis Maiestie and Lordis of Articles of this present Parliament, past fra the perfute of the saidis Vhirid M'Dowgall of Garthland, Vhirid M'Dowgall his fone and apperand air, and the said Robert Erkene of Lytil Sauchy: And thairfoir pair faidis thrie nemenis of command foirfaid war perfutlie deleit furthe of the said summondis of foirfaltour: Wpoun the producitoun of the quhilkis twa wrtyngis and deleiting of thame furthe of the said summondis, the said advocate akit instrumentis, and immediatly pairefr, the Kingis Maiestie being perfonalie present, commandit the said Mr David Makgill, his bienes advocat, to pays fra the perfute of the saidis John Levingfounie younger of Dumypace, William and Michaan Elphinitonis brother to the Lord Elphingftone, William Dowglas of Bonkle, and William Lyoun of Bagillie: And fliclyk, commandit the said Clerk of registri and his deputis to deleit thame furthe of the said summondis of Foirfaltour: Quhilkis war perfutlie done, in prefens of the Kingis Maiestie and Lordis of Articles, be the said advocate, and Alexander Hay, Clerk of registri; and pairypoun ye said advocat akit instrumentis. And fliclyk, John Leffie of Authoritis alias Bennachy, being perfonalie present, producit ane Remission grantit be our fowerne lord, vnder his bienes greit telli, Remittand the said John the foirfaid cryme and Trefloun contenit in the said summondis of Foirfaltour led aganis him: In respect of the quhilk, the said advocate ilykwaeris past fra ye perfute of the said John Leffie; quairypoun the said John akis instrumentis.

QUHILK SUMMONDS, with the executions and indorotionis thairof respectiuie foirfaids, being red firft in prefens of the Lordis Commissionaris of Parliament, vpon the said xx day of August instant, and fliclyk vpon the xjx day of the same moneth thairefirt, specialie depute be his bienes Commissioun for haldin thairef, firft in Latene and thairefirt in Scottis; and the hail perfones defendaris abonewritte, being diuerfle and fyndrie tymes callit at the tolbumth windok, to haue compert and anfuerit to the said summondis, and none of thame comperand, (exceptand the saidis Deame Annabell Mwrray Countes of Mar elder, Deame Agnes Drummond Countes of Mar younger, Deame Dortha Stewart
Countes of Gowrie,) the said advocat, for verification and probatioun of the foir-
foaidis executionis and indorisionis of the said summondis, repetit the Actis mait
the saidis xx and xxj dayes of Augst instant : As the samyn, schawin and pro-
ducit before the Kingis grace and thrie Eftatis of this present Parliament pro-
porrit. And siclyk thaireftir, the foirfoaidis haill perfones defendaris being of
new oftymes callit at the said tolbuth windok to haue compert before the saidis
Rordis of Articles, and defendit the said summondis the foirfoaid xx and xxj dayes
of Augst instant rex" with continewatioune of dayes, and thay beand oftymes
callit and nocht comperand, (exceptand as said is,) the said advocat defyrit the
saidis Lordis of Articles Declaratioune, gif the reffones of the said summondis
war relevant or nocht : Quha than declarit the samyn to be relevant, vpoun
the said xxj day of this instant moneth : At the quhilik tyme the said advocat
produicit the haill wryttsis and repetit the haill probationis contenit in the Actis
mait the day foirfoaid in prefens of the Lordis of Articles, for probatioune of the
said summondis. Quhilkis Lordis of Articles thaireftir fand the said summondis
sufficiantlie prowine aganis the perfones vnderwrittin.—And in semblable maner,
the said haill summondis with the executionis and indorisionis thairof, being
red baith in Scottis and Latene, in prefens of the Kingis grace and thrie Eftatis
of this present Parliament, and the foirfoaidis haill perfones defendaris being of
new callit, as of before, fyndrie tymes at the said tolbuth windok, and none of
thame comperand (exceptand as said is) and the haill wryttsis and vtheris pro-
bationis produicit be him the day immediatlie ofbefore, quhilik he now lykwayes
produicit and repetit the samyn to our said fouerane lord and thrie Eftatis foir-
foaides, for prewing of the pointtis and articles contenit in the said summondis,
and thairefore defyrit farther proces in the said caus. And thaireftir, the said
summondis with the probationis foirfoaidis, being frst fene, confiderit and aduitf
be the saidis Lordis of Articles, and now prefentlie be the Kingis grace and thrie
Eftatis of this present Parliament : Quha findis and declaris that the haill reffoun
of the said summondis are relevant and sufficiantlie prowin aganis the perfones
particularlie vnderwrittine, and ilk ane of thame for thair awin pairt : And Or-
danes Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro
Lyndfay dempfter of this present Parliament, depute and sworne thairto ofbefore;
of the quhilik Dome the tennour followis, pronuncit be the said Andro
Lyndfay:

Dome and Sentence against the Earls of Angus and Mar and their
above mentioned accomplices.

(Aug. 22.)—This Court of Parliament schawis for law, that the saidis Arche-
bauld Erle of Angus, Johnne Erle of Mar, Dame Agnes Drummond Countes of
Mar younger, Maifter Thomas Lyoun of Baldukye Maifter of Glammis, Dame Margaret Lyoun of Caillis, Dame Dorathia Stewart, Countess of Gowrye, Adame Commendatar of Cambuskyneth, Dauid Commendatar of Dryburch, Williame Commendatar of Paiflay, Maifter James Erifkin brother to Robert Erifkin apperand of Littil Sauchie, John Leifie of Balquane, George Dowglas of Parkheid, James and George Dowglaffhe his fones, James Dowglas of Todhoilis, Johnne Dowglas of Glafene, William Dowglas fone and apperand air to Williame Dowglas of Bonkle, Patrik Drummond apperand of Carnok, Johnne Carmichale of that Ilk, Hew Carmichall his fone and apperand air, William Carmichall of Rantrecorfe, Johnne Lyoun of 3ounger of Cofynis, James Lyoun of Eifir Oggill, Hew Nefhit of Raschehill, Patrik Home of Argathies, Johnne Leifie of Largie, Robert Hammlitoun of Corfe, Artour Hammlitoun callit of Boithweilaich, Mr Johnne Coluill chantour of Glafgow, Mr Patrik Quhytelaw of Newgrange, Johnne Arbutthnot apperand of Lyntuik, and James Mwr ray of Pardows, and euerilk ane of thame, hes committit and incurrit the crymes of Treffoun and Lefemaitie, in the haill pointis and articles contenit in the said summondis, berand as is abonewrittine: And thairfore decernis and declaris all thair guidis movabile and vnnmovable, allweill landis as offices and vtheris quhatfumeuer belonging to thame, to be confiscat to our said fourerane lord, and remane perpetuale with his hienes in propertie for euer: And thair perfones to vnderlye the pane of Treffoun and laft pwneifment appointit be the lawis of this realme: And this I gif for Dome. Vpoune the quhilk declaratioun and pronunciatioun forfeid, the said aduocat akit instrumentis.

THE quhilk day the Kingis grace and thrie Eftatis of this preffent Parliament continewis that pairt of the summondis of Treffoun dewlie execute and indor- fate, perfewit be his hienes Jutice and Aduocat aganis Deane Annabell Murray Countes of Mar elder, Deane Agnes Gray Ladye Home spous to the said Mr Thomas Lyoun of Baldukye Maifter of Glammis, Laurence Maister of Oliphant, Johanne Maister of Forbes, Robert Douglason (younger) of Loch lewin 3ounger, and James Hammlitoun of Haggis, tuiching the decerning of thame to haue incurrit the crymes of Treffoun and Lefemaitie, flor the caus specefeit in the said summondis; as at mair lenth is contenit thairintill, in the samyn forme, force and effect as it is now, but preuidence of partie, vnto the xx day of September nixttocum, with continewatoun of dayes; and than farther proces to be hate pairintill; at the quhilk day, Ordanis the said aduocat to produce sic wryttis, rychtis, reffones, documentis and probationes, as he hes or will vfe, for prewing of the said summondis agane the said day, safar as concernis thair pairtis thairof: Quhairwpoune the said aduocat akit instrumentis.
CRIMINAL TRIALS. A.D. 1584.

HIGH TREASON — RAID OF RUTHVEN — FORFEITURE.

Aug. 22.—JOHNE ROSS of Cragie, as brother and apparent heir or successor of the deceased James Ross of Pettheavles.¹

The quhilk day Maitre Dauid Magill, aduocat to our fouerane lord, exhibite and procut lyke as he did syndrie tymes ofbefore, the summondis of Trefouloune vnnderwrittin, raifit and persewit at the instancie of our fouerane lord and his hienes Justice agains Johne Rois of Cragie, as brother and apperand air or succedour to vmq" James Rois of Petheifles ; quhairbye he was summmoned to haue comptir before the Kingis Majestie and his Eftatis, the xx day of August instant, with continuatowme of dayes, in his hienes Parliament to haue begone the said day, in the hour of cas, with continuatowme of dayes; to haue an-suerit vpoune the pointtis of Trefouloune and Letemaisfie vnnderwrittin, contenit in the said summondis, commitit be his said vmq" brother: And thairfore, the said Johne to haue hard, that the said vmq" James communitt the cryme of Trefouloune in his lyvetyme, for the cas vnnderwrittin, &c. As at mai latekis contenit in the said summondis. Off the quhilk the tenour followis:

SUMMONS OF TREASON AGAINST JOHANE ROSS AS BROTHER OF JAMES ROSS.

JACOBUS dei gratia Rex Scotiæ, illeæ nosris Leonis Regi Armorum, Illy, Albani, Rois, Rothefay, Swoodoun, Merchamond; Alond; Johanni Fergusoun, Roberto Stewart, Archibald Douglass, Dauid Bryson, clasigeris; Ormond, Bute, Vancorne, Carrick, Signiferis; Richardo Byning, Joanni McLowren, &c., nuncis et eorum caulisit, consancit et dixit, vicecomitis in hac parte, saltem. Mandamus vos et precipimus quaseras sumnoniosis legitime et peremptorie, coronavirus, Johanni Rois de Crayge, fratrum germanum et apparentem heredem vel succedendum quondam Jacobi Rois de Pettheavles, personailliter et eis personaill pretianam commode habere poteritis, aloquitum apud locum eius habitationis, necon nonnem alios et singulos interesse habentes seu pretendentem, per publicam proclamacionem apud cruces forales burgorum nostrorum de Edinburgh, Perh aliaque loca necessaria, intra quod bujusmodi summnonio ad eorum suæ verisimiliter perseruare poterit, ad comparandum coram nobis nostris Justiciario, vicerimo die mensis Augusti proxime futuri, hora caelatum, cum continuacione dierum, in Parliamento nostro tenend. apud Edinburgh, . . . die mensis eiusdem, ad respondendum nobis seu nostro Justiciario in prefafo Parliamento, et ad videndum atque audiendo per nos et tria regni nostrorum statuum, decretum et sententiam decerni dictum quondam Jacobum Rois de Petheavles crimine Letemaixfia, in ipsum vita commissito, ob eius proditoriam armis, partem, auxilio, confulsum, juramentum et affidavitam per ipsum pretiam et exhibitam, in nefaria illa Conspiracione cum quondam Wilmone olim Comite Gowrye dominio Ruithwene, in proditoria intercessionis ob causas violentas injecione in perisonam nostram, apud illius Cantram de Ruithwene, super vicecimo tertio die mensis Augusti anno domini millesimo quingentesimo octagesimo secundo : Atque adeo, ob illius pre- scientiam, occultationem et concelationem eiusdem Conspiratiovis, vbi dictus quondam Wilmone olim Comes de Gowrie, Johanni Comes de Mar, Magister Thomas Lyoun de Baldgukye Magister ac Tutor de Glamis et pretatus quondam Jacobus Rois, cum diversis aliijs suis complicibus, confulsum proditorie innierit, deliberavit, finaliter et ad effectum permixerunt nefandum ac proditoriam illad faciunt, in apprehensione nostra nobilis perfone apud Ruithwene tempore antedicto: In quoudidem

18 Jac. VI.

CRIMINAL TRIALS.

Castra, violenter nos desinerunt ac caudefuerunt, contra nostra mentis libetum et voluntatem, per spatium diem dierum et noctium: inde crimen summe pridionis committingo. Eodem tempore, fidis et dilectis nostris Consilios ac alios probos ligeos nobis inferuiendi studio appropinquantes, pro ipforum internectione ac cede inasuerunt et crudelissime vulnerarunt; tunc quoque Consilium et aliorum fidelium subditorum nostrorum quodam, velut captivus sequitur et caudefuit mandamus, ordinarios Gardites nostre milites remouerunt. Precedita nostra repugnantibus charissimo et fideliissimo confuccionem nostra quondam Efno Lewinie Duci dirigere impulerunt ut quam citissime hinc descenderet, eunque inauditus ceriterate huius regni finibas exterminandum caraserunt, perfosam nostram ad sui animi libidinem et desiderium, magna fuerum sociorum cataver unt filipatam continuo huc atque illuc deduxerunt, per spatium decim mensium deinde sequerunt: Instuto certissimo et mente deliberata hujusmodi juro feruntius imperpetuum nos implicare et retinere, nisi ineffabilis Omnipotentis auxilium et benevolentiae nostri ipso hinc abdicaremus: Hinc manifestissime crimen Proditionis et Lusseisfaltatis committendo contra nos regalem nostram autoritatem et in spatam legum violacionem. Et propter ea, ad videndum et audiendo nomine, memoriam et dignitatem dicti quondam Jacobi Roys de Petheveles extinctam fore et esse decerni, armaque sua insignia sua e libro Armorum et Nobilitatis deleri et cancellari, ita quod ipsum potseri ab officiis et honoribus in hoc regno nostro guadendum futur inhabile et incapaces deinde imperpetuum; atque omnia bona sua terras et officia confisci et nobilium deinceps in proprietate remanere; intimoque fapidicto Johanni Roys de Cragie fratris ac heredi suum faccessori antenominato, alijque quibuslibet interesse habentibus, quod fiiure comparare suum, dictia die et loco, cum continuatione dierum, Nos et Justiciarius nostrer nibilominus judiciae mediate procederemus et procederemus: Et presentes literas debite executas ut indolentas eamdem latori reddatis: Et vos qui presentes executis utis ibidem, dictia die et loco, coram nobis vel Justiciario nostro portan, vobisum vestre summationis testinomium in scriptis, pro premiis vel ipsos testes. Ad quod faciendum, vobis et vestrum cuilibet, coniunctum et duisim, vicecomitibus nostris in hac parte, comitissimus poteftatem. Apud Edinburgh, vicefimo quarto die mensis Junij, anno domini millelifimo quingentosimo octosseftimo quarto et regni nostrj decimo septimo.

Quhilk summondwis with the executionis and indorsationis thairof, being red first in presfene of the Lordis Commissarionaris of Parliament, vpoun the said xx day of Auguft instant, and ficlyk vpoun the xxij day of the samyn moneth thairefir, speciaie depute be his hienes Commissioun for holding thairof, first in Latene and thairerfir in Scottis: And the said Johnne Roys of Cragie comperand, quha was content treyll war tane vpoune the pointtis of the said summondis: The said aduocat, for verificatioun and probatioune of the fairefaidis executionis and indorsationis of the said summondwis, repetit the actis maid the faidis xx and xxij days of Auguft instant, as the samyn schevin and product before the Kingis grace and Lordis of Articles propricht. And thairerfir the said summondwis, with the probatioune fairefaidis, being first fene, conferdert and aduifit be the faidis Lordis of Articles and now preffentlie be the Kingis Maiesttie and thrie Eftatis of this presfent Parliament: Quha findis and declaris, that the haill reasoun of the said summondis is relevant and sufficientlie provine againis the said vnm" James Ros. And thairfore ordanis Dome to be pronuncit and gevin thairvpoune, be the mowth of Andro Lyndfay dempster of this presfent
Parliament, depute and sworne thairto of before: Off the quhilk Dome the tenour followis, pronuncit be the said Andro Lyndsay.

**Dome of Forfeiture.** This Court of Parliament schawis for law, that the said vmq of James Rois of Pettheveles committit the cryme of Lefemaiestie in his lyftyme, in the haill pointtis and articles contenit in the said fummondis berand as is abonewritten: And thairfore, decernis and declaris the said vmq James his name, memorie and honouris to be extinct, and his armes to be revin furth and deleit out of the buik of armes, iwa that his posteritie newir haue place nor be hable heireftir to bruik or joile ony office, honouris or dignetis within this reame, in ony tymes cumming: And all his guidis, landis, offices to be conficat and remane perpetuaiie with his hienes in propertie, for euer: And this I gif for dome. Quhairwpoune the said aduocat afsit instrumentis.

The quhilk day Johnne Ros of Cragie protestit, that quhatfumeuer thing done this inftant day aganis vmq James Ros of Pettheveles his brother, preiuge nocht him anent his landis, reuerfionis, ro mes, postellionis, fteadingis and rychtis quhatfumeuer pertening to his said vmq brother: And specialie, anent the landis of Pettheveles, and the Reuerfionoue thairof quhilk he hes of the famyn: In respect he hes euir remanit, at all tymes bigane, our fouerane lordis trewe lege and subiect; and knew nothing of his said vmq brotheris doingis nor procedingis: And quhairwpoune afsit instrumentis.

**High Treason — Raid of Ruthvene, &c.**

Aug. 22.—OLIVER PEIBLIS of Chapelhill, Jeane Thornetoune his spouse, and James Marischell of Petcarnis.

The quhilk day, the Kingis grace and thrie Estatis of this prefent Parliament continewis the fummondis of Treffloun execute and indorflate, perleiwit at the influence of his Maiestie, his hienes Justice and Mr Dauid Makgill his hienes aduocat, tuiching the decerning of thame to haue committit and done certane pointtis of Treffloun and Lefemaiestie: As at mair lenth is contenit in the said fummondis raft pairewpoune, in the famyn forme, force and effect as it is now, but prouidence of partie, vnto the xx day of September nixttocum, with continewing of daues; and thane farder procès to be hade pairintill as accordis: At the quhilk day ordanes the said aduocat to produce sic wrytts, rychtis, reffrones, documentis and vtheris probationis quhilkis he hes or will vfe, for prewing of the pointtis of the said fummondis aganes thame agane the said day. Quhairwpoune the said aduocat afsit instrumentis.

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1 An Act was passed in Parliament, Aug. 29, 'for differens of pe posteritie of the perfonis that ar or fallyn to be convicted of the trellouable attempt at Strincling.'

[Mr Edward Bruce and Mr William Oliphant, Justices-Deputies.]

**Slaughter.**

Jul. 2.—GEORGE THOMESOUN, minister at Innerkip, George Maxwell of Newwerk, Robert Maxwell his servand, Johnne Maxwell in Kulroife, Johnne Morefoun in Park, and Arthour Morefoun thair.

Dilaitit of airt and pairt of the crewall slauchter of vmq" Robert Muntgumrie of Skelmurelie, and of vmq" William Muntgumrie his fone and apeerand air; committit in Apryle laftwas.

[Mr Edward Bruce, Justice-Depute.]

**Slaughter.**

Jul. 3.—JOHNNE QUHYTFRUDE of that Ilk, Adam Quhytfrurde, younger of that Ilk, Thomas Quhytfrurde his broder, Robert Muntgumrie of Skelmurelie, William Cochrane of that Ilk, William Mudye, burges of Paislay, Robert Sempill, burges yair, James Wilfoun, servand to the Laird of Cochran, Gilbert Smyth, broder to Andro maister of Sempill.

Dilaitit of airt and pairt of the crewall slauchter of vmq" Patrik Maxwell of Stanelie, committit in Januar laftwas.

**PRELOQUITURIS for the Pannell.**
Mr Johnne Scharp, Mr Johnne Skene, Mr Johnne Prefoun.

**PERSERWIS.**

Part of the pannels ‘replegit’ to the Regality of Paislay, and the rest con-continued to the Justice-air of ‘Renfrew, tertio Itineris.’

The Laird of Quhytfrurde alone was ‘put to the knawlege of ane Affyise;’ who, ‘eftir lang reflexion and deliberatoune had thairof, be the mouth of Robert Lindefay of Dunrod, sseand and declarit the said Johnne Quhytfrurde of that Ilk, to be cleene and acquit of airt and pairt of the said slauchter.’

[Mr William Oliphant, Justice-Depute.]

**Abiding from the Hest to pass towards Stirling.**

Jul. 17.—GILBERT LAWDER of Balbardeis, William Lawder, his fone and apeerand air.

Dilaitit for remaining and abying at hame fra our fouerane lordis oift, raid
and armie, ordanit to haift commenit at Haierdhuoss, 1 and thairfra to haift paft to-
wards Strieling, [for refisting of the trefsonabill attemptatis of certaine tra-
touris and rebellis, quhilkis had theaid burcht and Caftell of Strieling.]

The quhilk day, the perfonis entirit on pannell, produceit ane Licence, 
grantit to thame be the Kingis Maiestie and lordis of his hienes Secret Coun-
xemend thame fra oifis, raids and armis ; quhilk exemptioun is of the dait, 
at Haierdhuoss, the xxiiij day of Apryle, 1584.

(Sic subscritbitur) JAMES R. HUNTLEI, LOCHINWARE.

[Mr Johnne Grahaume, Mr William Oliphant, Justices-Deputes.]

Forgery of Half-Merk Pieces, &c.

Jul. 30.—PAtrik McKie in Qhithhillis, broder to Archibald McKie of 
Myretoun.

Dilaitit of the trefsonabill cryme of forgeinge, sfeinzeing and stryking of cer-
tane fals and adultrit mony, viz. half merkis, xxx f., xx f. and x f. pecis.

Jul. 31.—VERDICT and SENTENCE. The Assyfye, be the mouth of William 
McCulloch of Myretoun, in ane voce, fylis the said Patrik McKe of art and part 
of the trefsonabill forgeinge, feinzeing, counterfutu and straking of certane fals 
and adulterate money, sic as fals half-markis, xl d. pecis, to grit quantitie, callit 
Lochmabailies, 2 in cumpane with Lawrence Nicholai Italiane and vtheris thair 
affitiaris : And thair thair adjugeit, be Andro Lyndefay dempster, to half for-
faltit and tynt lyfe, landis and guidis, to be applyit to our fouran lordis vfe, 
and himself hangit to the deid, at the merct croce of Edinburghe. And the 
haill Assyis acquit the said Patrik of the fenzing of xxx f., xx f. and x f. pecis, 
plakkis and balbeis.

[Mr Johnne Grahaume and Mr Edward Bruce, Justices-Deputes.]

Assisting Earl of Angus in taking Burgh and Castle of Stirling.

Sep. 4.—GABRIELL MERSER of Sawling.

Dilaitit of the trefsonabill affifting, art, part-taking with Archebaudl Erle of 
Angus, Johnne, sumtyme Erle of Mar, Thomas Lyoun, sumtyme Maifter of 
Gammis, and vtheris thair complices, in the trefsonabill taking of the Burcht 
and Caftell of Strieling, committit in the moneth of Apryle laisthpyast, [and 
beignig of ane dry-stane wall befide the eolehous dure of Strieling; and, fur-
neffing of the said Caftell with men, viuaris 3 and munitioune.]

1 Many similar trials occur at this period; some of them adding, 'and for affisting with Archebauld erle of Angus, Johnne erle of Mar, Thomas Lyoun maifter of Gammis, Johnne Carmichell younger of that ilk, and vtheris thair complices, in the trefsonabill taking of the burcht and Caftell of Strieling.'
2 This word is very doubledly written, being as like Lochmailearies as the above. Perhaps it was some familiar or cant phrase for pieces struck or forged at Lochmaben.
3 Victuals, victers.
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VERDICT. The Afyife, eftir lang reftoning and mature delibera-tion had thairof, be thai-dis yeuerance prouenceit be the mouth of Archebauld Prestoun, Chancellare of the said Afyife, fand the said Gabriell to be cleine and acquit of the said crimes.

[Mr William Oliphant, Justice-Depute.]

Intext.

Nov. 21.—Go-thray M'Culloch of Ardwell.

Dilaitit of certane crymes of Inceft, committit be him with Kathereine M'Culloch, his broder-dochter; and vtheris crymes contenit in the lettres.

Continued, to the Aire of ‘Kirkcudbrycht, tertio Itineris, vel super premonitione xv dierum.  Plegio, Jacobo M'Culloch, rectore de Kyrk-Cryft.’

Fire-raising—Breaking of Ward, &c.

Nov. 27.—Alexander Jardine of Apilgirth, &c.

James Twodie of Drummeleare become pluge and fouirtie for Alexander Jardine of Apilgirth, Johnne Jardane and James Jardane his breder, Niniane Jardane and Will Bell his feruandis, William Jardane, callit Reid Will, at the Kirk of Sewerbie, (and) Dauid Moffet in Sewirlyde; that thai fall compeir befor our fouerane lordis Justice or his Deputis, the third day of the nixt Justice-air of the sherifgoume of Drumfreis, qhahir thai duell, or foner, quhen and quhair it fall pleis our fouerane lord, vpoun xv dayis warning, and vnderly the lau for the treffonabil rai·ng of fyre and birning of the place of Litiligill, pertening to Dame Jeanne Habituntoune, Ladie Lammingtoune: And for eschewing’ furth of the Castell of Edinburghe, and breking of the waird thairof; and vtheris crymes contenit in the lettres direct thairvpoune, &c.

Treason—Assisting Earl of Angus, &c.

Dec. 2.—Niniane Nicolii, in the bray of Cleisha.

Dilaitit of airt and pairt of the treffonabil airt, pairt-tak­ing with Archebauld, fumtyne Eric of Angus; Johne, fumtyne Eric of Mar; Thomas Lyonne, fumtyne Maifter of Gla middis, and vtheris their complices, in the treffonabil tak-ing of the burgh and Castell of Striueling, aganis our fouerane lord and his hienes authoritie royall; committit in the moneth of Apryle lastbypaft.

Continued to the Justice-air ‘of Fyffe, tertio Itineris vel super premonitione xv dierum.’  ‘Plegio, Henrico Stewart de Roffyth.’

1 Escaping. See Jan. 5, 1583.
Intercommuning with Earl of Mar and other Traitors.

Dec. 8.—David Home of Argatie.

Dilaitit of the treffonabill hauing intelligence fra Johnse sumtyme Erle of Mar, David (Erskine) sumtyme Commandator of Dryburgh, our fouerane lordis tratouris declarit, in the reflait of lettres fra thame, at the leift the ane or vther of thame; and specialie, fra Patrik Home his broder sone, seruitour to Johnse sumtyme Erle of Mar; quhilkis lettres he refleuieit fra Robert M'Willie, qhoume he ref-sauit in his hous, in passing and repassing to thame in Ingland; committit in the monethis of July, August and September laftbypaft.

Persewar, Mr David Makgill of Nifbet, Advocat.

Aserba.

George Dundas of that Ilk, Hebray Quhys, coairner thair, Geo. Craw, portionar of Restoun, Johnshaw Stewart of Bavela, Alex' Thomefoone, burges of Edin', George Smyth, burges of Edin'; Mathew Stewart of Bavela, Johane Mossett, burges thair, Andro Aytoun, broder to the laird of Bavela, Robert Grahame of Knoxdolaine, Edward Johnnefoun, burges thair, of Dinmore.

George Home of Aytoun, Johane Gordoune of Peturgh, James Inglis, burges of Edin', Patrik Creytoun, burges of Lugton, Earne.

Verdict. The Afflyce, be the mouth of George Dundas of that Ilk, chancellare, Fand the said David Home to be culpable, yfllit and conviit in contrauening of our fouerane lordis Acts of Parliament, in reflait of ane boy callit Rob M'Willie, and concealing of the lettre send be him, and schawin be Johnse Raneye, send fra Patrik Home out of Ingland; and reflauing commendationis fra the Abbot of Dryburgh from Ingland, conforme to the said Davidis depositiousis substirryit with his hand: Lykeas elfua, the said David was fundin to be clene and acquit of the rest of the ditty.

Sentence. And thairfoir the dome of forfaitour was pronuncieit aganis him be Andro Lynday thairfter, that the said David fuld be tane to ane gippet, at the croce of Edinburghe, and their hangit, quarterit and drawin as ane tratour; and all his landis, takis, fistlingis, rowmes, posseffionis and guidis, to be eschete to the Kingis vfe.

Praying publicly for the banished Ministers.

Concealing treasonable Correspondence, &c.

Dec. 8.—Maister Nicoll Dalgleisch, minister at Sanct Cuthbertis Kirk, near Edinburgh.

Dilaitit of the contrauening of our fouerane lordis actis of Parliament in lowing and authorisin in his publict prayaris of sic ministeris as ar in Ingland, declarit tratouris; and for afflister and fortfeing with the saidis declarit tratouris.
Comperit Mr David Makgill, advocate to our souerane lord, and in his hienes name, as perfeware; and defyr yt proces vpoun the Dittay prefentlie produceit be him in jugement vpoun the said Mr Nicholl, quhilk the advocatt defyr to be red to the said Mr Nicoll, in caice he wald object ony thing aganis the famin.

The said Mr Nicoll allegeit, that jugement wes deduceit aganis him 3ifterday befoir the Kingis Maiesty and lordis of Secret Counsale, and as appeirit to him conuict be thame and thair voting aganis him; quhaarthrow it is nocht neceffar that he be of new accordit in ony yther jugement.—To the quhilk annuerit the advocate, that the procedings aganis him in Secret Counsale wes per modum conflitij, and nocht be way of jugement, he nocht being judicalie accordit; and fun the Justice sucht to proced aganis him in the said matir in this jugement.

The said Mr Nicoll defyr to knowe of the Lordis of the Secret Counsale present, Affeouris to the Justic, quhiddar the procedingis aganis him 3ifterday in Counsale wes per modum conflitij, or as ane yther jugement: And the saitis lordis, for laffecation of his defyre, declarit the saidis procedingis to be per modum conflitij.

Dec. 9. — Dilaitit, &c.; and for concealing of ane Lettre send be Mr Walter Baganquall1 to his wyff, quhilk wes red be the said Mr Nicoll; and vtheris crymes.

Pereware, Mr David Macgill of Nisbet, advocate to our souerane lord.

Comperit the perfonis of Affyis vnderwritten, viz.:

Asissi.
Patrik Creuchtoun of Lughtoun, Geo. Craw, portioner of Refoune, George Dundas of that ilk, Alex' Thomefoun, burges of Edin', Charles Murray of Cokpull, Andro Aytoun, brother to Dinmur, Johne Moffat, burges their, Johnne Gordoun of Petlurg, Henrie Quhys, burges of Edin', James Ingles, burges their, Robert Grahme of Knokdolan, Eduard Johnefoun, burges their, George Smyth, burges their, George Home of Aytoun, Mathew Stewart of Barel

The said Mr Nicoll, eftir diuerse allegancis proponit be him in prefens of the

1 As was formerly remarked, it was usual for some of the Lords of Privy Council to sit as Assessors with the Justic, especially in cases of Treason. The King himself not unfrequently sat in judgment, and his presence is occasionally noticed in the Record. 2 Darkness of the night. 3 Balcanquall.
faid Justice and his Affeoursis, and anfueris maid thairto be the said Mr Dauud M'Gill, advoucat to oure foureane lord for his hienes intres, offerit him self in the Kingis Maiestis will, of the speiking, that ' the Minifteris and vtheris wer perfoecte, and that the Kingis mineftrie had spokin thay wordis mycht haif profookit ane Cristiane man to feir;' as als of the concealing of ane Lettre direct fra Mr Walter Bucanquall to his awin wyff, quhilk wes red and fene be him, concerning particular commendationis to him.

The Justice, nochwithstanding that the said Mr Nicoll come in the Kingis Maiestis will, Ordanit the foirnamnit perfonis of Afflyis, choifin, fuorne and admiitit vpoun the said Mr Nicollis confent, to proced to thair deluyerance.

And the said Mr Dauud M'Gill, advoucate, Proteftit, in respect of the sentence gevyn zifterday vpoun Dauud Home of Argatie in the lyke mater of bevor, that in caice the faids perfonis of Afflyis clenge the said Mr Nicoll, for Wilfull erroure and tinfaule of baith lyffe, landis and gudis.

VERDICT. The Afflyis be thair deluyerance, pronunceit be the mouth of the said George Dundas of that Ilk, chancellare, fand the said Mr Nicoll Dalgleisich to be culpable, fyllit and convicte for speiking that the Minifteris and vtheris wer perfecutiit, meaning to preve the famin perfecutiion be occasioun of juft feir confauct againis the Minifteris vpoun allegeit speich of the Kingis Maiestie, and fum of his Counsale, quhilk wes clerlie provin be act of Counsale; and quhairfoir the said Mr Nicoll come in his hienes will: AND alsu, conuictis the said Maifter Nicoll of concealing of ane Lettre direct fra Mr Waltir Bucanquhall to his wyff, quhilk was red and fene be him, containing particular commendationis to him, confefrit be his awin word and writt; and thairfoir come in his hienes will: AND acquit him of the haill reft of the ditty.

Abiding from the Raid of Stirling.

Dec. 16.—JOHNE HOLMES in Auldwallis, Thomas Patoun in Winterberryhill, and twenty two others.

Dilaitit for remaining and abiding at hame fra our foureane lordis oift, raid and armie, ordanit to haif conuenit at Hairudhous, in the moneth of Apryle laftbypaft, and thairfra to haif paft towards the bur' of Striweling, for reprefling of the treffionabill attemttis of certane tratours and rebellis, quhilkis had tane the bur' and Caftell of Striweling, and reprefling of thair infrrences.

ASSISA.

CRIMINAL TRIALS.

VERDICT. The Affyis, be the mowth of the said Thomas Tait, chancellare, fand the hali fairfaidis perfisons entirit vpoun pannell to be conviict, culpabill and fyllit for thair remaning and byding at hame fra our souerane lordis oift, raid and armie, ordanit to haif conuenit at Hahirudhous, and thairfra to haif past towards the bur of Strueling, for reppreng of the tressfonabill attempttattis of certane traitouris and rebellis quhilkis had tane the burgh and Caistell of Strueling.

NEGATING — Forestalling.
Jan. 20, 1584—5.—JOHNNE WATSOUN in Leyth Wynd, Robert Gray in the Cannogait and fifty four others in Cannogait, Leyth and Edinburgh.

Dilaitit of contrauening of the Actis of Parliament for non putting of their malt to the marcat, and for taking mair betuix the boll of malt and the boll of beir nor is contenit in the faidis Actis.

The se resident in Cannogait, &c. are ‘replegiat’ to the Regality of Brochtoune, others to the Regality of Kelfo; and with regard to those resident in Edinburgh, they are ‘Remittit to the jurifdictioun of the Profaet and bailies of Edinburgh be reffoun of the Kings Lettres direct to Mr Dauid McGregor, adivocat, to pas fra thame, and discharging of the Justic of all calling, unlawing or proceeding againis the inhabitantis of Edinburgh; quhilk lettres were subscryuit be (the) Kings Maiestie and Coumfale of the daiz the xv day of Januar 1584; quhairvpon Mr Johnne Scharp akit instrumentis.’

RAID of Nithben — Traitorsous Conspiracy for seizing the King’s person.
Feb. 9.—MALCOLME DOWGLAS of Manis, Johnne Cunninghame of Drumquhafsill and James Edmeystoun of Duntraith.

The quhilk day compierit personalie in jugement, Maister Dauid Makgill of Nisbet, and produceit the Dittayis vnderwrittin vpoun the faidis perfisons, of the quhilkis Dittayis the tennour followis.

JAMES EDMEYSTOUN of Duntraithis Ditty.—James Edmeystoun of Dumruth, 30 ar indyttit and accusit, that contrair 3our naturall dewtie, 3e haveand our souerane lordis gud countenance as any othuer subiect of this realm of the lyke calling, hes mait vnhappylie, vnhankfullie and tressfonabill deuirt and confultit with divers othuer 3our complices, viz. Robert Hammilton of Incheightane, Johnne Cunninghame of Drumquhafsill, Malcolm Dowlas of Manis, Johnne Mutchet and Walter Dowglas in Litill Sauchie, in 3e monethis of October, November, December and Januarie lastbiypit, vpoun the

1 Various other trials occur at this period for abiding from the same raid, chiefly against fewars and burgesses.

2 Than.
plat laid be the sumtyme Eriis of Angus and Mar and pair complisces, for pair treffonabill deidis prefentlie fugitives in Ingland, communicat to 30w be Johnne Home alias callis Blak Johnne, pair meffinger, and 3e paid Johnne Mutchet, how his Maiestie maist nobill perfoun at the hunting mycht have bene tame captivit and convyot to sum strenth in the Illis and bordouris of this realme, or ellis to sum strenth in the Illis of Lochlowmond, qhull the faldis dechairit trators trators fugitives had with their complisces refusit his maist nobill perfoun in pair handis; and conceling of pe famin.

JOHNE Cuninghame of Drumquahassill, 3e ar indytit and accusit, that eftir mony and divers treffonabill Conspiracies, confessit, deuist, affisit and execute be 30w and 3our partinaries, againis the Kingis Maiestie and quyet effait of the centre erin to pat acceptant (atemptat?) of furpffing of his Maiestis maist nobill perfoun, quhilk was commitit be 30w and divers vtheris 3our treffonabill partakaris in the moneth of August 1st. V.lxxxiiij yeiris, be taking of his Maiestis maist nobill perfoun captivit in the houis of Ruthvene, carying of the same about gairdit at 3our plesoun, 3e being prent and treffonabill affisitit to pe fald fact; quhilk beand over-foen* be his Maiestie, belyde mony vtheris treffonabill offensis overlukit in 30w, and 3our honour, lyff and landsis pairit be his hienes clencemie, mycht have bene sufficent motioun, to have monit 30w to desfit fra all sic treffonabill deidis and interpyris pairedges: Nachwithstanding of pe quhilk, 3e maist ingratit and treffonabill, vpoun 3our accuslit makitious and vnhappie vnnaturallitie, hes in the monethis of October, Nouember, December and Januarie lastwas, treitit, deuist and confessit ane maist hie and vnhappie Treffoun againis his Maiestis maist nobill perfoun; quhairby nocht onlie the present effait of this commoun-wealth mycht have bene suertit, but alsua, gif with 3our and 3our complisces faurie his Maiestie culd have bene led captivit to the bordouris of this realme, to have bene reffusit be his declairit trators now fugitives in Ingland, or to sum fortrace or strenth withind the Illis of Lochlowmunt in the Leuenex: Commissant pairthrow maist hie and abominabil Treffoun; and this is trow, and 3e can nocht deny 3e famin:—FORDER 3e, in the faldis monethis laithpapsit, at the leift in ane othir of pame, hes confedrit, treitit and confessit with James Edmeisoun of Duntraith at diners tyme and places, sic as the Kirk of Strablene and at the Kirk of Killerne, vpoune the execution of the interpyris abowenwritin; and hes maist treffonabill conceit the famin vnto the tyme of 3our lait entrie within 3e Castell of Edinbur and 3our examinatoun pairin, quhilk wes vpoun the fext day of this instant moneth; quhair 3e, be 3our Depositioun subfcriuith with 3our awn hand, as alsua pe fald day, being confrontit with the fad James Edmeisoun, and that 3e knew that Blak Johnne Home wes directit fra the sumtyme Eriis of Angus and Mar and pair complisces prefentlie for pair Treffoun fugitives in Ingland, wes be pair meffage direct to 30w to propose 3e platt for executing of the treffonabill interpyris abowen speicifer: As 3our fad Declaratoun, subfcriuith with 3our hand, heirith produce as ane pair of 3our Dittay, dois testifi. And this is trow, and 3e can nocht deny 3e famin.

MALCOM DEWGLAS of MANIS DITTAY.—Malcolm Dewglas of Manis, 3e ar indytit and accusit, that eftir mony and divers treffonabill Conspiracies, confessit, deuist, affisit and execute be 30w and 3our partinaries agains 3e Kingis Maiestie and quyet effait of 3e countrisy, quhaisfore 3e being laitit forfeitit, had of his hienes clencemie, obtenit 3oure pardoun, and owre-foen in 3e bruing of 3oure lands and heretage: gitt, 3e maist vnnaturallitie, vnhankfullitie and treffonabill, in 3e monethis of October, Nouember, December and Januarie lastpapsit, hes deuist, treitit and confessit with divers vtheris 3oure complisces, sic as Robert Hammillitoun of Inchmancan, James Edmeisoun of Duntraith, Johnne Cuninghame of Drumquahassill, Walter Dewglas in Lyttill Sauchy and Robert Sempill sumtyme of Roiland, vpoun 3e platt laid be 3e sumtymes Eriis of Angus and Mar and pair complisces, for pair treffonabill deid prefentlie fugitives in Ingland,

1 Pardon, overlooked.  
* Overturned—Lat. morte.
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A kyr communicatoun pairof to thaid James Edmestoun of Duntraith be Johnne Hwme alias callit Blak Johnne, xe, in thaid monethis fairfaid, confluent, conferrit, tentit and dewystit with thaid James Edmestoun of Duntraith and pe remanent 30ur complies aboue writtin, at thaid Kirk of Strablane and thaid Kirk of Kilnerne, as alfo in 30ure hous and place of Manis, quair thaid Robert Hammitoun was allowit be 30w to be vpoun thaid conflant pairof, and pair dewystit how his Maiesties maift nobill perfoune mycht att thaid hunting be tane captiue and convoyit to fum frethent on thaid bordours of thaid realme, or ellis to fum frethent in thaid Iles of Lochlomount, quhill thaid fadis declarit traiitouris fugitivis haid, with pair complies, reflexitt his Maiesties maift nobill perfoune in pair handis: And to thaid taling, that thaid is trew, xe directit 30ure Lettres heipvon with Walter Dowglas of Lyttell Sauchy to thaid fadis rebellis, declarit traiitouris, prefentlie in Ingland, and with Robert Sempill, quha being thaid mefflingeris and poftlis of thaid fadis fugitivis had at pair pleafoun, reflitt and integument at 30ure hous of thaid Manis, in thaid monethis foirfaidis: And thaid is trew, and xe cawnocht deny thaid faim in respact the fad James Edmestoun of Duntraith and Robert Hammitoun of Inchnawcheane, prefentlie with 30w, awowit thaid fane; lykees alfo, James Dowglas and William Johnnftoun 30ure ferandis, in pair Depofitounes teftifieis the prefens of thaid Robert Hammitoun and Laird of Duntraith with 30w in 30ure awin hous, and refoir of thaid Walter Dowglas and Robert Sempill in 30ure faid hous, quha had na vbitr occassoun of refoir to 30ure faid hous bot for thaid treffonabill caufis foirfaidis.

ASSISA.

William Hay of gefter, Patric Ogilvie of Inchemairtene, Sir Thomas Stewart of Garne-
... Lord Seyton, Patric Murray of Hangit-chaw, tellie, kny';
Thomas Maiter of Caillies, Johnne Sempill of Fowlwode, Johnne Gordoun of Piturg,
Patric Houftoun of thaid ilk, William Wallace of Ellerlie, James Meanyseis of Whaim,
Johnne Gordoun of Lochinvar, k', Wm Makcullocht of Mortoune, William Hammitoun of Soane,
Johnne Murray of Blakbaronie, Patric Agnew, Shereff vf Wig. Thomas Kennedy of Barranne,
Robert Grahame of Knokdoliane, toune, ...
... MacFarian of thaid ilk.

VERDICT. The Affyis, be thair deleyurance, pronunceit be the mouth of the
faid William Lord Hay of gefter, fisand and declarit the faid JAMES EDMES-
TOUNE of Duntraith, to be culpabill, conviict and fyllitt off the vnhaipp, vn-
thankfull and treffonabill treitting and consultin with diuerfe vtheris his com-
plices in the monethis of October, November, December and Januare laftvwas,
vpon the plat layit be the fumyme Eris of Angus and Mar and thair complis,
communicat to him be Johnne Home alias callit Blak Johnne, the melf-
finger, and Johnne Mufchet, quhow the Kingis Maiestis maift nobill perfoune
mycht be tane captiue at the hunting and convoyit to fum frethent on the bord-
dours, or fum frethent in the Illis of Lochlomount, quhill the faidis declarit
Traiitouris fugitivis in Ingland had reflexitt his maift nobill perfoune in thair
handis; and of the treffonabill conceling thairof conforme to his awin lettre and
Depofitounes fend to the Kingis Maiestis, subfcryuit with his awin hand.—AND
sclyk, fisand, pronunceit and declarit the faid JOHNNE CUNINGHAME of Drum-
quahaffill, to be culpabill, conviict and fyllitt off the conference, treitting and
consultin with James Edmestoun of Duntraith at diuerse tymes and places, sic as
at the Kirk of Strablane and at the Kirk of Killnerne, vpon the taking of the
Kingis Maiestis maift nobill perfoune captiue at the hunting, specialie at that
tyme about the taking of Dauid Home of Argatie; quhairby the lordis fugi-
tiues in Ingland mycht be releuit and this effait alterit; and of the concealing of
the famin; conforme to his Depositioun subscriuyt with his hand.—AND
rychfwa, sflant, pronunceit and declarit the said MALCOLME DOWGLAS of
Manis, to be culpable, conviut and fyllit, that, forfamekill as James Edmestoun
of Duntraith hes testefit vpoun his girt aith, that he declarit to the said Mal-
colme Dowglas of Manis, that Johnne Home alias callit Blak Johnne, seruitor
to Johnne fumtyne Erle of Mar, proponit to him, the taking of the Kingis
Maisfeis peiroune at the hunting, amangis vtheris generall conferenics had be
thame in the place of the Manis, in prefens of Robert Hammilton of Inche-
mauchane, lykewayis affermit be the said Robert; quhilk purpusis, the said Laird
of Duntraith lykwaysis testefit, wes refusit altogidder be the said Laird of Manis,
and nawayis thocht gud be him; and nochttheles, insofar as the said Laird of
Manis hes conceit the famin, and nocht revelit it to the Kingis Maistie; in
ane voice, conviitis the said Malcolme Dowglas of the concealing thairof; and
put him thairfoir in the Kingis Maisfeis mercy. In witnes quhairof, the
chancellare, in name of the reft Allyfliouris, subfcriuyt the said conviuctioun in
the Minut buk.

Sentence. The famin day, eftir the said conviuctioun, the Justice, be the
mouth of Johnne Andro, dempstraie of the said Court, adiugit and for Dome
gait, that the saisis Johnne Cuninghame of Drumquhafrill and Malcolme Dow-
glas of Manis fuld be tane to ane skaffald, besyde the mercat croce of Edin-
burgh, and thair to be hauit, quhilk thai wer deid, and quarterit and drawin:
And that all thair mouabill and vnmoabill gudis, landis, heretageis, poislefionis,
takkis, ftedingis, offices, coirnis, cattell, lyfrentis, actionis and all vtheris quhat-
fumeur quhilkis pertenit to thame, aucht and fuld perteneir to our fouerane lord,
and to be appiit to his hiene sic, and to remane with him and his succeffliouris
for euir, be resoun of Escheit and Staurfaltour.

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Murder of Henrie Barnley, King of Scottis.

At Edinburgh, within the Tolbuth of the famin, the xxviij day of Mai,
the seir of God Im. Vc. fourfoir sey seiris.

In presence of the richt honorabill Sir Lewes Bellenden of Auchnowle, knycht, Clerk of our
souerane lordis Justiciarie, Mr Robert Dowglases, proweft of Lincludene, collector generall
of this realme, ............. Dowglas of Qabbingheme, one of the senatouris of the College
of Justice and Patrik Lethingtoun of Saltcoitis,

(May 26, 1586.)—Compearit Mr Dauid Makgill younger, Adovocate, sub-
stitute to Maifter Dauid Makgill of Nilsbet, adovocate to our souerane lord, in
prefens of ane honorabill and discreet man, Willaime Litill, Prowest of Edinburghe, and me Maister James Bannatyne, Clerk-depute orderner, in the office of Justiciarie, noter publict; and produceit ANE COMMISSIOUNÉ, direct be our fouerane lord, vnder his hienes quarter-seill, off the dait at Halirudhoufe, the twenty-fuye day of Mai, the 3eir of God I°.V°. fouricoir sex 3eiris, and of his Maiestis regne the nyntene 3eir, Makand and constituant his louittis, MAISTERIS JOHNNÉ PRESTOUNÉ and EDUARD BRUCE, coniunctile and feuerallie, his hienes Justices in that pairt, to fens and hauil Courtis of Justiciarie, for administratior of Justice, vpoune Mr Archebauld Dowglas, dilaitit and fulsect of the crewell, horribill, abhominabill and treffonabill MURTHOUR OF VMQHILE HENRIE KING OF SCOTIS of gud memorie, darrest fader to our fouerane lord; and being actuallie present thatrat in campanie with vmquhile James sumtyme Eril of Bothwell and vtheris his complicis; the tyne of the committing of the famin in the moneth of Februar, the 3eir of God I°.V°. threfcoir sex 3eiris: Defyng the saidis perfonis to be sworne to minifter justice leelie and trewlie in the said mater, conforme to the tennour of the said Commissiouné, law and confuetude of this realme. Quha immediatlie thaireter acceptit the said Commissiouné vpoune thame and befoir me notare and witneses abouewrittin, be hauiling vp of thair rycht hand, fwoir and guif thair aithis for ministration of justice leelie and trewlie in the said office of Justiciarie as Justices in that pairt, conforme to the tennour of the said Commissiouné, as thail wald anfuer to our fouerane lord thatrvpoune; and than incontinent for deduction of forder proces in the said mater, Ordanit thair officiaris of Justiciarie to fens Court, for obedience of the said Commissiouné and acceptatouné thairof. Quhairvpon the said Mr David Makgill akst infrumentmis of me notare publict and clerk foirfaiad.

CURIA JUSTICIAE, f. d. n. Regis tenta in Pretorio de Edinburghe, vicecomido sexto die Maii anno domini millenio quingentesimo octagésimo sexto, per honorables et diserois viros, Magistros Joannem Prestoun et Eduardum Bruce, Justiciariorum in hac parte dicti, f. d. n. Regis, virtuti jure Commissiounis specialiter constituatis. Sectis vocatis et Curia legitime affirmata.

In the quhilk Court the saidis Justices produceit ane Precept direct to thame be the Kings Maiestie, commanding thame to accept ane Commissiouné vpoune thame, and to put Mr Archebauld Dowglas, dilaitit of certane heich poynitis and crymes of Treffoun, to the tryle of ane Inqueifit: Off the quhilk Precept the tennour followis.

MAISTERIS JOHNNÉ PRESTOUNÉ, EDUARD BRUCE, Advocatis et Commissferis of Edinburghe, We gret 30w weill. Forfamekill as, Mr Archebauld Dowglas is to be prestenit vpoune pe xxv day of Maij infall in pe Tolbouth of Edinburghe, to be tryit vpoune certane heich poynitis of Treffoun, concerning pe murthour of our maitf darrest fader; and to pe effect pe mater may be pe bestir tryit we have directit our Commissioun vnto 30w, creating and substittand 30w our Justices in pat part, to pe effect contenit in pe said Commissiouné. Thairfor it is our will and We charge 30w straitlie, and
Criminal Trials. A.D. 1586.

Commandis, that immediately after the fycht of theis presentis, ye accept the said Commissioun in and vpon yow, gif your aith for administratium in the said Commissioun and put the said mater to the tryell of any Inquest, and do justice pairinto, according to the laws of the realm, but ony forder delay; as ye will eschew our indignation. Subscriut with our hand att Halirudhous, the xxv day of Maii 1586.

JAMES R. P. MAISTER OF GRAY. LINCLUDEN.

Treasonable Conspiracy—Murder of King Henry Barnley.

Comperit personalaie on pannell the famin day, in preens of the saidis Jugeis, May 26.—Mr ARCEBAULD DOUGLAS, Parfoun of Glagie.

Dilait of the horribill, crewall, vnnaturall and trefsonabill murther, flacher and paricide of vno our souerane lords darrest fader, Henrie King of Scottis of gude memorie, and vtheris crymes; committit at the tyme and in maner at length vnderwritten.

The famin day, compeirit Mr David Makgill, advocat, substitut to Maister David Makgill of Nifot, advocat to our souerane lord, in his hienes name, as perfiweare; and expoit and declarit, that he had resluit ane speciall Warrand and command, direct fra the Kingis Maiestie, chairgeng him to perfew the said Mr Arcebauld, of the crymes aboue specifieit; quhilk he produceit in jugement, and defyr the famin to be inftir in proces; quhairof the tennour followis.

Rex.

Advocat and your substitut, we greit 50w hairdlie weill. Fersamekle as we have appoynit the xxvij day of Maii inftant, for perfentin of Mr Arcebauld Douglase, perfoun of Glagie, to vnderlie our lawsis, for ait and pair contiffing, treitit and execution of the maift horribill flacher and murther of our vno darrest fader of gude memorie, We command 50w, with all convenient speid, to tak informations, be all meannis possibill, for accusatium of the said Mr Arcebauld of the trefsonabill crymes forfaisd; and pat ye perfew him thairfor the said day appoynit, or ony vtheris dayis pairesfer to follow, be ane condignie Afflys, quhilk he be othre foule or cleane of the crymes forfaisd: for the quhilk this perfent fals to 50w sufficient warrand. Subscriut with our hand att Halirudhous, the xxvij day of Maij, and of our regne the nyntene 3eir, 1586.

JAMES R.'
DITTAY against Mr Archibald Dowglas, Parson of Glasgow.

Maister Archebauld Dowglas, perfoun of Glasgows: 3e are inditit and accusit, that in the monethis of Januar and Februaire, the 3eir of God 1st V. threfoir flex 3eiris, 3e being accompaneit with James suntyme Erle Bothwell, James Ormeftoun suntyme of hat Ik, Robert alias Hob Ormeftoune his faderis broder, Johnne Hay suntyme of Talla, Johnne Hepburne callit Johnne of Bowntowne and dierfle vtheris 3our complicis, craftie and secreteie confyprit amangis 3our felfis, deuyfit and malicioufle consulfit, treitit and concludit pe maift schamefull, deteфтabilb and vnnatural murthour and paricde of our fouerane lordis darrest fader of gude memorie, Henry King of Scottis, fpous for pe tymne to his hienes darrest moder Marie, then Qwene of Scottis; and hat within pe burch of Edinburgh, Palice of Hairudhous, and vtheris places pairabout: And to pe end that 3e mycht bring 3our wicket and execrableb attempt bettrir to pas, 3e with pe remanent perfonis afoir nammit, be 3our felfis, 3our ferwandis, complicis and vtheris in 3our names, of 3our cawsing, command, airt, pair-taking, asfistance and ratihabitoun, vpoun pe ten tent day of pe saif moneth of Februaire, att twa houris eftir midnycht or pairby, come to pe lugeing befide pe Kirk of Field, within pe saif bur of Edinburgh, quhair our saif fouerane lordis fader wes ludgeit for pe tymne; and pair, be way of hamefuckin, briganderie and fiorthcocht fellony, maift wyildlie, vnmercifullie and treflonablie, flew and murdrest him, togidder with William Tailseour and Andro Makcaig, his cubiculeris, quhen as thay, bereit in fleip, wer takand pe nychtis reft, birit his lugeing foifaid, and raft pe famin in the air, be force of gun-pulder, quhilk a little afoir wes placeit and unput be 30w and 3our foifaidis vnder pe ground and angulare flanis, and within pe woltis in laich and darnit places to pat effect: And quhairthrow, 3e haif incurrat pe panis of Lefe-maifetie, and fuld be pwneift pairfoir in all rigour, be tinfale of lyf, landis and guidis, and extinctiou of name, titill, honour and memorie, conforme to pe lawis of pis realme. Lyke as, pe haill perfonis, spesialic afoir nammit, 3our complicis and conspiratoris with 30w in pis treflonabill cryme, as pat culd be apprehendit, pat sufferrit maift schamefull deid pairfoir, according to pair defeueningis. Item, 3e ar indyttit and accusit for pe treflonabill Conspiracie of pe saif deteфтabilb deid and murthour of our saif fouerane lordis vmo darrest fader, the famin being oppinit to 30w be pe saif vmo James suntyme Erle of Bothwell, and vtheris chief Conspiratoris, quhaires of dewtie 3e wer obelift to haue reueleit pe famin, quhilk gif 3e hed done, the saif maift abhominabilb, schamefull and crewall interpryle of pe saif
murthour had bene impeidit, and our said fouerane lordis darreft faderis lyff, be gude meanis, had beene preferued: And pairfoir, your said forknawlege and concealing in ane cryme sa haynous and treasonabill, wes nir alyke and equall to the committing of the deid: And pairfoir, se aucht to be pwneift in lyff, landsis, fame and honour, as said is.—To þe takin' that se war airt and parte, consueltare, treittare, deuyfare and executor of þe said treasonabill, horibill, cryme and murthour, se wer actuallie prefent pairat, and execut ðe famin with 3our awin handis, vpoune þe said tent day of Februare, at twa eftir mydnycht, quhair, by þe preisfe and thrang of peple, the tyme of þe execution of þe said murthour, se tint 3our mwiis, quhilk being fundin vpoune þe morne at þe same place, waer achnawlegeit to haif bene 3ouris. And 3e wer euir pairafter in griter familiaritie with þe said vmq James fumptyme erle of Bothwell, be þe participatyon of þe said abominabill treasonfoun with him, to þe effect that ather of 3ow mycht maneine and support vtheris in 3our wickit deidis, And this is maift notorlie knawin, and se can nocht deny.—To þe mair takin: Quhen 3e wes to be attint befoir our fouerane lord and the lordis of his secret counsile, for þe said abominabill treasonfoun, vpoune þe first day of December, 1580 3eiris, 3e gat secret intelligence pairof, and nocht being habill to abyde þe law pairof, but findand yourself maist gilitie pairof in 3our conscience, 3e wer fugitive furth of this realme to þe pairtis of Ingland, quhair 3e remanit duerse 3eiris pairefir; planelie takand vpoune 3ow þe said abominabill cryme: Lyk as, schortlie pairefir, in þe moneth of November, 1581 3eiris, 3e wer forfaltit for þe said cryme. As þe proces of forfaitour beiris.—To þe mair takin: 3our maist familiare ferward, vmq Johnne Binning, quha for airt and pair-taking with 3ow in þe said abominabill and treasonabill cryme, wes conviit and put to death, in þe moneth of Junij, 1581 3eiris forsaid, being offtymes truyit vpoune 3our pairt pairof, fermelie and constantlie deponit that 3e wer airt, pairt, deuyfar and executour of þe said abominabill murthour; and þat se wer actuallie and in proper person pairat; quhhairat also he abaid and tuk þe famin vpoune him, in prefens of þe haill pepill bytanding, at his executione.—To þe mair takin: Vmquhile James Erle of Mortounie, eftir his conviitioun and befoir his death, nocht onlie confeit, that he himself forsknew þe said horribill murthour, bot als, that se 3our self wes þe reweilline pairof vnto him: And forder, þat se wer actuallie at þe execution of þe famin, as is maift notorlie knawin: Quhilk 3e can nocht deny.

The said Mr Archebald, anfueraund to the Advocat vpoune the Dittay pro-
duceit aganis him, as yit nocht red in his prefens; deyrit of the Justices that

1 In token, proof, or testimony.  
2 Muli, a kind of slippers without quarters, usually made of fine cloth or velvet, and adorned with embroidery. Dr Jamieson. They are afterwards described as 'welcaet multi' in the course of the trial.  
3 Further.  
4 Examined, probably upon torture.
the samin mycht be red, befoir thair entrie to forder proces, that he mycht an-
fuer thairto, for defence of his lyff. Qhuairvnto thai condiscendand, and for 
flatiffeign of his defyre, caufit reid the samin oppinlie in jugement. Qhilk being 
red, he acceptit as it was consufit, and offerit himself reddie to anfuer to euerie 
poynt, quhen he fuld be secufit befoir the Affyis be the samin. And for his bet-
tir defence, vfit and produceit ane Warrand direct be the Kingis Maiestie to the 
Justice, for admisfion of his lawfull defenfis. Qhuairof the tennour followis.

SCOT.

Justice, Justice-Clerk, and 3our deputis, we greit 3ow weill. Forfamekill as we haif 
appoyndit 3e xxvij day of this instant, for tryll of Mr Archebault Dowglas, of certane crymes of 
Lee-a-Mailstie, to be laid to his charge, befoir 3ow, in 3e Tolbyth of Edinbughe; and albeit it be 
our mynd 3at 3e faid mater be handillit according to our honour and 3e lawis of 3is realm, 3ist we 
intend saunswis that ony ressnoabill defence or moyen be tane away fra 3e faid Mr Archebault, qhilk 
may be competent to him, ather of equity or ells be our faldis lawis. Thairfoir it is our will, and we 
charge 3ow, that 3e haald Court 3e faid xxvij day of Maij, and put 3e faid Mr Archebault to 3e tryell 
of ane inquiet, vpoun sic heidis and articles of leef-mailstie as falshe gervin in Dittay; admittand 
neuertheles to 3e faid Mr Archebault, his haill lawfull defenfis, safar as 3e samin may be competent to 
him. Subfcryuit with our hand att Halirudhous, 3e xxvij day of Maij, and of our regnne 3e nyntene 
3eire, 1586.

(Sic subscribitur) JAMES R.

After the productioun of the qhilk Warrand, and reffait thairof be the Juf-
tice, the faid Mr Archebault, leinning to his innocencie, but1 defyre of ony pro-
locutour to speik for him in this caus, allegeit, that the secund poynt of Dittay, 
tulching the foirknawing and concealing of the faid murthour, auacht nocht to be 
put to the knawlege of ane Affyis, be ressfoane, that our fouerane loird, of his 
frile merce and grace, had grantit to him his hienes Remisfion for the samin: 
Qhilk Remisfion he produceit in jugement, and tuik him thairto. Of the 
qhilk the tennour followis.

LETTERS OF REMISSION in favor of Mr Archibald Douglas.

JACOBUS Dei gracia rex Scotorum. Omnipotens hominibus suis, ad quos presentes literae pernecz-
rent, Salutem. Scitis, quia ex nostris specialibus gratia et misericordia, Remissus tenereque pre-
sentium Remissiones, diletto nostro Archibaldo Dowglas, vni ordinariorun dominorum Confiliij et 
Sesslonis, pro omnibus criminiis, transfregitionibus et prodicioibus, per ipsum Archibaldum, alioqui 
tempore ante datum presenciam, culiccusque graviatisses ex qualitatis fiat commisss., (conspiracione te-
men, consilio, tractacione, arte, parte et executione, horribilis et detestabilis murthurio notri quandam 
charissimi patri tantummodo exceptis;) pro quibus dictus Archibaldus, cognitioni nostrorum legam 
subditus erit: Prouifo quod dictus Archibaldus precipuam et conce Nationes dicti horribilis murthure 
nullo modo omnes et alii; ad quod, Nos, pro diversis graviis consideracionibus Nos movem, volumus 
et concedimus, quod dicta Remissio extentur; et quod in eadem comprehendatur omnis offension et 
crimen que dicto Archibaldo pro fas allegata precognitione et conce Nationes dicti horribilis murthure 
vt dictum est impuniti possint. Et supra, dictum Archibaldum, sub firma pace et protectione nostru,

1 Without.
CRIMINAL TRIALS.

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quis est hominem, ne quid ei occasione predictorum criminum, transgressionum et predictionum omnium antedictum. (exceptas prius exceptas) malum, molestiam, injuriam aut granamen aliquod inferre presumat ininfet; super nostrum plenariam forisfacturam; aut ad mortem ei inferat, sub pena amissione vitae et membrorum. In cuinis rei testimonium, has litteras nostras Remissionis, pro toto tempore, vice prefatis Magistri Archibaldi Curaturas, sub nostro magnae figillo, fidei farsi securus patentes. Apud Halirudhous, vicejimo primo die mensis Maii, anno domini millesimo quingentesimo octagesimo sexto et regni nostri decimo Novo.

Quhilk Remissoun being redd oppinie in jugemnt, and confiderit be the saidis Justices, they fand and pronunciet, that the secund pair of the fairfaid Ditty, concerning the fyrkniawlege and concealing of the Murthour fairfaid, in respect thairof, fuld noch be put to the tryell of ane Affyis. Quhairvpon the said Mr Archebauld afkit instrumentis.

And the said Mr Archebauld altogidder deniyit the first pair of the said Ditty, offering himself to the knawlege of ane condignene Affyis for the famin, was ordanit be the saidis Judges to be put to the tryell of the perfonis vnderwrittin, summoned vpon his Affyis, be vertew of our fouerane lordis lettres.

Assisa.

Patrik Maiier of Gray,
James Colville of Eifers Weemis,
Robert Logane of Retalrig,
Andro Gray of Dunnyvauld,
Andro Logane, younger of Coutfield,

Gilbert Gray of Baldraran,
Mr Samuel Coburne of Tempilhall,
George Home of Spot,
Patrik Johnstoun, younger of
Elphinstoune.

And becaus the remanent perfonis of Affyis, summond, be vertew of the saidis Lettres, to this day, being oftymes callit, compeirit nocht, and wer americat thairfoir, the said Mr Archebauld schortlie thaireftir produceit ane Warrand and Precept, direct be our fouerane lord to the Justices and Adovcatis subtitut faifaid. Ordaning thame to suppleie the nowmer of the absentis with sic gentillmen as mycht be gottin summond, ather within the burcht or at the bar: Quhilk Precept the said Adovcatt, for his Warrand, defyrit to be infert in proces; qhainrof the tennour followis.

'*Rex,

Justices and our Adovcatt and yowr deput, We greet yow well. We understand that Mr Archebauld Dowglas is enterit presfentlie on pannell, and that his tryell fayis becaus that sic perfonis as ar summond vpon his Affyis compeiris nocht, and that pair laikis sit sum perfonis of ane per- fyte nowmer. Therfoir, it is our will that, according to pe lawis of our realm, and pratick of your court, ze suppleie ze absentis with sic gentillmen as ze may get, ather within our burcht of Edinburghe, or within ze bar, and caus yame be sworne vpon ze saif inquest, to ze effect ze saif mater refaine na langer delay; kiepan this Precept for yowr Warrand. Subcercyit with our hand, at Halirudhous, ze xxviij day of Maij, 1586.

(Sic fabstribitur.)

James R.*

Lyke as, the saidis Jugeis, ffor obedience of the saif Precept, caufit be thair officiar, ane of our fouerane lordis meffingeris summond the perfonis following to
pas vpoun the said Mr Archebauldis Aslyis, for compleating of ane full nowmer:
Thay ar to say,

REMAINDER OF THE ASSISE.
William Ker of Ancreum, younger,
Mr Robert Pawlyde, younger of that Ilk,
James Logane of Parfonis-knowlis,
George Hamiltoun of Prebbous,

Alexander Baille of Litil-Gill,
Gawin Carmichell of Wrichtiflandis,
Andro Ker of Greneheid,
Walter Ker, brother to the said Laird of Greneheid.

Qhilkis personis being cailit and compeirand befoir the faidis Jusitics, wes
admittit be the faid Mr Archebauld to pas vpoun his Aslyis, with the remenant
personis aboue writtin, for tryell of his innocencie in the faid caus, and joynit be
the Jusitics to the remenant of the nowmer admittit vpoun the faid Aslyis of
befoir : and thay all sworne be thair girt aithis, to delyuer vpoun the poynsis
of the faid Dittay, conforme to the ordour and confuetud of this realme, ordour-
lie be thair names.

And immediatlie efter the cheifing and admitting and fuelring of the haill foir-
namit personis of Aslyis in jugement, as wze is, and the faid Mr Archebauld
Dowglas being judicaillie acustit of the horribill, destetabill and treffonabill
crymes contenit in the first poynit of the Dittay fofaid, the famin being denyit
be him simpliciter, oppinlie, in prefens of the faidis Jugeis ; and referriet to the
tryell and kawlege of the foirfadiis personis of Aslyis ; the faid Aduocat-suffi-
fitut, for the bettier instruction and verefeing of the faid Dittay and takinnis
thairof, produceit thair, instanltie, the proces of fsoirfaltour led and deducet
againis him for the famin in the Parliament hauldin and begun at Edinburghe
the . . . . . . . day of . . . . . . . 1581 zeiris.

To the qhilk anfuerit the faid Mr Archebauld ; and . . . . . . . to the firt takin
of the faid Dittay, declaritng that ' in pe presis and thrang of pe pepill pe tyme
of pe executioun of pe faid marthour that he tint his mwlis, qhilkis being fund
vpoune the morne, wer acknawlegeit to haif bene his ;' that the famin wes alto-
gider vntrew; deflying the famin to be verefeit, be ony perfounis qua wer
prefent at the finding of the faidis mwlis, or had sene the famin at ony tyme
thairfter; and that the famin can nauyais appeir, be the Depositionis and
declaratioun of the faid vpoune. Johnne Binning, deponing, that the faid Mr Arche-
bauld his maifter, paft in ane secrete and . . . . . . . , armit, to the committing
of the faid horribill cryme, quhairy the passege betuix his lugeing and the
place quhair the faid marthour wes committit, being nauyais meet to ane per-
foun armit, to pas with welwat mulis to fice ane deid ; and nauyais lyklie, be
gud appeirance nather, that na fic thing wes fund; and the faid takin, to be bot
an allegance.—Secundlie, anfuerand to the secund takin of the faid Dittay,

1 A shirt of mail privately worn under the usual dress.
makand mentioune, that ' quhen he wes to be attemptit,' befoir our fouerane lord and the lordis of his hienes Secret Counfaule for the said abhominable Tref-
toune, vpoun the laft day of December, the 3eir of God I."V'. and fourescoir 3eiris, getting intelligence pairof, wes fugitive furth of this realme to the pairtie of Ingland for the famin, and that he schortlie thairefter, in the moneth of . . . . (Nov.) 1581 3eiris, wes fowrfaile for the said cryme; expounit and declarit, that the occasioun of the absenting of him self of the realme wes throw just ffeir, quhairvnto ony person wald haf bene mouit, his gudis, geir, rowmes and pof-
tessionis being intrometit with, befoir ony atteching: Lyk as, he schortlie after his paffing furth of the realme, being informit that he wes dilaitit of the said horribill cryme quhairvof he wes innocent, safare as the famin come to his knaw-
lege, the Quenis Maiesties of Inglandis Ambasaidour being in Scotland for the tyme, in his name, offerrit to present him to the Kingis Maiestie, that he mycht be trit of the said cryme, fwa that thair wer deput-vaultspect Jugeis and per-
sonis of Affyis: Quhairvnto his hienes anfuerit, that he wald nocht indent with the subiect. And as for the proces of fforfailtour produceit, the famin can be na witness nor takin to conviclit him of the said cryme, in respect our fouerane lord had grantit vnto him, his hienes Letteris of Rehabilitionis, annulling the said sentence of fforfailtour, and declarin and decreerin the famin, to be of na force nor effect, als weil in jugement as outwith, anagis him. Quhilkis Letteris he produceit in jugement, for verefeging of the said allegance as the famin vnder the Grit Sell, off the dait at Hairiehous the xxij day of Maii, the 3eir of God I."V'. fourescoir sex 3eiris, and of our fouerane lordis regnane the nyntene 3eir, at mair leinth beiris.

Anfuerit the Aduocat, that the saidis Letteris of Rehabilitionis can nawayis tak awa the proces of fforfailtour, the famin standard vnreduceit; and referrit the famin to be condiderit be the Affyis. And forder, for verefeging of the said Dittay, and thrid takin thairof; mauid vpoun the said Johnne Binningis Declara-
tion and Depotioun; produceit thre of the said Johnne Binningis Depoti-
tiounis, mauid thairanent, in prefens of the Lordis of our fouerane lordis Secret Counfaule: The firft, mauid at Edinburg the tent day of Maii, fourescoir ane 3eiris, (1581) in prefens of the Erle of Argyll, Chancellare, the Erle of Arrane, the Erle of Montreis, the Lord Ruthven, Mr Robert Creychtoun of Eliok, Aduocat, and Alexander Hay, Clerk of Regifter, subcriuit be the said Erle of Arrane and Alexander Hay: The secund, of the dait the ellevint day of Maii, in prefens of the Erle of Arrane, the Erle of Montreis, the Laird of Bargany, the Laird of Arkinglafe, the Gudman of Manderstoun and the Clerk of Regifter,

1 Attainted, forfeited. 2 Provided.
fuscriuit be the haill perfonis abouewrittin, auditouris to the faidis Depofitionis: The third, daitit at Edinburgh the xv day of May, the 3eir of God P. V. fourscocor ane, in prefens of the Erleis of Arrane and Montrois, the Lord of Arkinglas, fuscriuit be the faidis Erleis of Arrane and Montrois and the Clerk of Regifter: ffermelis and conftantlie deponing that the faid Mr Archebauld paff to the deid-doing, the faid Johnne Binning and Thomas Gairner his fereandis being with him in cumpanie, and that the faid Mr Archebauld wes actrailie thairat. And forder, produceit thre thir Depofitionis, the ane maid be vmq" James Ormeftoune funtyyme of that Ilk, the vther be vmq" Johnne Hay suntyyme of Tala, younger, and the thrid maid be vmq" Pareis, Ffrenchman.

Anfuerit the faid Mr Archebauld thairto, first, that the faid vmq" Johnne Binningis Depofitionis can mak na thing aognis him, confiddering the famin ar altogidder variant and contrarious; in the self-sam-tyme declaiming, that he wes paff to his bed, the nycht of the committing thairof, and that the faid vmq" Johnne paff furth of his chalmer to his awin dwelling hous to his bed, quhair he refit quhill the faid abhominabill Murthour wes committit; and heiring the erak1 of the blawing of the Kingis hous in the air with powder, rais and come to his faid Maifteris chalmer, quhair he fand him lyand in his bed, reidand on ane buk: and in ane vther pairt of his faidis Depofitionis, declaiming, that the faid Mr Archebauld, efter that he had flepit in his awin chalmer that nyacht of the committing of the Murthour, nae being with him bot the faid Johnne and Thomas Gardner, and quhen it wes lait, paff to the committing of the famin, accompanit with thame, out at his bakk yet; quhill is contrarious:2 And de-clairing lykewayis, that vpoun the morn thairfter, he convoyit the faid Mr Archebauld to the Tolbuith, quhill cud nocht stand, feing the tyme of the committing thairof wes vpoun the Soneday befoir faltinis-ewin, in the tyme of Vacance, quhen the Lordis fittis nocht, and that he wes nocht vpoun the Seffoun at that tyme; and thairfoir defyrit the contrarieties of the faidis Johnne Binningis Depofitionis to be confiderit be the faidis perfonis of Afllys, and thame to cognoe thairin, to the bettrir trying of his innocence: And ficyk alle-geit, that the faid vmq" Johnne wes nawayis his fereand the tyme of the committing of the faid horribill Murthour, nor 3it come in his fervice be the space of twa 3eiris thaireftir.

Quhairvnto the faid Aduocat anfuerit, that the Depofitionis of the faid vmq" Johnne Binning wer fufficent to telfifie the faid Dittay to be trew, feing in the haill heidis thairof he aggries the faid Mr Archebauld to be participt of the faid trefsonabill and vnnatural Murthour.—To the quhill, anfuerit the faid

1 Report.
2 Contradictory.
Mr Archebauld, That the saidis Depositionis, can not be sufficient to verifie the said Ditty, feing the said vmq Johnne wes bot singularis testis, quhilk in civilibus, culd noch be habill to preif ony actioune of geir, far-les in criminalibus, to tak away ane mannis lyff: And as to the sferd takin of the said Ditty, allegeit maid vpoun the Confeffioun of vmq James sumtyme Erle of Mortoun; anfuereis, that na sic Depositionis wer produceit in jugement nor sit to the Affyis; and thairfor defyr thame to have repect thairto, spesialie in confideratioun that the said takin beiris that the said vmq Erle of Mortoune, eftir his conviccion and befor his death, confesit that he him selfe forknew the said horribill Murthour, as alfo that the said Mr Archebauld wes the reuelare thairfo to him, and actualie at the execution of the famin; and geveand and nocht grantand that the said Depositioniun had bene maid, 3it the famin can testifie na thing aganis him; because of the law the Depositionis of ane convict and condemnit perion can nayways be refualit to beir testimonie aganis ane vther. And forder, anfuereis to the Depositionis of vmq James Ormestounie sumtyme of that ilk, vmq Johnne Hay of Talo and vmq Pares, Frenchman, that the famin makis na thing aganis him, na mentioun being maid of him in ony of thair Depositionis; bot that the famin ferues rather to the bettr infructioun of the peronis of Affyis of his innocence: And forder, the said Mr Archebauld acceptit the saidis Depositionis of the saidis vmq Johnne Hay, Pares, Frenchman, and Laird of Ormestoun; and repeitit thame for his justificatioun, anent that part of the Ditty, quhairin wes allegeit, that he confpyrit with thame and vmq James sumtyme Erle of Bothwell, vpoun the treffonabill Murthour forfaite, be resloun the contrair planeide appeirit be the Depositionis of the saidis peronis; quhairin wes contenit the hail maner of the actuall doing of the deid be thame selvs and vtheris thair complicis, and na mentioun maid of him; nather culd it appeir that he onyways had knawlege thairfo; defyring the peronis of Affyis to reid and confidder the famin befor ony deluerance or writting.—Anfuerteit the said Advocate, that the Depositionis of the said vmq Johnne Binning ar sufficient to infruct the said Ditty, togidder with the notorietie of the said deid, feing the said vmq Johnne abaid thairat to the hour of his death: And as for the said vmq James Erle of Mortounes Depositionis, the famin ar mair nor notooure to the peronis of Affyis and to the hail cuntrie, and neidis na forder productioun: And thairfor, in repect of the notorietie forfaite, protestit, that in caice the saidis peronis of Affyis clenge and acquit the said Mr Archebauld of the said horribill and crewall Murthour, for Wilfull errour: Vpon the quhilk he askit instruments.

Compeirit the famin day, Sir William Stewart of . . . . . . . . ., sone lawfull to Andro Lord Stewart of Vchiltrie, as neir coufing and kinnifman to our
foureane lord, and protestit, that in respect the said Mr Archebauld standis con-
ueict in Parliament of airt and pairt of the horribill and treffonabill Murthour
and slaughter of the said vmos Henrie King of Scottis, fader to our fouereane
lord, that in caice the saidis peronis of Afflyis clenge him thairof, for Wilfull
Errour; and gif he fal happen to be fund culpabill heirefter of the 4amin, that his
hienes fal hail suficient actioune of Errour againis thame. Quhairvpoon he lyke
waysis akit instrumentis.
And the said Mr Archebauld protestit in the contrair, in respect of his an-
fueries and defenisis foirfaidis, and that the Kingis Maietie hes tane away the
said leniment1 of Parliament be his hienes Lettres of Rehabilitatique aboue
writtin, produceit in proces, of the dait foirfaid, annulling the said leniment:
Quhairvpoon he akit instrumentis.

VERDICT. And immediatlie thairefter, the saidis peronis of Afflyis aboue
writtin, choif, sware and admittit, as said is, remouit thame selvis furth of the
said Court, for thair bettr deluerance vpoun the poyntis of the said Dittay, and
being altogadder conuenit, chufe and admittit Patrik Maifter of Gray in Chan-
celler of the said Afflyis; quha, efter lang reflexion had be thame vpoone the
said Dittay, takinnis and Depositionis produceit, defenisis and anfueries maid
thairto; thay and ilkane of thame, being ryplie auffit thairwith, all in ane
woice, but2 discrepancy, votit, fund and deluyerit the said Mr Archebauld Dow-
glas, perfoun of Glaifgw, to be clene and acquit of his being in cumpayny, in the
monethis of Januer and Februer, the zeir of God Iº.Vº. threfoir and sex zeiris,
with vmos James fumtyme Erle of Bothwell, vmos James Ormifoun of that
Ilk, vmos Johnne Hay fumtyme of Tal, vmos Johnne Hepburne caillit of Bol-
toune and dierfe vtheris thair compisit, crafitie and secretitie confypiring
amangis thame, deufing and malicousing consufling, treitit and concluind the
maift schanemuell, desticabill and vnnaturall Murthour paricide of vmos3 our
foureane loris darrest fader vmos Henrie King of Scottis of gude memorie,
spos for the tymme to his hienes darrest moder Marie thn Qwen of Scottis; and
that within the town of Edinburghe, palice of Hailrudhouse and vtheris places
thairabout; and for the bettr performing of the said wickit and exerabill in-
terpsyllie and attempt, be him self and vtheris in his name of his cawfling, airt,
pait-taking, affiffance and ratihabitioun, cuming to the ludginge bfyde the
Kirk of Fielid within the said burfo Edinburghe, quhair the said vmos Henrie
King of Scottis our fouereane loris darrest fader wes luegit for the tymme, vpoun
the tent day of the said moneth of Februar, the zeir of God foirfaid, at twa
hours er midnycht or thairby; and thair be way of briganrie, hamefuckin
and fourthocht fellony, maift wyldlie, vnmercifiefullie and tresfonablie murdeirfiing

1 Sentence, finding, judgment. 2 Without. 3
and slaying of him, togidder with vmq" William Tailzeour and Andro M'Caig his cubicularis, quhen as thai, bureit in fleip, wes takand the nychtis reft, birni
ing his ludgeing foirfair, rafing of the famin in the air be force of gwn-powder, quhilk a litill ofbefoir was placeit and unput be him vnder the grund and angu-
laris stanes, and within the woltis and laich and darnit placis to that effect. And being re-enterit agane in jugement in presen of the faidis Juftices, be the
mouth and declaratious of the faid Patrik Maifter of Gray, Chancellor of the
faid Affyris, prounceit the faid Maifter Archebauld to be Acquit of the Dittay
foirfair and crymes contenit thairin: Quhairypoune the faid Mr Archebauld
Dowglas afsit instrumentis.

Protest by the Assise, that they should not be liable in Wilsful Error.

And immediatlie thaireret the faid Patrik Maifter of Gray, Chancellare of
the faid Affyris, for himsel by and as behalve of the remanent perfonis Affyris
abouewrittin, afsit instrumentis, that the Depositionis of the faidis vmq" James Ormifoutn of that Ilk, vmq" Johnne Hay of Talo and vmq" Pareis,
Frenchman, maid na mentioun of the faid Mr Archebauld, nor contenit na
thing aganis him: And in respect thair wes na thing produceit for verefeing of
the faid Dittay, quhairby the faidis perfonis of Affyris mycht haue bene perfuidit
to have deluyerit vtherways nor is abouewrittin, except the Depositionis of
vmq" Johnne Binning, quhilkis ar bot ane witnes, and algidder variant and
contrarious in the self, nor zit was the faid Dittay sworne nather be the Aduocat
nor na vtheris his informaris; and that the proces of ffoirfaltour led in Parlia-
ment aganis the faid Mr Archebauld is tane away be the Kingis Maietsteis Let-
teris of Rehabilitationoune, and that na Depositionis of the faid James fumtyme
Erle of Mortoune wes produceit befoir thame for fortefeing of the faid Dittay,
and that the faid takin of Dittay bure the faid vmq" Erle of Mortoune to half
deponit efter his conuictioune: Thairfoir, considering thai haif deluyerit efter
thair knawleg, protestit thai thair fuid incure na Wilsfull Errour in ony tynes
heirofter. Quhilk instrumentis and protoftatioune thay, efter thair re-entrie
agane in jugement in the faid Court of Jufticiarie, cawfit be opplinie red of new
in presen of the faidis Juftices; and thairypoune the faid Patrik Maifter of
Gray, Chancellor, for himself and in name and behalve foirfair, of new afsit in-
strumentis, and protoftit in maner abouewrittin.

The famin day, Sir Archebauld Naper of Edinwillie (Edinbelly) knycht, Sir Johnne Edmeftoun of
that Ilk, George Home of Wedderburne, Alexander Dalmahoy of that Ilk,........ Mowray of Barne-
bugall, Francis Dowglas of Borg, Thomas Otterburne of Reidhall, George Home of Broxlnyth, Robert
Lord Seytoun, Patrik Cungil of that Ilk; ofyimes callit to have compeirit befoir our Juftice or his
deputtis, the faidis day and place in the hour of caus, to haif past ypoun the Affyris of the faid Mr
Archebauld Dowglas, dilaitit of airt and pairt of the flauchter of our fonerane lordis darreft fader of
gud memorie; lawfull tyne of day biddin, and the faidis perfonis nocht compeirand to the effect foir-
fair; they and ilk ane of thame wer thairfoir amerciit in the pane of Fourtie pundis.
CRIMINAL TRIALS.

[Mr Johnne Grahame, Justice-Depute.]

Abiding from the Raid of Dumfries.


1 Thir twa defyrít to be replegit to the Regalitie of Sanct Andrews be Mr Johane Arthur, and continewit to laft of Maji.
2 Difchargeit be reffoun of his sig.
3 Ad Re-mifsonem f. d. n. regis.
4 Difrít to be replegit to Halrynidoune, be the Jus-tice Clarkis confent, vitimo Maji.
5 Replegist.
6 Provint to be fink the tyne of the raid and dif-
chargeit.
7 Difchargeit for his greit sig.
8 Vitimo Maji.
9 Thir defyrít to be replegit to Torphecjin be Mr Johane Grahame, Justice-Deput, and continewit to the laft Maji.
10 Difchargeit and paft fra.
11 Defyrít be the Erle of Angus to be replegit to Dalkeyth.
12 In voluntate.
13 Paft fra.
14 Difchargeit.
CRIMINAL TRIALS.
A.D. 1587.

Johnne Stewinsoun of Hirdmanseillis,¹ Frances Boirthuík in Bancreib,² (plegio, Joanne Boirthuík eius filio cum seipso coniunctum et divisum ad satisfactionem,) Johnne Boirthuík his fone,³ Mr Patrik Hepburne of Gilmerton, (plegio, Georgio Carkettill, burgen. de Edinburghe,) and Wauchop of Kaikmure, (plegio, M. Patricio Hepburne de Smetoune.)

Dilaitit for contravening of our fouerane lordis Proclamatioun, in abyding fra the Raid appoitit to follow our fouerane lord to Dumfreis, vpoun the ferd of Apryle laftwes.

PRIVILEGES of Burgesses of Edinburghe, as to Abiding from Raids, even though dwelling furth of the Burgh.

Compeirit Mr Johnne Scharp, for the saudis Alexander Aichefoun and Thomas Marioribankis, and allegeit, that thay aucht nocht to be put to the knowledge of ane Affylis, for abyding fra the Raid, becaus thay ar burgesfis of Edinburghe, and flent, watcht and wardt with the burgesfis thairof, quha paft nocht in proper perfoon in to the Raid, bot fend men att the Kingis defyre, and wer flentit to that effect; of the qubilk flent, thai payit thair pairt: And lyke as, the saud remant Burgesfis could nocht be trublit for abyding fra the saud Raid, namè could thay.

The Aduocat anfuerit in the contrair, and allegeit that the seruice of thair perfoones aucht to be tane quhair thay remane,⁴ and becaus thay remane out of the bur⁵, and hes landis lyand out of the bur⁶ quhair thay remane, ewin as thair landis ar subjicte to ane flent by⁷ the flent of the bur⁸; ewin fwa thair perfoonisould ferue quhene the King makis his Proclamatioun.

The Justice continewis Interloquitor to the last day of Maij instant.

(May 31.)—INTERLOCUTOR anent Burgesfis duelland out of Edinburghe.

The Justice findis be Interloquitor, that the saudis Alexander Aitchefoun and Thomas Marioribankis fall nocht be put to the knowledge of ane Affylis, in respect of the alleldigeance proposit be thame, that thay wer burgesfis of Edinburghe, and thay flentit and flentit with the tome thairof.

And this Interloquitor to extend in tymes past.

Henry Sinclar of Quhytekirk and George Logan portioner of Boningtoune afoilžeit,⁹ becaus thair moderis are lyfrenethis of their landis. James Veitch of that Ilk, George Barroune in Auld Lif toune, Davíd Dundas in Brigend, George Bissett in Eitfieid, afoilžeit, becaus thay haif nocht flywe ooxgangis⁵ of land. Alexander Tod in Diritoune and Alexander Robefoun thair, afoilžeit, becaus thay haif na heretage.

¹ Ad remissiōnem. ² Voluntate. ³ Dīcērēt ista Justitia, quia fons et mater sibi subjiciuntur ad Proclamatio. ⁴ Neithe. ⁵ Dwell, have their residence or place of abode. ⁶ Over and above, besides. ⁷ Paid assessment and taxation. ⁸ Absolved. ⁹ Ploughgates, ox-gates.
The remainder of the cases continued to the Justice-aire of Edinburghe, 'tercio Itineris, vel super premonidione xv dierum.'

**Slaughter.**

May 29.—Archibald Maxwell, brothir to the Gudman of Dinwiddie, William Maxwell his fone and Dauid Maxwell, his servand.

Dilatit of airt and part of the crewall slauchter of vmq Robert Maxwell of Cowestanis, committed in Junii 1583.

Continued to the Justice-air of 'Dumfries, tertio Itineris, (vel super premonitione) xv dierum; per Preceptum regis.'

**Treason—Counterfeiting King's Stamp, &c.**

May 23.—Patrik Maister of Gray.

Comperit Mr Dauid Mc'Gill of Nifbet, Advocat to our souerane lord, and produceit the Dittay after speecesit and defyrit proces; of the quhilk the tenour followis.

**Dittay against the Maister of Gray.**

Patrik Maister of Gray, ge ar indytit and accusit, that ge saif laitlile, within pe spase of pis zeir bypaft, writtin, delft and travellit to France, for findrie materis prejudicial to pe Religione presentlie profest be our souerane lord and his subiectis; and therefore, to haff had libertie of conscience, or otherwise to sy (say) forme of Religione, to haff bene vfit att ewerie manis swin appititie within pe realme; incontrair pe tenour of pe Actis of Parliament; incurrand pairthrow the panis contenit in pe famin. Secundlie, Indytit and accusit, that durant pe tyme fairfaiid, he hes intendit to deill with sum perfonis in France, that be pair moyane, throw his informacioun, oure soueranis mariage with pe King of Denmarnis dochtr (being ane deid honest and lauchfull in prefons of God and men) mycht haff bene stavit; takand thairthrow vpoun him, without ony warrand, forder thane becumit ane subiect of his dewtie to haff done; speciallie, in that his intentione tendit, to pe hindrance of pe Kingis mariage, being ane act profitabil to pe commoun welth of pis realme. Thrydlie, Indytit and accusit, for pe vn deverful wryting of lettres, concerning the effait of his Maiestis and pe realme, in Ingland; without his Maiestis knowledge or command; thairthrow, exceeding far pe dewtie of ane subiect. Ferdlie, Indytit, that he has travellit in materis quhilk mycht haff deffoyit the effait of pis realme, quhilk trawell, giff it had tane effect, his Maiestis perfoun mycht haff bene indangerit, committing thairthrow the cryme of Tresoune. Fyftlie, Indytit,
for counterfitting of the Kingis flamp, and putting of tham to ane letter writ-
tin with his Maiestis awin hand, without his command or auctoritie to do tham;
and ficyke, for retening and keping of tham flamp in his handis. Saztlie, Indytit for diuers and findrie vtheris offences and crymes of Treffoun,
alreddie declarit and comfit be him to his Maiestis self; quhairof he is gilte;
quhilk he can nocht deny. Lyke as, the hail points of Dittay aboue writtin ar
of veritie, as he can nocht deny tham, nor na pairt pairof.
The said Patrik Maister of Gray offerit himselff and become in oure fouerane
lordis will and mercie for the faidis crymes.

Slaughter—Hamesucken.

Aug. 30.—THOMAS BONKLE, cuitar, burges of Edinburgh.

Dilaitit of airt and pairt of the felloun and crewall slachter of vmy Petir
Heriot, induellar in Leyth, brother germene to James Heriot of Trabroune; com-
mittit be way of Hamefuckin, within the toune of Leyth, vpoun the xxix day of
Auguste instant.

PERSEWAR, James Heriot of Trabroune.

VERDICT. The Aslyis, being purgeit of partill countfall, choisin, sworne and
admittit, and the said Thomas beingacciit be Dittay, of the cuming be way of
Hamefuckin to the said vmy Petir Heriotis dwelling hous in Leyth, and fetting
vpoun him forment the 3ett thairowf, with ane drawin fword, quhairwith he
maist crewallie and fchamefullie flew (him); vpoun fett purposis and provisioun;
&c.; fand, pronunceit and declarit the said Thomas Bonkle to be ffylit and con-
vict of the slachter of the said vmy Petir.

SENTENCE. The Justis ordinat the said Thomas Bonkle to be tane to the
toune of Leyth, and thair, at place appointit, his heid and rycht arme to be
frukin fra his bodie; and all his movabill guidis to be escheit and inbrocht to
oure fouerane lordis vfe, for the said cryme. This dome pronunceit be James
Nifbett, dempstar of Justice Courtis.

Slaughter.

Jan. 23, 1587-8.—ARCHBALD MBRAIR of that ilk.

Dilaitit of airt and pairt of the slachter of vmy Archibald Newall, burges of
Drumfreis; committit in (the first day of) Apryle lastbypast.

PERSEWAR, Mr David McGill of Nifbet, Advocaat. PROLOQUITOUR, Mr Thomas Craig.
The Justice, be Interloquitour, repellit the haill defensfis proponit yeaterday,

1 The King's cachet, or cachet, a device invented to relieve his Majesty from subscribing so many
official writs. This is still in use in Scotland in the case of signatures, and other official writs, formerly
requiring the King's sign manual. The cachet is now in the custody of the Keeper of the Great
Seal. 2 Gate. 3 See Jul. 2, 1588.
contentit in the Minute-buik and proces proponit for the said Archbald M'Brair, in respect of the anfuer maid thairto be the Aducat, and ordanit him to be put to the knowledge of ane Affyle.

Assisa.

Verdict. **The Affyle, be thair delyuerance, pronunceit be the mouth of George Dundas of that Ilk, Chancellar, fand and declariat, the said Archbald M'Brair to be convict and fylit, as culpable and giltie of airt and pairt of the slaughter of the said vmq" Archbald Newall; and clangeit him of ony Murthour, and the circumstance, viz. the casting of him in the larter of Neth, &c.**

Sentence. To be tane to one scaffold beydye the mercat-croce of Edinburghe, and thair his heid strikin fra his body; and all his movable guidis to be escheit to our fourerane lordis vfe, as convict of the slaughter of the said vmq" Archbald.

Hurting and Wounding.
Feb. 9.—Hobbi Nisbet, vagabund.
Dilatit of the hurting and wounding of George Park, crealman, duellare in Eister Fairny, in his hind-heid; and for taking of his purs fra him, with ten poundis money thairin; committit the xvij day of Januar laftpaaft, betuix Kingorne and Bruntyland.
The said Hobbi come in the Kingis Will for the said cryme, and resflaut thairin be the Juftice; and committit to waerd within the Tolbuith of Edinburghe.

[Mr James Wardlaw, Justice-Depute.]
Cattle-stealing.
Mar. 25, 1588.—James Dalgleisch in Blacok, Nicoll Bryden in Kittisfeuch.
Dilatit of certane pointis of Thift, viz. The said James for the inbringing of David Elliot callit the Carling, Hobbi Elliot callit Hob Billie and vtheris thair complices, commoun thewis, to the lands of Halbyre, befide the Lone-ftane; and steling furth thairof of ten kye; committit in October 1581; and vtheris pointis of thift contenit in the lettres. The said Nicoll Brydin dilatit for the

1 Plegio, Jacobo Adamfoun, burgen. de Edinburghe. 2 Plegio, Joanne Adamfoun, burgen. ibidem.
thistleous inbringing of Hobbis Armfrang callit the Pett, William Howatson, in Bowthink, Walter and Hobbis Armfrang callit Helene Hobbie and vtheris thair complices, to the landis of Freitoun, pertening to the Laird of Corf-phon, and for the thistleous sfeing furth thairof of ane broun meir, with the haill infycht, guidis and geir, and vtheris crymes of thyft contenit in the lettres.

The persoune on pannell akit instrumentis of thair entrie, and that thay offerit thame redde to abyde the tryall of ane Aslyis, for the saidis crymes, and all vtheris specifieit in the lettres; disaffenting to ony continewatoune: Protesting, in respect that na partie, nor the Advocat, compert nocht to perleu, that na lettres be grantit aganis thame in tymes cuming.—Continued to the Justiceraire of Edinburghe, 'S Itineris, vel super premonitiones xv dierum.'

[Jr Johnne Grham, Justice-Depute.]

Fire-raising — Burning of the Place of Pitmeddene.


Dilatit of airt and pairt of the treffonabill Birning of the Place of Pitmeddene, togidder with the haill infycht guidis and geir being thairin, to the avail of fflyre thowsand markis, pertening to Alexander Abicrumbie of Pitmeddene; committit in March laftbypaft.

Persewars.
Alexander Abicrumbie of Pitmeddene,
Mr David McGill, Advocat.

Presquity for the pannell.
The Earl of Bothwell,
The Lord Hume,
The Corporall Stewart,
Mr Thomas Craig,
Mr Alexander Lindsay,
Mr Alexander King.

It wes alledgeit be the pannell, that na proces can be led aganis thaim, seing it is lycht that thay haif committit Treffoun, in birning of the faid hous of Pitmeddene; and that all persoune committeris of Treffoun, sould be fummond vpoun fourtie dayes warining, and that thay ar noenfiumond vpoun fourtie dayes warining; thairfore na proces.—The Advocat past fyft frt that pairt of the lybell, makand menioune of the Treffoun; and anfuerit, that proces soould be had aganis thame, in respect of ane Act of Parliament, maid in King James the Fyft tyme, in the qhilk it is provydit, that fflyre-raising soould be fummond as Slauchter.

The Justice continewit Interloquitor to the morne.

1 Plegio, Normando Leffie, burgen. de Abirdene.  6 Plegio, Domino Humm.  7 Luce clarior.
Sorcery — Witchcraft — Incantation, &c.

May 28.—Alesoun Peirsoun in Byrehill.

Dilatit of the pointis of Wichcraft eftir specifeit.

ASSISA.

David Dalgleish, maltman in S' Andros,
David Guidlett, maltman thair,
Charles Watfoun, notar thair,
Thomas Rekie, maltman thair,
John Hege, maltman thair,
Thomas Lentene thair,
Florence Strang in Carpykis,
George Kin'zow thair,
James Chaiplane in Pitsinweyne,
Robert Meluile thair,
Alexander Blak thair,
Alexander Maltman in Anstruthir,
Thomas Kin'zow, baillie in Pitsin-
weyne.
VERDICT. The said Alefoune, being put to the knowledge of ane Aslyis of the
perfonis aboue wriitin, wes conuict be thair deluyerance, of the vifing of Sorcerie
and Witchcraft, with the Inuocatioun of th' spurtis of the Dewill; speciallie, in
the vifoune and forme of ane Mr William Symposioune, hir couning and moder-
brotheris-fone, quha fchou affermit wes ane grit scoller and doctor of medicin, that
haillit hir of hir difeis in Lowtheane, within the toun of Edinburghe, quhaur
schou reparit to hir, being twell zeiris of aige; and thair cuming and ganging
be the space of fewin zeiris, quhen schou wes helpit of hir seiknes, quhilk schou had
quhan hir poitest1 and power wes tane fra hir hand and fate; contiuewing
thairby in familiarietie with him, be the space foirflait; dealing with charmes,
and abufing of the commoun people thairwith, be the said airt of Witchcraft, thir
diuers zeiris bypaft.—(2.) Item, for hanting and repairing with the gude nycht-
bouris and Quene of Elfame,2 thir diuers zeiris bypaft, as schou had confeft be hir
depoitiousounis, declaring that schou could nocht say reddiele how lang schou wes
with thame; and that schou had freindis in that court quhilk wes of hir awin
blude, quha had gude acquentance of the Quene of Elphame, quhilk mycht haif
helpit hir: bot schou wes quhyles weill and quhyles ewill, and ane quhyle with
thame and ane vthir quhyle away; and thair fchou wald be in hir bed haill and
seir, and wald nocht wit schou wald be or the morn: And that schou faw
nocht the Quene thir fewin zeir: And that schou had mony guid freindis in that
court, bot wer all awaie now: And that schou wes fewin zeir ewill handlit in the
Court of Elfame and had kynd freindis thair, bot had na will to vifite thame
efter the end: And that itt wes thay3 guid nychtbouris4 that haillit hir vnder
God: And that schou wes cuming and ganguing to Sanct Androus in hailling of
folkis, thir fiastene zeiris bypaft.—(8.) Item, conuict of the said airt of Wiche-
craft, in fa far, as be hir Depoitiousoun the schou confeft that the said Mr William
Symposium, quha wes hir guidichire-fone,5 borne in Striuiling, his fader wes the
Kingis fynth, lernt hir craft, quha wes tane away fra his fader be ane munn of
Egypt, ane gyant, being bot ane barne, quha had him away to Egypt with him,
quhair he remanit to the space of tuell zeiris or he come hame agane; and that
his fader deit in the meanye tyme for opining of ane preist-buik and luiking
vponne it: And that the said Mr William haillit hir, fone efter his hame cum-

1 Poustis, potesias. * The brownies or fairies, and the Queen of Faery; (q. d. elf-hame?) 2 These.
In the hinder end of Harfei, on All-Hallowe'en, When our Good-neighbours does ride, if I read richt,
Some buckled on a benawand and some on a bean, Ay troottand in troupes from the twiltacht;
Some sabled a the-ape, all grathit into green, Some hoband on a hemp-falk, hovand to the hight;
The King of Pharie and his Court, with the Elf Queen, With many elish Incubus was ridand that night.
There was an Elf on an ape, an wasfel begot, Into a pot by Pomatterne;
That bracthart in a buffe was borne; They fand a monter on the morn,
War faced nor a cat.'


2 Grandfather's son, paternal uncle. He is called 'hir couning and moder-brotheris-fone,' above.
ING.—(4.) ITEM, that she being in Grange-mure, with the folkis that past to the Mure, she lay doune sick alone; and thair come ane man to hir, cled in grene clathis, quha faid to hir, 'Gif she wald be faithfull, he wald do hir guid;' and that she beeing him, cryit for help, bot nane hard hir; and thane, she chargeit hir, 'In Godis name and the low he leuit one,' that if he come in Godis name and for the weill of hir saull, he fould tell: Bot he gaid away thane, and apperit to hir att ane vther tyme, ane luftie mane, with mony mene and wemen with hir:
And that she sinit hir and prayit, and past with thame fordir nor she could tell; and faw with thame pypeing and mirrynes and gude sheir, and wes ca- reit to Lowtheane, and faw wyne punchounis with taffis with thame: And quhene she tellis of thir thingis, declarit, she wess fairlie tormentit with thame:
And that she gait ane fair straik, the fyrst tyme she gaid with thame, fra ane of thame, quhilk tuk all the poistie of her car fyde fra hir, the mark quhariof wes blae and ewill faurrit; quhilk mark she felt nocht, and that hir fyd wes far war.—(5.) ITEM, that she faw the gud nychtbouris mak thair fauis, with panis and fyris; and that thay gadderit thair herbis, before the fone ryting, as she did: And that thay come verrry feirfull fumtymes, and fleit' hir verrry fair, and she cryit quhene thay come: And that thay come quhyle anis in the ancht dayes, and quhene she tauld laft of it, thay come to hir and boistit hir, faying, she sould be war handlit nor ofbefoir; and that thairef thay tuk the halit poistie of hir fyde, in fie fort, that she lay tuenti oullis thairef thay oit ofymes want, gif she wald be faithfull and keip promeis; bot, gif she wald speik and tell thair thame and thair doings, thay sould martir hir: And that Mr Wiilliam Symfoun is with thame, quha haillit hir and teichit hir all thingis, and speikis and warinis hir of thair cuming and fualtis hir; and that he was ane young man nocht fax yeiris eldar nor hirleff; and that she wald feir quhene she faw hir;

1 Aue carling of the Queene of Phareis, That ewill-win geir to Elphyne carcis, Through all Braid-Albane shee bees, On horfak on Hallow-ewin;
And sy in feikyn certayne nyghtis, As she lieis, with far fillie wychitis;
And names oust nychtbouris sex or lewin, That we beleivit had bees in beawin.
Scho fald she waw thame weill enough, And speciallie gude Auld Bicksough,
The Scretare and fundrie vher; Aue Wiilliam Symfoun, hir mother brother,
Whom fra shee hes refavit a buike, For ony her she lykis to luike;
It will infract hir howe to tak it; In fawis and fillibus howe to mak it;
With stones that mekill mair can doe, In Leich-craft, whair she layis them toe.
A thowland maladeis she bee mentit. Now being tane and apprehendit,
Scho being in the Bischopis cure, And keipit in his Caftell fiye.
Without respeck of wardlie glamer, He pait into the Witches chamer.'

Legend of the Bishop of St Androis, p. 521.

1 Poultis, potfis, viz. took the power of her left side from her. 2 Dicoloured and ill-looking.
3 Worse. 4 Salves, ointments. 5 Modern Scotch, 'fearsome,' frightful. 6 Terrified.
7 Boasted, rated, scolded, threatened. 8 She should be worse handled than formerly. 9 Twenty weeks.
and that he will appear to his self allane before the Court\textsuperscript{1} cum; and that he before tauld him how he was careit away with thame out of middil-eird: And quhene weir the quhirill-wind blaw in the sly, thail wilbe commounelie with it, or cumand fone thairefit; than Mr William will cum before and tell thir, and bid hir keip hir and fane hir, that slo be nocht tane away with thame agane; for the teyndr of thame\textsuperscript{8} gais ewerie 5eir to hell.—(6.) Item, of hir confesfounie maid, That the faid Mr William tauld hir of ewerie feiknes, and quhat herbis slo fould tak to hail thame, and how slo fould vfe thame; and gewis hir his directounie att all tymes: And in special, fcho faid, that he tauld hir, that the Bichop of Sanct Androuss\textsuperscript{9} had mony feiknessis, as the trembling fewer,\textsuperscript{4} the palp,\textsuperscript{3} the rippillis\textsuperscript{8} and the flexus;\textsuperscript{7} and baid hir mak ane faw\textsuperscript{8} and rub it on his cheikis, his craig, his breift, flockmak and fydis: And ficyke, gait her directounis to vfe the 30w myl\textsuperscript{9}k, or waidraue\textsuperscript{10} with the herbis, clarat wyne; and with fume vther thingis slo gait him ane fottin\textsuperscript{11} fowl; and that slo maid ane quart att anis, quhilk h he drank att twa drachtis, twa fandrie dyetis.\textsuperscript{12}

\textsuperscript{1} Before the Court of Elffame. \textsuperscript{2} A tithie, or tenth part of them. This singular part of the prevailing superstition, the Editor has seldom before met with. It suggests a strange idea of a kind of intermediate state of existence, maintained by the 'guiltnibouris,' through the medium of evil spirits; and for this extraordinary privilege, they were annually decimated, or forced to pay tithe to 'Sathans,' their lord paramount. The woddytraigles of this foul nest were no doubt pitched upon for payment of the amnity, and Maifter William was jasious of the fate of his unfortunate relative, Alisoun. In the introduction to the Tale of Young Tamiane, Sir Walter Scott remarks, 'This is the popular reason assigned for the desire of Fairies to abstract young children, as substitutes for themselves in this dreadful tribute,' (paying the cane, or teind, to hell.)

Then I would never tire, Janet, In Elffish land to dwell;
But aye at ev'ry seven years, They pay the teind to hell;
And I am the fat and fair of flesh, I fear 'twill be my fill!'


\textsuperscript{5} The celebrated Patrick Adamsone, Archbishop of St Andrews, 'fumus Paparorum hostis, inter quos delituit extremo vite dippendio.' That such a character as his grace should have stooped to take advice of a poor witch for the cure of his bodily infirmities, appears strange indeed. \textsuperscript{7} Fever and ague.
\textsuperscript{6} Pulpitation at the heart? \textsuperscript{8} Weakness in the back and loins.
\textsuperscript{9} Probably the flux.
\textsuperscript{10} Ewe-milk. \textsuperscript{11} Perhaps the herb woodroof. \textsuperscript{12} A pretty decent draught for an Archbishop! The clarat and capon would prove more acceptable to his grace than oceans of ewe-milk, and such like potations. In that cutting satire, 'The Legend of the Bishop of St Androis,' his trafficking with Witches is thus recorded.

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1 Sic ane feiknes hes he tane, That all men trowit he had bene gane;
For leichis mycht mak no remeid, Their waw na bute to him bot deid.
He seig weill he wald nocht mend, For Phetanish he s fend,
With Sorcerie and Incantations, Raifing the Devil with Invocationes,
With herbis, flame, bukis and bellis, Menis memberis and fourthe running wellis;
Palme-croces and knottis of streafe, The paring of a prestitus auid tees;
And in principis focht out fyne, That ryder ane aler of flame had lyne
Sanct Jhones-nutt and the foure-levit claver, With taill and mayn of a Baxter awer,
Hod careit hame heather to the oyne, Cuttist off in the cruik of the moone;
Halle water and the lamber beidis, Huyntworthe and fourtie vther weidis:
Whairthrow the charming tuik sic force, They laid it on his fat whyte borse.
As all men saw, he fone deccif: Their Sages flew ane fakies beaft.
This wald not serv; he fought ane vther, An devill dussling in Anfruther
Exceeding Circes in conceasie, For changenes of Wiffloes meatsie,' &c.
Sentence. The particulars of the procedure which took place in Court, and of the sentence pronounced against this unhappy woman, are not inserted in the Record: There is merely a marking in the margin of the Record, 'Convicta et Conunita.' The scene of her suffering was likely the Castle-hill of Edinburgh, where, after being 'wirreit at ane staik,' she would be 'brint in affis.'

Slaughter.

Jun. 22.—ADAM CREYCHTOUN, fear of Ruthvennis.

Being enterit on pannell as becam in our fourerane lordis will of before in ane Court of Jufticiarie, hauildin in the tolbith of Edinburghe, the xxij day of Majj laffbyptaft, for certane crymes, viz. the slauchter of vmoq James Creychtoun att the myne of Ruthvennis, committit in the moneth of Februar laffbyptaft, and vmoq Tyrie of Drunkilbo, committit in the moneth of December 1581 seiris; his hienes temperand justice with mercie, for certane respectis moving his Maistrie be his Precept, &c. Ordanit the Dome eftir following, to be pronounceit againis him.

Rex,

Justice—Justice-Clark and your Depute: We gret 30w weill. Forfamekle as Adam Creychtoun fear of Ruthvennis, being callit and perfewit before 30w, for findrie crymes committit be him; and speciallie, for he crewall slauchter of vmoq James Creychtoun att he myne of Ruthvennis, laitlie committit be he said Adam, vpeon fett purpois: for he quhillik, he being apprehendit and putt in ward, within our Tolboith of Edinburghe, and purfewit conforme to he lettres direct purpou; and mocht able to abyde our lawis, he is becum in our will, to be pwneif purpou as we pleis. And we mynding, that sic ane horribill fact should nocht paff without som pwnenfment, att the erneft fuit of ouns rycht traitc couling, Johne Eril of Mar Lord Erkine, and sum vhir respectis movin ws, hes spairit the executioune of he said Adam to he death, for he crymes forsaid, vpeon pis conditionew, that within he space of ... days nixt eftir he daft beir, that he fell depart furth of ouns realme, and remove furth of he skain, in perpetuall beneficement and exyle, during all the days of his lyfyme; with certificacion and he failjie and do in he contras, that he being att ony tymse beirfur apprehendit

1 Hearing how Witches wrang abouit him, The Kirkmen cauld him and accound him, And sharplie of this points reproved him, That he in Sorcerie beleavit him, Whairthrow his faute mycht come to skaith, The Witches and he confesing bayth, Scho toik some part of white wyne dreggis, Wounded rayne and blak hen eggis, And made him dreggis that did him gude, &c.—Dalton's Scottish Poems, ii. 318.

2 Whether the following entry in the Books of Privy Council has reference to a relation of 'Maister William,' the Editor leaves to the reader to determine. Apud Edinburg, quinto Septembris, anno, &c. lxxvii (1577.) The quhillik day, Capitane Johnne Vddart become acit and oblefth, as cauntiner and fouuritie for Maister Thomas Symson, funtyme seruard to vmoqwhile Thomas Davidson ypotheer, That the said Maister Thomas fall remane within this realme and nocht depart furth of the faymyn in tymse coming, without speciallic licence of my lord Regenti Grace, vnder the pane of five hundred merkis. And Johane Symson, minifter at Kennow, oblefth him to releif the said Capitane Johnne of the premisfis, and off all pane and dangeare that he fall happen to fastene thairthrow.

(Sic subscribitor) Johnne Vddart with my hand, Johnne Symson minister with my hand.
within our realme, be any of our judges or vther our subiectis, that pe panis of death falshe execute vponne him, without any mercy. Qhairesore, it is our will, and we command 5ow, that incontinent aftir pe fycht heirof, 5e insert peis our Declaratioun in 5our act of Adjournall, to remane pairin as de-
creet of conviciounene against the said Adam, in tymne cuming. Subscriuie with our hand, att Drum-
fris, the suctene day of Junij, 1586.

‘JAMES R. J. M. CANCELLARIUS.’

Sentence was pronounced by the Justice accordingly.

Slaughter.

Jul. 2. — ROBERT M’BRAIR of Almagill.¹

Dilatit of the slauchter of vmq’ Archibald Newall, burges of Drumfreis; com-
mittit in Apryll, 1587.

PERSEWARIS.

Efter Hill the relict, Mr David McGill, advocat. Mr John Ruffell, Johnne Halyday.

The said Robert M’Brair produceit ane Precept, subscriuie be the King and
his Chancellor, orderand the mater to be continewit; qhilk the Justice obeyit,
‘Drumfreis, tercio Itineris, xv dierum.’²

[M. WILLIAM C. OLIPHANT, JUSTICE-DEPUTE.]

Jul. 22. — Comperit William Commandater of Pittinweme, as Preloqui-
tour for him, (the said Robert M’Brair,³) and their in judgemen, in presence of
the said Justice-depute; seing that vmq⁴ Archebald M’Brair of Almagill (of that
Ilk) was execute for the said slauchter, and that the said Robert was innocent
thereof, offerit in the said Robertis name to refer for his part of the satisfiactioun
of the said slauchter, gyft of escheit and vthir mater debatabill betuix him and
Efter Hill, the relict of the said vmq⁵ Archebald Newall, present att the bar,
and purlfwar of him, to be modifieit and decydit be the Kingis Maiestie, or ony
foure of his hienes Counfall; And the said Efter Hill anfuerand be Mr David
McGill of Nibbet, advocat for his hienes interes, lykewyis purlfwar, declarit that
his hienes defyr hir to purfew the law; and swa refusi to refer the said mater
in maner aboue written. Quhairvponne the said William Commandater of
Pittenweme afkit instrumentis.

(Jul. 23.) — This cafe was continued, first to July xxiiij.⁴

(No.2.) — It was then delayed to Nov.ij, when the pannell produced Letters
of Remissioun, granted by the King in his favor; Thomas Stewart of Gaftoun and
Walter Gladstanis of that Ilk, having become sureties, ‘ad statiffaciend. partibus.’

¹ See Jan. 28, 1587-8. ² Plegio, Johane Lyndskay de Covinteone; ‘Relatu heirexir be his en-
trie.’ ³ Plegio, Andrew Blair de Ardblaire. ⁴ When ‘the Kingis Maiestie hauing commandit
the purlfwaris and defender, to submit all materis debatabill betuix thame, to four Lordis of the Se-
fioune, the Justice continewit this mater to the xxvij day of Julij instant.’
[Mr John Grahame and Mr William Oliphant, Justices-Deputes.]

Slaughter—Witchcraft—Adultery.

Jul. 26.—Johnne Myllar in Middill Cairny, and Meriory Blaikie in Cairny.

Dilatit of airt and pairt of the slaughter of vmq Williame Robertisoun in Cairny, in bewitching of him; committit in Apryle, 1585: And for Adulterie committit be athir of thame with vthiris.

Continued to the Justice-aire of Perth, 'tercio Itineris, xv dierum.'

[Mr William Oliphant, Justice-Depute.]

Interret.

Aug. 22.—Sir James Hammltoun of Crawfurd, knycht, and Marioun Hammltoun his dochter naturell.

Hew Somerwall in Carisfand, oft tymes callit to haif produced our sounrane lordis lettres dewlie execute and inndorat, &c. to tak fourtie of Sir James Hammltoun and Marioun Hammltoun, that they fould haif comperit befor the Justice or his deputes the faldis day and place, in the houre of caufe, and vnderly the Law for the fillthie cryme of Inceft, committit be athir of thame with vther thir sax seiris bypaft; lauchfull tymes of day biddin and nocht produce-and, the fumin wes thairfop amerciath in the panis contenit in the Actis of Parliament.

Slaughter.

Sep. 3.—Mr Robert Dowglas, provost of Lyndowdene.

Robert Lord Sanquhar become pledge and fouertie, that the said Mr Robert Dowglas fall compeir before the Justice or his deputes, the thryd day of the nixt Justice-air of the shereflome of Drumfries, or foner, quhene or quhair it fall pleis our sounrane lord, vpoun xv dayes warsning; and vnderly the law, for airt and pairt of the slaughter of vmq Sir Robert Maxwell of Dinwiddie, knycht, committit in October laftbypaft; and vther crymes contenit in the lettres direct thairvpon, vnder the panis contenit in the Actis of Parliament.

[Mr James Wardlaw, Justice-Depute.]

Resett of a Papist and Seminary Priest.

May 7, 1589.—Johnne Lowrie, duelland at the Waft-port of Edinburghe.

Dilatit of the treffonabill Reffett, suplement, mantening, intercomoning and furnaceing of meitt, drink and herberie to Mr Robert Bruce, confessit and avowed Papist and seminarie Priet, commoun enemie to Goddis truth and Cristiane go-
vernment; committet in July, Januar, Februar and March, 1588 and 1589. 
ITEM, for doing of fauour, reslutting, suupleing, maintenynge and defending of Mr Robert Bruce, Seminarie Preifte forlaid, within his hous at the Waft-port, in the monethis forfadis, he being oure fouerane lordis rebell.
PRESEWARS, Maister David McGill. PRELOGOUTURIS, Mr Johnn Raffell, Alexander King.

It is allegit for the pannell, that in this judgment na perfoun can be put to the knaulege of ane Affyis, without thay wer fumpong vpoun xv days warning, except perfonis dilatit of Trehoun and tane in flagranti crimine. The Aduocat allegis that the samyn fuld be repelitt, in respect that the said Johnne Lowrie wes confitut prifoner; and the King may tak him furth of prifoun, and put him to ane Affyse.

May 8.—Johnne Lowrie, vpoun pannell, cummis in his Maiestis will, for geying of meit and drink, as ane commoun tawerner, to Mr Robert Bruce, ane zeir fyne or thairby in Januar laftbypast, a denner at athir tyme alanderlie, without ony nichtis ludgeing; and that vpoun the said Mr Robertis expenffis, nocht knawin him to be ane Preift: And denyis expresslie the haill remanent pointis of Dittay, fen ony deid done be him to the said Mr Robert fen the executioun of the laft Proclamationoun, quhilk was vpoun the xxvj day of Februar laftwes. And vpoun the said Declaratioun and offer, takis instrumentis that he is ready to abyd ane Affyis for the reft of the Dittay.

Mr Dauid McGill younger aduocat, produceit the Dittay and defyrit proced.

May 9.—The Justice acceptit the offer of coming in the Kingis will, 'according to his hienes Warrand and Precept presentit in Jugement; and ordanit cautiont to be refluit of the said Johnne.' His cautioners were, 'James Couper merchand, burges of Edinburghe, and Martine Lowrie, burges thair.'

[Mr James Wardlaw and Mr Edward Bruce, Justice-Deputies.]

Slaughter.

May 13.—ARCHEBALD WAUCHOP of Nudrie, younger, George Boig ferverand to the Lard of Cragmiller, William Lauder brother to the Laird of Bannochie, William Craig ferverand to Craigmiller, Richard Bigum (Bigholme?) also his ferverand and Thomas Kame, smythe in Nudrie.

Dilatit of the slauchters of vmq" James Giffert of Shereffhall, vmq" Johnne Giffert his brother, and vmq" Robert Caife in Dalkeith, committit in July laftbypast; and als of the slauchter of vmq" Johnne Edmeistoun, brother of Dauid Edmeistoun of Wowmet; committit in March laftwes.

1 Only.
29 JAC. VI. CRIMINAL TRIALS.

Pereswaris for Shereffhall. Pereswaris for Johane Edmeis- Preloquitouris for the pannell.
Johane Giffert, father-brother to
ven. Maister Thomas Craig.
vmq James Giffert of Shereffhall, Sir Johane Edmeisston of that Ik, Mr Johane Prefoun,
James Hammitoun, The Lord Hwme, The Laird of Bruntoun,
Mr David McGill, Advocat. The Laird of Setfurd. The Laird of Ormeisston.

The Justice, eftir dyuerfe and findre allegeances and ansuueris proponit and
maid be ather of the parties, continewit the mater to the mornne at ten houris.

[Mr Johane Russell, Justice-Depute.]

May 14.—The quhilk day comperit Mr Johane Russell, Advocat, and
presentit ane Commiffioune vnder the Signet, of the deit the faid xiiiij day of
May, subfcryuit be the King and Chancelair, ordinand him to be Justice in the
mater abouewrittin to Mr Edward Bruce and James Wardlaw: And according
thairto, wes fuorne for administratious of Justice.

Comperit Mr Dauid Makgill of Neibet, Advocat, and produceit the roll of
Affyfyle, subfcryuit with his hand.

Pereswar, Maister David Makgill. Preloquitouris, Mr Johnie Prefoun, Mr Thomas Craig.

Allegis, that the Justice can nocht proceid aganis the Laird of Nudrie and
his complices, for the fauchter of vmq James Giffert, Johne Giffert his bro-
ther, and Richard Caffe, in respect, thay haif fund cautious, vpoun xv dayes
warning, actit in the buikis of Adornall; and in respect, thay are nocht tane in
Aegranite crime, nor ȝit is that ane cryme of Leife-majeftie; and thay being
vnder cautious, mvnbe warnit on fyftene dayis: And product ane Act of
Adjornall, subfcryuit be the Justice-Clerk. The Advocat acceptis the Act, and
thinks the allegeance to be reffonabill.

The Justice fandis the allegeance maid yesterday anent the cautious vpoun
fyftene dayis warning, nocht to be relevant in respect of the Kingis Warrand:
And ordinis the faids perfoune to be put to ane Affyfyle for all the crymes foir-
faids; but continewis the Laird of Nudrie and remanent perfoune fairdais, and
putting of thame to ane Affyfyle for fauchteris of the faids James Giffert,
Johne Giffert his brother and Richard Caffe, in respect of the act of Cautioun
producit.

Assisa.

(1.) Maister Patrik Hepburne of (6.) James Dunlop of that Ik, (11.) James Cochrane of Bar-
Gilmerton, (7.) Mr Patrik Hepburne of bachla,
(2.) William Lander of (in) Dunbar, Smetoun, (12.) James Hwme in Dunbar,
(3.) William Wallace, younger of (8.) Johnne Spreall of Cowden, (13.) William Wallace, minifter
Johnston, (9.) James Creychton, younger of Faill,
(4.) Neill Montgumrie of Lang- (14.) Thomas Seytooun of Northrig,
schaw, of Brunftoun, (10.) James Henderfoun, younger (15.) Sir William Lander of Hal-
(5.) Aula McCas of Arncapill, of Dryden,

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 Maur, must.
The Affyis defyrit the Dittay to be sworne, according to the ordour. The Aduocate allegis that the Kingis Dittay aucth nocht to be sworne be him. The perfonis of Affyis akit instruments that na man wauld fuyer the Dittay.

VERDICT. Quhillis perfonis of the Affyis abouewritten, being chochin, fuyre and admittit, paft furth alodgider out of Court to the Caunfaill-hous of Edinburgh, quhair thai efter the chefind of Neill Montgumrie of Langchaw, Chancellor, thay reffonit vpoun the haill poynis of Dittay, and thairwith being ryply aduyfit, re-enterit agane within the said Court, and be the mouth of the said Chancellor, fuid, pronuncit and declarit the saidis William Lauder, William Craig and Thomas Kame, to be acquit and clegnit of the slauchtiris of vmq.

James Giffert of Sherefhall, Johne Giffert his brother and Richard Caile, committit in July laithbapte. As lykways, be thair delyuerance in presence of the said Juftic-deput, fuid, pronuncit and delyuerit, in one voce, the saidis Archibald Wauchope of Nudrie, George Beig, William Craig and Thomas Kame, to be acquit, clegnit and innocent of the slaughtir of vmq. Johnne Edmeistoun, brothir to David Edmeistoun of Wowmett, and of the hurting and wounding of George Dumfouen in his ...... kne, be the schoit of ane pistolett; and of the hurting and wounding of George Hvid, ferward to the Lord of Edmeistoun, in his leg; committit the moneth of Merch laithbapte.

APUD EDINBURGHE, xiiij Maij, anno 1589.—The quhillik day, at xij hours after midicht or thairby, cautin wes found for the perfonis of Affyis as folloows: 1

(1.) James Adamesfoun, burges of Ed', and Mr. Thomas Fitcher, burges thair, Ten thowfand markis.
(2.) James Adamesfoun, burges of Ed', and Geo. Douglass, fear of Langnudrie, Three thowfand markis.
(3.) Johnne Arnott, provest of Edinburgh, Fyve thowfand markis.
(6.) Johnne Wad, snyth, burges of Ed', and ...... Cant, burges thair, callit Lard Cant, Fyve thowfand markis.
(7.) James Adamesfoun, burges of Ed', Ten thowfand markis.
(8.) Johane Arnott, provest of Ed', and Johane Wad, burges thair, Fyve thowfand markis.
(9.) George Douglass, younger of Langnudrie, and James Adamesfoun, burges of Ed', Three thowfand markis.
(11.) Johnne Arnott, provest of Ed', Three thowfand markis.
(12.) James Adamesfoun, burges of Ed', and Mr. Patrick Hepburne of Smetoun, Tae thowfand markis.
(14.) George Douglas, younger of Langnudrie, and James Adamesfoun, burges of Ed', Fyve thowfand markis.
(15.) George Douglas, younger of Langnudrie, and James Adamesfoun, burges of Ed', Fyve thowfand markis.

1 Instead of again enumerating the whole of the Assise, reference is made to the number prefixed to each Assisors name, in the foregoing list. Montgomerie of Langchaw, Henderfoun younger of Dryden and William Wallace, did not find security.
29 Jac. VI. CRIMINAL TRIALS.

The famyn day, ilk ane of the Afysfours foirfaydis quha hes fund the said fowirtie, obleift thame, thair aris, executouris and affignais, to freith, releif, kelp skaitthes thair cautionaris respective foirfaydis, of the fowirtie abouwrittin, ilk ane of thame for thair awin partis as is aboue specifit, and of all panis contenit thairin, at the handis of oure fouerane lord and his biesen thesaurair, and all vtheris quhome it effeiris.

[Mr William Oliphant, Justice-Depute.]

Slaughter.

May 20.—THOMAS MAISTER OF BOYD, James Boid of the Kippis, Alexander Boyd, bailie of Kilmernok, James Slofe of that Ilk, Thomas Rolfe in Bondland, and Johnne Craufurd in Welftoun.

Dilatit of the slaughter of vmq" Johnne Mure in the Wall; committit in the moneth of August, 1571.

Persewaris.

Johnne Mure, eldset sone, Robert Stewart and Michael Stewart, kinismen of the motheris fyde.

Prefoquitour for the pannell, Mr Johnne Skene.

The partie past fra the perfute of Johnne Craufurd; quhairvpon he askit instrumentis.

Letters of Remiffion, granted by the King in favor of the parties, and Caution found for satifying the parties. Cautioners, Captain Thomas Crawfurde of Jurdanehill, Johnne Schaw of Grenok, William Mure appentand of Rowallane and Thomas Master of Boyd, bind thenselves to relieve the above sureties.

Slaughter.

May 20.—ROBERT LORD BOYD.

Robert Boyd of Banhaith, cautioner for the entry of Lord Boyd at the Justice-air of Ayr, or on warning of xv days, for the same slaughter.

[Curiis Justiciarie s. d. n. Regis tenta in pretorio de Edinburgh superiore, xxiij die mensis Maj anno 1589, per discretos viros Magistros Eduardum Bruce, Williamum Oliphant et Jacobum Wardlaw, Justiciarios Deputatos.]

May 24.—The quhilk day the Justices aboue writin producit our fouerane lordis Commissioun efter specifit; quhilk thay defyrift to be inffert in the process for thair Warrand; quhairrof the tennour followis.

Commission for the Trial of George Erle of Huntly, David Erle of Crawford and Francis Erle Bothuell.

James, be the Grace of God, King of Scottis. To all and findrie oure legis and subditis, quhome it effeiris, to quhais knaunlege thir oure lettres fall cum; Greting. Witt-3e Ws, to half maid and consti-

-tut, and be thir oure Lettres, with the awytis of the Lords of oure Secret Commaill, makis and con-
CRIMINAL TRIALS.

A.D. 1589.

Sirius Mr Eduard Bruce, Johanne Coluile, William Oliphant and James Wardlaw, oure Justices in that pairt, conjunctlie and fusuallie, to pe effect ynderwrittin; Gewand, grantand and commissand to thame, oure full frie, and plane power, generall and speciall command, expres bidding and charge, Court or Courts of Juficiaries, within our tolbutie of Edinburgbe, to sett, begin, affix, hald and contenew, as oft as neid beis; and thairin George Erle of Huntlie, Davie Erle of Crawford, Frances Erle Bothwell, to call, and be Dittay to accufe, and to the knowlege of Affyis to put, for certane treffonabill crymes and offencias committit be thame, tending to the subuerion of the trow Religion, and perrelling of oure perfon and efaits; and as thay sal happen to be fund culpabill or innocent, to minister and caus justice be ministrat vpoun thame, conforme to the lawis of oure realme; fettis1 to mak be callit, absentes to amerciast, trespassouris to puniis, vnlawis, amerciamentis and escheatis of the faidis Courtis to aik, lift and crave, and the samyn to our thefassair and his deputis, in oure name, to inbring and delver; affyis ane or ma to summond, cheis and caus to be showne, ilk perforn noct commperand, vnder the pane of twa hundred pundis; clerks, forjandis, dempsteris or vtheris officiaries of Court seiffull to the, creat, subtitut and ordane: for the quhilke oure faidis Commissonariss falsbe holdin to anser to wa pairvpon. The quhilke to do we committ to 30w, conjunctlie and fusuallie, oure full power be peir oure letters, delyenyring pane be 30w deilie execute and indorfat agene to pe bera. Gewin vnder oure Signet, and fabcrynit with oure hand, att Edinburgbe, the xxiiij day of Maij, and of our regnum the xxiiij yeir, 1589.

JAMES R. CANCESLARIUS.

HIGH TREASON, &c.

GEORGE ERL OF HUNTIE, Lord Gordoun and Badjennocht, &c.,
Frances Erll of Bothwell, Lord Creychtoun and Haillis, &c., and
Dauid Erll of Crawford, Lord Lyndesay, &c.

Dilatit of certane treffonabill crymes, contenit in Dittay to be gewin in be our fouerane lordis Adoucatt, following.

PRELOQUITOUR for the said Erll Crawford, Mr Johanne Scharp.
PRELOQUITOURIS for Frances Erll Bothwell, Mr Thomas Craig, Mr Johanne Preftoune.
PREEWAR, Mr Davie M'Gill of Nisbet, Adaocat to our souerane lord.

Comperit the said Mr Davie M'Gill, and produceit the Dittay ynderwrittin; quhairesof the tennour follows.

DITTAY of INDICTMENT against the Pannell.

GEORGE ERL OF HUNTIE, FRANCES ERL OF BOTHWELL, DAVID ERL OF CRAWFORD; 3e and ilk ane of 30w, ar indyted, for pe treffonabill trafficking with strangearis and minifteris of ftr(angearis), sic as Jesuitis and fesminarie presfritis, and furn excommunicate perfoones, for alteratioun of pe religiouse pretenci profesfit within pis realme, according to pe sinceritiie of pe Ewangel, the quyet of pe fame stablischt be commoun content of oure fouverane lord and thair Estaitis, in pe Parliament haldin att Lynlythqwe, the (tenth) day of December 1585 3eiris; and to pe owterthrow of his hienes perfoone. And this 3e and everie ane of 30w, with Coronall S(empill), Johanne Cowper,

1 Sects, suits of Court. 2 Sir John Maitland, Lord Thirlestane.
Robert Bruce, Mr Edmond Hay, Mr William Creychtoune, Thomas Nisbet,  
Johnne Chisholme forne to vmq* James Chisholme of Cro ... , David Grahame  
of Fintry and divers vtheris, albeit native Scottifinen, (in pe haill moneths of  
1588, att pe leift in ane or vther of pame,) 3it in pis trefionabill traffique, minif-  
teris (of) strangiris: And 3e and euer yane of 30w, hes reffuait m ... (men ?)  
and Spanifch gold fra pame; att pe leift, ane or vther of pame; to pe effect  
and for pe cauffis foirlaidis; committing thairthrow, maist hie and manifesto  
trefloun; quhilik 3e can nocht deny.—To pe taikin that this is trew, 3e, Frances  
Erle of Bothwell, in fomer laftbypaft, to pe effect foirlaid, reffuait fra Cornall  
Sempill ane thowfand crownis; and latilie fra France, (fra pe) Erle of Erroll,  
an vther thowfand crownis; and distributit pe fame be 3oure feiff and vtheris  
att 3oure command, with vtheris foumes of money, reffuait be 30w fra Mr  
Walter Lyndfay, to .................. 1 waiget foildiertis,  
horfinen and futemen, raift be 30w latilie, in pe monethis of March and Apryle;  
expres aganis the Acte of Parliament, forbiddand rafig of soildartis, or waiges-  
ing of any men of weir, except be special commiiffoune of pe Kingis Maiestie,  
quhilk 3e had nocht. In respect quhaireof 3e haif incurrirt pe pane of Trefloun,  
as is abouewrirtin.—And 3e, George Erle of Huntie, in lykewayis, hes reffuait  
foune of three thowfand crownis or pairsth, the laft 3eir, fra David Grahame  
of Fyntrie, to pe effect foirlaid; quhairthrow 3e haif incurrirt the lyke cryme.  
And this is trew.—Secundlie, 3e and ather of 30w ar indyrit, for pe sufferith of  
3oure seiffis to be inducite be pe reffluaiting aboue speicfet, to pe effect foirlaid, for  
contentment of pe frangearis, papiftis minifteris, quha traffikit with 30w, to pe trefionabill ef-  
fectis aboue speicfet, to haif maid and facfryuit ane Band, aganis 3oure dwetie,  
being subiectis, and facfryuit pe fame be 3oure handis, and divers vtheris 3oure  
complicis, sic as the Erlis of Montoife and Erroll att Stregmartene, Glentannar  
and Auld-Montoife repective, in pe moneth of March laftbypaft; Bandis being  
forbiddein be pe law of pe countrey; befydis dyvers conventicle aithis, leagis and  
confypyracis, haif bene maid be 30w, in pe monethis of Februar and March, to  
pe trefionabill effect aboue speicfet, reiterat and renewit be 30w and diversie  
vtheris 3oure complices and pairt-takaris in pe toune of Sanct Johnnestoune, in  
pe moneth of Apryll laftwas; att pe quhilk tywe, 3e maift trefionabill tuik pe  
faid toune, and maid 3oure seiffis maifteris pairof, of playne intentioun to haif  
fluitt 3e famin, and kepit it aganis his Maiestie and his authoritie. For ex-  
ecuting of pe quhilk confypyracie, 3e and ather of 30w, wer art, part, red and  

1 Part of a line cut by binder from the top of this and some of the following leaves. The edges of  
the leaves are also pared, so as to take away several words.  
2 Victualled and furnished.
counfall, of pe convocatting of 3oure selfis, 3oure affistantis and pairt-takaris in armes, to haif takin the Kingis Maiestis hous and palice of Halyruideous and his hiens person, fuponit be 30w to be thairrin; and to haif slayne finding his gracis faithfull counsalouris and fernandis, spesiallie Sir Johnne Maidland of Thrifstane, knyght, his Maiestis chancellor, with divers otheris: Quhairthrow, 3e mycht haif vst his Maiestis person, alterit and subvertit pe present eftait, att 3our awin will. For performing quhairof 3e tryltit 3oure meting att pe Quarrell-hoolis, betuix Leith and Halyruideous, in March last; and 3e, Frances Erll of Bothwell, wrattit to Dauld Erll of Crawfurd, to haif cumit in armes to Leith, and to haif kepit pe appointit place and tyme be 3oure self, as indeid 3e the Erll of Crawfurd cometh......in armes, to pe effect pe......

....pe toun of Kingorne; the Erll of Huntly, frome pe n......(north?) partis to pe toun of Dumfermling; the Erll of Montrolfe, to pe Halzairdis in Auld Lifoun; and 3e 3oure self, to pe saif place appointit. Quhilk 3e nor ather of 30w can deny.---ITEM, 3e and ather of 30w ar indytit, sfornamekle as his Maiestis being aduersefit of 3oure tressonabill Conspiracis aboneswritin, for his awin bewayt preseruatione in kepyn his realme and liegis in quyetnes, haif-ing fend [William] Reidpeth, aine of his Maiestis gaill, in Apryll lastwe; with his Maiestis letteris to his louitt counsaloure and officiar, Mr Thomas Lyoun of Baldu(lie) Maister of Gramis, his grace theskurar to pe tounis of Dunde and Sanct Johnstoun; quhairthrow his Maiestis, be convocatting of his liegis; mycht repres pe rebellion of abone specifit; 3e be your self, fernanddis and collegis, tuik the saif [William] Reidpeth, kepit and detenit him presoner, impedit and fayit pe executioun of his grace's letteris for convocatting of his trew liegis to pe mantenance of his eftait and preseruation of his Maiestis perfon; Quhairthrow 3e declarit 3oure selfis to haif rebellit againis pe saime, and thairthrow to haif incurrir pe cryme of Tressoun.---ITEM, 3e and ilk aine of 30w ar indytit and accusit, that in pe moneth of Apryll last, in his contemp of his Maiestis and his auctoritie, 3e tuik vpoun 30w to aflage pe hous of Kirk-hill, and war airt, pairt, red and counfall pairof, sf oexterminatioun quhairof 3e raift fyr; and in takin pairof, confrainit the said Mr Thomas Lyoun, being pairin for pe tyme, to rander him presoner vnto 30w, careit him with 30w to pe hielandis and plase of Auchindoun, kepit him captive in a lang space; incur-rand pairby the cryme of Tressoun. Quhilk is trew; and 3e can nocht deny pe saime.---ITEM, 3e the Erll of Bothwell ar indytit, that sfornamekill as 3e directit aine commissifoun to pe Erll of Erroll to Sanct Johnstoun, to move pe Erllis of Huntly and Crawfurd with all pair..... to cum fordwart and jowne peame selfis with 30w, on this fyd of pe walter of Forth, before his grace forces wer asembleit; quhilk 3e did, in pe moneth of Apryll last: Quhairvnto (thay) agreit;
and yetNevertheless: for takin that this is true, the Earl of Crawford for execution whose heir, enter in contemptuous terms, with the Earl of Erroll. In respect quhairof, 3e and eny one of 3ow hes incurrît pe cryme of Treffoune.—

Item, 3e and ather of 3ow ar indytt. That Stewartill, his Maiestie and his counsellours, vnderstading for treffounebill, yprocris and consiracies, ahto mentiane, directit his heralde, William Rankelure, to mak proclamationis att pe merce-croc de Abirdene, for delynance and putting to libertie of his gracis thesaurer, officier of esait and his gracies counselloure. The said herald cumand to the merce-croc of pe said toune in his coit of armour, the same wes ref fr him, his Maiestie letteris directit lykwyseis to be proclamit for convocation of his fythfull liegis, wes maist contemptuouslie and treffouneblic takin fra him, in pe moneth of Apryl fairfald, be 3ow and athir of 3ow, 3oure afferies and pairt-takaris, fe as Johnne Leley, of Boquhane, Johnne Gordoune, of Bukie and — Murray of Cowbairdie; 3e and enerie one of 3ow, being art, pairt, red and counfall pairof; kepit and manteynt, with 3ow, in 3oure cumpny, the fortheis perfouneis: aactaill doaris pairof. Quhairthrow 3e haif rebellit aganis his Maiestie and his authoritie, and pairbly incurrît pe cryme of Treffoune: Quhilk 3e can nocht deny.—Item, 3e and ather of 3ow ar indytt for pe treffouneblic making of proclamaitionis in his Maiesties name, for convocating of his liegis in arness against his Maiestie and his authoritie, makand sklanderyous and vn-trew reportis in pe saidis proclamaitionis, that his hienes wes kepit capturie aganis his will; efter pe tymes that his Maiestie maist wyfflie and advyfitie ratiop the Act of Pacificationoun and said pe Act of Restitutiuone, for quyeting of pe haif esait of this countrey; and pis done with pe aduife of his Parliament, att Lynlythwy, the tent day of December 1585: Declaring alwa, that it could be Treffoune to ony man to oppose him self aganis the said Pacificationoun and Act of Restitutiuone, and quyet esait of pe countrey than eftableisht; and that the opponeris could incur pe pane of lyffe, landis and guidis. In making pe quhilikis proclamaitionis, 3e andrough of 3ow hes vfurpit his Maiesties authoritie; and in contravening of pe said Act and contenitis pairof, hes incurrît pe pane of Treffoune.—Item, 3e and ilk one of 3ow ar indytt; for sirt, pairt, red and counfall, of convocating and bringing togetider of ane oif and armie, on horfe and fute, aganis his Maiestie; he with his faithfull and trew-subiectis being vpoun pe sieeldis, for represing of thir 3oures treffounebill actis, consiracies and deuytes befor reheriff; his Maiestie seld, in propir perfoun, with his oif and armie, haifing past fordwart fra his Palace of Halyruithous, to the town of Cowie, within the Sherefrdome of Kin carne, quhair his Maiestie being in propir perfoun, 3e haid convocat ane hoft of three thowland perfouneis inarmit, maid oreffounes and gaif perfuaisionis to thame, that 3e haid his Maiestis guid-will
and consent that to; animating thame to cum fordward gan his Maiestie, promising to ......... and is of werite; and sa ye come .......... of Abirdene with displayt banneris to the Brig of Die, of mynd to haif alligget his hienes oif and armie, his grace maist royall perfoun being thairin; gif that a part of your saif armie, (being) his Maiesties guid and faithfull subiectis, induceit and perfusit be errour to accunpany sow, understanding pair awin errour, haid nocht (knowing his Maiesties awin perfoun to be in the fieldis) alliterie refusit sou, in your saif treffonabill proceedingis: And this is true, and ye can nocht deny the same.—ATTOUR, ye Frances Earle of Bothwell ar indyttit and accusit, that ye in the monethis of January, February, Marche and April laftbypaft, at leit in ane or vther of thame, hes refusit fra minifteris and ferwitouris of strangeris, Papistis, quhome ye in dyueris tymes haid in campunie with sow, dyuerfe fowmes of monie to the rasing of men of (weir) and wagit men, or horfe and fute, expres aganis the dewtie of ane faythfull subiect, and come fordward with thame to Dalkeith, his hienes being in Edinburghe for ye tyme: Of ye qhillik wageit men .... (ye) refit ane number of Inglishmen, Grahmis and vtheris, inhabitantis of Levin and Newcastle; the rest of your wagit nowmmer, being ...... outlawis, theifis and rebelis, Scotchmen, sic as Robert Maxwell ......, brother and sonnes of ye lard of Greneheid; strak drummis and ...... (raifed) vp men of weir on fut and hors, maid residue with th(ame) at Dalkeith, come with thame to Leith and dyueris vtheris paircis of the cuntry, boftit* and manasfit the trew subiectis pairof with pair wttr wrak. And this treffonabill deid ye reiterat ...... (his Maiestie) being in the north in proper perfoun, for reprefeing the vproris ...... (abose) writtin, in ye moneth of April fowfaif; and campit soure felf ...... (at) Dalkeith aganis his Maiestie, as gif ye haid bane subiectis in tyme of ware, denuncit to ane forranice prince and ene(my.) Qubairthrow, ye haif committit maift hie and manifeit Treffoun ...... (aganis) his Maiesties perfoun, Actis of Parliament and lawis of this realme. ...... (And) this is true, and ye can nocht deny the same: —ITEM, ye and ilkane of sow ar indyttit for the treffonabill ......... and speaking aganis the peax and quietnes of the cuntry ...... (and his) Maiesties liber- tie concludit in Parliament be the Eftatis thairof, qubilk (ye and) everty ane of sow did at dyuers tymes, and spesialie in the ...... (moneth) of Merche laftby- paft, his Maiestie being vpon the feildis and at his ...... willing to perfuad his hienes, that he was fen the making of the ...... (forefaid) Act at Lithqw, haldin and detenit captiue, and that he would lo ...... (lofe his?) lyf gif he returndit to his awin town of Edinburghe at quhat tyme also ...... ettit vpon the taking and apprehending of his gracie maist nobill ...... (perfoun?) oppoining

* A line cut off by the binder's unskilfulness.  
* Three words pared off here.  
* Threatened.
your self and every one of you to his Maiesties Actis of ... Parliament: It being provydit be the saidis Actis, that quhaseuer opponit ............... confiring abrogation or derogatioun pairof, direct-ly nor indirectlie, they shoulde incur the pane of Treffoun and Leifie-maiestie, to be execute with all rigour.¹ As the extract of the said Act, heirwith producit to chaw, beris. And this 3e haif done, incurand pairthrow the paniis of Treffoun, as is abouewrittin.

The quhilk day, the said Dittay and everie point that rof being oppinlie red in judgement, and after diuers ansueris maist thairto be the saidis Erllis of Huntlie, Bothwell and Crawfurdf,

The said ERL OF HUNTLIE declarit, that nochtwisstanding in his conscience he is innocent of sic odious crymes, as of before he denyit, sit haffing cum in vpoune that resolute purpos, to submit him self in his Maiesties will; and nocht willing ony wyse to be contradictour to his Maiestie; hoping alwyis that his Maiestie will wis the circumstances of his accusatioun; he submitit him self maift huimblie in his Maiesties will, following his intentioun that he had att the yrft incuming: And that, of the hail pointis of the Dittay.—The Advocat akit insirumentis of the Erel of Huntlieis cuming in the Kings is will.—

The Erll of Huntlie protestit, that they mycht be hard heirfstir, nochtwisstanding his cuming in will, be all lefum mensis that he may, of law.

... The famin day, the ERL BOTHWELL, eftir the reding of the hail pointis of Dittay, and eftir diueris ansueris gevin thairto, and ane playne denyall thairof as thay wer lybellsit, become in our fouerane lordis will, for raving of men of weir, convocating of our fouerane lordis liegis, brokin men, borderaris, and, as he alledgeit, pledgeis for stayng of the truble of the bordouris, att Dalkeyth; and bringing of thame to Leyth: And crawis his Maiestie maift huimblie per- doun thairfore.—The famin day, the said Erll of Bothwell become in our fouerane lordis will, for subcriptionoun of ane Band, inifur (as) it is contrar the law and Actis of Parliament, alwyis nocht importing Treffoune: and offerit him redde to abyde the tryall of ane Aslyis for all the rest of the crymes contenit in Dittay.

... The famin day, the said DAVID ERL OF CRAWFURD, eftir the reding of the said Dittay vnto him, and that he had ansuerit thairto and everie point of the famin, denyit the hail pointis thairof, as thay wer qualifieit: And become in the Kings Maiesties will for being vpoun the ground quhene my lord Thefauer

¹ Mutilated by the binder. The words of the Act (19 Jac. VI. cap. 21) are, 'And that na maner of perfioun nor perfonis, of quhatisweir qualicie or degree thay be, pretend to argun, impung, trauell, solit or lawbour, for þe infringeing, breking, wraifit, abrogatioun,' &c. ² Weigh.
come furth of the hous of Kirkhill, or ony cryme his Maiestie may imput to him thairanent.

but in his Maiesties will for being with the Erll of Huntlie Abirdene, but ony convocatione vpoune his pairt, with of all perfwading of his hienes liegis againis his Maiesties, as is contenit in Dittay.

The Aduocat afkit instrumetnis of the becoming of the Erllis of Bothwell and Crawfurd in the Kingis will.—The said Erll of Bothwell protestet, that na mair be putt to ane Affyfie, but fafar as relevant of the law.

The Aduocat, eftir accusation of the faidis Erllis of Crawfurd and Bothwell be Dittay, in prefens of the faidis persoone of Affyfie, protestit, in cais the Affyfle clange thame, for Wilfull Erroure.

VERDICT. And immediatlie eftir cheifing, fwering and admitting of the persoone of Affyfis aboue specifieit, and accusacion of the faidis Erllis of Bothwell and Crawfurd be the Dittay above mentionat; the faidis persoone of Affyfis removit thaim selfis altogether furth of Court to the Counfal-hous; quhair thay fyrft, be voting, chuse the said Willeame Erll of Angus Chancellar of the faid Affyfis, and thairafter ressunit and votit vpoune the pointis of the said Dittay, and gave thair determination thairpoun. With the quhilk determinationis, being throucheil saifit, they re-enterit agane in Court, in prefens of the saidis Justice-deputees, quhair thay, be the mouth of the said Chancellar, fstand, pronunceit and declarit the faid Daviit Erll of Crawfurd to be fyllit, culpable and convict of the trefasionabill taking of the toun of Sanct Johnstoun, in the moneth of Apryll lastwas, and maid him self maister thairof, of playne intentione to have kepit the famin aganis the Kingis Maiestie and his (authoritie).—AND siclyke, fstand, pronunceit and declarit the said Daviit Erll of Crawfurd to be fyllit, culpable and convict of airt and pairt, red and counfall of convocation of the kingis liegis, his affectaris and pairt-takaris, and cuming to the Quarrell-hoillis, in Merch or Apryle lastwas, for altering of the present eftait.—AND siclyke, fstand, pronunceit and declarit the said Daviit Erll of Crawfurd to be fyllit, culpable and convict of airt and pairt, red and counfall of convocation of the kingis liegis, att the tymne quhen the Erll of Bothwell come to the Quarrell-hoillis, . . . . . . for cuming to the toun of Kingorne a-gait-wart, for alteratious of the present eftait.—AND

1 A line is pared away here.
22 Jac. VI. CRIMINAL TRIALS. 179

fielyke, fand, pronounceit and declarit the said Dauid Erll of Crawfurde to be fylit and convict of airt, pait, red and counfall of expugnatoun and auffling of the hous of Kirkhill, and rasing of fyre thairat, committit in Apryle laftwas: Incurand thairby the panes of Trefluone.—AND fielyke, fand, pronounceit and declarit the said Dauid Erll of Crawfurde to be fylit, culpabil and convict of airt, pait, red and counfall of convocatting and bringing togidder of ane oif and armie, on hore and fute, aganis his Maiestie; he, with his faithfull subiects, being vpoun the feildis for represing of thair treflonabill conspiraces and deswys above reherit, his Maiesties self in proprir perfoun, with his oifit and armie, haiing past fordwart fra his Palice of Halyrudhous to the tooun of Cowie, within the Sherefdome of Kincardin; quhare his Maiestie being in proprir perfoun, he and the rest of his collegis convocat ane oif of thre thowland men, perfounes inamrit, maide oresfounes and perfwasiounes to thame, that thay had his Maiesties guid will and coninent thairto, animating thame thairby to cum fordwart aganis his Maiestie, promessing to warrand thame at his gracis handis; howbeit the contrar is and wes of veritie: And sa thay come fordwart fra the tooun of Abirdene with displait banners to the Bryg of Die, off mynd to haif affliit his hienes oifit and armie, his gracis maift royall perfoun being thairin, gif that a pait of thair said aryme, being his Maiestis gude and faithful subiectis, inducit and perfwadit be errooure to acummyne thame, vnderstanding thair awin errour, had nocht knawin his Maiestis awin perfoun to be in the faldis, and allutterlie refuit to affit thame in thair said treflonabill proceedings.—AND fiand and pronounceit the saidis Dauid Erll of Crawfurde and Frances Erll of Bothwel to be Innocent and acquit of the remanent poynitis of the Dittay aboue writtin.

The King would not consent to the execution of these Peers, and the matter was allowed to hang up for above two years, when the following entries occur in the Books of Adjournal, which are inserted here, rather than under their respective dates, for the sake of connexion.

[Curia Justiciarie, s. d. n. Regis tenta in Pretorio de Edinburghe, per Magistros Johannis Graham de Halkairdis, et Vimphridem Blyschelis, Justiciarios Deputatos.]

The Kingis will towards the Erll of Huntlie.

(July 16, 1591.)—The quhilk day, comperit ane nobill and mychtie lord, George Erll of Huntlie, Lord Gordoun and Badjenoch, &c., being enterit on pan nell; appoyntit be his Maiestie to compeir this day and place, before the Justice
or his deputys, to heire and fee his hienes will declare, anent the crymes quhilkefore he become in will, in ane Court of Justiciarie, haldin in the toboleith of Edinburghe, the xxiiiij day of Maij, the yeir of God i. v. lxxxix yeiris; Comperit lykewyis, Mr Daud M'Gill of Cranstoun-Ryddell, Adovact to oure fouerane lord, and producit ane Letter, subscryvitt be his Maiestie and Chancellar, direct to the Justice, Justice-Clerk and thair deputys, for pronouncing of the will vnderwrittit; quhilk he defyr is to be infert and registrait in the bulkis of Adiornall. Qhilk defyre the Justice-deputys findand refssambl, ordeinit the flaminit to be infert and registrait in the faidis bulkis, according to the Adovactis defyre and content; quhairof the tennour followis.

His Maiesties Warrant.

James, be ye grace of God, King of Scottis. To our Justice, Justice-Clark and pair deputys, greising. Forfamekhill as, in ane Court of Justiciarie, haldin in our toboleith of Edinburghe, be our Justices in pair part, constituite be Commiffioune, vpon ye xxiiiij day of May, the yeir of God i. v. lxxxix yeiris; oure rycht traist couning, George Erll of Huntlis Lord Gordoun and Badynoch, &c. being accusit vpon ye Dittay gewin in againis him, be our Advocate, contenying in effect ye Proces following: fier ye treffounabil trafficking with straungearis and ministaris of straungearis, sic as Jenestes, feminarie perflices and excommunicat perfoune, for alteracions of ye Religious profestis profesiis within our realme, accornding to ye sinceritie of ye Evangell, to ye overthrow of our perfoun; and refixing of money and Spainisie gold, to ye effect and for ye caus fairefaid: And for subscryvying of ane Band to ye treffounabil effect above writtin, att Stregmartene, Glenlanner and Auld Montoffe, aganis ye lawis; befyes divers vberis articles: And treffounabil taking of ye tooun of Sanct Johnesflower: And for ait, pair, red and counfall of ye connocatione maid in armes for taking of our hous and Palice of Halyruith, and our perfoune supponit to half bene pair, and to half shayne oure rycht traist couning and counsoulour, Johane now Lord of Thirltane, ourc chancellar, and divers vberis; and for performing pairof tryfiting to half mett att ye Quarrel-loolloiis, betaux Leith and Halyruith, and cuming agawart in arsmes in ye ait effect, to Damferminion: fier ye treffounabil taking of ...... Reipeth, ane of our gaird, kepynge of him prizoner, and impeding of ye execution of oure lettres for ye maintanance of our effait; fier ye treffounabil affiliate of ye hous of Kirkhill, raiffing of fyre, and taking of Thomas Willelmus Rankelour, herald, makand oure Proclamation at oure mercat-croce of Aburdene: fier ye treffounabil making of Proclamationes in our name, for convocating of our liegis, makand Indexisches reportis, as thocht we had bene keipt captaine: fier ye treffounabil convocating of ane oif and armie of our liegis aganis ye at ye brig of Die, of mynd to haif invadit our armie quhair we wer present in perfoun: fier his treffounabil speikyng aganis ye peax and quystenes of ye countrye (and) our libertie concluidit in Parliament; incurrand ye panes of our Act maaid pairmanent: As the said Dittay att maic leith propretis. Qhairof, albeit the said Erll in his confidence afirmit him self to be innocent, yt haifing cum in vpon ye refoloute purpoze to submit him selfe in our will, and nocht willing to be constrictor to ws, hoping that we wald wie the circumstances of his accusatounie, he submitit him self maith huimbly in our will; as the Act of our Adiornall maaid pairpoun beris. And now we haifing confirmities ye huimbll and voluntar submissioun of oure saif couning, and weit ye circumstances of his saif accusatounie, naywis myndit to felik ye wak and subversioun of ye nobill bluid and ancient houes of our realme, but to recover and retene thame in dew obedience; half pairfore of our speziall grace refulit and aceptit our saif couning, George Erll of Huntlis, in oure mercie and favoure; and declaris our de-
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arminat will be pra presentis, that he is and false frie, remittit and discharget of all the crymes above writtin, content in the said Ditay, for ye quhilkis he come in our will as said is; and of all actione criminaill and ciuile that we haif, had, hes or may haif agains him, his lyffe, landis and guidis pairfore: As also reintegrativis and reabilitatis him to his guilf fame and warldlie honour, and to vse all lauchfull deidis, in judgement and outwith, as gif he had newir cum in our said will, or that the saidis crymes nor none of same had newir been committit. QHAILIPS foir it is our will, and we command new, that ye pronounce pis our will in Jugement, and registrator ye famin in ye buikis of our Adornall, quhilk we command our advocat to see done and perfyr, and to contenit to ye famin in our name. For ye quh kius, thir presentis false to 5ow and him sufficient warrand. Gewin vnder our sigmet and subscrivit with our hand, att Halyruithous, the saughtenye day of Junii, and of our regnue the teuentye foure yeir, 1591.

JAMES B. CANCELLARIUS.

(Jul. 16, 1591.)—And icilike, the said Justice-depute, for obedience of the said charge and command, pronunciat and declarat oppinie in Judgement his Maietdis will above writtin, viz. that the said George Erle of Huntie Lord Gordoune and Badsenoch is and false frie, remittit and discharget of all the crymes abouewrittin, content in the said Ditay, for the quhilkis he become in his hienes will as said is; and of all actione, criminaill or ciuile, that his hienes had or may haif agains him, his lyffe, landis and guidis pairfore: As alis, that his hienes reintegrativis and reabilitatis him to his guilf fame and warldlie honour, and to vse all lauchfull deidis in judgement and outwith as gif he had newir cum in will, or that the saidis crymes nor none of same had newir been committit, in maner and forme as is aboue mentionat. Quhairvounye the said nobill and potent lord askit Act of Court.

[CURIA JUSTICIAE, s. d. n. Regis, tenta in Pretorio de Edinburghe xxv Julij, 1591, per M. Joannem Grahame, &c.]

Dome of Fortaltour pronunciet againis Frances, sumtyme Erll Bothwell.

(Jul. 25, 1591.)—The quhilk day, comperit Mr David M’Gill of Cranston-Ryddell, Advoact to our souerane lord, and produceit the Kingis Maietdis Warrand, subscrivit by his hienes; and defyrnit the samin to be infert and registrator in the buikis of Adornall and Dome, to be pronunciet according to the ordination thairof, vpoun Frances Erll Bothwell Lord Creychtoun and Haillis, &c. becum in will and convict of the crymes thairin contenit. Off the quhilk letter and Warrand the tennour follows.

The Kingis Maietdis Warrand for pronounciing Dome.

AT EDINBURGHE, the teuentye fyre day of Junii, 1591 yeiris. Forfamekill as our souerane lord, calling to mynd and haifig confiderit how Frances Erll of Bothwell Lord Creychtoun and Haillis, and Grit Admerrall of pis realme, in ane Court of Justiciarie, baldin in pe Tolbith of Edinburghe, the xxiiij day of May, the 5eir of God I. Ve.1xxxix yeiris, being dilisit and accusit be ditay, and perfewit
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judiciallie be Mr Danid McGill of Craufour-Rydell, his hienes Advocat, in his Maiesties name, for raiding of men of weir, convocating of his hienes liegis, brookin men borderaris att Dalkeith, broughing of same to Leith; and sluyk, for fushcriptione of ane Band contrar pe law and acts of parliament; become in his hienes will for pe saun. And sluyk, being inquit and accusit be dittay for airt and part, red and counfull of convocation of his hienes liegis, his affiliares and pairt-takars, and comming to pe Quarrel-beillis in March or Apriyle, in pe 32 yeer of God lxxvi, or lxxxix 5. for altering of pe prefent effait, and putt to pe knod of ane condigne Affyris pairfere, wae be pair deynerance fuad culpabil and convict of pe famis. Quhilk will and done his Maiesties haifg differrit to haif beme declarit or pronunteit againis the faid Erll, vpong hoip of his better behavour and amendment, in tyme pareit. 

NEVERTHELESS, the faid Frances Erll of Bothwell, forgietfull of his hienes Clemencie, being dilatit of crymes of Treffounge and conspiracie aganis his hienes awin perfounge, and distructione pairof be Nicromanie and Wichcraft, vpong pairtcomittit to waerd within pe Castell of Edinburghe, their to haif remanis quhilk he had benn tryit of pe saun, be pe knod of ane condigne Affyris, or vtherwis as accordis of pe law; fwa that he mycht haif benn declarit ather culpabil or innocent of pe saun: Nochtwithstanding, the faid Frances Erll Bothwell he is laitie brokin pe faid waerd (and) vpong her perell eschewit furth pairof, takand pairby the crymes of Treffounge vpong him, quhaireof be wes dilatit, and for pe quhilkis he be wes committit within pe faid waerd. 

THAIRFORE, our fowrane lord Ordanis his will to be declarit, and Dome to be pronunteit againis pe faid Frances Erll of Bothwell, in maner and forme as etur followis. That is to say, that he, be pe committit of pe crymes abowt wRitten, quhaireof he become in our fowrane lordis will, and wes convict be ane condigne Affyris in maner abowt specifieit, hes committit Treffounge; and chaireof that the dome of Forfaltouris fall be pronunteit againis him, be hes forfait lyffe, landis and guidis; to be applyit to his Maiesties vfe, to be vit and difjunct as his hienes fall think expedient. Subscryuit be our fowrane lord, day, year and place forisaidis; and ordanis the Justice, Justice-Clerk and pair deputes to pronounce pe dome abowt wRitten, againis pe faid Frances Erll Bothwell this day, but delay: As they will answer to his hienes pairvpon.

JAMES R.

For obedience of the quhilk Warrand abowt wRitten, the Justice deput ordenit the faid Frances Erll Bothwell, be cuming in will and convictoun of the crymes forisaidis, in the Justice Court abowt wRitten, to haif forfait lyffe, landis and guidis, and dome to be pronunteit thairvpon: Quhilk wes pronunteit be the mouth of William Gray, Demstar of the said Court: And ordanit the said Letter to be inerit in the faid buikis of Aijournall.

[Mr Edward Bruce, Justice-Depute.]

Slaughter — Conversation of the Lieges.

Jun. 19, 1589.—Sir Patrick Houston of That Ilk, knycht, Robert Sherair, ferward to the faid Sir Patrik, Johnne Dik, ferward

1 Birrel in his Diary remarks, 'The 22d day Junii, (1591,) the Earle of Bothwell brak ward out of the Castell of Edinburghe, wha had beene ther in prison some 20 dayes before, for allegit Wichcraft, and confulting with vichzes, especiallly with ane Richard Grahame, to conjure the Kings death; and vpon the 25 of Junii, the faid Earl Bothwell was forfulted, and intimatours made thairof by opin proclamations at the Cross of Edinburghe.'—Dalyell's Fragments, B. Dairy, p. 25.
to Pfrick Houtoun his sonne, Pfrick Widdome in Houtounk, 
Anderick Howtoun serward to Mr William Houtoun, Pfrick Wancok, Robert Kessane alias Hill serward to the young 
Laird of Houtoun.

Dilatit of airt and pairt of the slauchteris of vmeq Wm Cunynghame, by 
of the auld Laird of Glengarnok, and vmeq Johnne Cunynghame his sone naturall; committit with conscytionyne, of the caufing of the faid Sir Pfrick; the ferd 
day of Apryle laftwyse, vpoun fett purpoisfe and provisioun.

Continued to the Juftice-aire of ' Renfrew, tercio Itineris, vel xv dierum.'

Jun. 19.—Sir Pfrick Houtoun of that Ilk, kyncht.

Dilatit of airt and pairt of the crewell slauchter of vmeq Robert Myre, brother 
to vmeq Johnne Myre of Cauldwel, and vmeq Andro Wilfoun in Woddywe; 
comittit in Aprile, ly (1551) 3eiris.

Perkewarie.
For the slauchteris of vmeq Wm and Johnne Cunynghame; For the slauchter of vmeq Andro Wilfoun, 
Johnne Cunynghame of Glengarnok, James Wilfoun. 
Wm Cunynghame youngar of G.

Perkewauris in perfute.
The Lord Fleming, The Mr of Sincle, Capitane James Cunynghame, 
The Lord Semplle, The Laird of Balverie, Mr David Mcgil, advocat.

Perkewauris in defence.
Maister Johnn Schaip, Mr the Laird of Foulwode, Wm Foulertoun of Drghorne, 
Maister Johnn Prefoun, Wm Wallace 3' of Johnestoun, Wm Wallace, serward to Ardgoan.

Efter dyuerse allegacionis and anfueris proponit be ather of the parties, the 
Juftice ordanit the mater to pas to ane Assyfis.

The proceedings are not inserted in the Record. There is, however, a mark 
ing on the margin, showing that, in reference to Sir Pfrick, the first case was 
continued to the Juftice-aire of ' Renfrew, tercio Itineris, vel xv dierum; Pleigis, 
Domino Keir et ipse ad relevand.' In the second case, ' Ad Remiffionem pro 
interfectione Andree Wilfoun; Pleigis, Wilelmo Foulertoun de Drghorne et 
feipso, conjunctim et divifim.' As to Robert Sherair and the next four, the diet 
was ' palt fra'; ' Pleigis, Johnne Semplle seniore de Fulwoed et Dom. Houtoun 
ad relevand.' Robert Kessane continued to the Justice-aire of ' Renfrew, tercio 
Itineris, vel xv dierum; Plegio, Dom. Houtoun.'

[Mr William Oliphant, Justice-Deput.] 

Abiding from the Rait of Aberdein.

Dilatit for remainig fra the raid of Abirdene, ordanit to haif convenit at 
Oe, grandson.
Edinburgh with all possibill diligence, in Aprile 1589: And for the tressonabill affisting to Frances Erle Bothuell, and vther conspiratouris aganis his Maiestie.

PERSEWAR, Maister David McGill younger, advocat.

PROLOQUITOURIS in defence, Mr Thomas Craig, Mr Edmond Hay.

Continued to the Aire of ' Forfar, tertio Itineris, vel xv dierum. Plegiis, Jacobo Sydserf, burgen. de Edinburghe, et ad relevand. unusquisque pro sua parte.'

This is the first of many similar trials for abiding from this raid. They all appear to have been settled by composition with the Treasurer.

[Mesers Johnne Grahame, Williame Oliphant et James Wardlaw, Justices-Deputes.]

Slaughter.

Jul. 7.—JOHNNE WEIR, bailie of Lanerk, Johnne Bannatyny callit Katis Johnne and fifteen others.

Dilatit of the slaughter of vmq Rober Johnnestoone, brother to James Johnnestoone of Weftraw.

PERSEWAR, Floris Somerwell, mother. The Adovcat.

Continued to Aire of ' Lanerk, tertio Itineris, vel xv dierum.'

[Mr James Wardlaw, Justice-Depute.]

Fire-raising—Slaughter.

Oct. 14.—JAMES JOHNSTOUN of that Ilk and Alexander Jardene 3ounger of Apilgirth.

Dilatit of airt and pairt of the crewall slaughteris of vmq Alexander Bailjie of Lytillgill, Rachell Bailjie his dochter; and for the tressonabill burning of the Places of Moitt and Dauidchaw; and for the slaughteris of vmq Andro Aiche-stoun and Katherine Forrest; and for the burning of the place of Lytillgill; committit in the monethis of Februar and July, refective, laft.

PERSEWAR, Mr David McGill of Craufoun-Ryddell, younger.

PROLOQUITOURIS for the pannell.

The Earl Bothwell, The Lord Newbottill, Mr Thomas Craig,
The Lord Heres, Lochinver, Johnne Halyday.

Quha produceit our fouerane lordis lettres, dewlie execute and indorfat, purchfe be his hienes Aduocat aganis the faidis perfones, for the crymes foirfaild; and defyrit proces. The perfones on pannel alkit instrumentis that thay offerit thame reddie to abyde the tryell of the law for the faidis crymes, disfluenting to all continewatioun and proteeting for relief of thair cautioneris.

The famin day, eftir diuers allegances proponit be the Aduocat aganis the pannell and productione of Lettres of Hoirning aganis the said Laird of John-
ftoun, quhilkis wes produceit be Mathow Bailjie, fone to the said vmq* Alexander; and lykewis the said Mathow produceit ane vthir Warrand subferyt be the King, Ordaining this mater to be continewit quhilk the morn.—' Plegio, . . . . . . . Murray de Blakbarony, vnder the pane of ten thouand merkis.'

Oct. 15.—The Pannell ask instrumentis of thair entrie and protetis for relief of thair cautioune.—The famin day comperit Mathow Bailjie, and produceit ane Warrand subferyt be the King for continewatioune of the mater to the tent day of Januar nitxocum: Quhilk wes obeyit.—The pannell askis Instrumentis of producitoune of the Precept be Mathow Bailjie; and that thay disaffentit to all continewatioun. ' Plegio, Domino de Blakbaronye, sub penis content. in Actis Parliamenti.'

[Messrs William Oliphant and James Wardlaw, Justices-Deputies.]

Witchcraft, &c.

Oct. 28.—Katharine Roise Lady Fowlis.

Dilatit of certane crymes of Wichcraft.

Persewar, Mr David McGill, Aduocat. Presquitour, Mr Thomas Craig.

The quhilk day the said Katherine askt instrumentis of hir comperance, and that siche offerrit hir reddie to abyde the tryell of ane Assyfe, for all crymes that can be laid to hir charge; and in respect na perfoun comperit to infilt in hir perfuit, protetit that siche sould be fred of the ward quhairin siche remanit this lang tyme, quhilk tryell sould haif bene of hir, be ane Assyfe of the saidis crymes, Quhilk tryell wes appoitnit this day.—' DESERT.' (See Jul. 22. 1590.)

[Mr Johnne Grahame, Justice-Depute.]

Slaughter.


Dilatit of the slaughteris of vmq* Meftres Jeane Kennedie, spous to Andro Meluile, Maifter houshald to our soigneis lord, Susanna Kirkcaldy hir seruitrice, Johnne Clapene burges of Bruntyland, and dierse vtheris perfounis, to the nowmer of thre scoir of perfounis, quhilkis wes in ane boit, be rinnand of the said boit vnder fei, &c.

Persewaris.

Andro Meluile, Maifter houshald, Aleounie Orrok for his spous, Mr David McGill, Aduocat, for his spous,

Johnne Clapene,

The Justice continewit the mater vpounie certane defyres defyrit be Johnne Bellendene baillie of the Regalitie of Brochtounie, to the thryd day of the nixt Justice-air of the thersdome of Edinburghe, or foner vpounie fyftene dayis warn-

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ing; and ordenit the pannell to find cautioune for their entrie.—' Plegio, Patricio Monypenny de Pilrig pro omnibus.'

Prelouqouros for the pannell, Mr Thomas Craig, Mr John Skene.

Feb. 3.—The quhilik day, commerit Johanne Bellendene, bailisie of the Regalitie of Brochtoun, and defyrict, that the perfoune aboue wriittin, duelland within the boundsis of the faid regalitie, dilatit of the crymes aboue mentionat, mycht be replegit furth of this Court, to the priviledge and libertie of the faid Regalitie; and offerit to find cautioune of Colorait, for administratioun of Justice: Quhilk defyre the Justice findand reffinabill, remittit the faids perfoune to the jurisdiction of the faid Regalitie and baillie thairof; quha fand James Bellendene of Pendreicj cautioune and fouritir for the administraitoune of Justice to the parties compleand, and under the pane of law: Lyke as Patrik Monypenny of Pilrig become fourirtie for the faid Robert Linkhop, William Downie callit Laird Downie, in Leyth, come fourirtie for the faid William Downie mariner in Leyth; and William Lytil burges of Edinburgh, become fourirtie for the faid Johnne Watfoun in Leyth, that they fall compair before the Baillie of the Regalitie of Brochtoun and his deputis, within the toibith of the Canngait, the xxv day of Februar inftant, in the hour of caus, to vnderly the law, for the crymes, respectively, aboue wriittin; vnder the panis comitit in the Actis of Parliament.

[Mr James Wardlaw, Justice-Depute.]

Sorcery — Witchcraft — Child-murder.

Apr. 28, 1590.—Meg Dow, now duelland in Gilmertoun.

Dilatit of Sorcery and Witchcraft and for the crewell Murdreding of twa young infant bairnis, the ane perteyning to Beffie Rae in Gilmertoun.

JONET POLLOK.

Dilatit of the cafting of Jonet Archibald, hir awin barne, in ane coileheuch, of purpoise to haif drownit hir.

VERDICT. Thomas Tulloch in Edinbughe, chancellar of the Affyis, deliverit their verdicht, 'that the perfoune aboue wriittin was convict and fund culpable of the crymes, respectively, aboue wriittin.

SENTENCE. The Justice, be the mouthe of James Scheill, dempstar, pronunciet dome aganis the faid Meg Dow; that is to say, to be tane to the Caftelhill of Edinbughe, and thair wirreit at ane stakl, and thairefter hir, bodie brunt in affes; and all hir moveabill guides to be esheit, &c.

With regard to JONET POLLOK, there is merely marked on the margin of the Record, ' Wairdat. in Pretorio de Ed.'; but what was the result of her imprisonment, does not appear.
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CRIMINAL TRIALS.

[Mr Johnne Grahame; Justice-Depute.]

Weareng and schootyng of Pistolets within Palace of Holyroodehouse — Wounding, &c.

Jun. 4. — James Gyb, sone to vmq" Dauud Gyb, in Barrestounes.

Dilatit of contraunedin of the Actis of Parliament and Secret Counfall respective, in bering, wering and schuishing of pistolets, in the moneth of Maij laftwas; and Junij instant, setting vpoune James Boyd of the Kippis the penult day of Maij laftwas, with ane bendit pistollett, and schuishing of him thairwith throw the rycht fute, and hurting and wounding of him with ane sword in the rycht hand; incontair the tenour of the Actis of Parliament maid in the moneth of Maij laftwas, discharging all maner of persounes to invade vtheris vnder the pane of deid.

Persewar, Mr David McGill.

The said James Gyb offerit him in the Kingis will for the cryme: quhair vpoun the Aduocat akfit instrumentis, and protestit for Wilfull Errour in cais the Affyis fall acquit, in respect of the offer.

Verdict. The Affyis in ane voce, be thair deluyerance, fyndis the said James culpabill, fyloit and convict of vmbefetting of the hie wyay and palfage, vpoune deidlie feid, rancour and malice to James Boyd of Kippis, burges of Edinburghe, the penult day of Maij laftbypaft, forsinent the mercat-croce of the said burcht, the said James being ganging withlie vpoune the hie streit thairof, as within our fouerane lordis chalmer of peax, dreedand na evill, harme, injurie or perfuit of ony persounes, bot to haif levit vnder Godis peax and our souerane lordis, and thair fettin vpoune him, and crewallie invading him with ane pistolet and drawin fwerd for his flauchter; schuishing of him with the said pistollet and thre bulletis in the rycht fute, and hurting and wounding of him with his sword in the rycht hand, to the effusioun of his blude in grit quantite; vpoune fett purposis, provisioun, audid feid and foirochcht feillony; in contrar the tenour of the Actis of Parliament and Secret Counfall respective maid anent bering, wering and schuishing of pistolets, and hurting and wounding thairwith aganis the tenour of the Proclamationoune, gif it may be extendit thairto; in respect that the said James Gib conffeit the invidiaun, hurting and wounding of the said James Boyid in their prefens, &c.

The famin day, comperit Mr James Carmichael, Minifter, and product the Kingis Maiefeis Warrand, off the quhilik the tenour followis.

*Rex.*

* Justice, Justice-Clark, our Constabill, Constabill depute, Maister buishald and othir Judgeis quhatsumeur, appoinyt to sit this ford day of Junij instant, in the cais perfewit be our Aduocat aganis James Gyb, sone to vmq" Dauud Gyb, in Borrowstounes, We greit goow weill. For-
fameke as the said James may ather offer himself at any tyme in our will, or being convict be sone
Affyis for the cryme underwrittin, may be remit in our will: Leifh throw mishaswle s or doublin
of our will, justice and executioun of our laws be delayt or frustrat, We be thir prefissis declaris,
that forameke as the said James hes noch spirit nor feiris, schamefullie and crewallie to schute and
hurt our loving subjict James Boyd of Kippis behind his bak, to the grit effiunction of his blude;
and that within the boundis of our awin Palice and Chalmer, in proude contempt of Us and mony
of our Actis of Parliament, Secret Counfall and Proclamationis past pairpoune; and pairby hes
offerit ane perillous preparatioun and example to the rest of our subjictis; this being the first fact com-
mitit in that forse, fen our returning to our realme or lang befoir; quhilk, gif it be nocht condignelie
pwnsift, to the example of vberis that may promeis to pame selfis impwritilie, and incoureggialie
to praktes the lyk, none of our beft affered subjictis, of quhastfumais effait or conditionioun, may thynk
pame selfis sure of pair lyvies. Thairpair, we declar that the said James Gib fall suffer the death,
and be put pairto without any delay, as he hes worthelie deferuirt; and this for declaratioun of our
will in the said mater, quhilk 3e, and ilk ane of gow, fall nocht fail to do, and cans be done; as 3e
will anuer to Us paironne 3our dew obedience; kepand pair prefissis for 3our Warrant. Subscriuyt
with our hand, att Halirudhous, the fourte day of Junij, 1590.

JAMES R. M. CANELLARIU.

[Mr James Wardlaw, Justice-Depute.]

Jul. 11.—The quhilk day, coperit Mr James Carmichell, brothir-in-
law to James Boyd of the Kippis, and produceit ane Precept, direct be our
fourane lord to the Justice, and desyrat the samyn to be red; and conforme
thairto that James Gyb, fone to vme David Gyb, in Barreftounis, fould be
prefentit in this Court; and that the samyn sould be obeiyt, lyk as the Justice
for obedience thairof, causit enter the said James on panneill, and reid the samyn
oppinie to him: Quhaireof the tennour followis.

REX.

JUSTICE, Justice-Clark and 3our depute, We greet 3ow hairtie well. Forfamekill as
James Gyb, fone to vme David Gyb, in Barreftounis, wes, be ane condigne Asffyis, laitlie convict
and condemnit to deid 3 befoir 3ow, for 3e hurtiug and wounding of James Boyd of Kippis behind his
bak, and vn-a-waie in his rycht fakel, with the schot of ane pitolet, and with ane sword in his rycht
hand: Quhilk done of deid wes pairethit, vpo' vse certane respetis, mitigat be ws; and the said James
decesit and condemnit to want his rycht hand, for 3e cryme forfaid: The executioun quhairof has
been as 3i delayt, att 3e ernift requesit and defyre of the said James Boyd of Kippis, to quhose the
wranug and offence wes done; ane manne, maior willing apperandlie, vponse repentance of his offender,
to petie, pardoun and forgif, nor to folk ravage of his offence, be scheding of maist blude; quhais
Cristiinnes inclination we can noch bot allow. And now, being informit, that, in respect pairrof, certa-
tane gentsilme an takand be burding vponse jame for 3e said James Gyb, hes for the asffyment of
the said James Boyd, maid certane offeris, and bundin and obleift jame, cominactlie and funeralie,
vnder certane pecuniail panis, that the said James Gyb fall do sic homage to him, as he fall pleis com-
mand; and als that the said James Gyb fall willinglie baneef his self futth of our realme, and fall

1 On the margin of the Record there is written, 'Convict and baneef 3ia realme, with his awin
content and partie.' 2 The former Verdict of the Assise and Sentence are not inserted in the Rec-
dord. It would appear that Boyd of Kippis had successfully used every influence with the King to
mitigate the sentence.
Criminal Trials

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Depart furth of his name, how soon he falshe relevis furth of his Tolbuith of Edinburghe, quhairin he presentlie remanis; and fall newin returne agane within the name, nor any pairt pairof, during all pe dayes of his lyfytyme; and fall do nor attempt na hurt nor kasth to pe said James Boyd, or any of his, in any tymes cuining: As in pe Band and obligacione maide pairof, ordenis to be registraz in pe buiks of Counall, of pe daits, att Edinburghe and Sauchie, the twentie-fowin and twentie-nyne of Junij laftbypat refrective, at mair lenth is contenit. Quhairvnto the said James Boyd, as We ar crediblie informit, bes agrest; quhairby, 3is agane, We being movit of our clemencie, to mollyse and of our royall auctoritie to dispense with the executione of pe Domes pronuncit ofbefore, and to arie to pe making of pe said Band, and to condicend to pe baneifment furthaid. Oure Will is heirfore, and we charge 3ow, eiur pe fycht heirof, 3e call the said James Gyb before 3ow, the 25 day of Julij instuant: and of new pronounce and giv Dome of perpetuall Baneifment aganis the said James Gyb; and that with his swin costent; conforme to pe Band and obligacione furthaid, maide parment to pe said James Boyd, in all poynis: And to interpone your auctoritie pairof; to hais pe stent, force and effect of one dome and sentence criminall in all tymes cuining; lyke as we, be pe tennoor of pir prefentis, willing to mitigat justice with clemencie, especciallie quhair the offendit partie is futesar pairofo, ratefeis and apprewis the said Band and obligacion and baneifment contenit pairins, and all and findrie vhir beds, clausfis, conditionis, articles and circumancess contenis in pe said Band, alweill vnammit and nocht expreft, as nameit and expreft in pir prefentis, promittend. in verbo Principis, neuir to do ony thing that may be prejudicail or derogatit pairto, in ony foir, in ony tymes cuining; dispensaud of your auctoritie royall, with the said former dome or domes alreadie pronuncit, fwa that the famin fall newir hais effe in tymes cuining, except in case of contraventioun, and according to pe tennoor of pe said Band. Lyke as, we alfo interpone oure auctoritie to pe said Band, and everie heid, claus and article pairof; and for 3is effect, we ordain and commandis 3ow, to infert pir prefentis in our buiks of Adornall, and to interpone your decreit and auctoritie pairto; fwa that, in case of contraventioun of ony point of pe fairsaid Band, executorialis and executioun may pas pairvponne, according to the lawis of 3is realme: And pe said Dome being pronuncit, that 3e put him to libertie, be pe case of pe said James Boyd; conforme to pe obligacione furthaid maide to him parment, that he may depart furth of our realme conforme pairto: Kepand pir prefentis for your Warrand. Subscrivit with our hand, at Halruithous, the nynt day of Julij, and of our regne the twentie-thre yeir, 1590.

Sentence. According to the quhilk Precept, the said James Gyb, being prefentit on pannell, as said is, and being requyrit, Gif he wald conffent to the said Dome of baneifment? Answierit, that he wes content thairwith. Thairfore, the said Justice-depute, be the mouth of the said James Scheill, dempfigar, pronuncess and decrenit, that the said James Gyb fall, with his swin costent, conforme to the Band and obligacione abouewrittin, falshe perpetuall baneifft this realme: and interponis his auctoritie to the said Band, conforme to the said Precept, fwa that executorialis may pas thairvponne: And ordanit the said James to be putt to libertie, furth of the said Tolbuith of Edinburghe. Quhairvponne, the said Mr James Carmichell askit act and instrumentis.

Baptising and Celebrating Marriages after Excommunication.

Jun. 18.—Sir Thomas Ker in Auld Roxburcht, James Scott att South Syntoun-mylne and Thomas Newbie in Hassindane.

Dilatit for fastening of the proces of Excommunicatoun and contravening of
the Actis of Parliament, in baptisfing of bairnis and making of mariage, without any functione.

The samin day, comperit Mr Dauid Mc'Gill of Cranftoun Ryddell, Aduocatt to our fouerane lord, and produceit the Dittay aganis the saidis perfounes: quhairof the tennour followis.

**DITTAY AGAINST THE PANNELLS.**

_Sir Thomas Ker, James Scott and Thomas Newbie, 90 and everie ane of 50w, ar indyrit and accuitt, for lying vnder pe horrible sentence of Excommunication, seprat fra the suffrage and prayer of pe Kirk, and merite of pe blude of Chryst, to pe damnation of 50ure saules, contynewallie, fra pe xxvij day of March, the seir of God V., fourfreze-acht 3eiris._

_ITEM._ 50 and everie ane of 50w, ar accuitt, that flfreade kill as for your milbehaviour in 50ure functione of ministerie and redfership, 3e being lauchfullie deprayt in pe moneth of March 1582 and in September 1583, regpectit, 3e half continewit, nochtwithstading, in abufing of pe sacramentis in mareing of findrie perfounes and baptisfing of bairnis.

Off the qhillikis crymes, thay com in our fouerane lordis will.

**THE KING'S WILL AND SENTENCE AGAINST THE PANNELLS.**

(Jun. 24.)—The qhillik day, comperit Mr Dauid Mc'Gill, Aduocat, and eftir the entering of the saidis Sir Thomas Ker, James Scott and Thomas Newbie, on pannel, as becum in will for the crymes of Excommunication, and declarit owre fouerane lordis will; qhillik wes, that thay could act thaim feillis vnder the pane of deid, newir to abufe the Sacramentis nor functione in the Kirk; as alse, that thay could be tane to the mercat-croe of Edinburghe, and stond twa hauris, with paiparis on thair heidis, contenyng the cryme: Quhair-

Vpoune Dome wes pronunceit.

The samin day, they 'actit peame feillis newir to abufe pe sacramentis, vnder pe pane of deid.'

**[MR JOHNNE GRAHAUNE, JUSTICE-DEPUTE.]**

**Slaughter.**

Jul. 16.—_James Twedie of Drumelzeare, Adam Twedie of Dravay, Williame Twedie of the Wrae, Johnne Creychtoun of Quater, Andro Creychtoun in Cardoune and Thomas Porteous of Glenkirk._

Dilatit of airt and paert of the slaufter of _mr_ Patrik Veitch, sone to Wm Veitch of Daik, (Dawick); committit in Junij laftwas.

**PRESEWARIS.**

_William Veitch, Eldar of Daik, as fader, Veitch, young of Daik, as brothir._

**PRELOYQTOURIS for thame.**

_William Cokburne of Skirling, Heriot of Trubroune,_

_Patrik Cokburne, Tutour of Langtounes, Johnne Cokburne of Newholme._
The Justice, be resfloune that are newmer of Afliffe could nocht be gottin to the faidis perfoune, continewit the mater; and ordanit the perfoune on pannell to continew in thair weird, as thay did ofbefore, quhill thay obtenit releif of his Maiestie.

The faid day, the perfewaris produceit ane Warrand and Precept direct to the Justice, ordaning that the lyke cautioum, and vnder the lyke panis, be tane of the perfoune on pannell, as wes before; and that thay shoul be retenit in weird.—The faid day, Johanne Betoune of Balfoure and James Hammiltoun of Libbertoun becommene pledgeis and fouerteis, consiunctlie and feuerallie, that the perfoune on pannell fall remane in weird, within the toune of Edinburghe, vnder the pane of ten thowfand markis.

Jul. 20.—Continued to the Aire of 'Peblis, tertio Itineris, xv dierum.'

Witchcraft — Incantation — Sorcery — Poisoning.

The following extraordinary case is one of the leading trials for Witchcraft at this unhappy period; and contains many curious particulars relative to that strange infatuation. 'Katherine Rolfe Lady Foulis,' who was daughter to Alexander Ross of Balnagown, was the second wife of Robert More Munro, the fifteenth Baron of Foulis, a family of great antiquity, and possessed of considerable property in the counties of Ross, Sutherland and Inverness; having by that marriage, George Munro (of Obisdale), John and Andrew, and four daughters, Margaret, Janet, Marjory and Elizabeth. Robert More Munro had also, by his first marriage with Margaret Ogilvy, a daughter of the house of Findlater, Robert his heir, the intended victim of his stepmother and Mr Hector, who had succeeded his brother, (being served as heir to his father and brother, Oct. 7, 1589,) previous to the date of this trial. He had also by his first marriage three daughters, Florence, Christian and Catharine.—Robert Munro, 'apparand of Fowlis,' succeeded his father, and became sixteenth Baron of Fowlis, Nov. 4, 1588, and was four times married, viz. 1st, Marjory daughter of Kenneth MacKenzie Lord Kintail; 2d, Lady Eleanor Gordon daughter of the Earl of Sutherland; 3d, Janet Sinclair daughter of George Earl of Caithness; and 4th, Elizabeth daughter of Hugh Rose of Kilravock; by the last of these ladies he had one daughter, Margaret, who married Robert Munro of Assint.

It is necessary to have been thus minute in shewing the connexions of this family, to account satisfactorily for the Lady Foulis entering into compact with such a crew of misconceited, and attempting such horrible practices. The purpose of all this Poisoning and Witchcraft was, that by removing Marjory Campbell the young Lady Balnagown, her brother George Ross of Balnagown might marry the young Lady Foulis; and to do this effectually, it was necessary to destroy her stepson Robert. It may be remarked, that several of her familiaris were led to the stake, and had died confessing the whole plot previous to Lady Foulis's own trial; her own 'nourrice' was destroyed through her foolish curiosity, in tasting of a 'pyg of poyfoum,' and 'immediatlie thaireftir departit be the faid poyfoum; and it is apparent that these facts were notorious.

The escape of Lady Foulis and her stepson, Mr Hector, (see the following Trial,) can only be attributed to the very powerful influence of the parties. Besides other circumstances, which must oc-
cmr on perusal of this remarkable case, the 'Inquest' bears all the appearance of a selected or packed jury, being in a very inferior rank and station of life to the pannel, contrary to the usual custom—and the private prosecutor is 'Mr Hector Munro of Fowles,' who was in a few hours to exchange places as pannel at the same bar for similar crimes! Hector Munro's Assise is also composed of burgesses and dependents on the families of Munro and Ross.

Jul. 22.—KATHERENE ROISS LADY FOWLIS.

Dilatit of certane crymes of Witchcraft, following.

PRESERVED, Mr David McGill of Cranlyoun-Ryddell, advocat, Mr Hector Monro of Fowls.

PRIOLOQUITURIS for the pannel, Mr Thomas Craig, Mr John Chene.

The Advocat produceit the Dittay vnderwritten, defyryng proces thairvpon: quhairof the tennour followis.

DITTAY against the Pannell.

KATHERENE ROISS LADY FOWLIS, Thow art accuift, for the vnnaturall abufing of thy self, contrar the lawis of God, and exercising and ving thy self maist vngodlie and wickitlie, be the pervers Inchantmentis, Witchcraft, Develerie, Incantatiounis and Sorcerie, with the craft of poynoun in maner vnderwrittin and following, particularlie practesfit, execute, devyfit and set forthward be thee, of thy spesiall counsall, devyfits, furth-sett and command, againis Robert Munro thane apperand of Fowlis and Mariory Campbell, spous to George Rois apper-and of Balnagoune, att the tymes and places particularlie eftir spesecifieit, in company with Cristian Rois Malcome fone, and vtheris eftir spesecifieit. In the fyrft, Thow art accuift, for the making of twa pictouris of clay, in company with the said Cristiane Rois and Mariorie Neyne M'Alleifter alias Laskie Loncart, in the said Cristian Rois weftir chailer in Canorth; the ane, maid for the distructioune and consumptione of the young Laird of Fowlis, and the vthir for the young Ladie Balnagoune; to the effect that the ane thairof fould be putt att the Brig-end of Fowles, and the vther att Ardmoir, for distrucUion of the saidis young Laird and Lady: And this fould haif bene performit at Alhallowmes, in the year of God 15. V. lxxij. seiris: Qhilikis twa pictouris, being set on the north fyd of the chailer, the said Laskie Loncart tuik twa elf arrow heides and deuyabet ane to ye (you) Katherene, and the vther, the said Cristian Rois Malcume fone held in her awin hand; and thow shott twa schottis with the said arrow heid, att the said Lady Balnagoune, and Laskie Loncart shott thrie schottis at the said young Laird of Fowlis: In the meane tyme, baith the pictouris brak, and thow commandit Laskie Loncart to mak of new vthur twa pictouris thaireftir, for the saidis perfounes; qhilik the said Laskie Loncart tuik vpoun hand to do: And thow wes present, and faw and hard this done, and nane present in the said chailer except thow, the said Cristiane Rois and Laskie Loncart. And for the mair witnesing heirof, the said Cristiane Rois confent the famin, being accuift
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thair vpoune, in prefens of Mr Martene Logie, notar publict, and Johnne Irrving of Kinnok, Johnne Wilsoun in the Chanonrie, William Robert foune thair, Donald Vrquhart thair, Robert Irrving brothir to the said Johnne Irrving, vpoune the xxiiiij day of November, threcoir feuwinte yeires (1577). And for the mair verificatioun heirof, the said Cristiane Roifs, being atteitchit and accusfit for the saidis crymes, before rycht honourabill men, Walter Vrquhart, sheref of Cromertie, and Robert Monoir of Fowles, Justices to our fouerane lord, be his hie
nes Commiffioune, in ane Justice Court baldin within the Cathedrall Kirk of Roifs, the twentie aucht day of November I".V".lxxvij yeiris, confesfit the famin, and wes convict be ane Affyis, and wes brint for the famin. This is manifeft be the hail countrie of Roifs; quhilk thow can nocht deny.—(2.) Siclyke, thow art accusfit, for the conventioune with the said Cristian Roifs and Lorfkie Loncart, in the moneth of November, I".V".lxxvij yeiris, of selt purpois for distruiccione of the said young Laird of Fowles and the young Lady of Balnagowne, in thy bairne in Drummyne; and thair making ane fortpull of poyfonit new aill, quhilk wes devyfit to be for the young Laird of Fowles, Hector Monoir, the Lairdis brother, his bairnis, the hail fonis of vmq" Johnne Monoir of Vrquhart, Hucheoune Monoir of Asfent, Andro Monoir of Newmore, and the re
manent of the speclall of thair kyne; sa mony of thame, as mycbt be appre
hendit: And becaus the said fortpull ranne out and the liqueour that wes in itt, ex
cept ane lytill quantitie thairof, the said Kathere ne causit Donald M'Kay your
swin boy tak; and tafting it, incontinent thaireftir tuik felknes, and lay continewnlie thaireftir poyfonit with the liqueour. And this was kepit in the kill
of the said toun of Drummyn, for the space of thrie nychtis, and the saidis Crist
tiane Roifs, Lorfkie Loncart and thow, convenet the thryd day agane thairefter, in the said kill; quhaire thow commandet Lorfkie Loncart to mak ane peggull of rancker poyfonue, that wald diftroy schortlie the foirsaidis perfounes; at quhais command the said Lorfkie Loncart maid the said poyfon, and putt itt in ane pegg, and send itt to thee. This the said Cristian Roifs confesfit in judgement, being accusfit as said is, and wes convict for the famin; as the Proce deduceitheirra
nent teftifieis, and as the countrey knewis; quhilk thow can nocht deny. And fwa, for ving of the said poyfonue, expres aganis the saidis Actis of Parliament
maid thairanten; incurrant thaireby, the panis contenit thairin.—(3.) Also, thow
art accusfit, for affifting and gowing counfal, in campuny with the said Cristian Roifs and Lorfkie Loncart, in fending of ane pegg of poyfonue with the nourrice to Angus Leithis hous, quhair the young Laird of Fowles wes for the tymne; of deliberat mynd to half poyfonit him thairwith: Quhilkis thow had in keping, and thy fam
nourrice bringand the said pegg fra the, it fell the way, vnder fylence of nycht, and brak the pegg; and siche taifand of the famin, immediatlie thaireftir departit, be

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the said poyfoun: And the famin wes devyfit for poyfonung of the young Laird of Fowles; quhilk the said Criftiane confeft judiciaillie, being accufit as saifd is, and wes convict of the famin: And for the mair witneffing, the place quhair the said pyg brak, the gers that grew vpoun the famin wes fo heich by 1 the natour of vther gers, that nather cow, ox nor sheiep ewir previt 2 thairof yet; quhilk is manifest and notorious to the haill countrey of Roifs; quhilkis thow can nocht deny: And fwa, for airt and pairt of the flauchter of your nourrice foirfaiad, quha deit be the said poyfonung, albeit it wes devyfit for the young Laird; as is notour.—
(4.) MAIR, 3 thow art accufit, for airt and pairt, devyfis and counfall, of the diftructione and poyfonung of the said young Laird of Fowles; In 3a far as the said Criftiane confeft, that fche faw Williamse Mc'Gilliewareycyth-dame, about Pacht, 4 in the 3eir of God 17. V. lxxxvij yeiris, delyuer to the, in thy awin handis, ane buit 5 of Wichcraft, within the Stank of Fowles; quhilk thow reffault fra him, and putt it in thy awin pouch incontinet; of fett purpos to bewich the said young Laird of Fowles thairwith; as is notoure.—(5.) FORDER, in figne and takin, that thow wes one of the principall devysarles of the young Lady Balnagownis poyfonung, Thomas Mc'Kain Moir Mc'Allane Mc'Henrik and vther devysaris of the said disfructione and poyfonung, wes be thy convoy and command, reffault and interrinent, in the said Criftian Roifs hous, in the moneth of December 1577, be the spae of fourtee dayes; being accufit as said is, confeft the famin; quhilk thow can nocht deny.—(6.) THOW art alfo accufit, for airt and pairt of the poyfonit drinkis maid be the, in cunpany with the said Criftiane Roifs and Lofkie Loncart, Mc'Gillieuorie-dame, Katharene Roifs, Donald Roifs dochtir; quhilkis drinkis wes maid for the young Laird of Fowles and his bairnis, Hector Monro and his bairnis, and the rest of thair kin; to that effect, that thy awin bairnisould succeed to the hous of Fowlis: And the drinkis alfo sould half bene gevin to the young Lady Balnagowne, fwa that the said young Laird of Balnagowne mycht marie the young Lady Fowles: And wes convict for the famin; as the Proces deduceit thairanten beris; quhilkis thow can nocht deny.—(7.) AND als, thow art accufit, for gewing command to the said Criftian Rois Maleumsounse, to gif ludgeing, herbrie and intringmenet to Mariouane Nyeuanse Mc'Allefter alias Lofkie Loncart, in fomer 1577, of deliberat mynd, to confult with yow, anent the vifng of the said poyfonung; and be quhat way yeould get the famin gevin to the said Laird; lyke as, ye fpak with hir thairanten, in the said hous; as is notour.—(8.) AND mair, Thow art accufit, for fending of the said Criftiane, thre or fourte tymes, for Johnne Mc'Nilland in Dingwall, in the moneth of Junij, 1577 yeiris; and the said Johnne cam to hir biging; 6

1 Beyond.  2 Preed, or tasted of that grass.  3 Moreover, farther.  4 Easter, Paise.  5 Small box.  6 Building or house, cot-house.
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remaniethairaneycht;andvpounethemorneithairstir,hecamtowowestoth,andeleyuertoaneeelfarrowheid;forquhilkyesaithhimfoureschillingismoney;quhilkthowcannochtdeny.—(9.)Andforder,thowartaccusit,forthetalkingandcommoningwithCristianeMyller,dochtertoRobertMyllar
syntinAffin,inthetownofKatwall,inthemonethofJuniolxxvijzeiris,ane
langspace,incumpanywiththesaidCristianRois;andinsigneandtaking,thesaid
CristianMyllergathanehalffurletofmeilfromJohnKeilliswyffin
Katwall;quhilkthesaidCristianRoisconfeth,beingaccusit,andexswitness
therefore;astheProcessthairofproportis.—(10.)Andalso,thowartaccusit,
forfayingtothesaidCristianRois,thatthowshoulddo,beallkyndsofmeanis,
quhairitmychtbehad,ofGodinheavenoroftheDevillinhell,fordedstruc-
tionanddoune-puttingofMarorieCampbellyoungLadyBalmagoun;
andthesewaldnochtbefythreverillandconfessarofonethingvpousethe,
thatweshirlandmestrees;quhilkfthatconfeth,beingaccusit,andexswit-
testhename.—(11.)Lastofall,thowartaccusit,forbeingincumpanywith
thesaidCristianeRoisandThomasCaffindonich,inthemplaceofDrummyne,
attLovattcommoning,theyoungLadyBalmagounbeingthair,inthemonthof
August,theyeirofGodfairfai;andbeingisperitattbevtheris,quhatthow
andCristianRoisandThomasCaffindonichwerdoandthair,anfuerit,Gifthair
wesondevyfethairitwes,fortheyoungLadyBalmagouneswasinthekill
withthame,andthefaminwasconfeththesaidCristianRois,beforeRorie
M’KensieofArthursfailie,andreorieM’RorieAlanfoun.—(12.)Thowartac-
cusit,forthecrewallflaughter,be thy craft of poyfounfairfai,ofMarieMur-
dochtMareisdchter,youre nourrice,quha deit eftir the taiting of the pgyf
poysoun,quhilkwesendtothe.—(13.)Thowartaccusit,forewingofaucht
schillingismoneytothesaidWilliamMcGillievorie-damtopastoElgynefor
bying rattoun’ poyfoun;quhawairsthairofbottaxtenepenneis;andbrayit
thefamepoyfoun,andputtitinapecledgerandeleyuertittoth,inhjuni,
lxxvijzeiris,withinstankofFowles;Katherenerois,dochtertoSirDavid
Rois of Balmagoun, being in counfall thairof: And to the mare verificacioun,
ethowdeleyuerithimwiththesaidaucht schillingis, foure elnse linning claith
forhislabouris;quhilkis he confeth, being accusit judicailie, and exswitnessbe
ane Asflyis, and brint for the famin, as the hail countrie knawis.—(14.)Also,
ethowartaccusit,foreftauingofcertanepoyfoun,quhilkwesbrochttothebe
thesaidWilliamMcGillievorie-dam,quhenethowseait(went)totheythamer,
inthatnychtinWilliamemonroeshous,be the hand of KathereneRoifs,
dochtertoSirDaudRois;quhilkthesaidWilliamMcGillievorie-damconfeth,

1 Poison for rats, ratbane.
2 She afterwards married the well-known Sir William Sinclair of
May, who, when a boy, was a leader of the riot at the High School of Edinburgh, and killed John
MacMorrow, one of the bailies, while attempting to quell the disturbance, September 5, 1596.
being accusit; and wes convict be ane Aslyse, and 3aid to deid with the same.—
(15.) And also, thou art accusit, for sendin' the said William M'Gillievor-dame to the Egyptianis, ¹ to haif knowledge of thame, how to poyfoun the young Laird of Fowles and the young Lady Balnagoune; quhilk the said William granitit, being accusit, and was convict for the same.—(16.) And forder, thou art accusit, for refuening of the rottoun poyfoun, quhilk the said William M'Gillievor-dame confeit he bocht fra Thomas Rois, merchant in Aberdene, in Elgne, without ony fluer gewin thairfore; and thairefuir for poyfoun, quhilkis he bocht in Tayne, and delyuerit it to thae, and thow baid him keip secreit sic thingis as thow patt ² to his charge, anent the bying of the said poyfoun; quhilk the said William granitit, being accusit and judicallie convict for the san, be the Aslyse.—(17.) Also, thou art accusit, for continewing in thy former wick- itnes and develries, quhen William M'Gilliveri-dame was send for be the, in the moneth of Majj, anno ixxvij, Donald M'Ky being meffinger, to the town of Taine; and thairefuir, he com to Fowles and spak with the, ane lang spase, quhair thow spreit at him, Giif he had mair of the poyfoun to gife the, for that poyfoun thow had gottin of befoil, was our ³ litill to serve thy turne; and he said, he had nane ready at that turne; and refuisit, without the Laird thi brothir waigeit. ⁴ And siclyk, thow spreit at the said William, Quhidder the poyfoun fairfayd servit better to be gevin in eggis, brouis or keill? And he anfuerit, that thow fuld dres the famin as thow thocht guid, and granitit to the said William that thy brother, the young Laird of Balnagoun, knew of the said poyfoun alse well as thow did; in taikin' quhairof, thow fend furrit to him out of the place, with Donald M'Kay, ane stof of guid aill, with breid and cheis; quhilkis the said William granitit, being accusit, and was convict for the famin; as the Proces thairof beris, and is manifest to the hail contrey.—(18.) Also, thou art accusit, for quyet and lang conference with the said William M'Gilllevor-dame, in William Munrois chalmer, in Culcragay, in October, anno ixxvij, Katharena Rois being present, anent the former purpois of the down-putting of the young Lady Balnagoune; thow gaif him vfe of vadge; ⁵ and on Witfunday evin, the said yeir, for the said caufe, thow gaif him xx f. And siclyk, thou caufit Johnne M'Findlay Moir, in Miltoun of Catuall, to delyuer to the said William M'Gilleveri-dame, in fummar the said yeir, ane firlot of meill; quhilkis he confessit, being accusit, and was convict for the famin.—(19.) Also, thou art accusit, for cauing of Agnes Roy, ane vther of the Vichis, to pas for Loske Loncart to spak with the, in midsumar, in anno ixxvij; quha spak to the, that thow wald gang in Hillis to spak the eft folk; and gif the case wer, that the young Lady of Bal-

¹ Gipais. ² Entrusted. ³ Too. ⁴ Hired him, was his employer. ⁵ Wages, feed, bribed or hired him.
nagown departit, that esho had spokin to the, gif the young Laird of Foulis deit, the young Laird of Balnagoun wald mair (marry) the young Lady Foulis (his) wyf: And thow gaif to the said Williamie M’Gillevori-dame fyve ellis linning clayth, in the moneth of September, anno lxxvij ; and on Paliche-day thairestir, xvij. be Williamie Cukis fone; quhillk the said Agnes confesfit.—(20.) Also, thow art accusit, for the afflicting with the said Agnes Roy, speiciale, quhen esho was passig for Marrioune M’Knaye M’Alester alias Loske Loncartis, cumand the way with hir, enterit in speking, and esho said, ‘Scho wald mak bodyis of clay hir self, Cristian Malcolmfone and Gradache Malcomfone;’ and quhen the said Agnes Roy spriet at hir, ‘To quhat effect the said bodyis of clay fuld be maid?’ Quha anfuerit and said, ‘That ane of thame wald be maid to the young Lady Balnagoun, and the tothir to the young Laird of Fowlis.’ And the said Loske Loncart com that nycht to Canort, at midsomer, the yir of God foirlaid: And alfe, Agnes Roy confesfit, that thair was fik thingis, and taikinis betuix her and the, and Katherine Ros Sir Dawnis dochter, that at quhat tymye the said Agnes Roy ha cum in fra Williamie M’Gallevori-dam or Loske Loncart, vithe thair myndis and anfueris, to the and Katherine Ros Sir Dawnis dochter; in calfe thair war ony man or woman in the company, quhilk they war nocht privat of thair secretis, that the figne and taikinis was, that the said Agnes Roy fuld vrign and greip thair hands or stamp vndir feit; quhillkis promifis the said Agnes Roy confesfit judicellie, being accusit, and was convict be ane Afsye; as the Proces beiris.—(21.) Thow art accusit, for geving of twa ellis of gray cleyth and ane fark, with xiiij f. iiij d. money, quhillk Joane Sydierf deyuerit at thy command to Joane M’Farcor, cuik to the young Laird of Balnagoun, quha ha cumin thre tymis to Fowlis, and was in speking with the and Katherine Neynday at ilkan of the saidis tymes; and the said Katherine Neynday paffing out of the said toun of Fowlis, tuik with her, at thy command, rattoun poyfoun to Ardmoir, and deyuerit it to the cuik, to mix it with ane kiddis neir, quhillk the young Lady Balnagoun and her cumpayny fell that nycht: And Katherine Neynday, being in Ardmore that time, skunnirit with it sa mekill, that esho said, that it was the fairest and maist cruel ficht that evir esho saw, feing the vomit and vexacioun that was on the young Lady Balnagoun and hir cumpayny; of the quhillk poyfoun, the young Lady Balnagoun contractit deadlie feikness, quhairin esho remanis ye (yet?) incurable; as is notorlie knawin, and was confesfit be the said Agnes Roy, being accusit judicellie, and was convict be ane Afsye thairof.—(32.) MAIR, thow art accusit, for caufing of Loske Loncart mak ane poyfoun drink, devyfit be Loske Loncart, and reneilit to Katherine Ros Neynday, and was ordanit to be gevin to the young Laird of

1 A kid’s ear or kidney.  2 A young deer, killed by the company in the chase.  3 Revolted at the sight.
Foulis and fuld haue bene maid in Neyn Schallonis hous, in Drummyn, at Alhallowmes, in anno lxxvij yeris.—(23.) MAIROUR, thow art accuit, for affisting of the said Gradoche Malcolmefone, quha confesfit, that Mariounes Rois alias Lofke Loncart, schew hir secretlie, that thow defyrin hir to cut of Robert Monroy apperand of Foulis, and Hector Munroy of Killry, Huchoune Monroy of Affoun, Robert Munroy done to the said Hector, with threttie of his beft kinnifmen, and Katherene Rois dochtor to Sir Dauuid Rois; qhilk is notorious.—(24.) Thow art accuit, for affiting of Thomas M’Kane More M’Allane M’Euch in all his vngodie Wichcraft and Devilrie; and specillie, quhen the said Thomas was send be George Rois, young Laird of Balnagoune, to Farndrocht to the, convoyit with Donald M’Milane and Johne Sutherland, brothir to Alex’ Sutherland, the first hou he com to, was Criftian Malcolmis hous in Tane, and was refault plefandlie and weill intertint that nycht be Criftiaie Malcominefoune, thow speriit at this 1, gif it was hir that said, that hir brother wald be slaine; the Lairdis of Foulis eldar, younger and thow, being at that tyme in Affin: And out of that departit Kandelochglais; qhilk tyme, was the xvj day of August, anno lxxvij yeris: And vpoun the morn thaireftir, being the xvij of August, thow com doun out of Affin to Canort, and thair fpak with the said Thomas at length, and thair defyrin him to vse his craft, for putting doun of the said Marorie Campbell young Lady Balnagoune, and thow promefit to reward him gretumlie. And for maie fure performing of the said young Lady Balnagoune, thow directit George Cuik, won to William Cuik in Foulis, to Taine, to twa wemen, (the ane callit Mariounes Neynnane Adame M’Alefter alias Loske Loncair, and Criftiaie Smyth dochter to Robert Smyth in Affin, qhilkis vemen ar haldin and reput rank commounie Vichis in the countray,) for ane elf-arrow-heid, qhilk the said George Cuik refuat fra the, and deluyerit in preffence of Criftiaie Malcolmefoune; qhilk thow kep in thy awin keping; lyk as the said Thomas confesfit the famyn, being accuit, and was convict thairof.—(25.) FORDER, thow art accuit, for the keping cumpanie with George Rois young Laird of Balnagoune, in ane kill in Drummene, vpoun the xxvijij day of August, anno thriefois ferrintein yeiris, Criftiaie Malcumfonis dochter and the said Thomas was prezent thair; the said George Rois of Balnagoweine standing, his bak at the dore, and ane vand in his hand, defyrin the said Thomas to do that thing qhilk he was to put to his chaire, tuicheing the deffructione of his wyfe and the young Laird of Foulis; and he fuld give him ane garmounthe of cleis2 for his travellis; qhilkis the said Thomas confesfit, being accuit, (and) wes convictit for the fämen, as the Proces beiris.—(26.) Thow art accuit, for affiting the said Thomas, Criftiaie Malcomföne, (and) Mariounes Nyein M’Allaifter, vpoun

1 Left blank in record.  
2 Suit of clothes.
the second day of Julij, anno threcoir fevintene yeiris, for making of ane pictur of butter to the saide young Robert Monro Laird of Fowlis, in the saide house of Caynort, be the devyls and confulatione of the saide Donald and Willame M'-Gilleurie, and the saide pictur of buttir, eftir it wes maid, wes set at the wallfyd in the vefter chalmer of the saide hous of Coynard, and wes schot at with ane elf-arrow-heid be the saide Marioune Neynen M'-Allester alias Loske Loncart aucth tymes; quhilk pictur scho mift, and haid (hit?) na pairt thereoff: And thuow (and) Criftane Malcomfoun swear in the saide chalmer, att the schotting of the saide pictur, thinkand gane the pictur were hit, it wald be for the destruccione of the young Laird of Fowlis: Lykas, saide Thomas was convict for the famin, and suferit the deid.—(27.) Als, thow art accuist, for being in cumpanie with Criftaine Malcomfoun and Marioune Neyn M'-Allester alias Loske Loncart, with the devyls and confulatione of Donald and William M'-Gilliouris, made ane other pictur of clay to the saide Robert Monro young Laird of Fowlis, in the saide hous of Conord; and so it was maid vpoun the morne, the vj day of Julii, anno lxxvij yeiris: Thay fat the pictur at the wallfyd of the chalmer of the saide hous, and wes schott be the saide Criftaine Neyne M'-Allester alias Loske Loncart, with the saide elf-arrow, tuelf tymes, and mist the saide pictur: And perffuing that ye mift the famin efter everie schott, and maid the saide pictur diuerse and findrie tymes, yit the famin tuk nocht effect to thair purpoise; thuow and the saide tua womene, thy collegis, being present for the tymes, and uifing' ane takin of the famin; the saide Criftaine Rofs Malcomfoun haid provydeit thre quarteris of fine linning claiithe for the picturis, gie1 thay haid bene hit with the elf-arrow-heid, and the linning to be bound about the saide picturis, and the picturis to haue bene erdit,2 in thender the Brigend of the Stank of Fowlis, furent the get.4 Of the quhilkis premiiffis the saide Thomas was convict, and suferrit the set for the famin: as is notorious knawin to the hail cuntrie.—(28.) And fielyke, thow art accuist, and (art) ane that vnderfuid thy self gilte in thy conscience, of the crymes for quhilkis thay complices aboue wrettin wer convictis; and ane day or tua befor the burning of thame, thow vndirftanding that thay, being examinat, wald convict ye of Wychcraft, Sorcerie and poyfounne, in respect money of thame knew thay secreillis, and was practifioris of thy devyflis; thow came quhair tua notaris was, owt of the presence of ony Juge, and befor the fensig of ony Court, and ther, befor tua or thrie previe witnesisis, declarit, that thow was bruttit and scanderit with Wychcraft and Sorcerie, and that thow was reddie bydand the tryall thereof; and feing

1 Wishing, witching, using witchcraft to procure a token, or testimony of success, in their destruction of the young Laird of Fowlis.  
2 Gif, if.  
3 Earthed, buried under ground.  
4 Gate, yet.  
5 Thes.
thair was na manne to accuse the, thow requirit instrumentis; albeit, for feir of thai vitious lyfe, thou neuer came judicialie to offer the famin: And immediatlie efter the taking of the said instrument, thow haid thy horse alredie drawin furth of the stabill, and fled away with diligence, as fugitive out of the cuntrie, to Cathenis; quhair thow remanit, for the space of thrice quarteris of ane yeir; in signum and takine, that thow thought not to byyd in the tryall; quhill at laist, be lauborrous and moyane of vmq George Erle of Cathanis, hir (thy) huband was perfuadit reffauie him (thee?) home againe.—(39.) And lykwais, this instant yeir of fourcoir and nyne, the Laird of Fowlis purcheast\(^1\) ane Commifiounne, for punishement of certaine Wichis and Sorcereis; Befoir any publicatioun thairof, and or\(^2\) he might have conveniunt tyme to put the famin in executioun, in respect of the trublis that incurit in the Northe, thow, knowin thai self gittle, and feirin to byyd the tryall of ane Asfyris, fand the moyane to purchese ane Sutpenfiounne of the said Commifiounne; and caufit infert in the said Sutpenfioun, nocht onlie thay swin name, and fie vtheris as was specifit in the said Commifiounne, but als certaine vtheris quha wer nocht fpokin of: As the said Commifiounne and Sutpenfiounne thairof, produceit befoir the Secret Counfall, at mair lenthe beris: Qhilk, giue\(^3\) thow haid beine ane honfest womane, and willing to abyd tryall, thow wald neuer have crafit Sutpenfiounne of ony fie Commifiounne; but rather wald haue forderit the famin.

The said Kathene, efter reding of the said Dittay, denyit the famin and hault pointis thairof; and offerit hir reddie to byde the Tryell of the perfounes of Asfyris, fummond to that effect.

\textit{Assisa.}

John Symfoun of Bannaus, \hspace{1em} Donald Taillyeour, burges of Andro McCullo, burges of Tayne, \hspace{1em} William Rois their.

John Clines, son to Alexander Tayne, \hspace{1em} John Reid Farqubhafcontre, burges Alex Hay, burges thair.

Doun Rois Williamfoun, \hspace{1em} Alex M'Kenzie apurrand of

in Gane, \hspace{1em} Rannald M'Ser Duncaifoun, \hspace{1em} Fardane, \hspace{1em} Donald M'Gilliequhoon, burges in Dingwall.

John Rois in Mallard, \hspace{1em} Duncan Bayne apurrand of

Duncan Tullisch, \hspace{1em} William Kemp in Dingwall, \hspace{1em} in Dingwall.

\textit{Verdict.} Qhilkis perfounes of Asfyris, being all chofin, sworne and admittit to pais vpoune the Asfyris of the said Catherine, ëcho being accuit be dittay, thay removit furth of Court to the Asfyris hous, quhair thay choifit John Symfoun of Bennaus chancell of the said Asfyris: And thairferet votit vpoune the poynxis of the said dittay; and being throuchlie refoluit thairwith, re-enterit agane in court; quhair thai, be the mouth of the said Chancellar, in prefens of the said

\(^1\) An old forensic term, synonymous with procuring, or obtaining, by payment of the usual official fees.

\(^2\) Ere.

\(^3\) If.
Justico-depute, sünd, pronuncit and delyuerit the said Catherine, to be innocent and quite of the haill poynsis of the dittay.

: Qhairypoun sha akkit instrumentis.

The 3mayn day, Davaid Roik of Helme and William Dolace apparand of Buddet, Donald Roik of Balsamakkis, Thomas Ymphr in Elgyn and John Ianes of Lowcheris, ofymes callit, to comptir befor the Justico or his deputys, the said day and place, in the hour of cass, to haif part pompes the Affyis of the said Katherine, dilatit of the crymes abowe writtin; lawfull tym of day biddin, and nocht comperand to that effect; thay and ilk one of thame was vnlawit, in the pane of fourtie pundis.

**Sorcery — Incantation — Witchcraft — Slaughter, &c.**

**Jul. 22.—Mr Hector Munro of Fowles.**

Dilatit of certane crymes of Wichecraft.

The saim day, compereit Mr Dauid McGill of Craintoun Riddell, Advocat to our fourane lord, as perfewar, and produceit the Dittay vnderwrittin; qhairof the tennour followis.

**DITTAY against the Pannel.**

MR Hector Monro, Ye ar indytit and accusit, sforfamekle as, it is Statute and ordanit, be the Actis of Parliament, that none vfe Sorcery, Incantationis or Wichecraft; and that none feilk repounfiss at Wichis, vnder the payne of deid, and confiscation of all their guidis movable; as the saidis actis beris: AND trew it is, that ye the said Mr Hectour, in the month of August 1588, yeiris, send for John M'Coneill-gur and his wyff, and John Banes wyff, in Lytyll Alteis, thre notorious and commoun Wiche; and caufit convoy thame to Johne Murrays house in Bakine, qhair of ye reffaurit thame, but knowledge of the said Johne; intertinnete thame with yow, be the space of fyve dayes or thairby, and focht repounfis and consfultatioun att thame; qha poillit the hair of Robert Monro, your brotheris heid, and plait the nailis of his fingers, and tais, focht be thair develish meanis to haif cureith of his seiknes; qha walde haif vrt furth the rest of thair develich craft, war nocht thay ferit to tarie with yow, be reffoun of your fader, qha walde haif apprehendit thame; and thay declarit to yow, that ye was owre lang in fending for thame, fwa that they could do na guid to the said Robert Munro your brothir:—Lyke as, ye, in the saim moneth, for faur of your fader, convoyit thame away, vnder fylence of nycht: Qhillik is notourlie knawin to the saim countrie.—(2.) ITEM, Ye ar indytit and accusit, sforfamekle as, ye, in the moneth of Januar 1588, yeir, haifing tane seiknes in the saim moneth and yeir of God forfait, fend youre fersrand Hector M'Huchefoun M'Intagart, to ferch and seik Marioun M'Inargar, one of the (maift) notorious and rank Wichis in all this realme, qha

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1 Without.  2 Polled or cut.  3 Too.  

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brocht and convoyit hir to yow, on your awin hoorie, to Johne M'Intaillseouris hous in Alnes, quhair ye wes lyand seik att that tyme; quhair ye focht responsis att hir, and travellit to be curit be hir deviliich Incantaciounis and Wichcraft: Lyke as, fiche, eftir hir cumming to yow, gaif yow thre drinkis of walter furth of thre flanis, quhilkis fiche had; and eftir lang consultacioun had with hir, fiche declarit, that thair wes na remeid for yow to recover your health, without the principall man of your blude fould suffer death for yow; and ye and your complices, haffing raknit with your felliss, quha this fould be, fland that it wes George Monro, eldest soone to Katherine Roines Lady Fowles: And thain, eftir finding furth of this devaliich devyce, for your releif, ye and the said Wich concludeit with your felliss, that nane fould haif entres to the hous quhair ye lay, quhilkis your brother George fouled cum: And eftir his cumming to yow, the said Wich defyrirt, that ye fould gif him your left hand, and foud tak him be the rycht hand; and that ye fould nocht speik ane word to him, before he spak fyrrt to yow:-Quhilkis iniunctiounis ye kepit, feing thair wes nocht ane of your freindis that gatt entres to yow, quhill the said Georges cuming; nochtwithstanding that diuers of thame come to viflieit yow. And for the better performance of your devaliich purporses, ye send for the said George daylie, for the space of fyve dayes, alfiwell to his duelling-hous, as to thair partis of the coun-try, quhair he wes att the huntsis; defyrirg him to cum to yow, quhair ye wes lyand seik: Lykeas, the said George, feiring na ewill of yow, come as ane loving brothir to the said M'Intaillseouris hous, quhair ye wes; thair being nane with yow, bot the said Wich, and your foster-modr Cristian Neill Dayjill, and hir dochir: And eftir his cumming to yow, ye vfit the iniunctiounis gewin to yow in manner forfait be the said Wich, and gaif your left hand in his rycht hand, and spak nocht to him for the space of ane houre, vnto the tyme he fyrrt requyrit of yow, 'How ye did?' And ye ansuerit him, and said, 'The better that he had cum to viflieit yow;' and spak na mair to him, nochtwithstanding ye send fewin poiftis® to him of before. Swa that that nycht, att ane eftir mydnycht, the said Wich, with certane of hir complices, past furth of the hous quhair ye lay, and tuik with thame spaidis, and past to ane pece of eird lyaad betuix twa fondrie superiouris landis, the kinge being the ane superior, and the Bischop of . . . . . . . . . . . .4 the vthir; and maig ane graf of your lenth, and tuke vp the ower® pait thairof, and laid it aypde; the said eird being the neir the see flude: And this being done, fico come hame and convenit certane of your familiaris, that knew thir secreittis, and informit thame, quhat fould be everie anes pait, in taking of yow furth to be eirdit® in the foirfai graf; for

1 Until. 2 Expresses or messengers. 3 Land, earth, ground. 4 Left blank. 5 The over or upper part, the green sod or turf. 6 Earthed, laid in this grave or trench.
CRIMINAL TRIALS.

youre releif, and to the death of your broder George:—Quhais anfuer was, 'That gif George shou'd depart fuddanlie, that the brute' wald ryife, and all thair lyves wald be in danger; ' and thairfor willit hir to delay the said Georgys death ane spac; and ech tuke on hand to warnand him vnto the xvij day of Apryle nixt thaireffiti: And after thir plattis, laid be the said Witch, ech and certane your servandis, in the said moneth of Januar 1°.V°.lxxxviiij yeiris, pat yow in ane pair of blankettis, and careit yow furth to the said graif; and thay war all commandit to 'be dum,² and 'nevir to spieik ane word; vnto the tymne that ech and your foster-moder fould first spieik with hir mazer, the Dewill: And being brocht furth, wes laid in the said graif; and the grene eird, quhilk wes cuttit, wes laid abone, and haldin doune with flatfas; the said Witch being befyde yow: And the said Cristian Neill, your foster-mother, wes commandit to ry the breid of nyne rigis, and in hir hand Neill younger, Hector Leithis fone; and how fone the said Cristian had run the breid of the said nyne rigis, ech come agane to the graif, quhair ye was lyand, and inqyrit at the said Witch, 'Quhilk wes hir fchois?'³ Quha anfuerit and said, that the said 'Mr Hector wes hir fchois to leif, and your brother George to die for 3ow.' And this fortne wes vft thryfe that nycht: And thaireftir, ye was careit hame, all the companie beand dum; and wes put in your bed.—To the taken, that ye was partaker of Witchesraft, and that ye allowit thaireft, and focht responcis of the said Marioun the Witch; how fone ye gat your health, be the deweliefs moyan fairefayd, ye past to Hector Monro of Kildrummodyis, your fader-brothiris hous, and take the said Witch with yow; quhair ech wes interteineit, as gif ech had bene your spous, and gaif hir fik pre-eminence in your cuntrey, that thair was nane that durft offend hir; and gaif hir the keepin of your scheip, to cullour the matter, that ye knew hir nycht: And quhen the Kings Maiestie rexyrit yow to preffent hir to his hienes, ye refufit hir, vnto the tymne that the said Lady Fowles tuke in hand to preff, that ech was in your hous of Fowles; fwa that ye, aganis your will, wes compellit to preffent hir at Abirdene; quhair ech being examinat before his Maiestie, and produceit the stais ech gaif yow waßer out of, the quhilk wes the deith of the said George; haifing denyit of before, that ever ech lew yow with hir: And quhilk stais wes delayerit to the Juftice-

¹ Fr. Bruit, report, bue and cry. ² Dumb, speechless. ³ This word at first sight seems to signify shoes, viz. that Hector should stand in George's shoes, and George in Hector's. It rather implies the choice of the sister-witch, after the Incantation was completed; who accordingly chooses Hector to live, and George to die. The whole ceremony is unique, and calculated to produce a very strong impression on the spectators, especially on the mind of their novice in the 'graif,' who afterwards appears to have been led by the nose by these bags, as effectually as if by St Dunstan's far-famed pincers. ⁴ A pretty effectual cooler this must have been ' at ane after mynicht,' in the 'moneth of Januar!' St Januarus himself, or even Dr Graham, the earth-bather, would have shrunken from such an ordeal with horror!
Clark in keping.—ITEM, Ye ar indytt, for airt and pairt of the crewall, schamefull and odious slaughter of the said vmq George Monro your brother, be the Inchantmentis and Witchcraftis vit vpoun yow, and be your dewyfe, be speiking to him within your bed, taking of him be the rycht hand, conforme to the inunctionis gevin to yow be the said Marioune Ingareach, in the said moneth of Januar I°.V°.lxxxvij yeiris; throw the quhilk Inchantmentis, he take ane deidlie feiknes, in the moneth of Apryle 1590 yeiris; and continewand thairin quhill Junij thairefter, deessift in the said moneth of Junij, being the thrid day of that instant. To the maire testificatione, that ye ar gilte of the said cryme, ye being chargeit to present the said Wich, ye had hir vpoune your landis and bigingis, and within your toune; and hes put hir afyde, the faxtene day of July instant.

QUHILKIS poynits of Dittay, the said Mr Hector Monro allutirlie denyit; and offerit him rede bi the tryell of ane Aslyfe thairfore.

ASSISA.
Alexander M'Kenzie, apperand Donald M'Gilliquhorne, thair, Alexander Hay, burgess thair,
of Sturdram, Johnne Vaus of Lochfum, Thomas Manoun, burgess thair,
Duncane Bayse, apperand of James Corbett, portionar of Johnne Reid Farquharfoune, burg-
Tullich, Arboill, ge thair,
William Kempt, in Dingwill, Andro M'Culloch, baillie of Wm Innes, portionar of Midgaun,
Rannald M'Ser Duncanfoune, burg Taysn, Angus M'Culloch in Einir Aird,
ges of Taysn, Donald Tail1ouer, thair, Robert Phaye, thair.

VERDICT. The Aislyfe, be the mouth of the said Johnne Vaus of Lochfum, Chancellar, in prefens of the said Justice-deput, ssand, pronunceit and declarit the said Mr Hector Monro, to be acquit and innocent of all the heidis of the said Dittay: Qhahrainpoune he afkit inrumentis.

The saem day, Alexander M'Thomson alias Thomfoune, burgess of Taysn, and John Dingwall of Kildyn and Thomas Vmphrey, burgess of Elgone, of tymes callit to haif compert before oore forenae lordis Justice or his deputes, the said day and place, in the hour of caus; to haif paft vpou the Aislyfe of the said Mr Hector Monro of Fowlies, dilattit of the crymes aboewritin, lauchfull tymes of day biddin, and nocht compersand, thay, and ilk ane of thame, wes vnlawit in the panes contenit in the Actis of Parliament, viz. Fourtie pundis.

[Mr James Wardlaw, Justice-Depute.]

SLAUGHTER.

Jul. 30.—JAMES VEICH apperand of North Syntoun, Andro Veich, brother to James Veich of Tourhop.

Dilatit of airt and pairt of the slaughter of vmq Johnne Twedie, tutour of Drummaur and burges of Edinburghe; committit the xxiiiij day of Julij instant.

PERSEWAR, Magdalene Lawfoun, the relict.
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PRELOQUITOURIS, Mr William Somervall, Vicar of Kirkbie, Mr David McGill, Advocaet.

PRELOQUITOURIS for the pannell.

The Eril Bothwell, The Lord Fleming, The Laird of Balcleuch, The Abot of Melrifle,
The Laird of Orminiton, The Laird of Grenseheid, Mr Johnne Prestoune, Mr Alexander King.

The Justice, vpoun alledgeances proponit, and anfueris maid thairto in the
Minute-buik, continewis all proceeding in this mater to the morne. ‘Wardat.
vpon allegiance.’

[Mr Johnne Grahame, Justice-Depute.]

(Nov. 28.)—The Justice, being auisfit with the Interloquitour vpoun the
allegeances maid be Mr William Oliphant, excusatorio nomine for Johnne Lord
Fleming, concerning the nocht vnalwing of James and Andro Veichis, for the
slaughter of vmq* Johnne Twedie, tutour of Drummelzeair, and anfueris maid
thairto be the Advocaet; ssand, that thay fould be vnalwai, nochtwithstanding
the faid allegiance.

The fifmin day, William Veich of Daik and Andro Broune of Hairtrie, as
cationeris and fourteis, comunctlie and seuerallie, wer vnalwai, in the pane of
ten thowland poundis money of this realme, for the nonentrie of James Veich,
apperand of North-Sintonie, and Andro Veich, brother to James Veich, ap-
perand of Tourhoip, before oure fouereane lordis Justice, or his deputes.

Contravention of the General Band, &c.

Aug. 6.—GEORGE HUME of Crammie-cruik, William Reidpeth of Grin-
law, George Hume of Weddiburme, Patrik Hume of Polwart
and thirty-two others.

Dilatit of the contraventioun of the Generall Band and of the Actis of Par-
liament, in nocht prefenting of thair menne before the Justice or his deputes, in
Justice Courtis; and for nocht removing of thair tennentis, fugitivis, of (off) thair
landis; conforme to the faid Generall Band.

(Aug. 7.)—The greaest proportion of the pannels were acquittit; the
remainder were either continued or ‘replegiat’ to the Regalities of Thirlstane,
Jedburghs-florest, Melrifle, &c.

Taking of a Messenger, &c.—Besiegling and taking the
Place of Fiddercat.

Aug. 8.—EDWARD CRAWFURD of Corbhill, Johnne Crawfurde in Cal-
lane and Andro Innes in Turray.

Dilatit of the taking of Johnne Fairwadder, meffinger, and deferteing of him
in executioune of his office, he beand in the executioune thereof; and speciaillie,
in the executioune of our fouereane lordis lettres, purcheast at the instanche of
Alexander Irving of Drum, aganis George Crawfurd of Fedderett; and for aulgeage of the Place of Fedderett, taking of the famin be strang hand; and vtheris crymes, contenit in the lettres direct thairepvoun.

Continued to the Aire of 'Abirdene, tertio Itineris, vel xv dierum.'

[Mr Humphrey Blyndecheis, Justice-Depute.]

Witchcraft—Slaughter, &c.

Aug. 17.—Jonest Grant alias Gradock in Colquhatstane and Jonett Clark alias Spalding in Blalach.

Dilatit of certane crymes of Wichcraft.

Persewarie.

Mr David McGill of Craufour-Riddell, Advocat, The Laird of Wardes (William Leslie).

The saideis perfounes on pannell deniyt the Dittay redd to thame; and offerit thame to the tryell of ane Affyle.

Verdict. Arthour Skene in Tulloch, Chancellor, delived the Verdict of the Affyle, whereby 'thay saind, pronounceit and declarit the saide Jonet Grant alias Gradock, to be fylit and convict of the crewall Murthour of vmq* Alexander Abircrumbie of Ley, be Wichcraft: And of vmq* . . . . . . . . . . . . Gordounes, stone to beld Johnne Gordounes: and of the slauther and disruptione of five, tene heid of nolt,* pertening to William Rofe in Birfebeg: And of the slauther of vmq* Elspet Keit, be Wichcraft: and als, of the raiding of the Dewill, and seikynge of help to Duncan Rychie: And als, for the slauther of Johnne Pountounis wyfis, be Wichcraft. Item, of the taking on hand, to hafe destroyit the Laird of Crabievar, his stone and vtheris.—Item, saund and pronounceit the saide Jonet Clark alias Spalding, to be fylit and convict of the slauther of vmq* Johnne Leslie of Wardes,* be Wichcraft: Item, of the slauther of the saide vmq* Elspet Keit: Item, for gewing of ane secreit member to Johnne Coutis; and gewing and taking of power fra ndrie mennis memberis: Item, fylit of taking of Johanne Wattis secreit member fra him: Item, for bewiching of . . . . . . . . . Caddell; stone to Allenf Caddell in Bandorie: Item, fylit for taking in hand, to help Johnne Reoch in Dalquhing of his seiknes, be Wichcraft.—Item, pronounceit the saideis Jonet Grant and Jonet Clark, to be fylit and convict for commoun notorious Wichis.'

Sentence. For the quhikis caufis, the Justice, be the mouth of James Scheill, dempffar, adjuudge thame to be tane to the Castell-hill of Edinbughe, and their wirreit at ane stak, and their body to be brunt in affis; and all their movabill guides to be efecht and inbrccht to our fouerane lordis vfe, as convict of the saideis crymes.

* Bald.  * Cattle, oxen.  * See the Trial of Beifie Roy, Aug. 16, 1690.
**Sorcery—Incantation—Witchcraft, &c.**

Aug. 18.—**Bessie Roy,** nurreych 1 to the Laird of Boquhane.

Dilatit of the poynit of Witchcraft following.

**Perewaris,** . . . . Leflie, eldar of Wairdes, Mr William and George Leflie his sones, Mr David McGill of Craufown-Ryddeill, Advocat to our souerane lord, for his bines intres.

**Dyttay aganis Bessie Roy.**

Bessie Roy, in Fetterneir, servand to the Laird of Boquhane; 2 Ye ar indytit and accufit, that quhair, ye, beand duelland with William King in Barra, be the space of tuel yeiris fyne or thairby, and haifing paft to the feild to pluk lint with vthir wemen, in perfens of thame maid ane compas in the eird, and ane hoill in the middis thairoff: And thaireftir, be thy conjurationounes, thow caufit ane grit worme cum fyrfit out of the said hoill, and creip owre the compas; and nixt ane lytill worme, qhilk crap owre alio; and laft, caufit ane grit worme cum furth, qhilk could nocht pas owre the compas, nor cum out of the hoill, bot fell doune and deit: Qhilk enchantment and Witchcraft thow interpret in this forme:—That the fyrfit grit worme that crap owre the compas, was the Guid-man, William King, quha fould leve; and the lytill worme, was ane barne in the Guid-wyffes wamb, qhilk wes vnknawin to ony manne that fche was with barne; and that the barne fould leve; and thrlydie, the laft grit worme thow interpret to be the Guid-wyffe, quha fould die: Qhilk com to pas eftir thy speiking, quhow fone fche wes delvyerit of the said barne. And this is manifest to the haill cottrey; quhilk thow can nocht deny.—**ITEM,** Ye ar indytit and accufit, for awa taking, be Witchcraft, of ane puri womanis milk, callit Befifie Steil, quha cam to William Kingis hous in Bairoch, feikin almes; and haifing fittin doune befyrd the fyre, to gif hir barne fouk, thow in the meane tyme, being ane nurri Koue thy self, and perlawing the puri woman to haif mair abundance of milk nor thow had; and seing that the Guid-wyffe thy huffie 3 fould haif detenit the puri woman, and gewin hir the barne to fofter; thow, be thy develiich incantationes and Witchcraft, abfrakit and tuik away hir milk: And immediatie eftir the puri woman wes paft out of the hous, fcho perlawit hir milk to be tame away, come agane to the faid hous, and complent to the Guid-wyffe, that the nwriech had takin away hir milk; and said, Gif fcho wer nocht refitorit to hir milk, fche fould devuigat the same throw the cottrey, and sehaw how ye had vfit hir. And thow, sering thy deweligh craft to be revelit, said to the puri womane, 'Gif I haif thy milk, cum fic a nycht to me to this hous, and ask it for Gods faik, and thow fall haif it.' Lyke as, the faid puri woman, being gled to reffaue hir milk agane, come that same nycht as thow ap-

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1 Nurse, Fr. nourrice.  
2 John Leflie.  
3 Housewife, mistress.
poyntit hir, and lay in the hous befyd ye all nycht; and about the midding of the nyacht, thow cryit vpoun hir and walknit hir, and baid hir ressuue hir milk; and incontinent sçhe walknit, and hir palpis sprang out full of milk, and remanit with hir thaireftrir. This thow did, as is notourlie knawin to the hail country, and thow can nocht deny.—ITEM, thow art indyttit for ane commoun away-takir of wemennis milk in the hail country, and detening the famin att thy plesfour; as the hail country will testifie. The qhilk thow can nocht deny.—ITEM, thow art indyttit and accusit, for the bewitching\(^1\) of William Kingis wyfe of Barraucht, tuelf yeiris fnfyne or thairby, for your diuillife devyse, eftir thow haid left hir seruice; thow caufit propyne\(^2\) hir with ane plaid of thine, qhilk, beand full of inchonaments and forercie, being laid one hir bed, caufit hir suddenlie theretfr depairt: Qhilk is notorius to the hail country; qhilk thow cane nocht deny.—ITEM, thow art indyttit for ane commoun theif, qhilk thow vifs be inchonament and fliecht of the Diuill; for laitlie, thow cam to Alexander Thines hous in the Benvie-end of Traichie, in the moneth of November laftwas; and thair, be inchonament, blew vp his duris and his hail lockis of his hous, and stall out fic gere as thow plefit; and theretfr lokit the duris and loctis, as thay wer abefoir: Qhilk thow cane nocht deny.—ITEM, thow art indyttit and accusit, that laitlie, beand nuriit to the Lord of Balquhene (John Leflie), in the moneth of Maij and Junij laftbyapt, thow, be thy inchonament and forercie, maid vp the hail lockis of the place, and vpunt\(^4\) the hail durris thairef, and stall ane steill box out of ane coffer, qhahirin wes gryt fowmes of gould and gould-fynyth-work; qhahir, one (on) being accusit thaireftrir, thou allegit, that ane blak manne cane and gaif the famin to the; qhilk wes nothing but the illusfoone of the Diuill: Qhilk yow cane nocht deny.—SICLYE, thow art indyttit and accusit, for the crewall, airt and pairit and bewitching of vmy\(^5\) Johnne Lelie of Cultis, qhair as thow trefekit with vmy\(^6\) Barbara Keand alias Leslie, with Jonet Grant, with Jonet Clark alias Spalding,\(^4\) lyk as thair Confeffiounes and Depostitutiones testifie thair vngodisk airt and pairit in the said mordour; qhahirin diueris vtheris was pertineris, fic as Mariounne Bruce in Awdrain, Befifie Paull in the Cromar, qhia ar fugitiveus for the said cryme; and thow onlie etemet the instrumenit of all that mischief: Qhilk is notorious be thair ConfeSSIounes, and yow cane nocht deny.—SICLYE, thou art indyttit and etemet for ane notoriouf and commowne Wiche in the countrie; and cane do all things, and hes done all mischiefis, that deuillrie or Wichcraft cane devyle, in abstrackkig of mennis lyffis, wemennis milk, beftis milk, and bewitching of

\(^1\) Bewitching. \(^2\) Offer in gift, to make a present. \(^3\) Give up the ghost, die. \(^4\) Opened, burst up. \(^5\) See Aug. 17, 1590.
beftis als well as menne; lyk as thai diuerfe practifis cane teftifie ye: Quhilk ye cane nocht deny.

VERDICT. The Aflifye, in prefens of the faid Juftice-deput, fand and pronunceit, be the mouth of the faid Chancillar, (Arthour Skene in Tulluch,) the faid Belfie Roy to be Innocent and acquit of all and findre the poynitis and heidis of the Dittay abouewrittin. Quhairvpoune, the faid Belfie afkit act and inburment.

Slaughter by Witchcraft.

Aug. 19.—WILLIAM LEISLE of Crechie and Violat Auhinlek his fpous.

Dilatit of the slauchter and diftruictiou of vmq" Johnne Leisle of Wardes, younger, be Wichcraft; committit in Junij 1586.

Prekwars.

William Leisle of Wairdes, as fader, George Leisle of Camellis, Mr William Leisle of Washill, as breathir, Mr David McNeill of Craintoun-Riddell, Advoucat, The Laird of Frendrahit, younger.

Presquitouris for the pannell.


The pannell afkit inburments of thair entrie, and proftit for releif of thair cautioune, and alfe offerit thame reddeie to abyde the tryell of ane Aflifye, for the crymes abouewrittin; difaffenting to all continewatioune.

The Juftice, for laik of ane sufficient nowmer of Aflifyouris, quhairof thair wes ane grit nowmer caffin,^ continent the mater to the thryd day of the nixt Juftice-air of the Sherefordome of Abirdene, or foner, vpoun fyftene dayes wairning.—' Plegiis, Francifco Comite de Erroll et Joanne Leisle de Boqhane, conjunctim et diuisifim.'

[CURIA JUSTICIARIE, s. d. n. Regis, tenta xxvij Decembris, 1590, per Magistros Johannis Graham et Vmphridem Blyschelis, Justiciarios Deputatos.]

Treasonably conspiring the Death of the King — Sorcery — Incantation, &c.

Dec. 26.—JOHNNIE FEANE alias CNINGHAME, laft duelland in Pref- toune.*

Convict of diuers poynitis of Wichcraft, contenit in the Dittay.

* Cost, rejected on acoount of partiality, relationship, &c. Only two out of the whole ' Book of Aflifye' were sworn, as unexceptionable. * He is designed 'schoolmaister at Tranent,' in the Historie of King James the Sext, p. 241; 'Master of the schoole at Saltpons in Lochean,' in the tract afterwards quoted; and in the course of these remarkable cases, he is termed 'Regifter' and 'Secre-

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Comperit the samin Maister Dauid Mc'Gill of Cranstoune-Ryddell, Advocate to our foureane lord, as perlwaw; and produceit ane Dittay against the said Johnne Feane.

Assisa.

Johanne Wilfoun in Edinburghe, Robert Seytoun than, Thomas Craig than;
Rychard Newtoun in Tranent, Robert Thrilkie, merchand, burges Johanne Colville than;
William Stratherne than, of Edinburghe, James Watfoun than;
Patrik Halcamp than, Johanne Donaldfoun, merchand than, Johanne Hakit than;
James Milthoun than, Robert Smyth, merchand than, Thomas Wrycht than.

Verdict. Quhilkis perfoouns of Assyle, being chofin, sworne and admitter vpoun the said Johanne Feanis Assyle, he being accufit be Dittay of the saids crymes: They removit thame selfis altogidden furth of Court to the Assyle-hous, quhair thay chufe the said James Watfoun chancellier; and haif reffonit (vpoun the) points of the said Dittay, and refloit thanith: Reenterit agane in the said Court; quhair thay, be the mouth of the said Chancellier, fand, pronunciet and deluyerit the said Johnne Feane alias Ckeninghame, to be fylyt and convinct, Fyrst, That quhan the dewill apperit and come to thame, quhen he wes lyand in his bed in Tranent, in Thomas Trumbillis chalmere, mwfand and panfand, how he mycht be revengeit of the said Thomas, quha had offendit him in nocht spairginw of his chalmer, as he had promefit, his face being toward the wall; the dewill apperit to him with quhYTE rayment, quhair he (the Dewill) fpak to him in thir termes, or ever he (Feane) fpak to him (the Dewill);— Will ze be my ferwand and adore me and my ferwandis, and ze fall never want? And als, that he wil be revengit of his enemies; lyke as, the said dewill perfwadit him to burne Thomas Trumbillis hous, in respekt he had nocht keipit promeis.—

(2.) Item, Fylit, for suffering of him self to be markit be the dewill with ane rod, the secund nycht that he apperit to him, in quhYTE rayment as saif is, in his bed; and for feingeing of him self to ly feik in the said Thomas Trumbillis chalmere, quhair he wes strukin in grit extasies and tranfis, lyand be the space of twa or thre houris deid, his spreit tane; and sufferit him self to be careit and transportit to mony montanes, as thocht throw all the world; according to his awin depofitounes.—(3.) Item, Fylit, according to his awin confessioun, for the abuifing of his body with Margaret Spens, wedo in . . . . . . . , promefing to hai mareit hir; bot att Satanis command, he flayit; quha faid to hir, Gif he mareit hir, he fould tyne him and mekull ruches.—(4.) Item, Fylit for the suffering of him self to be careit to North-Berwik Kirk, (he being lyand in ane cloufe bed in Prestoun-pannis,) as gif he had bene fouchand a thairt the eird, quhair Sathane commandit him to mak him homage with the rest of his fer-

1 From 'penfants,' Fr. thinking, cogitating. 2 White-washing or cleansing. 3 Riches, wealth. 4 This suggests the idea of skimming along the surface of the earth with the swiftest flight. 5 'Sosach-anf' also denotes a rushing sound, like that of an arrow whizzing through the air.
wandis; quhair he thocht he faw the lycht of ane candill fstandand in the middis, of his feruandis, quhilk apperit blew low; and Satan ftwid, as in a pulpet, makand ane fermond of dowtfum speichis, sayung, 'Mony cumis to pe fair, and byis nocht all wares;' and defyrít him 'nocht to feir, thocht he wes grymme: ffor he had mony feruandis, quha sould newir want, and sould aill na thing, fa-lang as their hair wes one, and sould newir latt ane teir fall fra thair eie,' fa-lang as thay feruit him': And gaif thir lefsonnes and commandis to thim, as folowis. 'Spair nocht to do ewill, and to eit, drink and be blyth, taking reft and eie, ffor he sould rase ëame vp at pe latter day gloriously.'—(5.) Item, Fylit, for the being in cumpany with Sathane att his conventiounes, quhair he faw Robert Greirfonue, Michell Clark, Annie Sampfounue, with findrie vtheris; quhair he and all the reft kift him behind, and süm his eie; and att the fame tyme, ffor the bewiching and poffefing of Williamie Hutfonue in Windiegoull, with ane ewill fpriet.—(6.) Item, Fylit, for sufferung him faif to be careit to the fee with Sathane; and att the fyrft, he wes f Kumand owre all the see without land, in ane boit, accompanieth with the perfownes aboue wrettin; and being of the foir-knowledge of the lek that ftrak vp in the Queinis schip, as the dewill foirtald him.—(7.) Item, Fylit, for the raifing of wyndis att the Kingis paffing to Denmark, and for the fending of ane letter to Marioun Linkup in Leyth, to that effect, bidding hir to meit him and the reft, on the see, within fyve dayes; quhair Satan deleyuerit ane catt out of his hand to Robert Greirfonue, gevand the word to 'Caft the fame in the see hola!': And thaireftir, being mountit in a schip, and drank ilk ane to oitheris, quhair Satane faid, 'ze fyll fink pe schip;' lyke as thay thocht thay did.—(8.) Item, Fylit, for assempling him felf with Sathane, att the Kingis returning fra Denmark; quhair Satan promefit to rafe ane mift, and caft the Kingis Maiestie in Ingland: And for performing thairof, he tuik ane thing lyke to ane fute-ball, quhilk apperit to the haid Johnne lyke a wip, and caift the fame in the see; quhilk caufit ane vapour and ane reikt to ryis.—(9.) Item, Fylit, ffor being in cumpany with Satan in the Kirk of North-Berwick, quhair he apperit to him, in the forme of ane blak mann within the pulpet thairof; and efter his out-cuminge of the kirk, poyntit the graus and ftwid aboue thame; quhilkis wer opnit in thre findrie paircis, twa within and ane without; quhilk the weimen demembrit the dei corps and bodeis being thairin, with thair gulleis; and incontinent wes transportit, without words.—(10.) Item, Fylit, for opening of lokis, and fpeciallie ane lok in David Seytounis

1 Blue flame, the candle burnt blue; an inevitable consequence of the presence of the 'foul fiend.'
2 It was part of this strange superstition, that after a person had renounced his baptism, and sworn fealty to Satan, he could thenceforth shed no tears.— Item, it is a vehement preumption, if she cannot weep at the time of her examination; and yet Bedin faith, that a witch may shed three drops out of her right eie.— Scott's Discovery of Witchcraft, cap. 5.
3 Skimming.
4 Out of sight of the land.
5 Of straw?
6 Large clasp-knives.
younger in Tranent; and siclyke, for the opening of the said Dauidis foir 3ett, the key thairof being lyand vpoun the buird, at the supper: As alfo, fylit, for the opining of ane lok be his forcerie, in Dauid Seytonnis moderis, be blawing in ane womanis hand, him seif fitand att the fyre fyde.—(11.) Item, Fylit, for the being cumand furth of Patrik Vmphraiss fonis hous in the mylyne, vnder nycht, fra his supper; and passland to Tranent on horfbak, and ane man with him; be his devillich craft, raft vp foure candillis vpoun the horflis twa luggis, and ane vthir candill vpoun the stailf' quhilk the man had in his hand; and gaif sic licht, as gif it had bene day lycnt; lyke as, the saidis candillis returnit with the said man, quhilk his homecuming; and caufit him fall deid, at his entre within the hous.—(12.) Item, Fylit, for the wiching6 and posseffing of the (said) William Hutton, with ane ewill fpreit; quhilk continewit with him tuentie sax oulkis; lyke as, the said fpreit departit and left him, how fone the said Johnne wes tame and apprehendit.—(13.) Item, Fylit, for being in cumpny with Annie Sampson, Robert Grierson, Kaet Gray and vtheris, vpoun Hallowmes ewin; thay embarkit in ane boit, bfyde Robert Greirsonis hous in the Pannis, and saillit owr the sea to ane tryfth thay had with ane vther witch: quhair thay enterit within ane chip, and drank gude wyne and sall thairin; and thairefter cauffing the said fchip boit and boit to perich, with the perfonis being thairin; and than returning hame.—(14.) Item, Fylit, for the vffing be way of Witchcraft, of modewart2 feit vpoun him, in his purle; gevyn to him be Sathan, for this caus, that sa lang as he had thame vpoun him, he fuld never want filuer.—(15.) Item, Fylit, for being in North-Berwik-Kirk, at ane conventioune with Sathan and vtheris witches; quhair Sathan maid ane dewellich fermon, quhair the said Johnne fett vpoun the left fyde of the pulppet, narrest him: And the fermon being endit, he came doune and tuke the said Johnne be the hand, and led him widderschinnis5 about; and thairefter, caufit him kyse his erfe.—(16.) Item, Fylit, for the chaifing of ane catt in Tranent; in the quhilk chaife, he was careit heich aboue the ground, with gryt fwyftnes, and as lychtlie as the catt hir selft, owre ane heicher dyke, nor he was able to lay his hand to the heid off:—And being inquirrit, to quhat effect he chaifit the famin? Ansuerrit, that in ane conventioune haldin at Brumhoillis, Sathan commandit all that wer presenit, to tak cattis; lyke as, he, for obedience to Sathan, chaifit the said catt, purpoifie to be caffin in the sea, to rafe windis for dirstructioune of schippis and boittis.—

(17.) Item, Fylit, that forfamekkle as, be his airt of Witchcraft, Magick and Sorcerie, he gaif him selft4 to declair to ony man, how long thay fould leve, and quhat fould be thair end;6 gif thay wald tell yow the day of thair birth: Lyke as, he foirtauld the samyn to Marioun Weddell, that hir sone fould nocht leve

1 Table. 2 Mole's feet. 3 Contrary to the course of the sun. 4 Professed, gave out. 5 What death they should die.
Newes from Scotland, 1591.
xv dayes; quhilk cam to pas as he spak.—(18.) ITEM, Fylit, for declaring of the lyke to Alexander Bouis wyffe in Edinburghe, and sayynge, hir fone fould be sshort quhyle in hir aucht; as he died within a short space thaireafter.—(19.) ITEM, Fylit, for the reiving of thir directionis and commandimentis fra Satan : Firft, To deny God and all trew Religioun: Secundlie, To gif his faith to the Dewill; and adoring him: Thridlie, He said to the Dewill, that he fould perfwaid ais mony as he could, to his societie: Ferdlie, He dememberit the bodeis of the deid corps, and speciallie of bairnis vnbathefit: Fyftlie, He destroyit men be fie and land, with coirnis, cattell and guidis; and raift tempest and stormie wedder, as the Dewill himself, blawing in the air, &c.—(20.) ITEM, Fylit, for ane commoun notorious Witch and Inchanter.

The Sentence is not engrossed in the Record, but a jotting made on the margin, ‘Convict of diuers poynitis of Witchcraft, and brynt.’

[The best illustration which can now be afforded of the extraordinary circumstances detailed in this and in some of the other Trials for Witchcraft, &c. of this period, is to give an exact reprint of an extremely rare Black-letter tract, considered to be unique; and which appears to the Editor well worthy of a place here. A pretty copious abstract from this curious fragment has already been given to the public, in the learned and ingenious Prefatory Notice to ‘Law’s Memorials,’ edited by Charles Kirkpatrick Sharpe, Esquire; to whom the Editor is indebted for the use of an accurate transcript, with which the present reprint has been carefully collated. This tract was inserted in a small collection, published by the late eccentric David Webster, titled, ‘Collectanea Scotica,’ but it is there very inaccurately edited.

The Confessions of Feane, Samson, &c., are said to have ‘made the King in wonderful admiration, who, in respect of the strangenes of these maters, tooke great delight to be preffent at their examinations.’ It is very probable that the King’s presence at these examinations, and the frequent perusal of similar evidence against the numerous persons who were tried for Witchcraft at this time, laid the foundation for the royal work on ‘Daemonologie.’]

NEWES FROM SCOTLAND,

Declaring the damnable life of DOCTOR FIAN a notable Sorcerer, who was burned at Edenbrough, in Januarie laft 1591; which Doctor was Regifter to the Deuill, that fundrie times preached at North Barricke Kirke to a

1 The Editor would have preferred inserting the ‘Newes from Scotland’ in the Appendix to the reign of King James VI, but as that most of necessity be retarded for a considerable time, the explanations afforded in Feane’s Confessions would thereby lose much of their interest. 2 Mr Sharpe’s transcript was taken from the Roxburghe Club copy.
number of notorious Witches; with the true Examinations of the said Doctor and Witches, as they uttered them in the presence of the Scottifh King: Difcouering how they pretended to bewitch and drowne his Majeftie in the sea, coming from Denmarke; with fuch other wonderfull matters, as the like hath not bin heard at anie time.

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Printed for William Wright.

TO THE READER.

The manifold untruths which are spread abroad, concerning the detestable actions and apprehension of those Witches, whereof this historie following truly entreateth, hath caused me to publish the fame in print; and the rather, for that sundrie written coppies are lately dispersd thereof, containing that the said Witches were first discovered by means of a poore pedler travelling to the towne of Trenent; and that by a wonderfull manner he was in a moment conveyed at midnight from Scotland to Burdeux in France, (being place of no small distanct) into a merchante feller there; and after being sent from Burdeux into Scotland by certayne Scottifh merchants to the Kings Majeftie, that he discovered those Witches, and was the caufe of their apprehension; with a number of matters miraculous and incredible: all which in truth are moft false. Nevertheles, to satisfie a number of honest minde, who are defirous to be informed of the veritie and truth of their confessions, which for certaintie is more straungher than the common reporte runneth, and yet with more truth, I have undertaken to publish this short Treatife, which declareth the true discourse of all that happened, and as well what was pretended by those wicked and detestable Witches against the Kingis Majeftie, as alfo by what means they wrought the fame.

All which examinations (gentle Reader) I have here truly published, as they were taken and uttered in the presence of the Kings Majeftie, praying thee to accept of it for veritie; the fame being fo true as cannot be reproved.

A TRUE DISCOURSE

Of the apprehension of sundrie Witches lately taken in Scotland; whereof some are executed, and some are yet imprisoned. With a particular recitall of their examinations, taken in the presence of the Kings Majeftie.

GOD, by his omnipotent power, hath at all times, and daily dooth take such care, and is so vigilant for the weale and preservation of his owne, that thereby he disappoineth the wicked practices and evill intentes of all such as by any meanes whatsoever seeketh indirectly to confpire any thing contrary to his holy will: Yea, and by the fame power he hath lately overthrown and hindered the intentions and wicked dealings of a great number of ungodly creatures, no better than Devils; who, suffering themselves to be allured and enticed by the Devil whom they served, and unto whom they were privately foworne, entered into the detestable art of Witchcraft, which they studyed and practised fo long time, that in the

1 There appears to have been another edition of this remarkable Tract, in all respects the same with the Roxburghie reprint. At least, in the Gent. Mag. vol. xl. p. 393, it is reprinted, but bears at the foot of the title-page. At London, printed for Thomas Nelson. Nelson was probably joint proprietor with Wright, each party affixing his name to the copies sold by him.
ende they had seduced by their forsercie a number of others to be as bad as themselves, dwelling in the boundes of Lowthinn, which is a principall shire or part of Scotland, where the Kings Majestie useth to make his cheifeft residence or abode: and to the ende that their detestable wickednesse, which they privily had pretended against the Kings Majestie, the commonweale of that countrie, with the nobilitie and subject of the same, should come to light, God of his unspikeable goodnes did reveale and laie it open in verie strange sorte, thereby to make known to the world that their actions were contrarie to the lawe of God, and the naturall affection which we ought generally to beare one to an other: The manner of the revealing whereof was as followeth.

Within the towne of Trenent, in the kingdome of Scotland, there dwelleth one David Seaton, who, being deputie bailiffe in the faide towne, had a maid called Geillis Duncane, who usd sectretlie to absente and lie forth of his maistres house every other night: This Geillis Duncane tooke in hand to helpe all such as were troubled or grieved with anie kinde of sicknes or inburnitie, and in short space did perforeme many matters most miraculous; which things, for as much as she began to doe them upon a sodaine, having never done the like before, made her maister and others to be in great admiration, and wondered thereat: by means whereof, the faide Davide Seaton had his maide in great suspicion that shee did not those things by naturall and lawfull waies, but rather supposed it to bee done by some extraordinarie and unlawfull meanes. Whereupon, her maister began to grow verie inquisitive, and examined hir which way and by what meanes shee was able to perforeme matters of so great importance; whereat shee gave him no aswere: nevertheless, her maister, to the intent that shee might the better trie and finde out the truth of the same, did with the help of others torment her with the torture of the pilliwinkes upon her fingers, which is a grievous torture; and binding or wrinching her head with a cord or rope, which is a most cruel torment alfo; yet would shee not confess anie thing; whereupon, they suspecting that shee had beene marked by the Devill, (as commonly witches are,) made diligent search about her, and found the enemies marke to be in her fore craf, or fore part of her throate; which being found, shee confessed that al her doings was done by the wicked allurements and entitiments of the Devil, and that shee did them by witchcraft. After this her confession, she was committed to prison, where shee continued a seafon, where immediately shee accused these perions following to bee notorious witches, and caufed them forth-

1. *Pilinewincis,* or *pinniewincs,* a severe instrument of torture, apparently similar to the *thumblitchins,* or thumbcrews, afterwards used both in Scotland and England. From a quotation made by Cowell, in his *Law Interpreter,* this torture appears to have been applied to Robert Smyth of Bury, in the reign of Henry IV.—*Ceperunt infra predictam villam, et ipsum in ferro posuerunt et cum cordis ligaverunt, et super poleis ipsius Roberti, quoddam instrumentum vocatum Pyrewinkes, in fistert et durae posuerunt, quod fanguis exivit de digitis illius.* *Cart. Abbatis S. Edmondii, MS. fol. 341.* 2. See her Trial, Jan. 27, 1590-1.
with to be apprehended, one after another, viz. Agnes Sampfon, the eldest
witche of them all, dwelling in Haddington; Agnes Tompion of Edenbrough;
Doctor Fian alias John Cuningham, master of the schoole at Saltpans in Low-
thian, of whose life and strange acts you shall heare more largely in the end of
this discoure. These were by the faide Geillis Duncane accused, as also George
Motts wife, dwelling in Lowthian; Robert Grierfon, skipper; and Jannet
Blandilands; with the potters wife of Seaton; the finith at the Brigge Hallis,
with innumerable others in those parts, and dwelling in those bounds aforesaid;
of whom some are already executed, the rest remaine in prison to receive the
doome of judgement at the Kings Majesties will and pleasure.

The faide Geillis Duncane also caufed Ewphame Mcalrean to bee apprehend-
ed, who conspired and performed the death of her godfather, and who used her
art upon a gentleman, being one of the Lordes and Justices of the Seffion, for
bearing good will to her daughter. Shee also caufed to be apprehended one Bar-
bara Naper, for bewitching to death Archibalde lait Earle of Angus, who lan-
guished to death by witchcraft, and yet the same was not suspected; but that
hee died of so strange a disease as the Phisition knewe not how to cure or remedie
the same. But of all other the hid witches, these two laft before recited, were
reputed for as civil honest women as anie that dwelled within the citie of Eden-
brough, before they were apprehended. Many other besides were taken dwell-
ing in Lieth, who are detayned in prison untill his Majesties further will and
pleasure be knowne; of whose wicked doings you shall particularly heare, which
was as followeth.

This aforefaide Agnis Sampfon, which was the elder witche, was taken and
brought to Haliriuud House before the Kings Majestie, and sundry other of the
nobilite of Scotland, where she was straitly examined; but all the perswations
which the Kings Majestie used to her, with the rest of his Counsell, might not
provoke or induce her to confesse any thing, but stooed stiffeely in the denial of all
that was layde to her charge; whereupon they caufed her to bee conveyed away
unto prison, there to receive such torture as hath beene lately provided for witches
in that country: And for as much as by due examination of witchcraft and
witches in Scotland, it hath lately beene founde that the Divell doth generally
marke them with a privie marke, by reason the witches have confessed them-
theselves, that the Divell doth licke them with his tong in some privie part of their
bodie, before hee dooth receyve them to bee his seruantes, which marke commonlie
is given them under the haire in some part of their bodie, whereby it may not
easily bee founde out or seeene, although they be searched; and generally so long
as the marke is not seeene to those which search them, so long the parties that

1 Ewphame Macalreane of Cliftonhall. See her Trial, Jun. 9, 1591.  
2 See her Trial. The persons composing the majority of those who accused her, were brought to trial for Wilful Error.
hath the marke will never confess anie thing. Therefore, by speciall commandment, this Agnis Sampfon had all her hair shaven off, in each parte of her bodie, and her head throwne with a rope, according to the custome of that countrie, being a payne most grievous, which shee continued almost an hower, during which time she would not confess anie thing, until the Divels mark was founde upon her privities; then shee immediately confessed whatsoever was demande of her, and justifying those peffons aforesaid to be notorious witches. Item, The saide Agnis Tompffon (Sampfon) was after brought againe before the Kinges Majestie and his Councell, and beeing examined of the meetings and detestable dealings of those witches, she confessed, that upon the night of Allhollow Even laft, shee was accompanied, as well with the peffons aforesaid, as also with a great many other witches, to the number of two hundred, and that all they together went to Sea, each one in a riddle or cive, and went into the same very substantially, with flaggons of wine, making merrie and drinking by the way in the same riddles or cives, to the Kirke of North Barrick in Lowthian; and that after they had landed, tooke handes on the lande, and daunced this reill or short daunce, finging all with one voice,

Commere goe ye before, commere go ye,
Gif ye will not goe before, commere let me.

At which time shee confessed, that this Geillis Duncane did goe before them, playing this reill or daunce, upon a small trumpe, called a Jewes trump, untill they entred into the Kirk of North Barrick.

These confessions made the King in a wonderfull admiration, and sent for the saide Geillis Duncane, who upon the like trumpe did play the saide daunce before the Kinges Majestie, who in respect of the strangenes of these matters, tooke great delight to be present at their examinations.

Item, The saide Agnis Tompffon (Sampfon) confessed, that the Divell, being then at North Barrick Kirke attending their comming, in the habit or likenesse of a man, and seeing that they tarried over long, hee at their comming enjoued them all to a pennance, which was, that they should kisse his buttockes, in sign of dutie to him; which being put over the pulpit bare, every one did as he had enjoued them: And having made his ungodly exhortations, wherein he did greatly inveigh against the King of Scotland, he received their oaths for their good and true service towards him, and departed; which done, they returned to Sea, and so home again. At which time, the witches demanded of the Divell; 'Why he did beare such hatred to the Kinge?' Who answered, 'By reason the King is the greatest emiee hee hath in the world.' All which their confessions and depositions are still extant upon record. Item, The saide Agnis Sampfon confessed before the Kinges Majestie sundrie thinges, which were so miraculous
and strange, as that his Majestie saide 'they were all extreame lyars'; whereas shee answered, 'she would not with his Majestie to supposse her wordes to bee falfe, but rather to beleve them, in that shee would discover such matter unto him as his Majestie should not any way doubt of.' And therupon taking his Majestie a little aside, shee declared unto him the verie wordes which passd betweene the Kings Majestie and his Queene at Uplo in Norway, the first night of mariage, with the anfwere ech to other; wherat the Kings Majestie wonderd greatly, and swore 'by the living God, that he believed all the devils in hell could not have discovered the shame,' acknowledging her words to be moost true; and therefore gave the more credit to the rest that is before declared.

Touching this Agnis Tompson (Sampson), she is the onlie woman who, by the Divels perfwasion, shoulde have intended and put in execution the Kings Majesties death, in this manner. She confessd that shee tooke a blacke toade, and did hang the same up by the heele three daies, and collected and gathered the venom as it dropped and fell from it in ane oyster shell, and kept the same venom clofe covered, untill she should obtaine anie part or peece of foule linnen cloth that had appertained to the Kings Majestie, as shirt, handkercher, napkin or any other thing, which shee practised to obtaine by meanes of one John Kers, who being attendant in his Majesties chamber, desird him for olde acquintaunce betweene them, to helpe her to one, or a peece of such a cloth as is aforesaid; which thing the saide John Kers denied to helpe her to, saying shee could not helpe her unto it. And the saide Agnis Tompson (Sampson,) by her depositions since her apprehension, faith, that if shee had obtayned any one peece of linnen cloth which the King had worn and fowled, she had bewitched him to death, and put him to such extraordinarie paines, as if he had been lying upon sharp thorns and endis of needles. Moreover she confessed, that at the time when his Majestie was in Denmarke, shee being accompanied by the parties before speciallie named, tooke a cat and chriftened it, and afterward bounde to each part of that cat, the cheefe part of a dead man, and sevarall joyntis of his bodie: And that in the night following, the saide cat was conveyed into the midde of the sea by all these witches, sayling in their riddles or cives, as aforesaid, and so left the saide cat right before the towne of Lieth in Scotland. This doone, there did arise such a tempeft in the sea, as a greater hath not bene seene; which tempeft was the caufe of the perishing of a boat or vessell comming over from the towne of Brunt Ilande to the towne of Lieth, wherein was sundrie jewelles and rich giftes, which should have bene presentd to the now Queene of Scotland, at her Majesties coming to Leith. Againe, it is confessed, that the saide chriftened cat was the caufe that the Kings Majesties shippe, at his comming forth of Denmarke, had a contrarie winde to the rest of his shippes then being in his companie; which
thing was most strange and true, as the Kinges Majestie acknowledgeth, for when
the rest of the shippes had a faire and good winde, then was the winde contrarie
and altogether against his Majestie; and further, the saide witches declared, that
his Majestie had never come safely from the sea, if his faith had not prevayled
above their intentions.

Moreover, the saide witches being demaunded, how the Davel would use them
when he was in their company, they confesst, that when the Devil did recyve
them for his fervantes, and that they had vowed themselves unto him, then hee
woulde carnally use them, albeit to their little pleasuer, in respect to his colde
nature; and would do the like at fundry other times.

As touching the aforesaid Doctor Fian alias John Cunningham, the examina-
tion of his acts since his apprehenion, declareth the great subteltie of the Divell,
and therefore maketh things to appeare the more miraculous; for being appre-
hended by the accusation of the faide Geillis Duncane aforesaid, who confesst
he was their Regester, and that there was not one man suffered to come to the
Divels readings but onelie hee: the faide Doctor was taken and imprisioned, and
used with the accustomed paine provided for those offences, inflicted upon the
rest, as aforesaid. First, By throwing of his head with a rope, wherath he
would confesse nothing. Secondly, Hee was perfwayed by faire meanes to con-
ffe his follies, but that would prevaine as little. Lastly, Hee was put to the
most severe and cruell paine in the worlde, called the bootes; who, after he had
received three strokes, being inquired if hee would confesse his damnable acts
and wicked life, his toong would not serve him to speake; in respect wherof, the
rest of the witches willing to search his toong, under which was founde two
pinnes, thrust up into the heade; whereupon the witches did say, Now is the
charme flinted; and fhewed, that those charmed pinnes were the cause he could
not confesse any thing: Then was he immediately releasfed of the bootes, brought
before the King, his confession was taken, and his own hand willingly set there-
unto, which contained as followeth: First, That at the generall meetinges of
those witches, he was always present; that he was clare to all those that were
in subjection to the Divels service, bearing the name of witches; that alway
hee did take their oathes for their true service to the Divell; and that he wrote

1 A dreadful torture, which, to the disgrace of this country, was sanctioned by the Privy Council,
to extort evidence from obdurate and perjured witnesses, and also Confessions from criminals of their
own crimes and delinquencies; or to induce them to inform against or to criminate others, strongly sus-
pected to be implicated. The bootes, or doodkins, were chiefly made use of in extreme cases, such as
High Treason, Witchcraft, &c. This horrid instrument extended from the ankles to the knee, and at
each stroke of a large hammer, (which forced the wedges closer,) the question was repeated. In many
instances, the bones and flesh of the leg were crushed and lacerated in a shocking manner before con-
fusion was made. Fian endured these tortures with almost incredible firmness. See the Trial of
John Master of Orkney, Jan. 23, 1566, &c.
for them such matters as the Divell still pleased to command him. Item, Hee confessed, that by his witchcraft hee did bewitch a gentleman dwelling neare to the Salt-pans, where the said Doctor kept schoole, onely for beeing enamoured of a gentlewoman whom hee loved himselfe; by meanes of which his sorcery, witchcraft and divelish practisfes, hee caueth the saide gentleman, that once in xxiii howers hee fell into a lunacie and madnes, and fo continued one whole hower together: And for the veritie of the same, hee caueth the gentleman to bee' brought before the Kings Majestie, which was upon the xxiii day of December laft, and beeing in his Majesties chamber, suddenly hee gave a great scritch, and fell into madnesse, sometime bending himself, and sometime capring fo directly up, that his heade did touch the feeling of the chamber, to the great admiration of his Majestie and others then present; so that all the gentlemen in the chamber were not able to holde him, until they called in more helpe, who together bound him hand and foot; and sufferings the saide gentleman to lie still untill his furie were past, he within an hower came againe to himselfe; when, being demaunded by the Kings Majestie, 'what he fauor did all that while,' answered, that 'he had been in a founde sleepe.' Item, The said Doctor did also confesse, that hee had used meanes sundry times to obtaine his purpose and wicked intent of the saide gentlewoman; and seeing himselfe disappoynted of his intention, he determined, by all wayes hee might, to obtaine the same; trayting by conjuring, witchcraft and forcerie, to obtaine it, in this manner. It happened this gentlewoman, being unmarried, had a brother, who went to schoole with the saide Doctor; and calling the saide scholler to him, demaunded 'if he did lie with his sifter,' who answereth 'he did.' By meanes whereof, hee thought to obtaine his purpose; and therefore secretly promised, to teach him without stripes, so he would obtaine for him three hares of his sifters privities, at such time as hee should spie best occasion for it; which the youth promised faithfully to performe, and vowed speedily to put it in practice, taking a piece of conjured paper of his master, to lap them in, when hee had gotten them; and thereupon the boy practised nightly to obtaine his masters purpose, especially when his sifter was asleep. But God, who knoweth the secrets of all harts, and revealeth all wicked andungodly practisfes, would not suffer the intents of this divelish Doctor to come to that purpose which he supposeth it woulde; and therefore, to declare that hee was heavily offended with his wicked intent, did so work by the gentlewomens owne meanes, that in the ende the same was discovered and brought to light; for shee being one night a sleepe, and her brother in bed with her, sodainly cried out to her mother, declaring that her brother woulde not suffer her to sleepe; whereupon her mother having a quicke capacitie, did vehemently suspect Doctor Fians inten-

1 Here the first wooden cut is inserted.
tion, by reason she was a witch of her self; and therefore, presently arose, and
was very inquisitive of the boy to understand his intent; and the better to know
the same, did beate him with sundrie stripes, wherby she discovered the truth
unto her. The mother, therefore, seeing well practised in witchcraft, did thinke
it most convenient to meete with the Doctor in his owne arte; and thereupon
took the paper from the boy, wherein she should have put the same haires, and
got to a yong heyfer which never had borne calfe, nor gone unto the bull, and
with a paire of sheeres clipped off three haires from the udder of the cow,
and wrapt them in the same paper, which she again delivered to the boy; then
willing him to give the same to his faide maister, which she immediately did.
The schoole maister, so soone as he had received them, thinking them indeed to be
the maids haires, went straigt and wrought his arte upon them: But the Doctor
had no sooner done his intent to them, but presently the hayfer cow, whose haires
they were indeede, came unto the door of the church wherein the schoole maister
was, into the which the hayfer went, and made towards the schoole maister, leaping
and dauncing upon him, and following him forth of the church, and to what place
euer he went; to the great admiration of all the townes men of Saltpons, and
many other who did beholde the same. The report whereof made all men imagi-
gine he did worke it by the Devil, without whome it coulde never have bene so
sufficiently effectt: and thereupon, the name of the faide Doctor Fian (who was
but a young man) began to growe common among the people of Scotland, that
hee was secretely nominated for a notable conjurer.

All which, although in the beginning he denied, and would not confesse, yet
having felt the paine of the bootes, (and the charmte flinted as aforefaide,) he con-
fessed all the aforesaid to be most true, without producing any witnesies to justifie
the same; and therupon, before the Kings Majestie, he subscribed the faide con-
fessions with his owne hande; which for truth remaineth upon record in Scotland.

After that the depositions and examinations of the faide Doctor Fian alias
Cuninghame was taken, as alreadie is declared, with his own hand willingly
set thereunto, hee was by the maister of the prion committed to ward, and ap-
pointed to a chamber by himselfe; where, foresaking his wicked\(^1\) wayes, acknow-
ledging his most ungodly lyfe, fowing that he had too much folowed the al-
lurements and enticements of Sathan, and fondly practised his conclusions, by
conjuring, witchcraft, enchantment, sorcery, and such like, hee renounced the
Devill and all his wicked workes, vowed to leade the lyfe of a Christian, and seem-
ed newly converted towards God.

The morrow after, upon conference had with him, he granted that the Devil
had appeared unto him in the night before, appareled all in blacke, with a white

\(^1\) The second wood-cut is inserted here.
wande in his hande; and that the Devill demaund of him, 'If hee woulde con-
tinue his faithfull service, according to his first oath and promise made to that
effect: Whome (as hee then saiide) he utterly renounced to his face, and saide
unto him in this manner, 'Avoide! Satan, avoide! for I have liftned too much
unto thee, and by the fame thou haft undone me; in respect whereof I utterly
forfake thee.' To whome the Devill answered, that 'once ere thou die thou shalt
bee mine:' And with that (as he saide), the Devill brake the white wand, and
immediately vanisht forth of his fight.

Thus, all the daie, this Doctor Fian continued verie solitarie, and seemed to
have a care of his owne soule, and would call uppon God, swewing himselfe peni-
tent for his wicked life; nevertheless, the same night, hee found such meanses that
he stole the key of the prifon doore and chamber in which he was, which in the
night hee opened and fled awaie to the Saltspans, where hee was always resistent,
and first apprehended. Of whose fodore depature, when the Kings Majestie had
intelligence, hee presently commanded diligent inquirie to bee made for his ap-
prehension; and for the better effecting thereof, hee sent publike proclamations
into all partes of his lande to the fame effect. By means of whose hot and harde
pursuette he was agayn taken, and brought to prifon; and then, being called be-
fore the Kings Highnes, hee was re-examined, as well touching his departure,
as also touching all that had before happened. But this Doctor, notwithstanding
that his owne confession appeareth, remaining in recorde under his owne hande
writting, and the fame thereunto fixed in the preence of the Kings Majestie
and fundrie of his Council, yet did hee utterly denie the fame.

Whereupon the Kings Majestie, perceiving his stubborn willfulness, conceived
and imagined, that in the time of his absence, hee had entered into newe confer-
ence and league with the Devill his maitrer; and that hee had beene again newly
marked, for the which he was narrowly searched; but it could not in anie waie
be founde; yet for more tryall of him, to make him confess, hee was commanded
to have a moyst strange torment, which was done in this manner following. His
nailes upon all his fingers were riven and pulled off with an instrument called in
Scottishe a Turkas, which in England wee call a payre of pincers, and under everie
nayle there was thrust in two needles over even up to the heads. At all which
tormentes notwithstanding, the Doctor never thronke anie whit; neither woulde
he then confess it the sooner, for all the tortures inflicted upon him. Then was
hee, with all convenient speede, by commandement, conuayd againe to the tor-
mement of the bootes, wherein hee continued a long time, and did abide so many
blowes in them, that his legges were cruift and beaten together as small as might

1 Unusual, unaccustomed.    O. Fr. *Turquoise, truquy*, tensaille à l’usage des maréchaux, i.e.
smith’s pincers.
bee; and the bones and flesh so bruised, that the blood and marrow spouted forth in great abundance; whereby, they were made unserviceable for ever. And notwithstanding all these grievous pains and cruel torments, hee would not confess anie things; so deeply had the Devill entered into his heart, that hee utterly denied all that which he before avouched; and would faire nothing thereunto, but this, that what hee had done and sayde before, was onely done and sayde, for fear of paynes which he had endured.

Upon great consideracion, therefore, taken by the Kings Majestie and his Counsell, as well for the due execution of justice upon such detestable malefactors, as also for example sake, to remayne a terour to all others hereafter, that shall attempt to deale in the lyke wicked and ungodye actions, as witchcraft, forcerie, conjuration and such lyke; the said Doctor Fian was soon after arraigned, condemned and adjudged by the law to die, and then to be burned according to the lawe of that lande provided in that behalfe. Whereupon hee was put into a carte, and being first strangled, hee was immediately put into a great fire, being readie provided for that purpose, and there burned in the Castle Hill of Edenbrough, on a Saterdaie, in the ende of Januarie last past, 1591.

The rest of the witches which are not yet executed, remayne in prizon till farther triall and knowledge of his Majesties pleasure.

This strange discours before recited may perhaps give some occasion of doubt to such as shall happen to reade the same, and thereby conjecture that the Kings Majestie would not hazarde himselfe in the presence of such notorious witches, leaft thereby might have influed great danger to his person, and the generall state of the land; which thing in truth might weel have bene feared. But to anwer generally to such, let this suffice; that first, it is well known that the King is the child and servant of God, and they but the servants to the Devil; hee is the Lords anointed, and they but vesseles of Gods wrath; hee is a true Christian, and truffeth in God; they worfe than infidels, for they onely truff in the Devill, who daily serves them, till he have brought them to utter destruction. But hereby it semeth that his Highnesse caried a magnanimious and unaunted mind, not feared with their enchantmentes, but resolute in this, that so long as God is with him, hee feareth not who is against him; and truely, the whole scope of this Treatise dooth so plainlie laie open the wonderfull Providence of the Almighty, that if he had not bene defended by his omnipotencie and power, his Highnes had never returned alive in his voyaige from Denmarke; so that there is no doubt, but God woulde as well defend him on the land as on the see, where they pretended their damnable practife.

FINIS.
High Treason — Murder — Fire-raising — Oppression, &c.

Jan. 19, 1590-1.—Angus M'Conell of Dinnievaig (Lord of Kintyre,)
and Lauchlane Maclane of Dowart (Lord of Ilay.)

[The desperate atrocities committed by the rival Chieftains, Makoneill and
Maclane, some of whose misdeeds form the subject of the following Trial, al-
though unfortunately not without a parallel in the history of the feuds and con-
flicts of the Clans, yet they give such a gloomy picture of the barbarities then
in some measure tolerated, or at least winked at, through the weakness of the
arm of the law, that some explanation of the circumstances which gave rise to
such scenes of horror and bloodshed seems necessary. This cannot be better
done, than by giving a pretty copious quotation from the quaint but forcible nar-
raive of the author of 'The Historie and Life of King James the Sext,' a work
recently edited by Thomas Thomson, Esq. Deputy Clerk Register of Scotland,
for the use of the Members of the Bannatyne Club. The limited impression of
that work must plead the Editor's apology for quoting so largely, as compara-
tively few have access to this valuable book for reference.]

Angus Mak-Onell Lord of Kintyre had to his wyff the fitter of Maclane Lord of Ilay; and
althought thay war brether in law, yit the ane was alweys in sic fuipicoun with the uther, that of
ather fede thair was sa little trait, that alnaist fendid o never did thay met in amicty, lyk othe the
common sort of people, but rather as barbaris upon thair awin guairde, o ather be thair meffingiero.
Trew it is, that thir Ilndifh men as of nature verie proud, fuipicous, avaricious, full of decept and
evill inventioun agains his nychtbour, be what way foever he may circumvin him. Befydis all this,
thay are sa crewell in taking of revenge, that nather have thay regarde to perfon, eage, tym or caus;
fa as thay generallie all fa far addictit to thair awin tyrannicall opinions, that in all respects thay ex-
ceed in creweltie the maist barbarous people that ever hes ben fen the begynning of the world; ane
example whereof ye fall heir in this historie following.—Angus Mac-Onell understanding, be dytere
reportis, the gude behavior of Maclayne to be fa famous, that almpit he was recommendit and pray-
fit be the haill newtrall people of thais partis above him self; whilk ingrendit ilk rancor in his hart,
that be preremitiit na inventioun how he mycht destroy the faid Maclayne. At lait be dervit to
draw on a famillardie amang thayme, and inventit himself to be bencastit be Maclayne; and that the
rather, that Maclayne could be the reddier to cum over to his Ile with him the mair gudidlie, ather be-
ning requyrit, or upon fet purpofe, as beft could plesse him. And when Angus had fent advertiseiment
to Maclayne, that he was to cum and mak gude cheid, and to be mirrie with him certayne days, Macl-
ayne was verie gaid thareof, and an fuerit to the meffinger,—' My brother fylbe welcome to me,' sayd
he, 'cum when he lift.' The meffinger an fuerit, 'it wald be to moyor.' So when Angus arryvit in ef-
fect, he was rycht cheirfullie welcomit be his brether in law, wha remanit thair be the fpacie of fyve or
fix days. And when it was perlavit that Maclynnis provioun was alnaist spent, Angus thocht it then
tyme to remove. Indeid the cuftome of thais people is fa gevin to glutonie, and drinking without
all meafure, that as ane is inveiti to another, they never finder fa lang as the vivers do left. In
end Angus sayis,—' Because I have mad the first obedience unto you, it will plesse you cum ower to my
Ile, that ye may refheve als gude treatment with me as I have done with you.' Maclayne an fuerit that
he durft not adventure to cum to him for mistrust; and Angus sayd,—' God forbid that ever I could in-
tend or pretend any evill aganis you; but yit, to remove all doubt and fuipiction fra your mynd, I will
CRIMINAL TRIALS.

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gave you tua pledges, whilkis faibe sent unto you with diligence; to wit, my eldest sone, and my swin.

Maclayne bering this offer, villik apat unto him voyd of all suspcion, gavre credence, and so decretit to pas with him to Kintyre; and forder to telfe, that byth he simplis belived all to be trew, and that upoun hoip of gude freyndship to contine, he thocht expedient to retene à onlie pledge, and that was Angus his brother, and wald crye with himself his swin nevoy the fone of Angus. Whether he did this to fave himefis fra suspcion of daynger, as apperantiel of the event he did it, or gavre he.

brought him bok agaynse upon liberall favour, I will not dispute; because I have taand you afoore the parfyt nature and qualestien of thais Ilandis people; yet because Maclaynes educatioun was ceivile, and brought up in the gude lawis and manneres of Scotland from his yowth, it may be, that he hes had double consideratioun, ane be kynd, and another be art of honesti deliberatioun. To conclude, to Kintyre he came, accompaniet with 45 men of his kyinnisfolk, and flowt fervandes, in the moneth of julii 1586; where at the first arryval thay war maid welcome, with all humaniti, and war sumptissoile bencattit all that day. But Angus in that mayne tyrne had premoneit all his freyndis and wellwillers within his ille of Kintyre, to be at his hous that fame nycht, at nyne of the clock, and nather to cum foner acr leischer; for he had concluidit with himself to kill thayrne all, the verie first nycht of thair arryval; fearing, that gavre he fould delay any langar tymes, it mycht be, that ather he fould alter his malicjus intentioun, or eis that Maclayne wald fend for sum greater forces of men for his swin defence. Thus he concilis his intent still, till byth he fand the tymes commodious, and the verie place proper; and Maclayne, being logeit with all his men within a lang hous, that was sumthing diffrat fra ather howfeg, tuik to bed with him that nycht his nevoy, the pledge aforespekin. Bet within ane hoor thereafter, when Angus had asemblit his men to the number of tua hundreth, he placit thaynse all in order about the hous where Maclayne then lay. Thereafter he camit him self, and callit at the dare upon Maclayne, offring to him his reposing drink, whilk was forsgottin to be gevin to him before he went to bed. Maclayne anfuerit, that he defyrat nae drink for that tyme. Althought, so be, said the uther, it is my will that thou arryste and cum furth to refaiv it. Then began Maclayne to suspect the falsit, and so arraife with his nevoy betuin his shoulders, thinking that gavre prefent killing was intenit agains him, he fould fave him self sallang as he could, be the boy; and the boy perceiving his father with a naikeld fworde and a number of his men in kykmanner about, cryit with a lowd voyce, mearcise to his uncle for Gods sake; whilk was granit, and immediately Maclayne was removit to a secrect chambr till the morrow. Then cryit Angus to the remanent that war within;—famony as wald have their awin lyvis to be fast, they fould cum furth, tua onlie exceptit, whilk he nominat; fa that obedience was maid be all the reft, and thais tua onlie feyring the daynger, refuft to cum furth. Angus fein that, commandit incontinent to put frye to the hous, whilk was immediatlie performat, and thus war the tua men cruailie and unmercarrchulie brynt to the death. Thes tua war verit nar kyminston to Maclayne, and of the eldeit of his clan, removit bayth for counfall and manheit. The reft that war praelioners, of the haill number aforesayd, war illk ane bebeedit the dayis following, ane forill day, till the haill number was endit; yea, and that in Maclaynis awin fight, being confraynit thaireunto with a dolorous advertisment, to prepare himself for the lyk tragicall end, howfone they fould be all killit. And when the day came that Maclayne fould have benn brocht furth, miserablie to have maid his tragicall end, lyk unto the reft, it pleasit Angus to lowp upon his horfe, and to cum furth for joy and contentatioun of mynd, evin to fo and behauid the tyrannicall fact with his awin eyis. But it pleasit God, wha mearcchulie dells with all man, and disappoyntis the decrees of the wicked, to disappoynt his intent for that day alfo, for he was not fa furth on horfe, but the horfe stumblit, and Angus fell of him and brak his leg, and so was careit hayse.

The report of this falsit was careit to the Erle of Argyle, Lord Justice General of Scotland, wha immediatlie affembrit his freyndis, and thay thought necessair to compleyne to the King for revenge.
quhairthrow, he be the Actis of Parliament hes incurrrit the cryme of Tresoune, and aucht to suffer the pane thairof.

Refusit to pas to ane Aslyis, bot become in our soverane lordis will for the famin.

The samyn day, Lauchlane McClane of Dowart, being accusit and perswrit be the said Mr Davud McGill, aducat, (of the crimes following,) committit be him.

Dittay against Lauchlane McClane of Dowart.

That he, be him self, and vtheris in his name, of his caussing, aganis the eftait of his Maiestie and Croun, as also aganis the eftait of the countrey, in the moneth of November 1588 yeiris, tuik vp bandis of men of weir, strangearis, Spanzertis, quha were ane part of the armie, callit 'The Halie Lyg', declarit for suppreffion of all that profferit the trew and Cricht Religionoue; and fwa to subvert the eftait of the Kingis Maiestie, his Croun, countrey and commoune-welth thairof: Quhairthrow, thay wer fund and declarit, oppin and public inimes, and fwa to be refittit, be Act of Counfall; as in the famin, of the dait the fryft of Auguft 1588, att mair lenth is contenit: Neuirtheless, he retenit and kepit thame in cumpanie with him, vnder his waiges, within the Ile of Mvle, and remanent North and West Iles, invadand and perswand, vpoun his particular deidlie feid borne aganis Angus M'Conill of Dinneveg; the said Angus, his kyn, freindis, allyn, affisteris and pairt-takeris, being subjectis and inhabitantis of his Maiesties realme: In the quhilk inassion, he, accompanieit with the said men of weir, strangearis, Spanzertis, publict inimes of the eftait, as said is, maid fndrie slauchteris, heirchipsis, birningis, depredaitiones and otheris notorious murthouris and oppresiounes; and speciallie, in the said moneth of November, he brint with fyre the landis of Canna, Rum, Eg and Ellen-ne-Muk, and hereit the same; he swel and crewwillie murdrieit Hector M'Cane Channaniche and Donald Bayne his brothir, with ane gret nowmer of wyfis, bairnis and puir laversis of the ground, about aucht or nyne fcoir of sawles, quha had efchapt the fyre, wes nocht spairit be his bluidie fword. And att that fame tym, accompanieit with the saide strangearis, Spanzartis, publict inimes as said is, he tuik with him the commoun, tressonablie befageit the hous of Ardenmvrche, be the spuce of fax or fewin days, he caufit chwit divers schottis thairat, and flew divers gentilmenne thairin, callit; vfurpand thairthrow his hienes autoritie: It being expreslie inhibite, be the lawis and ordainances of the realme, that na man fould tak vpoun hand to ftryke drum, rais bandis of men of weir, on hors or fute, (or) befaige houffis, without expres Commiission and specialie Licence of his Maiestie and Counfall grantit thairto.

Qhilliks deidis maift tressonabill, and speciallie the lifting of men of

1 The Holy League or Alliance.  
2 A line left blank in the Record.
weir, Spanzertis, publinct inimeis as said is, execute be him, er notorious.—ITEM,
Being accwfit and perfewit, that, sforfamekill that, be Act of Parliament, it is
statute and ordentit, that in cais ony of our fourane lordis liegis wer flayne or
murdreid, being vnder the credite and power of the slayer, the committer of sic
laughtcr fould be declarit trauttoure, and the deid to be Trefloun, with forfal-
tour of lyffe, landis and guidis: And tew it is and of veritic, that in the moneth
of February, the yeir of God l*.V*:lxxxvij yeiris, the said Lauchlane, vnder affur-
rance and frendchhip, in compleitig of marriag betuix his moder and Johnne
M'Ean of Ardinmurchin, that same nycht eftir the marriag, he, accompanet
with his freindis, feruandis and complices, come to the hous quhair the said
Johnnis feruandis wer fleping, dreedand na fic injurie, as ye (he) thane execute,
without mercy and pitie he murdreid and flew Donald M'Ean Roy V'Eane, and
Johnne Growane M'Incoliff, with the nowmer of threfcoir faules, men and boyes,
his graces subjiciit; and the said Johnne (M'Ean of Ardinmurchin) his guid-
fader, with his boy, wer only fault be the moyn of his mother: And thairby
commiting the cryan of Trefloun.—ITEM, For contravening of the foutraid
Actis of Parliament, and commiting Trefloun, in fa far as, assurance being ta-
kin betuix him and the said Angus M'Conell, be the travellis of the Earl of
Ergylle, in the moneth of July, the yeir of God l*.V*:lxxxix yeiris, qihilk wes
apoyntit to indure vnto the fyrt day of May laithbypass; nochtiwthstanding
thairof, haisig na respect to our fourane lordis Proclamatiquen, maid for keep-
ing of guid rewlie in his Malefteis abience furth of this realme, he, without ony
feir of God, reverence of his hienes authoritic, noch regarding his awin aithy,
promiseis, subjicitione or ony kynd of honestie, maift schamefullie contravenit
and violatit the said assurance, quhen as, in the moneth of . . . . . l*.V*:lxxxix
yeiris, accompanet with grit forces of men, bodin in feir of weir, came to the
landis and Ile of Ornenlay, brunt and herreit the famin; immediatlie thairfrit
come to the landis of Ardnavin in Ilay, and to the Ile of Gigay, pertening to the
said Angus, and thair, he nocht onyl treffonabill raft fyre and brunt and herreit
the famin, bot ald, maift wicktillie and vnmercifully brynt to deid, flew and
crewallie murdreid men, wyffis and baurnis being thairin, nocht spairing young
nor auld; being all his Malefteis subjicitiis and tennentiis, inhabitantis of the said
Angus M'Conelis lands, vnder traft and assurance foutraid: Commitand thair-
by maift manifest Trefloun, contrar the said Act of Parliament; and incurrand
thairthrow the panis thairin contenit.—ITEM, For the treffonabill fyre-rafin,
burning and herreing, of the hail landis of Ilay, being xxiiij myle of leimuth,
qihilk is a pairt of his gracies propri landis and of his hienes realme and domi-
nione; and thane maift vnmercifully flew, brunt to deid and murdreid Donald
M'Dowthie Vayne, Duncan M'Conne in Ilay, Johnne Dow M'Neill Veid, Alex-
CRIMINAL TRIALS.  A.D. 1590-1.

ander M’Rorie Rod, Gilliechallum M’Kay and ........ M’Kay, brethir, Neill Dow M’Gillieveray, Gilliechallum M’Gilliechoane, and fourcoir gentilmen, bseyde ane multitude of women, bairnis and pur laboureris of the ground. And this wes done be him, his men, tennentis, feruandis and complices, in the moneth of July lastbypast. Committand thairthrow maift vyld, barbarous and treffon-abilis crewaitie.—ITEM, Being accult, forfamekill as he, being ane landit gentilman, hes, in all the depredationonis, fynre-raisingis, murthoirs and heirchips aboue writtin, and in executing of eweir ane of thame, committit manifeste theft, stonth-reiff of cattell, infycht and plerniffing, stollin, refsett and reft be him, his men of weir, kynnistmen, freindicis, afflisteris and pairt-takeris: Quhairthrow, he, be the Act of Parliament, hes incurrit the pane of Treffoune.

Become in our fouerane lordis will for the famin. ' INCARCERAT. in Castro de Edinburgh,‘ until his Majesties will should be declared.

[CURIA JUSTICIARIE s. d. n. Regis, tenta in Pretorio de Edinburghe, xxvii January 1590, per Magistrum Vmphridem Blyscheles, Justiciarum Deputatum.]

Conspiring the King’s Death — Witchcraft — Sorcery — Incantation, &c.

Jan. 27, 1590-1.—AGNES SAMPSON in Nether Keythe.

In 'The Historie of King James the Sext,' the extraordinary personage, whose trial ensues, is designated 'AGNES SAMPSON, grace wiff, alias callit the wyff wyff of Keyth.' She is said by Arnot to have been 'a grave matronlike woman, of a rank and comprehension above the vulgar,' and Archbishop Spotswood, in his History of the Church of Scotland, gives the following interesting notice:

Most of this winter was spent in the discovery and examination of Witches and Sorcerers. Amongst these, Agnes Samson (commonly called The Wife Wife of Keith) was most remarkable; a woman, not of the base and ignorant sort of Witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her Examination, she declared that she had a familiar spirit, who, upon her call, did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick. And being asked, what words she used when she called the spirit, she said her word was, Holla, Maffter; and that he had learned her so to do. She further confessed, that the Earl Bothwell had made her to enquire what should happen of the King, how long he should reign, and what should happen after his death; and the spirit having undertaken to make away the King, after he had failed in performing and was challenged by her, confessed it was not in his power; speaking words she understood not, but as she did take them, the words were, Il est homme de Dieu.'

This is confirmed by Sir James Melville in his Memoirs, and was probably contained in her judicial Confession, though not proved before the Assize. Her Trial, like the rest of the present Collection, is now printed at length for the first time. Mr Arnot, notwithstanding its interest, has reported it in a few lines: for his plan admitted of only an outline, and this of but a few of the leading Cases. Should any of her Examinations be found among the Warrants of the Court of Justiciary or Privy Council, they shall be inserted in the Appendix:

Dilatit of the particular poyntis of Wichcraft, contenit in Dittay.

Persewar, Mr David McGill, of Cranfowne-Ryddell, Advocate to our fourane lord.

Assisa,

Johnne Spens, in Saltoun, Robert Byres, thair, Robert Dickson, in Bolsoun, William Stenhouse, in Barnis,
William Bartram, in Carfra, Robert Kyle, thair, William Barra, in Hadingtoun, Mathew Young, thair,
Edmund Bartram, in Hoipis, William Stratherne, in Tranent, William Pers, in Hadingtoun, James Richesoun,
David Robefoun, in Braidwood-yd, Gilbert Edington, in Hadingtoun, Alexander Young thair,
(Chan.) William Queyte, in Coilthoun-nymine, Bernard Broune, thair, Robert Bagbie, thair,

Verdict. Quhilkis perfoune of Aflisys, being chofin, sworne and admittit, after accumatoun of the saif Agnes be Dittay; quha removit thame scifis algidder furth of Court to the Aflisys-hous; quhair, after chesig of the saif William Queyte chancellair, thay refolonit and votit vpoune the poyntis of the saif Dittay; and being throuchlie resoluin thairwith, re-enterit agane in jugement; quhair thay, be the mouth of the saif chancellair, fand, pronuncet and declarit the saif Agnes,

[Heir follows the Articles of hir Dittay, quhairof schoe was Convict, be number (53).]

(1.) To be fylit and convict, of fair-knowlege and telling be hir Witchcraft, that William Markefoun, ferwand to Thomas Watfoun, in Inueresk, was bot ane deid man.—(2.) Item, fylit and convict, that William Blakeis fone fark being fand to hir, fcho be hir Wichcraft declarit, that the seiknes that he had was ane elf-schot.—(3.) Item, fylit and convict, for vling of Wichcraft, in hailing of Johnne Thomfoun in Dirleoun; quha remanit crepill nochtwithstanding thairof.—(4.) Item, fylit and convict, for telling be hir Wichcraft, that Many Nicolfooyn gudeman in North Berwick being seik, fcho fould lay hir lyfe for hirs, [his?] quha nochtwithstanding deit thairof.—(5.) Item, fylit and convict, for schawing be hir Wichcraft, to ane pure woman quha was fand to hir, be the freindis of Daud Lynderfay, tinkler in Dalkeith, quha had lyin thretie oullis seik, and had nocht spoakin thre dayes befor the saif pure woman come to hir, that gif he levit over Waddeniday, that he wald nocht die of that maalidie; quha mendit of the samyn, according to hir declaratioun.—(6.) Item, fylit and convict, that forfamekle as Johnne Peiny being in Pretoun, being one ane certane tyme verrie seik, fcho, be hir incantatioun and prayer, maide hir to convales of his seiknes.—(7.) Item, fylit, for vling of hir prayer and incantatioun to haif hailit . . . . 1 Halyburntoune, guidman of Inchcarne, being than in seiknes; and declaring, that na cherurgeannie nor phisc could help him; quha deceifit, as fcho tauld the famin.—(8.) Item, fylit, for cuming to Beffie Aiken—

1 Left blank in Record.
heid, spouse to Thomas Vans in Hadingtoun, and vailing hir prayer and dewelisf charmes for recovering of hir health to hir.—(9.) Item, fylit, that she being sent for to the Lady Rofene, quha wes seik, she knew be hir devillisf prayer, that the saif Lady wes nocht hable to recover; and thairfore, she wald nocht cum to hir.—(10.) Item, fylit and convict, that she being brocht to Johnne Youngis wyfe, schipard att Bairfute, att Paich¹ lastwas, that wess seik for the tyme, the saif Agnes cownfall being focht, anent hir health, she declarit and anerit, that she wald newir be weill slang as she remanit vzoun the ground² quhair she wes for the tyme; bot defyr, that she fold be transportit of the saif ground, and she wald owthir die or mend; quha being transportit one hir command, schortlie thairefir departit this lyffe.—(11.) Item, fylit, that she had foir-knowledge be hir Wichcraft of difeasit perfounes, gif thay wald leue or nocht; or quha wes wicheit³ perfounes. To wit, That gif she stopot anis in hir prayer, the seik perfoun wes bewicit; and gif the prayer stopot twyis, the difeasit perfoun wald die.—(12.) Item, fylit and convict, that she foir-knew of the Devill, and tauld Patrik Porteous, that he wald leve bot ellevin yeiris.—(13.) Item, fylit, that she wes maid foir-knewin of the Devill, of the laft Michelmes storne; and that thair wald be grit skayth, baith be see and land.—(14.) Item, fylit, that she wes maid foir-knewin be the spreit,⁴ that the Queenis Maiestie wald newir cum in this country, except the King fecth hir.—(15.) Item, fylit and convict, that she lermit hir skill and prayer fra hir fader, quha tauld hir, that quhene she wes sweit⁵ to ony seik perfoun, and that gif she stopot in hir prayer, she wald nocht pas to the seik perfoun; and gif she stopot nocht, she wald pas, and the perfoun difeasit wald leve.—(16.) Item, fylit and convict, that she be hir dewilyshe prayer, tauld that James Kirkcaldeis wyffe, buryes of Hadingtoun, wald convales of hir seiknes.—(17.) Item, fylit, for hailing of Johnne Ker of . . . . . . . . , being seik in all mennis judgment to the daith, quha lay in Alexander Fairleis hous, in Langnudrie; and that be hir prayeries and incantationinis.—(18.) Item, for hailing of Johnne Duncan, in Muffilburcht, of his seiknes be hir dewelisf prayeries.—(19.) Item, for the fair-telling of Isobell Hamilitounis death, spouse to James Powar; and telling that she could nocht amend hir, except the dewill wes raifit; and hir gudman being aifairand man, and wald nocht wair⁶ expensif, she wald ne raife him; and tauld that she wes bewicit; and this wes done fax or fevin seiris fyne, or thairby.—(20.) Item, convict, for the curing of the guidwyffe of Camroun, quha gaid vzoun stilletis eftir hir birth, and that be Wichcraft.—(21.) Item, ¹ Easter. ² Land, property, residence. ³ Bewitched. ⁴ This term is frequently used par excellence to designate Satan, it being considered by the vulgar to be dangerous to use his name rashly. ⁵ Suited, or made suit to, on account of any, &c. ⁶ Disburse, lay out.
convict, for hailling of the Laird of Reidhallis fone be Wichcraft, quhorne the
cherurgeonies had gevin owir.—(22.) ITEM, fylit and convict, of the croung of
Robert Dikfoun in Bowtwoun, in somer laftwas, quha wes suspect be the woman
he gat the borne with, or hir mother, quha had put fum quyheit or vthir thingis
in his dowblett; and caufit him to leif of the said dowblett.—(23.) ITEM, for
the croung of Johnne Cokburn the Schereff of Hadingtounis wyffe, quha wes
wichit be the wich of Mirriclais, be the blaft of ewill wind, one Hallaw-ewin.
—(24.) ITEM, fylit and convict, of cureinge, be hir Wichcraft, incantationoun
and sayling of develich prayaris, of Alefoun Ker, fprime to Johnne Reftonu, of ane
feiknes contractit be hir, be the meane of Catherene Gray, ane wich; with the
quhilke feiknes fche wes diseafit, be the space of thre yeiris preceding that the
said Agnes cureit hir.—(25.) ITEM, fylit and convict, of the vfling of hir develich
arit of Wichcraft, in cureinge of ............... , fprime to Robert Caritontoun in
Craperne (Traprene), qua wes bewichit be vmq* Johnne Mc'Gill, defying the
said Robert to pafs and tak the said Johnne Mc'Gill, and gif him fair wordes,
and defye him to pas to his feik wyffe; and gif he said with fairnes, guid it was;
but gif he will (wald) nocht, defyreit him to caufe ane young man ga to him, and
inqyur quha gart him do it, and to caus him cum to his wyffe; and gif he re-
flutit to cum, to bring him aganis his will; quha being brocht in her prefens,
fche wes twyis, in xxiij houris, extreme wod and out of hir wit.—(26.) ITEM,
aquit2 of hir develich practesias, and namelie of hir passinge to Natoun Kirk
vnder nycht, with the witch of Carbarrie and ytheris; and thair taking vp the
bwerit people, and juntion of thame,3 quhairof fcho maid inchantit powder for
Wichcraft.—(27.) ITEM, fylit, for cuming to Robert Baulije in the Pannis4 fone,
in somer laft, quha wes very feik for the tym; and only graipin5 him, and
speiking sum wordis of charming, went hir way, and the chyld wes cuwrit and
maid hail of his feiknes.—(28.) ITEM, convict, for hailling of Johnne Hammil-
toun in Sammeltoun, quha being trublit with ane feiknes in his felt, he come
to 3ow6 (hir), and 3e (fche) send him hail of the said feiknes, vpoun the morne
efter his cuming.—(29.) ITEM, fylit and convict, for cuming to James Libbert-
tounis wyffe in Over Libbertoun, quha was seik, vfling of hir develich prayeris
for hir health, and said quhen (fche) paft away, gif fche come nocht agane
eschortlie, fche wald depart awa; fche nocht returning, the said James wyffe de-

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1 Enchanted or bewitched.  2 (On the margin) Note, 'Acquit of yia.'  3 Taking away their
'joints,' or joints, for preparing charms, &c. See Articles 49 and 50.
4 Viz. Prestonpans.
5 'Gripping, taking hold, grooping.'  6 From the appearance of the Record, it is evident, that ' the
points' of the Indictment or Dittay had been engrossed, previous to the trial, to save time in Court.
The Assize returned a 'special verdict,' rehearsing these points, and setting or enstaging the panel,
according to their impression of the evidence. The words 'yow' and 'ye' are usually altered to sche.
In this instance, the clerk has omitted to do so.
pàr'tit within thre dayes.—(30.) Item, fylit and convict, for hailling of the Lady Kilbabetoun, be hir devilish prayaris, quha wes diseälfit of ane havie difeilis.—
(31.) Item, fylit and convict, for cureing of vmq Robert Kerse in Dalkeyth, quha wes havelie tormentit with wicchraft and difeilis, laid on him be ane Weft-Lande Warlech, quhene he wes in Dumfreis; quhilk seiknes s'c he tuik vpoun hir self, and kepit the famin with grit groining and torment quhill the morne; one quhilk tym, thair wes ane gritt dyn hard in the hous; quhilk seiknes s'c caift of hir self in the cloif, to the effect ane catt or dog mycht half gottin the famin; and nochtwitfadiong, the famin wes laid vpoun Alexander Dowglis in Dalkeyth, quha dwynit and deparit thairwith; and the said vmq Robert Kers wes maid haill.—(32.) Item, convict, for the foirtellng, be hir devellish prayer, to vmq Patrik Hepburne in Bangtis wyffe, that hir husband, beand s'k, wald die, becaus hir prayer flopit; and thairfore, refuitt to pas and vilfeit him. Quhilk prayer wes reherfit be hir, in maner following:

AGNES SAMPSONE'S *Prayer to hir patientis for liff or daith.◊*

I trow in Almychtie God that wrocht, Baithe heavin and eth and all of nocht,
In to his deare hone Chryft Jefu, In to st anaplie♦ lord, I trow,
Wes gottin of pe Haly Gait, Borne of pe Virgin Marie,
Stoppit to heavin, that all welli yane, And fittis att his faderis rych hand;
He baid us cam, and pair to dome Bayth quick and deid, as he thocht conuen.
I trow als in pe Haly Gait. In Haly Kirk my hoip is maift,
That balychip quhair hallowaris winnis, To sk forgearvenes of my fannis,
And fynie to syis in fiesch and bane, The lyffe that newir mair hess gane.
Thow sayis, Lord, ' lovist mocht 3e be, That formd and maid mankyd of me.'
Thow cost me on pe aly croce, And lent me body, saul and voce,
And ordanit me to hewiniss bilif; Quhairfoir I thank 3e Lord of pis;
And all your hallowaris lovist be, To pray to jamie to pray to me,
And keepit me fra jast fellen fe, And from the fen that saul wald flay,
Thow, Lord, for thy byster paffion in, To kep me frome fen and wardlie schame,
And endles damnatione. Grant me the joy newir wilbe gane.

SWEIT JESUS CHRISTUS. AMEN.

(33.) Item, fylit and convict, that the fsryt tym s'c be begane to ferve the Dewill, wes eftir the death of hir husband; and that he apperit to hir, in liknes of ane man, quha commandit hir to acknowledge him as hir maifter, and to re-
nunce Chryft; quhairvnto s'c granitit, being movit be povertie and his pro-
mefis, that s'c and hir bairnis fould be maid ritch, and sould gif hir power to

1 This is neither more nor less than a doggerel version of the Apostles' Creed; perhaps one of the
monkis rhymes before the period of the Reformation, which Anny had got by heart. ♦ Believe.
2 In Lord Fountainhall's Abstract, he reads 'comely;' but the whole 'prayer' is so different from
the above, that it has likely been taken from some other MS., or has been most unfaithfully transcribed.
3 Anaplie' seems to be written for anaplie, 'aefald,' 'afald,' literally one-fold, sincere, without guile, &c.
be revangeit of hir inimeis: and eftir that, he appointit tymé and place for thair nycht meting; and that tymé, in signe that siche wes becum his servand, he markit hir in the nycht kene, quhilk mark siche beleuit to haif bene ane hurt refwaist be hir fra ane of hir bairnis that wes lyand in the bed with hir; quhilk hurt wes nocht haill for half ane yeir.—(34.) Item, fylit and convict, that the Dewill apperit to hir in liknes of ane dog, att quhome siche focht hir haill repsonfis; and quhene siche putt him awa, siche chargeit him to ' depart on the law he lewis one;' quha with thay wordis is coniurit and paffis awa.—(35.) Item, fylit and convict, for failling, with certane hir complices, out of North Berwick, in ane boit lyke ane chimnay, (the Devill paffing before thame lyke ane ruk of hay,) to ane schip callit The Grace of God, in the quhilk siche enterit, and the Dewill caufit hir drink wyne, and gaif hir vthir guid cheir; quhairof siche and hir cunpany gaif ane part to thame that wes in the flott boit; and att hir being thair, siche faw nocht the marineris, nathir thay faw hir; and quhene thay come awa, the Dewill raifit ane ewill wind, he being under the schip, and caufit the schip perisch, and siche deyuerit tuentie schilling to Gray-mueil,1 quha wes with hir in the faid schip, for his on-waiting.2—(36.) Item, fylit, vpoun hir awin confesfoun, that siche, be airt of Wichcraft, faillit to ane schip, quhair thair wes ane vncouth woman, and the Irlech tailleur and his wyffe wes principalis thair; and that Rychard Grahame wes ane vthir of the principalis, quha had wrocht mekle mischief.—(37.) Item, fylit and convict, for cuming to Alefoune Inglis, Davit Robefounis wyffe, than being feik, quha chaift hir awa, and walld nocht suffir 3ow (hir) to vie 3our (hir) Wichcraft, to the hailling of his wyffe, becaus siche wes brutit3 to be ane wich; and haifing mett with the faid Davit Robefounis servand, siche said to him, ' Gif his maister had nocht fpokin the wordis he fpak, his wyffe had bene ane haill woman, and gangand on hir awin feit.'—(38.) Item, fylit and convict, that quhene siche wes lend for to haill the auld Lady Edmefoun, quhene siche lay feik, befor the faid Agnes departit, siche tauld to the gentilwemen, that siche should tell thame that nycht quhidder the Lady walld haill or nocht; and appointit thame to be in the gardin eftir supper, betuix fyve and 16 att ewin. Siche passit to the gairdene, to deyvilye vpoun hir prayer, one quhat tymé siche chargeit the Dewill, calling him ' Elva,' to cum and speik to hir, qua come in owr the dyke, in liknes of ane dog, and come sa neir to hir, that siche wes effrayit, and chargeit him, ' on the law that he lewit on,' to cum na neirar, bot to anfuer hir; and siche demandit, Quhiddir the lady walld leif or nocht. He said, ' Hir dayes war gane.' Than he demandit, ' Gif the gentilwemen hir dochteres, quhair thay wer?' And siche

1 One of the warlocks who 'kept the dur' at the grand convention at North Berwick, called by Sir James Melville, 'an auld foily pure plowman.'  2 Attendance.  3 Reported—Fr. 'bruit.'
said, that 'The gentilwemen said, that they war to be thair.' He anfuerit, 'Ane of thame could be in perrell, and that he fould haif ane of thame.' Schen anfuerit, 'It fould nocht be sa,' and fwa departit fra hir sowlung. Fra this tyme quhill eftir supper, he remanit in the wall.1 Quhen the gentilwemen come in, the dog come out of the wall, and apperit to thame; quhairratt thay wer effrayit.

In the mene tyme, ane of the said gentilwemen, the Lady Torfenæ, ran to the wall, being forceit and drawin be the Devill, quha wald haif drownit hir, war nocht the said Agnes and the rest of the gentilwemen gatt ane gryp of hir, and with all hir (their?) forceis drew hir abak agane, quhilk maid thame all effrayd.

The dog paffit away thaireftir, with ane sowle. Thay fche faid to the gentilwemen, that 'Sche could nocht help the lady, in respect that hir prayer stupit; and that fche wes forie for itt.' Mairowres, eftir that fche and ane of hir fisteris careit hir deid2 to ane chaumer, quhair fche remanit frenetik thre or four dayes, and crippill ane quarter of ane seir, vntill fche vit hir develish inchamentis to coniure the spriet agane, and fche abaid with hir the tyme that fche lay; and quhen fche could nocht byde langar hir seif, fche fend hir fone to byde with hir; and quhene ather of thame wes present, fche wes weill aneuch; but quhen thay baith left hir, fche wes als ewill as fche wes ofbefore.—(39.) Item, convict, for that fche haifing done pleasour to the guidwyffe of Gallowfchelis, for the quhilk fche did nocht fatise hir, sa fone als the said Agnes defyr; and thairfor fche faid to the said guidwyffe, that 'Sche fould repent it;' and within few houris thaireftir, the said guidwyffe tuik ane wodnes,3 and hir toung fchet out of hir heid, and swailit lyke ane pott; quhairfor fche fend to hir the thing that fche defyr, andprayt hir to cum to hir, and fche baid the seround 'Ga away hame, for the guidwyffe wes weill.'—(40.) Item, fyllit and convict, of the deluyeris of ane letter, quhilk Johnne Fiene, clark,4 maid in George Mutis bak hous, in the Pannis,5 accumpaneit with the guidwyffe of the hous, Gelie Duncan, Beffie Robsoun, Jockie Gray-meil, Jonet Gaw, Erlich Marioun, the wobsteris wyffe of Setoun, Robert Greiroun, the guidwyffe of Spilmourfurd-mylnie callit Meg Bectoun, Jame Sparrowis wyfe callit Kait Wallace, quha convenit thair for rasing of storne, to stay the Quenes hame-cuming to Scotland; eftir consultatiouen, quhether Gelie Duncan or Beffie Thomfoun es maitest to fend the letter with; and concludit to fend the said Gelie, quhilk letter wes fend to Marioun Lenchop in Leyth. The effect quhairoff is this: 'Marioun Lenchop, ge fall warne the reft of pe fisteris, to raife pe-wind this day, att ellewin houris, to stay pe Quenis cuming in Scotland.' Lykes, thay that wer convenit att the Pannis fould do for thair part, beeit;6 and to meit thame that wer in the

1 Well, draw-well. 2 In a swoon. 3 Madness. 4 'Register' and 'Secretar' to the Devil. See his Trial, Dec. 26, 1590. 5 Prestonpane. 6 To the eastward.
Pannis; and att thair meting, they fould mak the storne vniuercall tho the
pee. And within aught dayes eftir the said Bill wes deluyerit, the said Agnes
Sampfoune, Jonett Campbell, Johnne Fean, Gelie Duncan and Meg Dyn ¹ bapt-
teit ane catt in the wobfaris hous, in maner following: Fyrst, twa of thame
held ane fingeir, in the ane fydd of the chimnay cruik, and ane vther held ane
vther fingeir in the vther fydd, the twa nebbris of the fingaris meting togetider;
than thay patt the catt thryis throw the linkis of the cruik, and paffit it thryis
vnder the chimnay. Thaireftir, att Begie Toddis hous, thay knitt to the foure
feit of the catt, foure jountis² of men; quhilk being done, the sayd Jonet fechit
it to Leith; and about myndynt, sche and the tua Linkhop, and twa wyfiefs
callit Stobbeis, came to the Peir-heid, and sayying thir wordis, 'See that thair be
na defait amangis ws;' and thay caiff the catt in the pee, sa far as thay mycht,
quhilk swam owre and cam agane; and thay that wer in the Panis, caiff in ane
vther catt in the pee att xj hours. Eftir quhilk, be thair insorerie and inchant-
ment, the boit periscrit betuix Leith and Kinghorn; quhilk thing the Dewill
did, and went before, with ane stalf in his hand.—(41.) ITEM, fylit and convicit,
for making of ane pictour of waly, to the fimilitude of Mr Johnne Mofcrop,³
fader-in-law to Ewffame M'Calzane, att the said Ewffamis delyfrye, for the di-
structioune of the said Mr Johnne, and paft with the said pictour to ane bray
abone ane walter on the landis of Keyth, and raft the Spriet, quha conjurit the
pictour to fereue for the distructioune of the said Mr Johnne; and deluyerit the
famin to Jonett Drummond, feruitour to the said Ewffame; and baid his putt
the famin vndir hir guid-faderis bed-heid, or bed-seit: And this sce did, four
geiris fyne, before the said Ewffame wes deluyerit of hir laft birth.—(42.)
ITEM, fylit and convicit, for putting of mwildis, or powder maid of menis jountis
and memberis,⁴ in Natoun Kirk, vnder Ewffame M'Calzane bed, tene dayes
befoir hir birth; quhilkis mwildis sche conjureit with hir prayaris, for stayng
and Flaiking of grinding the tyme of hir birth.—(43.) ITEM, convicit, of the
taking of the pane and feiknes of the Lady Hirmeftoun; the nycht of hir del-
uyerie of hir birth.—(44.) ITEM, fylit, of vffing of ane prayrer and conjureacoune,
quhenie sche haillit feik folkis; quhairef the tenour followis.

AGNES SAMPSONES PRAYER AND CONJURATION FOR HAILLING OF SEIK FOLKIS.

All kinds of ill is that swir may be, In Cristis name, I conjure ye;
I conjure ye, baith mar and les, With all ye vertewis of ye mens,
And rycht sa, be pe naillis sa, That naillit Jesus, and na ma;
And rycht sa, be pe famin blade, That reikit owre pe ruithfull rwd;
Furth of pe felch and of pe bane, And in pe eird and in pe flane.
I CONJURE YE, IN GODIS NAME.

¹ Dunn. ² Joints of dead men. See Articles 26, 42, and 50. ³ Advocate. See Ewffame Makcalzean's Trial. ⁴ See Articles 26 and 50.
(45.) **Item**, fylit and convict, for the charming of George Dickson's horse and cattell fra deing, quhairof their deid threttene ky, oxin and horsis, be the ewill meanes of Johnn Mc'Gill; and fche haufring reffauit ane flane of cheis, and half ane flane of buttur, fra the said Georgis wyfe, their deit nane thaireftir.—(46.) **Item**, fylit and convict, for the charming of the ky and oxin of Rychard Spens, fermorer for the tymne in Hirmefoune, and James Quiyte in Goefurd; by going vp betuene twa and twa of thame in thair byre, straiking of thair bakis and wambes, and saying, 'Aue Maria' oft owre.—(47.) **Item**, fylit, for being att the conventioune quhair Meg Stillcart, Gray and Jonett Campbell wes with hir, and ane vthir deid senfyn, being altogidder fyve in number; quhilk wes att the Kirk of Garvet, be-eift Burn-fyde.—(48.) **Item**, for being att the conventioune betuix Coulland and Carberry, quhair thair was Agnes Straittoun, togidder with the Wich of Carbarrie, and hir self; quhair fche quarrellit hir maifter the Dewill, and that, in refpect fche had newir gottin guid of him, and faid fche wald renunce him, bott did it nocht; and he promesit to hir att that tymne, that na thing fould ga aganis hir.—(49.) **Item**, fylit and convict, that fche, with the guidwyff of Spilmour-fuird, Gelis Duncan, Beflie Thomfonne, Gray-meill, Agnes Stratoune, with certane vtheris to the nowmer of nyne, convenit att Foultrecthir, and thair had thair consultatiounis, how thay mycht wrak Dauid Seytoun and his guidis; and fift, Gelis Duncan, Beflie Thomfoun and Gray-meill, hailit ane coird att the brig, and the said Agnes Sampfone, cryit, 'Hail, hola!' the end of it wes very heavie. And quhen thay had drawin, the Dewill cam vp att the end of it, and sperit, 'Gif thay had been all guid feruandis?' Than thay demandit him, 'Qhat way thay mycht wrak Dauid Seytoun and his guidis?' He gaif to thame cler thingis, as itt wer fum peaces of glasfe, brayit and mixit with fum peces of coirdis, and fum vthir thingis amangis thame; and baid lay ane theid langis the mwe, and commandit to faw the peces of glas langis the mwe, fwa thay quhatfumeuir com owre fyrst, fould perifh fuddandle. Bot thay theid Dauid being staitit to cum that day, as thay thocht he fould haif done, the wrak lichtit in the hyndis guidis and his dochter, quha ewir fence hes bene heavele vexit with terrible viisounes and apparitiones, and hir body tormenttit with ane ewill spireit, quhairwith fche hes bene posleft maift petifullie; quhairof fche wes the chief instrument, reffauing guid deid fra James Porteous and Rychard Crummy to the end forfaid; and direcit Beflie Thomfonne and Anny Stratoune to the place of Foultrecthir, to craif ane lok salt owre the dur heid, quhilk gif thay had gottin, the wrakment had lichtit on Dauid Setoune and his guidis; and becaus the fait wes refulit, the wrakment lychtit vpoune the hyndis barne and his guidis.

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1 *Hawled*, or pulled a rope or cord.
CONVENTION at the Kirk of North Berwik.

(50.) Item, fylit and convict, fiorfamede as siche confess before his Maiestie, That the Dewill, in mannis liknes, mett hir going out in the feildis frome hir awin hous att Keyth, betuix fyve and fax att ewin, being hir allane; and commandit hir to be at North Bervik kirk the nixt nycht: And siche paffit thair on horfbak, convoyt be hir guidtoun, callit Johane Couper, and lychtit att the kirk-5aird: Or a lyttill before siche come to it, about ellewin houris att ewin, thay danceit alangis the kirk-5aird; Gelie Duncan playit to thame one a trump, Johane Fiene, missellit, led all the rest, the said Agnes and hir dochter followit nixt; befydes thair, we Cait Gray, George Moitis wyfe, Robert Greirfoun, Cath- rene Duncan, Bessie Wrycht, Issobell Gylour, Johane Ramisyes wyfe, Annie Rychardfoun, Jonett Gaw, Nicoll Murrayes wyfe tailzeour, Cristiane Caring- toune alias Lukit, Mafie Aichefoun, Marrioune Paterfoun, Alexander Quytelelaw, Mariou Nicufooun, Mariou Bailjie, Jonett Nicufooun, Johne Gray-meill, Issobell Lauder, Helene Quyhyte, Margret Thomfooun, Marioune Scheill, Helene Lauder, Archie Henillis wyfe, Duncan Buchquhannane, Marioune Congiltoun, Bessie Gwleene, Bessie Broune the finythis wyfe, Thomas Burnhill and his wyfe, Gybort M'Gill, Johne M'Gill, Cathereene M'Gill, with the rest of thair com- plices, abone ane hundreth persons, quhairof thair wes fax men, and all the rest wemen. The wemen maid fyrt thair homage, and nixt the men. The men wer turnit nyne tymes widderschinnes about, and the wemen fax tymes. Johane Fien blew vp the duris, and blew in the lychtis, quhilkis wer lyke mckle blak candillis, fitiking round about the pulpett. The Devill start vp him selff in the pulpett, lyke ane mckle blak man, and callit ewerie man be his name, and ewerie an afferit, ' Heir, Mr.' Robert Greirfoun being namit, thay ran all hirdie-girdie and wer angric; for it wes promisfit, that he could be callit ' Ro' the Comptroller alias Rob the Rowar,' for expreming of his name. The fyrt thing he demandit, was ' Gif thy kepit all promeis, and bene guid feruandis?' and ' Quhat thay had done since the laft tyme thay had convenit?'—One his command, thay opnit vp the graves, twa within and ane without the kirk, and tuilk of the jountis' of thair fingar, tais and neife, and partit thame amangis thame; and the said Agnes Sampioune gatt for hir paert, ane windene fchait and twa jountis, quhilk siche tint negligentlie. The Devill commandit thame to keip the jountis vpoun thame, quhill thay wer dry, and thane to mak ane pow- der of thame, to do ewill withall. Than he commandit thame to keip his com- mandmentis, quhilkis war, to do all the ewill thay could. Before thay departit, thay kift his erfe. He had one him ane goun and ane hatt, quhilkis wer baith

1 See Articles 26 and 42.
blak; and thay that wer assemblit, paitst fowid and paitst fatt. Johnne Fienne was ever nerfted to the Devill, att his left elbok; Gray-mells kep the dur.'—(51.) Item, fytilt and convict, that quhan hanemelines was contractif betuix hir and Barbara Naipar, in Dalkeyth, Camroune-brig-end and foch places, the faid Barbara lamentit vnto hir, that a man callit Archie had done hir grit wrang; and afk hir counsil, How to be avengeit of him? Quhais anfuer was, that 'Sche fould mak the help fche could.' And etfr puttioue' betuix thame, the faid Agnes preparat ane bony fmall pictour of 3allow walx, quhilk fiche inchantit and conjurit vnder the name of Archie, in the eft end of the dowcatt of Craigmyllar, in the Dewillis name; and gaif power to the faid pictour, that, as it eould melt away before the fyre, fwa fould that man, quhais pictour it was, confwme and pyne away, quhile he wer vterlie confwme; and fwa deleyuerit the faid pictour vnto the faid Barbara; quha faid vnto hir, 'Tak guid tent, that na thing be wrochit to stay the purpos.'—(52.) Item, fytilt and convict, that fche inchantit be hir forcer, ane lytll ring with ane flane in it, to the faid Barbara Naipar; quhilk ring fche ressaut fra the faid Barbara, fche my'} fche my'' allure Dame Jeane Lyounis hairt, than Lady Angus,' to love and favour hir; quhilk ring, fche

1 Sir James Melville has preserved the following account of this singular transaction, in his Memoirs (p. 395 of Edition printed for use of the Bannastyn Club). Reference may also be had to the Trial of Johnne Fienne alias Owningame, Dec. 26, 1590, &c.—About this tym, many Witches wer tan in Lowdien, wha deponit of some (witchcraft ?) maid be THE ERL BODOWELL, as they allegit, against his Maiesteis perfone: Quhilk commyng to the faid Eris eares, he entred in ward within the Castell of Edenbrouch, defying to be trayd; alleging that the Denell, wha was a lyer from the be-gynning, nor yet his sworne witches, ancht not to be credited. Specially, ane renownit midwyr callis ANNIE Sampfoun, affirmed that fche, in company with nyn others witches, being convenit in the nycht befyr Prettounpannes, the Denell ther maistir being prescint standing in the midis of thame; ther a body of wax, schaipen and maid be the faid Annie Sampfoun, wrappit within a lynnyng clath, was frst delynierit to the Denell; quhilk efr he had pronuncit his verde, delynierit the faid pictour to Annie Sampfoun, and fche to hir nyxt marrow, and in every ane round about, saying, "This is King James the Sext, ordainit to be confamned at the innance of a noble man Francis Eris Bodowell! Efterwart again, at ther meting be nycht in the kirk of North Berick, wher the Denell, clad in a blak gown, with a blak hat vpon his head, preachit vnto a great number of them out of the pulpit, having lyk leicht candelis roond about him. The effect of his language was tol knaw, what ikaithe they had done, how many they had won to ther opinion fen their left meting, what succes the melting of the pictour had tan, and sic vaine toyes. And becaise ane anid fely purc plowman, callit Grey Maill, chanit to fay, that "nathing slitt the King yet, God be thankit!" the Denell gaif him a gret blaw. Then dyners amang them enterit in a raifongyn, marnewiling that all ther demellerie cud do na harm to the King, as it did til others dyners. The Denell anfuerit, "Il est un home de Dieu." And certainy he is a man of God, and dois na wrang wittingly, but is inclynit to all godlynes, justice and verti; therfor God hes preffered him in the midis of many dangers. Now after that the Denell had endit his admonitions, he cam down out of the pulpit, and caudit all the company to com and kif his ers, quhilk they faid was cauld lyk yce; his body was hard lyk yer, as they thocht that handled him; his face was terible, his noife lyk the bek of ane egle, gret bournyng eyn; his bandis and legis wer herry, with clawes vpon his bandis and feit lyk the griffon, and spak with a how voice!" See her Trial, May 6, 1591.  2 Sic. Perhaps parley, deliberation.  3 Sic. Probably means for, ' that fche mycht.' See May 8, 1591, in Note to Barbara Naipar's Trial. Srotvirwood, p. 372, in reference to the Earl of Angus's death, says, "Never died any nobleman with greater regret; and so much the more was his death lamented, that it was then thought and afterwards confessed, he was
send agane with hir dochter, within ten dayes thaireftir to the said Barbara, to be vist to the effect fairfair. — (53.) Item, for ane commoun notorious Wich, and vphar of Sorcery and Inchantment, with the invocation of the Dewill hir maister, absuff the pure simple people, thairwith drawing thame fra the lening to the merce of God, and to belive in the support of the Dewill.

Sentence. For the quhilk caus, the said Agnes wes ordenit be the Justice, pronunciet be the mouth of James Scheill, demptfar, to be tane to the Castell (hill) of Edinburgh, and thair bund to ane staik and wirreit, quhill fche wes deid; and thaireftir hir body to be brunt in affis: And all hir movable guidis to be eschiet and introcht to our fouerane lوردis vie, &c.

**Parthcle.**

Apr. 30, 1591. — JOHNNE DIKSFOUN, done and apperand air to vmq* Johnne Diksfoun of Belcheister.

Dilatit of airt and pairt of the crewall slauchter of vmq* Johnne Diksfoun of Belcheister his fader, commitit in July 1588.

PESEWAR, Mr David McGill, Advocat for his Majesties intres.

VERDICT. The Aslye, be the mouth of Johnne Farguefoun of Craigdarrauch thair chancelliar, fand the said Johnne Diksfoun to be fykit and convict of the slauchter of his faid vmq* fader.

Sentence. For the quhilk cryme, the Justice, be the mouth of James Scheill, demptfar, ordanit him to be brokin vpoun the row,* at the mercat crose of Edinburgh, and all his movabill guidis to be eschiet, &c.

taken away by Sorcery and Incantation. In the time of his sickness, when the physicians found his disease not to proceed of any natural cause, one Richard Graham, who was executed some years after for Witchcraft, being brought to give his opinion of it, made offer to cure him, saying, as the manner of these wizards is, "That he had received wrong." But when he heard that the man was suspected to use unlawful arts, he would by no means admit him, saying, "That his life was not so dear to him, as for the continuance of it some years he would be beholden to any of the Devil's instruments; that he held his life of God, and was willing to render the same at his good pleasure, knowing he should change it for a better." Notwithstanding her improper practices, this lady escaped criminal prosecution. — HOMER of Godscroft remarks: 'Anna Simson, a famous Witch, is reported to have confessed at her death, that a picture of waxe was brought to her, having A. D. written on it, which, as they said to her, did signifie Archibald Davidsfon; and these, not thinking of the Earl of Angus, whose name was Archibald Douglas, and might have been called David, for, because his father's name was David, did confecrate or exorcise it, after her forms; which the said, if she had known to have represented him, shee would not have done it for all the world.'

On the margin, 'Sentence contra Agnes Sampfoun, convict of Witchcraft. — To be brunt in the Castell hill, &c.' Wheel. This was an unusual punishment in Scotland, and was reserved for cases of the utmost atrocity. An instance of a criminal being broken upon the wheel occurs in the case of Robert Weir, for the murder of John Kincaid of Warriestoun. See June 26, 1604. He was sentenced to be 'brokin yponne ane row quhill he be deid, and to ly thairat during the space of xxviii hours: And thaireftir his body to be tane vpone the said row, and set vp in ane public place, betuix the place of Warefoun and the town of Leyth; and to remane thairupoune, sy and quhill command be gevyn for the burial thairof.'
CRIMINAL TRIALS. A.D. 1591.

[Per M. Ymphridem Blynschelis, Justiciarum Deputatum, et Assessorum M. David Carnegie de Colluthie et D. Jaco-bum Meluile de Halkill.]

Witchcraft.

May 8.—BARBARA NAIPAR, spous to Archibald Douglas, burges of Edinburgh, (brothir to the Laird of Carlichoggill.)

Dilatat of findrie poynits of Wichcraft, contenit in Dittay gewin in aganis hir, be Mr David M'Cullar of Cranfoun-Ryddell, advocat to our fouerane lord.

PERSEWAN, Mr David M'Cullar, Advocat to our fouerane lord for his hienes interes.

PRELOQUITOURIS for the pannell.

Mr Johane Raffall, Mr Johane Mofcrop; William, Alex' and Andro Naipar, burgesis of Edinburgh.

The Juftice after proponing of diverse allegeances be the pannell aganis the Dittay and anfueris maid thairto, ordanit the said Barbara to be putt to the triell of ane Assyle, for the crymes contenit in Dittay.

ASSISA.

Johane Brig, Maieter portar to his Maietie,
George Brig, Maieter of the All-fellar,
Walter Bell, att the Myyne of Deane,
Hector Clowie, burges of the Cannogait,
James Galbraith, Averieman to his Maietie,
David Seytoun in Fowlfruthir, burges of Edinburgh,
William Justice, merchant burges Mr Arch' Wilkie, burges of Edinburgh,
Johne Seytoun, Crieman to his Ant' Cathbertstoun, burges of Ed' Maitie,
Robert Cwininghame, burges thair,

PATRICK SANDILANDIS, taylcour,
burges of Edinburgh,
Cannogait,
burges of Ed'

VERDICT. The Assyle, be the mouth of Robert Cwiningam chancillar, fand, pronunceit and declarit the said Barbara Naipar, to be fylit, culpabill and convicit, of the seiking of consultatious fra Annie Sampfoun Anne Wich, for the help of Dame Jean Leoulouse Lady Angus, to keip hir fra wometing, quhen fiche wes in bredin of barne.—ITEM, For the consultling with the said Annie Sampfoun, for caufing of the said Dame Jean Leoulouse Lady Angus to love hir, and to gif hir the geir awin hir agayne, and gewing of ane ryng for this purpos to the said Anny, quhill fiche had fend hir ane courche of liming; and fwa for con-

1 Dame Jean Lyon, Lady Angus, was eldest daughter of Patrick, ninth Lord Glamis, who married, 1st, Robert Douglas younger of Lochleven, and was by that marriage mother of William Earl of Morton; 2d, Archibald eighth Earl of Angus, anno 1586, after he had divorced his second wife, a daughter of Lord Rothes, for adultery; and 3d, Alexander Lindsay, afterwards Lord Spynie, one of the Kings favourites. The death of the Earl of Angus in 1588, ' was ascribed to Witchcraft, and one Barbery Naipar in Edinburgh, wife to Archibald Douglas of the house of Catbtle, was apprehended on suspicion.'—Home of Godscroft. Annie Sampson was also concerned in this plot against the life of Angus. Lady Angus does not seem to have been molested for trafficking with these hags, though her great grandmother, Lady Glamis, was brought to the stake for Witchcraft, on more slender presumptions. 4 Fr. Courreschof, kerchief, a sort of head-gear then worn.
travingen of the Act of Parliament, in confluting with her, and seikyng of hir help, being ane Wich.—**ITEM**, For the confluting with the said Annie Sampson, anent the help of hir husband Archibald Dowglass, quhen he wes in the Westland, att the rraid of Dumfreis; hir husband being for the tyme vnder feid with the hous of Cowhill.—**ITEM**, For confluting with Rychie Grahame, ane Nicromaner and abusar of the people, in seikyng of help att hir feid; and gratifeyng him thairfore, with thre elnes of bombesie and fyve quarters of broune. This was done in Johnne Ramfay's hous, outwith the West-point of Edinburgh; incontrar the tenour of the Act of Parliament maid thairament; att the qhilk tyme, fiche inquyrit att the said Rychie Grahame, gif the King wald cum hame or nocht.—**ITEM**, For the hunting and confluting with ane Wich and Nicromaneer, aganis the tenour of the Act of Parliament maid thairament.—**AND Acquit** the said Barbara of confluting with the said Rychie, for ane stollin dowlet of vmq George Ker hir husband.—**ITEM**, (Acquit,) for confluting with Annie Sampson, anent the making of vmq Archibald Erll of Angus pictour, to his distruction.—**ITEM**, (Acquit,) for being att the conventione of North-Bervik; and the hail heidis of the Dittay, except the heidis quhairof fiche wes convict.

**DOME prounceit aganis Barbara Naper.**

May 10.—The qhilk day ane Lettre product, subcrwyuit be the Kingis Maistrie and his hienes Chancellor, for prounceing of the dome vnderwrittin, aganis the said Barbara; of the qhilk Precept the tenour followis.

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'**REX.**

'**JUSTICE.** Justice-Clark and 30our deputis, We greit 3ow weil. Forfamekill as Barbara Naper, spous to Archibald Dowglass burges of Edinburgh, wes convict in ane Court of Justiciaire, baldin in our Tolbute of Edinburgh, pe ancht day of May infanst, for pe seikyng of consultaione fra Annie Sampson ane Witch, &c. Quhairpoun, na Dome is prounceit aganis hir as 5it. Oure Will is heirfor, and we charge 3ow, that incontinent efter the fycht heirfor, 3e prounce the Dome aganis hir, for the saidis crymes, according to the lawis of our realme and Actis of Parliament: That is to say, that echo fall be tane to the Caftel-hill of the burcht of Edinburgh, and their bund to ane staik befyde the fyer and wirrit paiarat qhilk echo be deid; and paiarat hir body brunt in the said fyer, and all hir movabill guidis etched to our vfe as convict of the saidis crymes. As 5e will answar to us vpoun 3our office and obedience. Qhairament thir prestis fall serve 3ow as sufficient Warrand. Subcrwyuit with our hand, at Halyrdhous, the tent day of Maij, 1591.

(Sic subscribitur) '**JAMES R. J. CANCELLARIVS.**

'DOME' was pronounced accordingly, ' be the mouth and declaration of William Gray, Dempstar of the said Court.'

Eftir prounceing of the qhilk Dome, the said Barbara declarit that echo was with barne; and thairfoir alledgeit, that na executione of the said Dome culd

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1 Haunting, frequenting the society. 2 Dowblet 3 Here the verdict of the Assize is inserted.
be vfit aganis hir, quhill fcho was delyuer of hir birth;¹ and thairvpoone askit instrumentis.

**Rapt and Ravishing — Forceable Abduction.**

May 27.—ROBERT CARNECROCE callit Mekle Hob, Robert Ramfay in Cumnifie, Quintene Bouftoune in Edinburgh and Johnne Wallace in the Cannogait.

Dilatit of airt and part of the Rapt and Raveiching of Jeane Ramfay Lady Warrefoustoune, aganis the Actis of Parliament and lawis of this realm maed thairanten; committit the xix day of March lastypaft.

**Persewaris.**

Jeane Ramfay Lady Warrefoustoune, George Ramfay apperand of Dalhouffis, Mr D'McGill, Advocat.

**Prelughtours for the pannell.**

Mr Johnne Cramond, Andro Ker, brother to the Lord Johnne Wallace of Craige, Johnne Home younger of Coldin—of Newbottill, Nicoll Cairnecroce of Calfhill.
knowis,

Continued to the Juiccie-aire of Edinburgh and Jedburgh, respective, ' Ter-
tio Itiniris, vel xv dierum. Plegio, Nicolao Carnecroce de Calfhill, pro omnibus.'

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**[Mr Johnne Grahame and Mr Vmphrey Blynschelis, Justices Deputes.]**

**Wilful Error on Assise — Acquitting a Witch.**

Jun. 7.—JOHNN MOWBRAY, merchand burges of Edinburgh,² and eleven others, being the majority of jurors upon Barbara Nai-
par's Affyle.

Dilatit of manifest and Wilfull Errour committit be thame, in acquitting of Barbara Naipar spous to Archibald Dowglas, brothir to the Laird of Carschog-
gill, of the poynits of Treffoune and Wichcraft, vnder writtin.

**Persewar, Mr David M'Cill of Craughton Ryddell, Advocate to our suerane lord.**

The famin day, the perfonnes on pannell dilatit and accuist be dittay contiten in our suerane lordis lettres, purcheste att the instante of the Advocate aganis them, and produceit be him in Judgement; quhairof the tenour folowis.

**Dittay against the Affsors on Barbara Naipars Inquest.**

JAMES, be þe grace of God, &c. That quhair, Barbara Naipar spous to Archibald Dowglas, was vpoun þe sucht day of Maj þ. V. lxxxj þeiris, accuist in ane Court of Justiciarie, haldin in þe Tol-
buith of Edinburgh, ffor seikng help, repons and consulfatioune, att Rychard Grahame, notoure and knawin Nigromancer, ane commoun sbufar of þe peopill, baith aganis þe will and ordinance of God

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¹ Home of Godscroft says, that 'nobody infiling in the perfute of her, she was set at libertie.'
² It may be noticed, that the minority of this 'Affyle' consisted of, the 'Maister of the Ail-fellar,' the 'Crilman to his Maistrie,' and David Seytoun in Fowlisuthir, probably his brother or relation.
and Actia of Parliament and law of þe countrye: And speciallie, sfornamekill as, during our fouerane lordis being att þe Brig of Die, before the commoun bell rang, for feir the Eril Bothwell fould haif enterit in Edinburgh, fcho declarit to þe faiad Rychard, that fche hard ane woman fay, that our fouerane lord wald gett skaithe be ane taed or gangrell; and desyfrit of him, qhbat he thocht þairf, and that he wald fchaw to hir his opinione þairf o the morn; qhuh confulitit with þe Spreit' þpairment, and refusit be his response, that his Maietie wald be trublit be conventioune o wemen, throw þe drooping o ane taed: and als, Rychard lauching vpon hir, declarit þair, att þat famyn tyne, that fcho, Effie M'Calyan and Donald Robefoune fould be thre of þe dosris o it: qhuhik quhen fcho hard, fcho schuilk hir heid: Qhuhik wes affermit be þe faiad Richard Grahame, in hir and the faidis perfoounes prefens. And fclyke, the faiad Barbara wess accuit, that fcho gaf hir prefens, in þe maist devellisf and tref-

fouabil Conventioune, baldin be hir and hir complices in þe Devillis name, vpon Lambmus-ewin laft, att þe New-hevin callit Alichefoounes-hevin, betuex Maffiburcht and Prefoune pannis, sin his Maietie com furth o Denmark; qhuhar war affermitit nyne principallis, to witt, Agnes Sampfoune, Jonett Straytoun, Ewefame M'Calyesone, hir felf, Johanne Fiene, Robert Greirfoun, George Moits wyffe in Prefoune, Margrett Thomfoun in Striuling and Donald Greirfoun; qhuhikis nyne perfo-

ounes, the Devill, qhuh wess with þame in liknes of ane blak man, thocht maist meit to do þe turne for þe qhuhik thay wer convent; and þairf, he fett þame nyne noerreit to him felf, in ane campany; and thay, togidder with þe wyffe o Saltoune-myle and þe reft o þe inferiouris, to þe nowmer o threttie perfoounes, flandand fkaite þe leith o ane baird fraye þe forfaiad nyne perfoounes, in ane vther campany; Agnes Sampfoun proponit þe disfrounie o his hienes perfooun, faying to þe Dewill, 'We haif aine turne ado, and we wald fayne be att ist giff we could, and thairfore help wess to ist.' The Dewill anserrit, he foud do qhuhat he could, bost ßit wald be lang to, because it wald be thorirrit; and he promefit to hir and þame ane pictour o wals, and ordenit hir and þame to hing, roift and drop ane taed, and to lay þe dropple o þe taed, mixit with frang watch, ane edder-flyn, (and) the thing in þe fairheid o ane new-folit foill, in his hienes way, qhuhar his Maietie wald gang inowre or outowre, or in ony pasage qhuhar it mycht drop vpon his hienes heid or his body, for his hienes disfrounie, that ane vther mycht haif rewith in his Maieties place, and þe ward mycht haif gane to þe Dewill. Att þe qhuhik convenioune, his hienes name wes pronunciet in Latine; and Agnes Sampfoun wes appointit to fik þe pictour and to giff it to the Dewill to be inchantis, qhuhik fcho maid in deid, and gaf it to hir; and he promefit to giff it to þe faiad Barbara and to Effie M'Calyan, att þe nixt meting, to be roirit. Margrett Thomfoun wes appointit to dropp þe taed. Their wes ane appointit to fik sum-o his hienes linning clathis, to do þe turne with. And Gelie Duncan, vpon þe fyeten day o December laftwas, in þe faiad Barbareis face and Effie M'Calyanis, arowit on þame baith, att þe fyrf fycht, fche faw hir esfir hir cuming to þe Abay, and before fche had spokin thre perfyte specias afor hir, affermittit that Agnes Sampfoune metit with hir and þe faiad Effie, in þe faiad Barbareis awin hous; and the faiad Gelie Duncan and Beffie Thomfoun being pair alfo, togidder with Johanne Fiene, quha faiad to Gelie, that he wald ga Weft to his fader, and eikit forder, that their wes ane taed hingand be þe hela thre nychtis, and droppit betuex thre oltir schieells and nyne flanis, fettin thre nychtis; att qhuh tymne na man laikit or fuspecitit to haif hard ony sic thing: As the particular Depositiones o þe faiad Donald Robefoune and Jonett Straytoun, quha constantie haid att þe famin, qhuhik wes repetit be þe Adnacatt; the Depositiones o Gelie Dunecan and Rychard Grahame, ewerie ane for pair awin pairis and circumstances, being confrontit togidder, manifestit and maid playne. And fclyke, the faiad Barbara wes accuit, that fche gaf hir bodellie prefens vpon Alhallow-ewin laftwas, 1590 yeiris, to þe frequent conventioune baldin att þe Kirk o North-Berwik, quhair fche danite endlang þe Kirk-5aird, and Gelie Duncan playit on

1 For excellence, the Devil. 2 Thwarted, frustrated 3 Stale urine. 4 The skin of an adder. 5 For world, world; perhaps it may be used in the literal sense, word, rule, or government.
ane trump, Johnne Fiene, mistelit, led pe ring; Agnes Sampoun and bair dochteris and all the rest following pe said Barbara, to pe nowmer of forvin foes of perfoones; of pe qulik nowmer, was Effie McCalyan, Katherine Gray, Margaret Alcheфон, Donald Robefoun, Robert Greirfoun, Katherine Wallace, Meg Bogtoun, Jonett Campbell, Jonett Logane, Johnne Gordoun alias Gray-meil, the portarwis wyffe of Seytoun, Jonett Straytoun, Beffie Thomfon, Catherine Dunceane, Beffie Wrycht, Isboll Gylloun, Johnne Ramays wyffe, Anny Rychefoun, Jonett Gali, Nicoll Marrayes wyfe, tailteour, Critian Kerintounne alias Lèkkit, Maife Alicheфон, Marie Foterfoun, Alexander Qabytelaw, Marioun Nicloun, Marioun Bailie, Jonett Nicloun, Isboll Lauder, Helene Quisbe, Margret Thomfoun, Maritoun Schaw, Helene Landr, Malie Geddie, Duncan Buchquhanna, Maritoun Congliton, Beffie Cowane, Beffie Nowe, the mythis wyffe, Thomas Brounhill and his wyfe, Gilbert McGill, Johnne and Catherine McGillis, with diuerse ritheris, to pe nowmer abone wribitt: Att pe qulik place and tyne, the wenene maid yfryt pair homage, and wer turnit fax tynees widderfonnes about; Johnn Fyren blew yp pe Kirk durnis, and blew in pe lychtis, qulikis wer lyke mekill blak candillis, halfin in ane auld mane hand, round about pe pulpet. And pe Dewill start yp in pe pulpet, lyke ane mekill blak man, with ane blak baird makand out lyke ane geitiss baird; and ane his ribbit neifs, falland down charp lyke the beik of ane bale; with ane lang rumpill; cled in ane blak tatie goun; and ane ewill favorit scul bonnet on his heid; haisand ane blak buik in his hand, callit on ewerie ane of pane, defying pane all to be gud forwardins to him, and he fould be ane gud maistter to pane, and they fould haif anewhch and newer want. For Robert Greirfoun and Johnne Fien (thay) fluid in his left hand; and the said Robert sünd grit fault with the Dewill, and cryit out, that all qulikis wer befyd mycht heir, because his bienes pictour was nocht gewin pane, as was promesfit; the said Effie McCalyan rememburs and bidand pe said Robert Greirfoun to speir for pe pictour, meaning his Maiesties pictour, quillit haif benn ritfit. Robert Greirfoun said thir wordis, 'Quhair the thing 3e promesfit?' meaning pe pictour of walt, dewyfit for roisting and vndoing his bienes perfoone, quillit Agnes Sampoun haif to him; and Robert cryit to 'hais pe turne done;' sitt his bienes name wes nocht nameit, quillit, thay that wer women nameit him; craifand in playne termes his bienes pictour. Bot he anfueirit, 'It fould be gottin pe nixt meititit, and he wald hald pe nixt affmeiblie for 3e caus the foner: It was nocht reddie at 3at tyne.' Robert Greirfoun anfueirit, '3e promesfit twysis and begylit ws.' And foure honest-like womenes wer very ernift and instant to haif itt: And the said Barbara and Effie McCalyan gatt pan ane promeis of pe Dewill, that his bienes pictour fould be gottin to pane twa, and that rycht fone: And pe mater of his bienes pictour wes pe caus of pe nixt affmeiblie. In takin quhairof, the Dewill commandit pe said Barbara and all her companye, to keip his commandementis; qulik wer, to do all the ewill thay could: Alfo, thair weane thre deip corps tane yp and junitt; the naillis and justis wer pairit amangis pane. The Dewill commandit pane to keip pe nixt vponent pane, quillit the famin dryit; and than to mak powder pairof, to do ewill with. Eftir pe qulik, thair homage being made, as the fassoun is, in kisflig of pe Derllis eres, thay pairit for pe tyne, without any mair done; except, that Effie McCalyan, Robert Greirfoun and the said Barbara, hapsit to be nameit pair; quillit offendit all pe companye: And that thay fould nocht haif benn nameit with pair awin names; Robert Greirfoun, to haif benn callit Rob the rowcr; Effie to be callit Cane; and the said Barbara, to be callit Naipe. And trew this is, and provin be Donald Robefoun, Jonett Straittonne, Gelie Duncan and Beffie Thomfon, quha ar 3it on lyffe. Qulik, being putt to pe knawlege of ane Inqueit; thay nocht withstandin, vponent pe nynt day of pe month and 3air of God fairsaid, Clerengeit and Acquit, be favour and partial meanis, the said Barbara Naipare. That, foramekkill as, during his Maiesties being att pe Brig of Die, the day before pe commoun bell rang, for feir the Erell Bothelligould haif anterit in Edinburgbe, fche declarit to pe said

1 Disguised, muffed, masked. 2 Goat's. 3 An ill-favoured, or ugly sort of skull-cap; a dress which fitted closely to the shape of the head, chiefly worn by judges and lawyers. 4 Until.
RYCHARD GRAHAME, that sche hard ane woman say, that pe King wald get seith be ane taid or gang-roll, &c. 1 Quhathirnow thay, and ewerie ane of jam, could pretend na ignorance; att pe leift, neithir of law nor conience could haif acquit hir pairof; the famin being verifeit, be pe confant affertoion and Depositorum of ane pairt of pe witnesis being prefeit in Judgement for pe tyme, as is abone wrettin, and be pe Depositorum of pe thair pairt produceth: And thairfore, did manifeeltie and wulfullie err, contrar pe laws and practik of pe realme; Incurrant thairby the horribill cryme of Purturie, et penam temere juramentum, super Affidiam.

And thay, being requyrit be the Juftice, his MAESTIE being fittand in Judgement, quidduder thay wald abyde the tryell of the law and of ane Affyfe for the faidis crymes, or cum in will thairfore? Eftir lang deliberatious and consultatious, thay refusit to abyde the tryell of ane Affyfe thairfore; bot come simpliciter in his hienes will, for Ignorant errour committit be thame, in acquyting of the faid Barbara, of the crymes and poyntis of Dittay abone reherfit.

SENTENCE. Qhilk will, his MAESTIE publictie, in Judgement, in prefens of his hienes Lords of Secret Counfall, declarit to be, That he, understanding that it wes nocht Wilfull Errour thay committit, in acquyting in maner fairefald; and thairfore Ordeneit, that the fairfaidis perfoues and ilk ane of thame falbe Affoil-zeit fra all penalties in body, guidis or fame, in tyme cuming.
Vpoune the declaratioun of the quhilk will, thay and ilk ane of thame askit act and instrumnt.

Treasonably Conspiring against his Majesty's life—Witchcraft—
Sorcery—Murder, &c.

JUN. 9.—EWFAME MACKALZANE, 2 (of Cliftounhall,) spouse to Patrik Mackalzane alias Mostrop.

[EWFAME MACKALZANE, the subject of the following remarkable Trial, was only daughter and heiresse of Mr Thomas Mackalzane Lord Cliftounhall, one of the Senators of the College of Justice; a person distinguished alike for his general erudition and attainments, by the depth of his legal knowledge, and by his talents as a statesman. As this family is now extinct, and considerable curiosity must naturally be felt regarding the parentage of so extraordinary a character as Effy Mackalzane, the Editor has made some investigation in the public Records, where alone any traces are now to be found; and he hopes that the following brief notices will prove not unacceptable.

Mr Thomas Mackalzane had early followed the profession of the Law, and had, before the year 1556, entered as an Advocate. On Nov. 10, 1556, through the powerful interference of Mary of Guise, Queen Regent, the Magistrates and Town Council of Edinburgh were constrained to deprive him of his office of Assessor for the City, 'for evil, heich and vamplefand langage to hir grace,' in the discharge of his official duties; most probably, for the independent manner in which he had pleaded the rights of 'the Good Town.' Nothing daunted, the Assessor protested against this decree, and, after the lapse of a few months, was restored, by command of the Queen Regent, Jun. 5, 1557. 3 He was

1 Here the evidence is recapitulated
2 Called Effy (the familiar abbreviation for Euphemia), by Sir James Mal-ville in his Memoirs, and by other contemporary writers. 3 Liber Statutorum Burgi de Edinburgh.
CRIMINAL TRIALS.

A.D. 1591.

'infant' in the lands of Cliftonhall, anno 1557, when he is designated, 'M. Thomas Macalzieane, advocatus, burgen. de Edinburghe.' 1 Master Thomas Macalzieane of Cliftonhall' was appointed one of the Ordinary Lords of Session, under the style of Lord Cliftonhall, Oct. 20, 1570, on the demise of Henry Balmarie, Lord Hallhill. He obtained Letters of Remission, (apud Leith, May 2, 1572,) for his treasonably assisting James late Earl of Arran, and George late Earl of Huntlie, in detaining the burgh of Edinburgh against his Majesty. On Jul. 25, 1578, he was nominated by the Estates of Parliament to be one of the Commissioners 'to treat ypon the Lawes.' And on the same day he was appointed one of the Commissioners, with the Earls of Buchan and Ruthven, &c., to 'decide in any cause between the Gordounie and the Forbeffes'—a deadly feud then subsisting between these families and their retainers. 2 Honorabile vir Magister Thomas Macalzieane de Cliftonhall, anno Senatuscum Collegij Juvicelis, Dec. 1, 1578, constituted his only lawful daughter Euphemia Macalzieane his exequtrix and his assignee, to redeem the lands of Cliftonhall from Henry Macalzieane, advocate. 3 Dec. 4, 1584, Mr Henry Macalzieane, advocate, is 'retorted' as heir to William his brother, in the ten merk land of the town and lands of Carstelle, in the barony of Preston and shire of Edinburgh. 4 The 24 of Junij (1591), Euphane M'Kalenus vrsent for Vietscaftes,'—as a notorious Vietsca.

At what date Lord Cliftonhall died, the Editor has not been able to determine precisely, 5 and the investigation might occupy much more time than he can at present command, or than the importance of the enquiry demands; but, as his lordship was succeeded in his office of an Ordinary Lord of Session by John Lindsay, parson of Mennium, Master of the Metals, &c., who took his seat as a Judge, Jul. 5, 1591, he had probably died during the preceding month.

The sentence against Ewame of course carried along with it a forfeiture of her Estates of Cliftonhall, &c. as well as her movable effects, on account of the treason of which she was found guilty. She left three daughters 6 by her marriage with Patrik Makalzieane, alias Mosecrop, who was son and heir-apparent of Mr John Mosecrop, advocate, 7 a person of considerable eminence in his profession. Her husband took the name of Makalzieane, at the request probably of his father-in-law, or in compliance with the entail of the estate. These ladies, Martha, spouse of Mr David Ogilvie, Elizabeth, and Ewphame, spouse of Henry Sinclair of Qhitekirk, were formally Rehabilitated by Act of Parliament, his Majesty being 'tuitch in honour and conscience,' and now being of mynd that the said forfeiture of conviction full onnawysis hurt or prejuge hir pofterite.' The Act of Rehabilitation, dated Jun. 5, 1592, 8 accordingly restored them to the estates belonging to their deceased mother and grandfather, burdened with a payment of 5000 merks to Patrik Makalzieane their father, 'payit and dyeuerit be the said Patrik to our said fourerane lord and his hienes donstour, for the Gift of Forfallour of the said vrn' Ewame.' The King, however, clogged this act of grace with a very unpalatable reservation; for the lands of Cliftonhall were expressly reserved to his favourite, Sir James Sandelandis of Slammano, knight, and to his heirs, to whom his Majesty had previously gifted that valuable property; and all action, which the deceased had against Mr Henry Macalzieane for the redemption thereof. These heiresses-portioners therefore could reap but little benefit from the succession; and

1 Protocol book of James Harlaw, Notar Public, from 1549 to 1585, in the General Register House. It was at this period by no means unusual for Advocates, Writers to his Majesty's Signet, and Notaries, to become burgesses of Edinburgh; but whether this was a necessary step, towards the exercise of their profession within the burgh, the Editor has not been able to determine. He is rather inclined to think it was a voluntary act; and that the reason of such persons purchasing the freedom of the burgh, was, that they might confer a right upon their descendants to become burgesses upon easier terms, and to obtain for them-elves other civic privileges. 2 Probably his brother. See Harlaw's Protocol. 3 Burwell's Diary, p. 20. 4 Marjoryban's Assamle, p. 55. 5 He died in the year 1581. 6 Law's Memorial, p. 33. 7 Besides these daughters who survived her, she had at least two sons; 'Thomas,' mentioned as the commencement of the Trial, and another son, mentioned in article 18 of the Dicts. The means she used for helping them, probably cut them off in early infancy. 8 On Dec. 2, 1573, Mr Johannes Mosecrop, advocate, Katharine Lytill his spouse, and Patrik Mosecrop (alias Makalzieane), his son and heir-apparent, got Remission for their treasonably being present at the field of Langside, May 13, 1568. 9 No wonder! 10 Acta Parl. 1093, cap. 125, fol. 606.
the estate having passed to the family of Sandilands, and no male heirs existing, the name of Makcalysane of Cliftonhall became extinct. On Sep. 25, 1596, Ewsfame the daughter was retour'd, as heirress-portioner to her deceased grandfather, in certain small annual rents, payable out of some tenements in Edinburgh.

That a person, moving in the rank of society which Ewsfame Makcalysane occupied, should have leagued with the obscure and profusigate wretches who figure in the Trials for Witchcraft at this period, for the destruction of her sovereign, and that too by such unlikely and absurd means, seems irreconcilable with any ideas of sanity which can now be formed. It is evident, however, that she believed herself, as well as her associates, to be possessed of supernatural powers; and that she had the firmest reliance in infernal agency. The only reason which can be assigned for such frantic and detestable conduct seems to be, that she was devoted to the ancient Roman Catholic faith, and thus bearing personal hatred against the King and the Reformed Religion; she was besides a zealous partisan of Bothwell, and proved herself capable of using every means which he might suggest, or which she herself perversely considered to be most calculated to advance his interests and the predominance of her party. It is worthy of remark, that three days before Ewsfame's cremation, Bothwell ¹ brake out of the Caßell of Edinbughe, quh had been ther, in prifone, some 20 days before, for alledgit Witches and consultung with Witches, especially with ane Richard Grakeme, to confeigne the Kingis death; and upone the 25 of Junij, the said Earl Bothewall was forfaule and intimation made therof, by opin proclamation at the croffe of Edinbughe.² It is known that Bothwell had much traffic with Witches, and was himself esteemed an expert Necromancer.³

Dilatit of certane treffonabill Conspiracieis interpriyft be Witchcraft, to haif destroyit oure souerane lordis perfoune, and bereft his Maiestie of his lyffe be that schameful and extraordinar meanis: And being airt and pairt thairof, vpoun the counfall (and) consultatioun with diuerfe vtheris Wichis of hir societie: And diueres vtheris crymes of Witchcraft committit be hir, att lenth specifit in the Ditty dand thairvpon.

Persewar.

Mr David McGill of Crantoun-Ryddell, Advocat to our souerane lord (for his biens intereat.)
Preloquiers for the pannell, Mr John Mefcroy, Mr David Ogilvie, Robert Ker in Duddingston, Henry Nifet, burge of Edinbughe, Mr John Ruffell, Mr John Skene, Advocatias.

Comperit the said Mr David McGill, Aducatt, and produceit ane Dittay, maid att lenth, aganis the said Ewsfame; and contractit in thir heidis vnderwrittin, to be putt to the knawlege of ane Asflye: Quhaisriot the tennour folwais.

Ditty against Ewsfame Macalsane.⁴

Ewsfame Mallzane, Ye ar indyttit and accufit, (1.) For airt and pairt of the bewitching of Michell Marioribanks, be ftrykeing of him be Witchcraft, with ane extraordinar difeis, be taking of the power and habilitie of his rycht syde, arme and leg fra him; be youre seif, and your complices be your moyane; committit in Apryle 1577.—(2.) Item, Indyttit, for consultung with Cathern.

¹ The day of Ewsfame's execution. ² Birrell's Diary, p. 25. ³ Law's Memorials, p. xliii. Spotwood, &c. ⁴ This is stated to be only an abstract of the Ditty, and 'contractit in thir heidis.'

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Campbell, ane Erich womane, knaunin to be ane notorious Wich; and interminning hir in your awin hous and Barbara Touris hous, seiking help of hir to your e bairnis; speciallie to help youre fone Thomas, be youre airt; to quhome ye fend ye fàrk to that effect, with Helene Inglis your feruand, and twa xxx f. pecis, for hir help.—(3.) Item, For consulting with the said Catharene, anent the bewiching and slaughter of Patrik Mofcrop, your husband, quhairby ye mycht gett ane vtheir guidman; and consulting with hir, quhome yeould marie.—(4.) Item, Indytit, of airt and pairt of the traffikking with Agnes Somervall, spous to Gilbert Anderfone in Dunfermling, ane commoun traffiquar with Wichis; inquyring of hir, 'Gif sfhe knew ony wittie or skilfull wemene in the countrey, that will owthir caus your husband love yow, or ellis gett your will of him'; to quhome ye galf twa fair cleane farkis of your huvandis, to be carret owre the walter,¹ to be inchantit be thame, att the same tym your husband fell in stiknes. Quhilikis farkis, sfhe tuik with hir to that effect; and brocht hame agane be hir, inchantit: And thairby, seiking help, respons and consaultation of Wichis, to the dirstuction of your spous, be Wichcraft.—(5.) Item, Indytit, of airt and pairt of the poyfouning of the said Patrik Mofcrop, your husband, vpoun deidlie malice contractit aganis him, the fyrt yer of your marriage; be gewing to him of poyfoun, and cuift the rest thairof in the cloofet; quhairby his face, nek, handis and hail body, brak out in reid spottis: Quhilik poyfoun wes expellit be his youth. And seing the same twke na effect, as ye dewyfit, ye still continewand in your vnedwtfull behavour and impatience to se him on lyffe, quhom ye preffit be all meenis possibill to cutt away; the said Patrik being wereit of his lyffe, be the daylie truble he had in youre company, wes compellit, for faultie of his lyffe, to expone him selff to the seais, and to paa to frrance in youre dealt. Lyke as, ye, to be quiet of him, spairit nocht, in all pairties, to seik ane hundreth crownis, for his furnitour² away; and spairit nocht speik, that your guidman wes paifand to France, and said 'the sfieid ga with him!'—(6.) Item, Indytit and accluit, that increffing in youre dewellisich consaultation with Wichis, to the wrak and dirstuction of the said Patrik your huvand, and efter he had returnit out of France, ye, still invying his health, and seiking to dirstroy him be Wichcraft foorfaid; ye fend your saif huvandis dowblitt, with Josias Coupar your feruand, ainline in the morning, to Catharene Campbell the Wich-wyffe, duellant in the Cannogait; quhilik dowblitt the said Wich sprinklit with blude, and inchantit it with vtheris forceres, and ranerit itt agane to the said Josias your feruand; quhilik be brocht hame, aflair his maisteris ryfling: Eftir the quhilk, your husband contractit ane heavie dieis, and pynit thairin

¹ Water, a word frequently used in MSS. of this period. ² His outfit and furnishing for his voyage.
mony monethis; quhilk wes na naturall sollynes, as wes teftisfeit and declarit be the cherurgerianis. Lyke as, the faid consfuttatioun wes reveillit thaireftir, be the faid Joias your feruand, for the difcharge of his conffence; and he, for that causes, paft aff the countrey to Daunkein.—(7.) Item, Indytit, that to mak hir (yow) perfyte and weill skilill in the faid airt of Wichcraft, schy (ye) caufit ane uthier Wich, qua duelt in Sanct-Ninianis-rw, inaugwrat yow in the faid craft, with the girth of ane grit bikar, turnand the fame oft owre your heid and nek, and oftymes round about your heid; quhilk wes reveillit be Marioun Love, dochter to Catherene Lyell younger, to the faid Kathere ne hir moder.—(8.) Item, Ye ar indytit, that ye, haifing confaut ane deidlie malice againis the faid Catherene and Walter Scott hir fpous, for declaratioun of youre inawgwrin fair-faid, fene and perfavit be the faid Marioun Love; ye, be youre airt of Sorcerie and Wichcraft, bewichit hir and hir husband, in thair bodeis, guidis and geir: And fwa, for airt and pairt of bewiching of the faid Catherene Lyell and Walter Scott, in thair bodeis, guidis and geir, to thair grit skaith and heirchip.—(9.) Item, Indytit, of bewiching, be your airt of Sorcerie, of vmpq Johnne Yonftoune, fone to Williams Yonftoune, your husbandis fifter fone, being ane young man of xvj yeiris of aige; be the quhilk Wichcraft he deit: And fwa, for airt and pairt of the crewall Slauchter and Murthour of him; only, for re-veilling of your vnwedifull behaviour to youre husband, he being familiar in your hous; as the takinis contenit in the faid Dittay att mair lenth verifis.—(10.) Item, Indytit, that ye, haifing confaut ane deidlie malice againis Jonet Cokburne, dochter to Johnne Cokburne, maitman in Hadingtoune, for the doun-bringing of your purs, belt, glass and claithis, out of the chalmer, and haifing laid doun the fame vpoun the buird, your husband tuik vp your faid purs, and wald haif opnit itt; but opnit it nocht: For the quhilk, ye faid to the faid Jonett, "Weill, madin, haif ye lait this be done? ye sall repent itt fra youre hait." Catherene Carrutheris alas callit Erjich Jonett and ye, laid in hir way and paisillage, sic inchantit muildis and powder, that in schort ifpace thaireftir, thair came ane swarf owre hir hait, and sic ane flassing in hir breifit, as itt had bene fum quick thing; peching and panting, heaving vp hir body; quhair-with, schye is diefavit half ane hour, ewerie tym theye takis itt; oft in the nycht and oft in the day; continewing sumtymes half ane day; haifing mair ftreth nor hir accultummit maner, in tym of hir hith: And fwa, for laying of muldys and powder be Wichcraft and Inchamment, in the faid Jonett Cokburnis gait; be the quhilk, schye conffaut ane feiknese, and wes mekill trublit thairwith, and is yit, be your airt and Wichcraft—(11.) Item, For the crewall Slauchter

1 Table. 2 Earth taken from dead men's graves, &c. See Jan. 27, 1590. 3 Swooning. 4 Palpitation of the heart. 5 Live.
and distruction of vmq" Ewfiame Punfray be Wichcraft.—(12.) ITEM, For al-
levering, be your devellishe Wichcraft, Inchantiumt and Incantatioun, of Joseph Dowglas of Punfraughtoune, to love yow; vnder culloure and cloik (of) marriage
with youre dochter; and for the distruction of youre husband: In talkin quhair-
of, ye gaif him ane craig cheinjie,1 twa belt cheinjeis, ane ring, an e emirent2 and
vtheris your jewells.—(13.) ITEM, Indytit, for the confuting with Jonett
Cwninghame in the Cannogait, als callit Lady Bothwell, ane auld indytit Wich
of the fynist champ, 18 zeiris fyne or thairby, for to haif poiyonit Joseph Dow-
glas of Punfraughtoune, and that be ane potiouin of compotit walter, qubilk ye fend
Johnne Twedall youre fervand for, to be brocht vp to Barbara Toureis hous,
in ane chopene scoup; qubilk wass reffaniu be him, and delynerit to the said Bar-
bara.—(14.) ITEM, Indytit and accußit, for fending with Jonett Drummond
your servand, certane Wichcraft, of deliberat mynd to haif bewichiit Marie Sande-
landis, ane madin, att that tyme vnder promeis of mariage to Joseph Dowglas
of Punfraughtoune, fiche being thane in the Braifichaw; and to disfwwad hir, fyrst,
the said promeis of mariage of the said Joseph, becaus he had gewin his
promise and faith to ane vthis gentilwoman; and that he had the glengore3 him
self.—(15.) ITEM, Indytit, that be youre airt of Wichcraft, ye travellit to flay
and imped4 the mariage of the Laird of Punfraughtoune with Marie Sandelandis;
and to that effect, directit Jonett Drummond, fungyme youre nuirice, with fum
of youre charmes and inchantmentis, to offend the perfouin of the said Marie;
quhairby, the said mariage mycht haif bene flayit.—(16.) ITEM, Indytit, of the
seiking help, consultatioun and repons, fra Annye Sampfoun, as ane Wich, and
knawin to be ane notorious Wich, for recovering of your jewells and evidentis
agane, fra the Laird of Punfraughtoune; and be frequent fending of Jonett Drum-
mond, your fumynme nuirice, to the said Annye, to that effect, aboue fowin
tymes; and in the ane of the tymes, fiche raft the Spreit, be voce and nocht
bodelie; quha declarit, that the famin souill be delyuerit to the said Jonett
Drummond, thair meffin fenn to feik the repons.—(17.) ITEM, Indytit, of the
bewiching of twa of the Laird of Punfraughtounis bairnis, his eldeft fone and doch-
ter, to the deid.—(18.) ITEM, Indytit, of consultitng and seiking help att the
said Anny Sampfoun, ane notorious Wich, for relief of your payne in the tyme
of the birth of youre twa fonnes; and reffauing fra hir to that effect, ane boird-
flane,5 to be layit vnder the bowfter, putt vnder your heid, Inchantit mwildis
and powder put in ane peice paipar, to be wfit and rowit in your hair; and att
the tyme of your drowsis,6 your guidmannis fark to be prentilie tane of him,

1 Neck chain.  2 Lues venerea.  3 Hindered, impeded.  4 Bored stone,
probably a Fairy-stone,—a stone having a natural hole, formed by the action of water, &c.  5 Birth-
pangs or threos.
and laid woumplit\(^1\) vnder your bedeit. The qhilik being praktest be yow, as ye had reffluit the famin fra the said Annie, and information of the vfe thair-of; your feiknes wes caffin of yow, vunnaturallie, in the birth of youre fyrfyt fone, vpoun ane dog; qhilik ranne away and wes newr fene agane: And in the birth of your laft fone, the fame prakteis foirfaid wes vfit, and your naturall and kindlie payne vnnaturallie caffin of yow, vpoun the wantoune catt in the hous; qhilik lyke wyis, wes newr fene thaireftir.—(19.) I Item, Indytit, for airt and pairt of the consultting with the said Annie Sampfoun, for the difytroying of Mr Johnne Moscrop, your fader-in-law, be Wichcraft, about foure yeiris fyne, or thairby: And to this effect, sendong with Jonett Drummond your seruand, ane pletoure of walx, fend in ane built,\(^3\) inclofit within ane guiFe,\(^2\) to the said Anny; and ane seruiett with beif, woimplit about the guiFe; qhilik pictour the said Annie guif to the Dewill to be inchantit; and the famin being inchantit be him, wes send hame agane to yow with the said Jonett Drummond, for doing of the turne, as the said Annie declarit that itt sould ferue.—(20.) I Item, Indytit, for your develiche consultatioun with Agnes Sampfoun, pairtie be your selff, and pairtie be the traqquicking of your auld agent Jonet Drummond, how to be re-vangeit vpoun Mr Johnne M'Gillis wyffe; and resolutioun being tane with Agnes Sampfoun, ane notoure Witch, sche send yow fum Wichcraft and Inchantments with the said Jonett Drummond, qhilik ye caift in att Mr Johnne M'Gillis windok; qhilik wes ane bairnis aiproune and haiftclath,\(^4\) with fum thing bund thairin: And this mater being reveillit be vthiris, your seruanidis, ye caufit the said Jonett Drummond to deny the famne, quhen itt wes laid to hir charge: Lyke as, sche hes confesseit, that schein wes daylie and nychtlie trublit with terribill spektaicles and vfiounis; as, schein vffible, in ane chaumer floure of youris, att twa eftir none, faw ane naikit man stand in the middis of the said chaumer, with ane quyhte scheit about hime: As alse, Jonot Aitchefoun your serauand, being fend att twell horsis att ewin to draw ane drink, faw lykewyis ane naikit man behind hir, with ane fark; the flewis of the fark vpoun his leggis, and the taill about his head; qhilik terrifeit hir: Qhillik viounis man haif procedit of your dewillich airt of Wichcraft: As alse, the said Jonett Aitchefoun wes trublit with hurchnounis.\(^5\) Qhillik Wichcraft foirfaid, wes caffin in agane, att the said Mr Johnne M'Gillis windok; and being fund and opnit out, kythit to be ane pictour of clay, and ane portrat of Elizabeth Home, sposus to the said Mr Johnne, fewit in ane windine scheit; about the qhillik wes ane auld blak much\(^6\) woimplit, thairin inclofit fyve clewis of findrie cullours of worfett, as of

\(^1\) Folded up. \(^2\) Box, chest. \(^3\) Goose. An acceptable present, besides affording concealment from those less knowing than Anny. \(^4\) A child's apron or pincloth, and neck-cloth. \(^5\) Urchions, hedgehogs, Fr. Mèrisson; perhaps the term is used for imps of the Devil. \(^6\) Match or cap, folded up.
blak, reid, orange, yallow and blew. Qhillis Sorceries, Agnes Sampfoun con-
feffit ye maid youre self. As alfo, the said Agnes Sampfoun confesfit, that
Jonet Drummond brocht to her the same auld much, qhillik fcho inchantit; lyke
as alfo, the said Jonet Drummond hes confesfit the careing' thairof to the said
Agnes.—(21.) Item, For making of ane pictour of flour and clay, for bewich-
ing of Elizabeth Home spouse to Mr Johnne M'Gill, and causin caft the same
in att the said Mr Johnneis kiching windok for that effect.—(22.) Item, Indyttit,
for airt and pairt of the slaughter and distruction, be your devillisch craft
of Wichcraft and Inchantment, of Lilia M'Calyean, dochter to Mr Henry M'
Calan,1 ane barne of sex yeir auld; and that be rubbing of hir face with youre
naipkin, vpoune ane Soneday eftr none; quhen fche feil vpoune the calsye att
youre cloife heid; quhairby fche deit.—(23.) Item, Indyttit and accuttit, of the
conventicle had att North-Berwik Kirk, tuentie dayes before Michelmes, 1590;
and thair inquryng for the Kingis pictour, gewin be Annie Sampfoun to the
Dewill, to be inchantit, for the treflonabill distruction of the King.—(24.)
Item, Indyttit, for being att the Conventioun haldin at the New-heavin callit
the Fayrie-hoillis, att Lammes laftnes, to the effect immediatlie aboue writtin.
—(25.) Item, Indyttit and accuttit, for ane Conventioun haldin be yow and
vtheris notorious Wichis, youre affociattis, att the Brvme-hoillis; quhair ye and
thay tuilk the fea, Robert Greirfoun being youre admerall and Maifter-manne,
past owre the fea in riddillis to ane fichip, quhair ye enterit with the Dewill,
your maifter, thairin; quhan, eftr ye had eittin and drukkin, ye caist owr ane
blak dog that skippit vnder the fichip, and thairby, ye hewing the Dewill your
maiftir thairin, quha drownit the fichip be tumbling: Quhairby, the Quene wes
putt bak be ftorne.—(26.) Item, Indyttit, for consultit with the said Annie
Sampfoun, Robert Greirfoun and diuers vthiris Wichis, for the treflonabill
stayng of the Quenis hame-cuming, be ftorne and wind; and raffing of ftorne,
to that effect; or ellis to haif drownit hir Maeftie and hir company, be coni-
curit of cattis and cafting of thame in the fee, at Leith, and the bak of Robert
Greirfounis hous.—(27.) Item, Indyttit, for airt and pairt of the distruction of
ane boit, betuix Leith and Kinghorne, and threcoir of perfounes thairin, be
your conventioun be vthir Wichis, and be yow and thair Wichcraft; as is no-
tour.—(28.) Item, For an commoun Wich.

The quhillik day, the said Dittay being red to the said Ewflame in judgement,
as it wes produceit att lenth be the Aduocatt, and drawin summarlie in heidis,
as is aboue mentionit: Eftrt diuerse obiectiounis maid againis the flame be hir
and hir preloquitouris, and diuerse protestationis maid in hir name, and an-

1 Carrying.  
2 Advocate.
fueris maid thairto be the Aduocat; the Justice fhand, be Interloquitour, that the
faids heidis fould be putt to the knawle of ane Affyle: And the Affyle being
chofin, that sche mycht propose hir defenffis to the said Affyle.

ASSISA.

James Johnstone of Elphinstoune,  James Inglis, merchant burges of Edinburghe,
James Somervall of Humbie,  Alexander Fairlie of Braid,
Anstruther, younger of that Ilk,  James Elphinstoune in Bogie,  Grahaume of Knockdolian,
Clemett Kincaid of the Coitiss,  David Prestoun of Craigmyllis,
Mr William Leslie of Cunlie,  George Mowbray of Seyfild,  Balfour of Bandone,
John Logane, portioner of Coutoune,  Johane Drummond of Slipperfield,
David Balfour of Bello.

INTERLOCUTOR. The Justice-deputis, be resfoun of divers objections maid be the pannell, aganis the poynits of Dittay aboue writtin, to the Affyle; and anfueris maid thairto be the Aduocat; and that they continewit quhill sewin houris att ewin: Continewit the mater to the morne, in the same forme, force and effect as it wes thane: And caufit incarcerat the said Ewfname; and warne the Affyle to be present the morne att aucht houris in the morning, ilk persoun vnder the pane of ane hundreth poundis.

(Jun. 10.)—INTERLOCUTOR. The Justice, be resfoun ȝit of the objections maid be the pannell aganis the poynits of Dittay, and the Deposicions of findrie persounes maid for verecfactionun thairof, and anfueris maid thairto; thay haifing continewit quhill sewin houris att ewin: Continewit the said mater, in same forme, force and effect as is now; and imprefonit the said Ewfname quhill the morne; and wairnit the persounes of Affyle to compet the morne, ilk persoun vnder the pane of ane hundreth poundis.

(Jun. 11.)—THE famin day, efthir proponing of the haulit objections be the pannell aganis the Dittay, and verecfactionun thairof, and anfueris maid thairto be the Aduocatt; the above persounes, being chofin, sworne and admitted, thay removit altogiddir furth of Court to the Counfal-hous; quhair thay remanit all that nycht; and efthir the chesing of James Johnstone of Elphinstoune Channellar of the said Affyle, thay votit and resfonit vpoun the poynits of the said Dittay; and continewit pronounceing of thair deuyerance quhill the morne.

ARTICLES OF CONVICTION AND VERDICT OF THE AFFYLE.

(Jun. 12.)—THE quhilk persounes of Affyle, efthir lang deliberation and continewance in the Counfal-hous, vpon the resfoning and voting the poynits of the said Ewfname McCalzynis

1 It is perhaps to be regrettat that no notice is preserved in the Record, of the long pleadings which occupied the whole of this and the two following days. Neither has any record been kept of the evidence adduced. Should the Deposicions of the witnesses be found amongst the loose papers belonging to the Court, (which are very numerous, and have never been arranged or examined,) they shall be given in the Appendix.
Ditsey; being threchlie suifith thairwith, re-enterit agane in Court, and thair, be the mouth of the sait James Johnstone of Elphinstoune chancellar, saind, pronuncetit and declarit the sait Ewffame, (1.) To be Fitit, culpable and convict, of consulting with Cathrene Campbell, ane Erfch woman with ane fallin neife, duelland for ane lang space in the Canongait heid, ane notorious Wich; and interrinning the sait Cathrene in her awin houn, and in the houn of Barbara Toures, the relict of vmq James Harlaw,1 seeking help of hir to hir bairns; speciallie to Thomas hir fone, to quhime shee fend hir fark with Helene Ingles hir feruand.—(2.) Item, of the bewiching, be hir airt of Sorcerie, of Johnne Yontoun, fone to William Yontoun, hir hupbandis fitter fone, ane young man of fweitene yeiris of aige; quhairby be deit: And fwa, for airt and pairt of the slaughter of the sait vmq Johnne, be the sait airt.—(3.) Item, of the consulting with Jonett Cowningham in the Canongait heid, alias callit Lady Bothwell, ane said inditit Wich of the fynest champ, anchterne yeiris fyne or thairby, for poynning of Joseph Dougal of Panfrasstoun, and that be ane potウェー of composit walter, quhill fhe fand hir feruand Johane Traidall for, to be broocht vp to Barbara Toures houn in ane chopene flux; quhill wes refflaitit be him, and delynster to the sait Barbara.—(4.) Item, of the feikin help, consullaton and rejpons, fra Annie Sampoun, knawin ane notorious Wich, for recovering of hir jewells and emdent[1] agane fra the Laird of Panfrasstoun; and that, be the frequent fending of Jonet Drummond, fintyme hir nriciss, to the sait Annie to that effect, abose fewin tymes.—(5.) Item, for consulutit with Annie Sampoun ane Wich, for getting of mwiellis fra hir, to be vst be the sait Ewffame, in releif of hir payne, in hir birth of hir twa fones.—(6.) Item, of airt and pairt of the consulting with Annie Sampoun, for disfiguring of Mr Johnne Melcrop, hir fader-in-law;2 be Wichicraft, about fourye yeiris fyne or thairby; and to that effect, fending with Jonett Drummond hir feruand, ane pictour of waik, fand in ane buitt inclisin within ane guile, to the sait Annie, and ane feruiet with beiff wounded about the guile; quhill pictour the sait Annie gaff to the Dewill to be inchantit; and the famin being inchantit be hir, wes fand hame agane to hir with the sait Jonett Drummond, for doing of the torne; as the sait Annie declarit to the sait Jonet, that it felde forse thatiro.—(7.) Item, fand hir culphill, of making of ane pictour of snowre and clay, for bewiching of Mary Home, fposus to Mr Johnne M`Gill, and cautin cast the famin in att Mr Johnne M`Gillis kiching windik, to that effect.—(8.) Item, culphill, for the treffonahill Conventicill had be hir, Annie Sampoun, Johnne Fien and dieris vthirits, att North Berwilk-Kirk, taenitie dayes before Micheldies 1590; and thair, inquiring for the Kingis pictour, gewin be the sait Annie Sampoun to the Dewill, to be inchantit be hir, for the treffonahill diffruction of the King.—(9.) Item, convict of the treffonahill Conventicoune, haldin be hir, bir and thame, att the New-beavin, callit Aichefounia-beavin, att Lambkes lafitwas L.V-lxxxv, to the treffonahill effect immediatlie abose writtin, viz. in feikin of ane pictour, to the treffonahill diffruction of the King.—(10.) Item, convict of commoun Wichicraft and Sorcerie, and vding of the sait Wichicraft aganis fandris hir bines liegis.—(11.) ANd ALS. Acquit the sait Ewffame of the hail remant remon poyntis contenit in his Ditsey fairfaid, quhiquor siche wes acquitit.

DOOM OF FORFEITURE AND SENTENCE OF DEATH.

(Jun. 15.)—The quhill day, Ewffame M`Càzane, fposium to Patrik Mofcrop alias M`Càzane, being presentit on pannel, as shee that wes convict of before, be ane condigne Asylf, in ane Court of Jufticiary, haldin in the sait Tolbuth in Edinburghe, the tuelt day of Junij instant; for the consulting with Catheren Campbell, ane Erfch woman with ane fallin neife, &c. (here the above

1 Probably the widow of the Notary whose Protocol-book has been quoted in the Notice prefixed to this Trial.  
2 Emerald stone.  
3 He appears as one of the "Prelocutors" in her defence.
articles of conviction are rehearsed.)—For the quhilk crymes, the said Justicie-depute ordanit the said Ewfname, be the mouth of William Gray demphtar, as culpabill and gittie thairof, to be takin to the Caftel-hill of Edinburghe, and thair bund to ane stak and brunt in affis, quick, to the death: And all and findrie hir landis, heretageis, takis, fedingis, rounes, polefliounes, coirnis, cat-tell, guides and geir, to be forfaltit and eichet to our fouerane lordis vfe.

[Another unfortunate hiatus in the Records of the High Court of Justiciary takes place at this period; the Books of Adjournal, from October . . . 1591 to May 1596, having been lost. The Editor has been at some pains in tracing the loss of this portion; and it is so far satisfactory that he is enabled to report, that this must have occurred previous to the time when Lord Fountainhall framed his MS. Abridgement; which is still preserved in the Advocates' Library. That eminent lawyer leaves a blank for inserting notices of the proceedings, in case the Record should afterwards have been found; but he does not hazard any conjectures as to the time the missing volume had been taken away or destroyed. It is to be hoped that the volume may still be preserved; and that, if it has found its way into any public or private collection, it may yet be restored to the Clerk of Justiciary.

In a second MS. Collection, also preserved in the Faculty's Library, and understood to have been compiled by Lord Roystoun, it would appear that the same deficiency had still existed in his lordship's time. The following memorandum is transcribed from that Abstract:

'Nota. As there is no Record from October 1591 to 17th May 1596, we are deprived of what past in that intervall. I shall therefore notice what trialls are mentioned by Spotwood, during that time.

'First, he mentions, page 391, that David Grahame of Fintrie was found guilty, and beheaded, 16 Feb. 1592, for being concerned in a Popish plott; the particulars whereof are there narrated, and in a printed Narrative, anno 1598, London.

1 This was the severest sentence ever pronounced by the Court, even in the most atrocious cases. In ordinary instances of Witchcraft, the culprit was previously strangled at the stake, before being burnt. Ewfname Makcalvene endured her fate with firmness and obstinacy to the last. She does no appear to have repented her crimes, but rather seems to have gloried in what she had attempted.

2 Ane Abridgement of the Books of Adjournall.' W. 1. 26. Sir John Lauder (Lord Fountaineall) was one of the fifteen Ordinary Lords of Session, appointed after the Revolution, Nov. 1, 1689. On his death, he was succeeded in his office by Andrew Fletcher, (Lord Milton,) Jun. 4, 1724, after having sat upon the bench for the long period of almost thirty-five years. Sir James MacKenzie (Lord Roystoun) was appointed an Ordinary Lord of Session on the resignation of Lord Prestonhall, (R. Mackenzie,) Jun. 7, 1710, and was succeeded by Charles Aresken, (Lord Tinwald,) Nov. 29, 1744. 44 Abstract of the Books of Adjournal,' Advocates' Library, M. 5. 14. fol. 161.
Stewart E. of Bothwell, in Aug. or Sept. 1593, tried and acquit of consulting with witches against the King's life. Vid. Agnes Sampion's trial, as mentioned, page 388, in Spotwood.

In the Parl, anno 1594, the Earls of Angus, Huntlie and Errol, are forfeit, for the same treason and Popish plot for which Graham of Fintrie was forfeit in Feb. 1592.

Allan Orme, servant to the Earl of Bothwell, and James Cochran, keeper of Blackness Castle, execute for art and part in Bothwell's treason. Executed in Oct. 1594.

In order to supply, in some measure, the want of this Volume of the Books of Adjournal, the Editor has ventured to insert in this place, rather than in an Appendix, pretty copious extracts made by him from the Records of the Privy Council of Scotland. These notices are, for the most part, necessarily taken merely in abstract. It is greatly to be wished, that the truly valuable mine of historical information contained in the Acts of Secret Council, may, through the liberality of His Majesty's Commissioners on the Public Records, be speedily published, under the superintendence of the present Deputy Clerk Register; to whose indefatigable and well-directed exertions, the restoration of the Records of Scotland is mainly to be attributed. The present state of the Public Registers, and the facilities now afford for consulting them, would reflect honour on any country.]

(May 19, apud Hailrudhous.)—William Maister of Angus and Dauid Grahamie of Fintrie, being baith perfonallie present, decernit to tyne their lyverentis, being dilaitit and accustit, that thai had declynit fra the trew and Christiane Religioun, refuiitng to reforte to the pryeching of Godis worde; and that, be refoning or difiering of buiks or lettres, thai had prestumit to perfuade his Maiestie subiectis to decyne fra the profeffion of the trew religioun, and thairthrow had incurrit the pane of tinfyle (lofs) of all thair mouable guidis, togidder with the lyfcents of thair landis, &c.

(May 21, apud Edinburgh.)—Alexander Guthrie, fear of Kincairdrum, become actit and obieit as cautioner and fourtie to William Douglas (Maister of Angus), eldeft fone lauchfull to William Erll of Angus, that he fall repair to the toun of Dundee, within the space of four days eftr the dait heir-of, and thairi remane, quhill he mak faill and depairt furth of this realme, within the space of fourty dayis thataireftir: And that he fall nocht returne agane within the same, without his Maiestie licence obtenit to the same effect, vndir the pane of ten thousand pundis.

(Sic subscribitur) Alex* Guthrie appeirand of Kincairdrum.
(May 24, apud Falkland.)—Sir James Douglas of Drumlantig, knight, and his deputis, susteined and disfranchis of all ving of the office of Bailliere' of the regale of Mortoun, 'ay and quhill it be tryit quhilder be he demnedit of the richt and poibfeoun of the fame or nocht;' for ' croming with convoca-
tioun of his hienes liegis in armour, vpoun the xxvij day of Marche laftbipast, to the tow and landsis of Penpont, quhair Thomas Kirkpatrick of Cloisburne, Shereff-depute of Drumfrigus, with his memberis of Courte, wer fitting in jug-
ment, in ane fensit Courte haldin be him, and violent taking away of Johne Wilsoun in Haghill furth of the said Courte, eftir he was enterit vpoun pannell, and redy to have vnderlyne the tryale of ane Asfif, for certane crymes of thist committit be him, and flaying.'

(May 24.)—Proclamation against Niniane Chirneside, seruitour to Frances Erll Bothuill, for treasonably conspiring the death of the king, 'be Witchcraft, Sorcery and vtheris traterous and diabolicall meanis,'

(Jun. 25, 1591, apud Edinburgh.)—Proclamation against 'Frances ful-
tyme Erll Bothuill, that, notwithstanding of his Majestys clemency, &c. in superceding, as ofbeoir, the pronounceing of dome aganis him, in hoi of his convertible, penitency and amendment, quhill now that his hienes, perfaying that he hes gevin him felf ower altogidder in the handis of Satan, and that his spirtit has fa michtelie prevalit into him, that he yit still inisfis, without feir of God, or respect to honestie or schame of the werld, to continew in all kynd of sithnes, helping treffoun vpoun treffoun, aganis God, his Maiestie and this his native cuntre, cuir affifting fic perfonis, be force, coufall and vtherwaysis, as wer and ar innemis to God, his hienes, and foche the sibuerfioun of the trew Religiounn; takand the mainteinace of tratouris, murtheraris and vtheris wickit perfonis, quha, to impetrat impvnitie of their wickit lyffis and libertie to do evill at all tymes, maid their dependance vpoun him; he having alfu now at laft, for the better execuction of his wickit intentiou and treffounabill conspiracie aganis his Maiestis awin perfoun, had consultatioun with Nygromanceris, Witchis and vtheris wickit and vngodlie perfonis, bawth without and within this cuntre, for bereving of his hienes lyff, confeffit be sum of the fame kynd, alreddy execute to the deid, and sum vtheris yit on lyve, reddie to be execute for the fame cryme : And being wardit within the Czell of Edinburgh quhill he had bene tryit of the fame, he hes now at laft echopit, and su a hes takin the said treffoun-
abill cryme vpoun him, eftir that his hienes nochtwithstanding had yeildit to sum conditionis concerning his libertie : sfor the quhilik caus, and for the formar treffounabill offence quhairof he wes convict, in manner foirfald, his Maiestie now at laft hes caufit pronounce the Dome and Sentence of ffofaltour aganis him ; as the famyn at mair lenthe beiris : Swa that prefentlie he remanis a declarit rebell,
traitour and innymie to God, his Maiestie and this his natuie cuntrie.' Therefore 'that nane reflet, supple, schaw fauvour, intercommoun, nor haue intelligence' with him, &c.

(Jul. 21.)—The Lords declare a certain Letter of Relaxation, in favour of COLINE CAMPBELL of GLENLYOUN, 'to have bene and to be maist pruellie and surreptitiouslie purcheft\(^1\) of his Maiestie, without his hienes priwitie or allowance; and thairfoir of nane avale, force nor effect.' And ordained the Letters of Horning, Caption, Treason and Commison following thereupon, 'purcheft be Dame Agnes Sinclair Countesse of Errole, and Alexander Gordoun of Strathdoun hir spous, for his intres, to be put to forder executioun in all pointis.'

—On Sep. 25, 1597, Campbell of Glenlyoun was denounced rebel and put to the horn, 'be virtue of twa feuerall letteris raift at hir inftance; the ane for noct comperance, personallie, befoir his Maiesties and Lordis of Secret Counfall, to have anhuerit to ane complaint maid be hir vpoun hir; and the vther for not restoring and delyueriug to hir of certane gudis, geir, inricht pleniffing, jowells, gold, filuer and vtheris spulzie be him fra hir, or ells the avale and pryces thairof perticularlie spesifiit and contenit in the faidis letteris. And becaus he remanit contemptnandlie at the faid proces of horne vnrelaxt, the faid Dame Agnes purcheft letteris, be deliuerance of the Lordis of Secret Counfall, quhairewith silence caufit charge hir, and the keparis and detenaris of his duelling-houfis respecitue, to rander and delyuer the samyn to the officiar executiour of the faidis letteris; as alus, to entir his perfoun in ward within the Caftell of Blaknes, within a certane fpace mentionat in the fame letteris, vnder the pane of treffoun; quhilk chargeis he maist proudlie and contemptnandlie dislabilit; and thairfoir, silence was forceit to crave his Maiestis Commioun for perfute of him self, and aflageing of his houfis and frentthis with fyre and fwerd: for staying of the executioun quhaireof, he hes of lait, be the moyen of sum shameles and vndifcreit perfonis, preferring thair awin prevat gayne and commoditie to his hienes honour, maist pruellie, &c. purcheft ane letter vnder his hienes sbscripition and signet, relaxand hir fra all and qhatfiomeur proces of horne,' &c.

(Aug. 2.)—Proclamation for the perfute of the ERIIL BOTHULLE, 'for reffiting of quhais treffounabill intentioun and practizes, repprefing of the infolence of thame,'\(^2\) and the brokin men fterit vp be thame on the Bordouris, and vtherways to the brek of his hienes peace, and disturbing of the quiet eftate of the hail Ile, his Maiestie intendis to tak the feildis in propre perfoun.' Charges are therefore ordained to be given to 'the erllis, lordis, baronis, fnewaris, fre-haldaris, landit gentilmen and substancious 3emen, togiddir with the inhabitantis

\(^1\) Procured, obtained.  
\(^2\) Bothwell's abettors.
of burrows, betuix sextie and sextene yeiris, duelland within the boundis of the Scherfdomes of Edinburgh principall, and within the Conftarularie of Hadingtown, Berwik and Roxburgh, alswell regalitie as ryeltie, that thay and ilk ane of thame, well bodin in feir of weir addres thame selfis to repair to his Maiestie, at Edinburgh, vpoun the next day of August instant,' &c.

(Aug. 6.)—A 'Band' between the Lairds of Cesfurde, Bukcleuch, Home of Broxmouth, Lauder of Bais, Ker of Lyntoun, Douglas of Caverfe, &c. is recorded, wherein they bind themselves to use their utmost endeavours to take Bothwell, &c.; and, amongst other conditions, they engage to 'lay alyde all perticular querrellis, deidlie feidis and contrauerfeis standing amangis thame, and for na caus fall schrick from his Maiestie's service.'

(Aug. 7.)—His Majestie 'finding sum of the chiefe persounis suspect culpabill in the lait disorderit contemt to have repentit thame thairof, and quhill tryell of thair pairtes to haue voluntarie offerit them selfis in his hiene's ward,' dispenses with the attendance of his subjects, having now abandoned the intention of Re-pairing to the Borders against Bothwell.

(Aug. 7.)—Sir Walter Scott of Brannhelme, kny', finds Sir James Scot of Balwery, kny', and William Scot of Abbotshill, as sureties, that he 'fall de-depart furth of this realme within the space of ane moneth,' and 'not returne agane within the same during the space of thre yeiris nixtocom, vnder the pane of ten thowland pundis.'

(Aug. 29.)—Sir Walter Scott of Brannhelme, kny', is relieved 'of his office and charge of keeping of Liddesdaill,' 'because he is to depart furth of this realme, be his hiene's licence and permiffoun, &c.

COMMISSIOUN for Examining of Witcheis.

(Oct. 26. Apud Hairudhous.) Forsamekill as the Kings Maiestie, with aduife of the Lordis of his Secret Counfale, hes gevin and grantit, and be ehir prefentis, gevis and grantis his hiene full pouver and Commiffoun, expres bidding and charge to his truftyt and weillbelouis counfalouris, Sir Johnne Coburne of Ormestoune Jufice clerk, Maifter David Makgill of Nefbitt Advocat, as alifwa to M' Robert Bruce and Johnne Dunkiefoun Minifteris, William Litill prouoxt of Edinburgh and Johnne Arnott burges pairof, or ony three of thame coniunctie; all and findrie persounis, alswell pame quhilkis ar alreddy convict or vtheris quhilkis ar detenit captiue and hes confessit, and sum that hes not confessit, as alifwa all sic vperis as ar dilaitit, or that heireftir faile accufed and dilaitit, off committing, vring and practizing of Witchcraft, Sorcerie, In-

1 Several others, of lesser note, find surety to depart the kingdom at this time.
shantment and vtheris divilisfik divyfis, to the diifornour of God, skinder of
his worde, perrelling of þær awin faullis, abuseing of þe commoun people and
grite contempt of God, his Maiestie, his authoritie and lawis: To call and con-
vene befor the saiidis Commisionariss, or ony three of thame coniunctlie, as saiid
is, all ofte as neid beis, and thame to thry, enquryre and examinat, thair Depo-
itionis to putt in write, and the same to reportere to his biene and his Counsale;
to the effect þai may be putt to the knaulege of ane Asyfie, and justice ministrat
as affeiris, or sic ordour takin with þame as to his Maiestie and his saiid Coun-
sail falbe thocht maift meit and convenent: The perfonis wilfull or refufand
declar the veritie to putt to tortour, or sic vþir punishment to vfe and caus
be vfit, as may move thame to vttre the treuth: And generallie, all and findrie
vtheris thingis to do and vfe, that heirin is requirite to be done: Fferme and
stable haldand and for to hald, all and quhatsumeur thingis the saiidis Commis-
fieneris, or ony thrie of þame coniunctlie, as saiid is, lauchfulle do heirin.

(Oct. 28.)—‘Francis Erle of Errole cheiff, James Lord Hay of Zerter and
Williame Hay of Gourdie, with the remanent kin and freindis of vmq’ James
Hay, done to the saiid William,’ having raiied Criminal Letters against ANDRO
HERING of Little Blair, Reid Johnne Herig in Gilmertoun, Blak Johnne
Herig in Afflekhill and James Hering in Morganstoun and thair accomplies,
for the cruel and unmerrifful Slaughter and Murthour of the saiid James Hay, in
Feb. 1589, ‘quhen his Maiestie wes in Denmark; the saiid compleinaris offerrit
thame reddy to haue perfewit justice, gif thai could haue had ony certantie to
haue the same ministrat,’ &c. The Earl of Errol accordingly applied for and
obtained a Commiffioun, for searching and bringing the murderers to justice.
Letters of Caption were likewise granted, and Black John Herig secured and
placed in ward, and the others put to the horn; but in the meantime, Hering
obtained a Respital for leven years, in the face of these proceedings, of a recent
Act of Parliament, and of the Kingis ‘Declaratioun left and publifiit at his de-
pairting to Denmark.’ A charge was therefore given to ‘Dauid Hering younger
of Glafune, purchesfaiir of the saiid Respitt,’ to appear before the King and
Privy Council, bringing with him the Respite, and to see the same declared
null, ‘or ellis to haue allegiete ane reffonable caus quhy the famin fould noch
have been done.’ And the parties appearing accordingly, ‘the Kingis Maiestie
and Lordis of Secrete Counsale findis that thai ar nocht jugeis competent to the
Reducioun and annulling of the saiid Respitt; and thairfor Remittis this mater
to the Justice general and his deputis, ordaning thame to proced and miniifier
justice thairin, according to the Actis of Parliament, lawis and practique of this
realme obfusit in sic caiffis: And in the meantyme, that the saiid Johnne Hering
be committit to warde within the tolebuith of Edinburgh, thairin to remane
vpoun hes awne expenffis, ay and quhill he be tryit for the saif slauchter and justice minifrat as effeiris.'

(Oct. 28.)—On the Complaint of James Lord Ogilvie of Airlie, 'that quhair he hes bene his Maiestis faithfull and obedient subject, submitting him self aways to his hienes and the Lawis of the countrie, and thairby reposing him self vnder his hienes protectioum, beleving to haue reffault inuiure of na man; neuirtheles Archibald Erll of Ergyle and his freindis, vpoun quhat motiu or occaifon the saif Lord knawis not, without ony deservin on his parte, hauing conclusit the wrack of his hous or freindschip; and being informit that he had retieirit him self in sobir and quiet maner, to duell and mak his resiidence in Glen-Ilay, finding the place convenient for their interprite, the saif Erll and his freindis fett oute certane brokin Hieland men, thay ar to say, Johnne Campbell brothir to .... Campbell of Lochinyell, Johnne Dow M'Con-douqhy in Inuarraw, Neill Leich in Lochquhabir, Donald M'Carlich in the Laird of Glenyrquhyis landis, Allane Roy M'Moig fone to the Laird of Glenco, Archibald Campbell of Perlie, Coline Campbell of Glenlyoun, Archibald Campbell his brothir, Johnne M'Rannald in Lochquhabir; quha in the moneth of August laft-bypaft, to the nowmer of fffeve hunredth men of the cuntey of Ergyle, duelland for the maift parte within the same, and reflett thairin, with the guidis and depreda-tiones vnderwrittin, off fett purpos and deliberatioun to haue flane the saif lord, and to haue wrackit and spuilzeit the cuntey: Lyke as, vpoun the xxj day of August laft-bypaft, they enterit in Glen-Ilay vndir silence of nicht, with fic force and violence, that the saif Lord, lyand fa fer frome his freindis, vpoun fic fuddantie wes nocht able to reffit thame, bot with grite difficultie and fchorte advertiiment, he, his wyffe1 and bairnis haueing eschaiped, they enterit in the countrie with fic barbarous crueltie, not sparing wyffis nor bairnis, bot murtherowrit and flew all quhome thay fand thairin, to the nowmer of xviiij or xx perfones; and spuilzeit and away-tuke ane grite nowmer of noit, scheip and plenneffing, to the vtter wrack and vndoin of the hail pure inhabitantis of the cuntey: Quhilk being maid knawin to his Maiestie, his hienes nocht onlie caufit ane affuairance to be takin betuix the saidis pairteis, bot alwa directit ane spesiall Lettre to the saif Erll and his freindis, to reteir the saidis brokin men to their awin countrie, that the saif Lord and his freindis wer nocht forder troublit with thame; with ane charge to thame selfis vndir the pane of Trefsoun. Quhairupoun the saif Lord and his freindis hauing dependit, hooping to be in furetie thairby, and to haue reffault na inuiure of new, during the affuirance of the saif Erll, nor nane of his; neuirtheles the brokin men, quha maid the invaifioun abouewrittin, haue-

1 Jean, eldest daughter of William seventh Lord Forbes. * Fr. retirer.
ing continually senfynne remanit in the hillis, and hauing conuocat vnto thame
selfis ane grit nowmer of fornaris,1 quha, in the tymne of sic affurance, hooping
with small travell to get geir, vilipending his Maief ties charge gevin to thame
as said is, and the said Letteris nor perfonis forfaiidis, hauing na respect to his
Maief ties Letteris, thay vpoun the . . . day of September laftbypast, within the
tyme of the affurance, vndir flence of nicht invadit the inhabitants of Glen-
Ilay and Glen-Clova, and hes murthourit and flane three or foure innocent men
and women, and reft and takin away ane grit pray of guidis; fwa that the puir
men duelland in Glen-Clova, Glen-Ilay and vtheris pairtis adjacent to the
Month,2 quha ar nocht able to make refistance, ar fa oppreft be the brokin men
and fornaris houndit oute be the Erll of Ergyle and his freindis, and mantenit
and reflett be thame, that nather be his Maief ties protection nor affurance of
the pairtye can thair lyveis and guidis be in furetie.

The above-named perfons were accordingly charged to appear before the King
and Privy Council, under the pain of rebellion. Lord Ogilvie appeared on the
day appointed, to call them to account for these barbarities; but none of them
having come forward, they were ordained to be denounced rebels, &c.

(Oct. 28.) . . . . . . . LICHTANE OF VSANE,3 Johnne L., Archibald and Alex-
ander Ogiluy and Johnne Smith his fernandis, George Ogiluy fone to Alexander
O. of Drummis, now fernand to James Lord Ogiluy, William and . . . . . . O.
fonis to Johnne O. of Quheich, . . . . . . O. bruther to Innerquharritie, (and
fundry others, servants to the Lairds of Telling and Balfour, &c.) were charged,
‘that quhair vpoun the xvj day of Auguft laftbypast or thairby,’ they, ‘with
convocation of his Maief ties liegis, to the nowmer of threescoir perfonis or thair-
by, all bodin in feir of weir with jakkis, speiris, hacquebutis, pistolettis and vtheris
waponis, inpecitie, prohibite to be worn be the lawis of this realme and actis of
Parliament, off the speicall caufing, feeding, hounding oute, command, &c. of
the said Lord, come vpoun vmq4 Robert Campbell in Milhore, William of Sout-
tarhous, Thomas C. portionar of Kethik and Johnne C. of Muretoun, and maift
crueillie and vnmercifullie murdreiit and fiew thame, vpoun fett purpoeis, prou-
floum and foirthocht fellouny, in bie and proude contemptoun of his Maief tie,
and encouragement of vtheris to committ the like shamefull and cruell slauchteris
heireftr,’ &c.—The Letters raifed were at the instance of ‘the wyffis, bairnis
and remanent kin and friends’ of the deceased perfons, charging the above par-
ties to appear before the King and Council; and they not obeying the charge,
were ordained to be denounced rebels, &c.

1 Vagabonds belonging to no clan, who lived by plunder and by taking free quarters, or morsiy, as
it was termed. 2 Mountains, hill-country. Lat. Mons. 3 Ulysses-haven. Of this family was
Robert Leichtoune, Bishop of Dumblane, and afterwards Archbishop of Glasgow.
(Oct. 28.)—Bond by Robert Douglas of Cashogill, dated Oct. 23, 1591, recorded, whereby he binds himself as cautioner for Sir James Douglas of Drumlanrig, kn', that Thomas Kirkpatrik of Clofurne, his men tennentis and feruandis, false harmses and skaithles,' under the pain of L5000.

(Nov. 3.)—Robert Lord Sempill, having been charged to appear before the King and Council, 'to haue vnderlyne sic ordour as fould be prescruit, twicheing the obferuation of peax, quitnes and gude reule in the cuntrey, vnnder the pane of rebellium'-and not complying, he was ordained to be denounced Rebel, &c.

(Nov. 12.)—David Edmeftoun of Wommatt and James Laufoun of Humbie, become bound for Schir John Edmeftoun of that Ilk, that he 'be him felff, and all thal that he is oblif to anfluer for be the lawis of this realme, &c., fall keip the Kings Maiesties peax,' &c., under the pain of L5000.

(Eodem die.)—Andro Logane of Coitfeld became cautioner for George Hoppringle of Torwodlie, to the same effect as above, under the pain of L2000.

(Eodem die.)—James Hoppringle of that Ilk and James H. of Quhytebank, became cautioners for John Hoppringle of Buckholme; and Buckholme and Quhytebank for James Hoppringle of that Ilk—each under the pain of L2000.

(Eodem die.)—James Douglas of Cavers, schereff of Teuiotdaill, became surety for Walter Turnbull of Bedreule, under the pain of 1000 merks.

(Nov. 17.)—William Cunynghame of Tourlandis denounced, for not finding caution.

(Eodem die.)—Patrik Cokburne, tutor of Langtoun, became surety for George Haitlie in Hordlaw, under the pain of 500 merks.

(Nov. 19.)—James Earl of Glencairn ordained to be charged to find caution, to the extent of L20,000 within eight days, 'or ellis within the same space, pas and entir his perfone in warde be-North the watter of Erme and about the burgh of Perth, and thair remane and keip warde; and on nawayis transcend the said boundis, ay and quhill he be fred and releuit be his Maiestie, vnnder the pane of rebellium.' And if he should fail, to denounce him rebel.¹ On Nov. 24, he is again charged to pafs to ward, 'for contemns remaning at the horne, for none obeying of the Decrete Arbitrall pronunciit be his hienes and the Lordis of Counfale and Seiffoun, betuix the said Erll and Dame Annabill Murray Countesse of Mar:' He is likewise charged, 'to rander and deluyuer his houffis of

¹ A great number find similar surety at this period. From the above excerpts, which are given as specimens, some idea may be formed of the value of the Privy Council Records, in elucidating historical and genealogical enquiries.
Kilmarnock, Findlaistoun, Stevinstoun, Kilmaweris and Glencairn, to the
official executor of the said's letters,' under certification. On Dec. 15, he is
charged to return a bond for L.20,000, under the pain of rebellion.

(Dec. 17.)—Patrik Lord Gray, being personally present, is ordained to
bring, present and deliver to his Maiesties stablish, vpoun the sij day of Januair
next occum, his hienes awin hors, callit . . . . ., quhilk wes vnhoonsteidie tane
away be James Gray sone to the said Lord, and sumtyme servand to his Maiest-
tie; as alswa, to bring and present the said James befoir his hienes, or expell
him furth of this realme, betuix and the last day of the said moneth of Januair;
and failseing heirof, that the said lord pas and entir his persone in warde within
the Caistell of Dumbartan'; under certification.

(Jan. 12, 1691-2.)—The Kingis Maiestie, with advise of the Lordis of Secrete
Counfale, ssindis and declairis, that David Hamilitoun of Bothuellhauch,
(otherwise designd of Monkton maines), Isobell Sinclair and Alesoun Sinclair,
heretrices-portionaris of the landis of Wodhoullie, aucht and sould be reposseid
in the landis, houssis, takkis, fedingis and posescionis whereof they wer dispo-
seid, throw occasioun of the late trublis.

(Jan. 12.)—A 'Proclamation aganis thame that rydis missett' is re-
corded, stating 'that there is diuers and findrie perfonis, arte and paire-takers
with Frances sumtyne Erll Bothulie, in the latt tresounable CONSPIRACY
attemptit within his hienes PALICE OF HALLIRUIDHOUSS, vpoun the xxvij day
of December lastipast, for bereving of his Maiestie of his lyffe and crowne,
and that vthirways ar dilaitit and fupsect to haue bene vpoun the foorcaun-
lege and devife of the same Conspiracie, quhilikis nicht and day travellis
and rydis over all parteis of this realme, with their faceis covert, and vther-
ways disfiyfit,' &c. Therefore directs Proclamation to be made, 'that nane
of thame tak vpoun hand to ryde or gang nicht or day, to or fra, in ony
parte of this realme, with their faceis covert or vtherways disfiyfit, in tyme
cuming;' and to charge the lieges 'to tak and apprehend' all such perfons; 'or,
gif they be noct of pour fa to do, that they ryfe schowte, rais the fray, follow,
concur and afflit ilk ane with vtheris, to the taking and apprehending of thame,'
&c.; under certification.

(Jan. 15.)—John Graham of Knockdoleane and John Stuart fear of Barkbie,
become furyties for Sir Johnne Edmestoun of that Ik, kn'; James Edmestoun
of Duntreith, kn'; and James alias Jacobe Edmestoun of Newtoun, as principalis,
for thame selfis, and takand the burding vpoun thame for thair hail kin, freindis,

1 Left blank.  2 They were formally restored by Act of Par. 1609, cap. 41. See Acts fol. 450.
3 Muffled, masked, disguised; commonly written misselit. O. Fr. emmisseillit.
SURENAME,’ &c. on the one part; and ‘James Commendatair of Incheffray and Hary Lindsay of Kinfawis, as cautioners for Schir James Cheisholme of Dundorne, kn1, as principall, for him self, and takand burdung for him for his hail kin,’ &c. on the other part; that they should obserue the contents of certain Letters of Slains, dated Nov. 25, 1587, granted by the ‘cheiff kynnnifmen and freindis on the sader fyde and moder fyde of vnaq’ Mungo Edmeftoun, bruthir to James alias Jacobe E. of Newton, who was slain within the burgh of Stirling, in Nov. 1585, ‘under the pain of perjurie, infamy and tinfall of perpetuall credite, honnour and etfimation, in tyme cuming; and forder, vnder the pane of 5000 merkis.’

(Mar. 8.)—A Proclamation made ‘anent deferting of the Raid appointit for perfute of the ERL OF HUNTIE.’

(Apr. 4, 1592.)—Proclamation anent the Arrival of Spanyeartis. ‘Forfamekhill as it is yerstand to the Kingis Maiestie and Lordis of Secret Counsell, that thair is certane Spanishe shippis, riggit oute in weirlike maner, and presentlie in redines to repair to the North Ils and coiftis of this realme, and cheiflie to the pairtis ewest the cuntreyis of Orkney and Zetland; for rubbing, spuitinge and invading, as thay haue done ofbefoir, not onlie his Maiestis awne sujectis, but the Queene of Engleand his darrest sufter and coufin, and sic wher Princes as famanis in faxt leage of amitie and freindship with his bienie, occupit this feasone of the yeir in thair lauchfull and accuermat trad of fisheing; be quhaiis labours and industri, grit commoditie wes randerit, and in spieciall to the inhabitantis of this hail Ilsand,’ &c. Therefore, defrees that Robert Earl of Orkney, the sheriffs, &c. in the northern parts of the kingdom, ‘that nane of thame tak ypoun hand to suffir or permitt any Spanishe vehellis, Spanyeartis, pyroutis or revaris, to have resett or refuge in ony of thair portis,’ &c. and to rife and concur in their expulsion.

(Apr. 14.)—‘Patrik Master of Gray and Robert Gray youngair, his bruthir,’ denounced, for not appearing ‘to haue anuerit to sic thingis as should haue bene inquirit of thame at thair cuming, tuiching the Resett, intercommuning and hauing intelligence with Frances fumtyme Eirl Bothuile and his complices, culpable of the lait trefflounable fact, committit within the Palice of Halyraudhous.’

[Adam Bishop of Orkney, Alexander Commendator of Culrose, Edward Commendator of Kinloss, John Earl of Mar, John Lord Thistlethane chancellor, Sir Robert Melville of Murdocairny, kn, treasurer, Walter Commendator of Blantyre keeper of the Privy Seal, Mr Richard Cockburn apparent of Clerkingtonoune secretary, Sir John Cockburn of Ormes-
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town Justice-clerk, Alexander Hay of Eister Kennet Clerk of the Rolls, Register and Council, William Little proost of Edinburgh, Nicholas Cornwall of Bonhard proost of Linlithgow, specially appointed by a Commission from Parliament; with George Earl of Marischall, James Kynross deputy Constable, Mr James Fowles sheriff-depute of Edinburgh, and James Nysbite dempstar.]

May 4.—DAME MARGARET DOUGLASS COUNTESSE OF BOTHUILL, Frances sumtyme Earl Bothuile hir spouse, for his interesse, and others.

Mr Davyd Makgill, aduocat to our fouerane, producit before the saidis Lordis Commissoneris of Parliament, ane Summondis of Trequoune writtin on parchament, gevin vnder the Quarter-seill, dewlie execute and indorse the aganis Dame Margaret Douglass Countesse of Bothuill, &c. for certane crimies of Trequou, specifit in the said Summondis: Upon the production of the quhilik and verification of the indorsationis of the samyn be the messingeris, executouris thairof, and witneses infor thatairtill, the said Mr Davyd Makgill, in his hienes name, akit instrumentis.—And the foraidis personis being thryse callit at the Tolbuidh-windo of the burgh of Edinburgh, to haif comperit and to have anfuerit to the said Summondis of Trequou, and none of thame comperand except Patrik Futhie of Futhies myline, quha producit ane Remissoun grantit be our fouerane lord vnder the Greit Seill, and ane Lettr subfryuit be the Kingis Maistrie, direct to the said Aduocat to pas from perflute of the said Patrik; vpoun the production quhairorf he akit instrumentis: And als, Robert Ormestoun of Brigend comperit perfounalie, and was content to abyde ane tryall, for ony cryme contenit in the said Summondis of Trequou micht be laid to his charge.

The Lordis Commissoneris of Parliament commandis the said Patrik Futhie and Robert Ormestoun to reteir to thair lodgingis in Edinburgh, and thair to remane quhill thay be fend for be his hienes; and continewis to the morn.

May 25.—Quhilkis personis war thryse callit at the Tolbuidh windo, quhairorf name comperit except James Lermouth in Kelso, Robert Ormestoun of Brigend, Johnne Stewart of Foulage and Patrik Futhie of Futhies myline; and thaireafter the hall executionis of the said Summondis of new verifeit, &e. quhairvpon the said Aduocat akit instrumentis.—The said James Lermouth in Kelso comperit perfounalie, in presence of the saidis Commissoneris of Parliament, and offerit him ready to abyde tryall of law, vpoun quhatfumuir crimies.

1 See the names specified in the following Dictay. 1 These proceedings have been taken from the Parliamentary Records. Acta Parl. 1592, fol. 528.
of Treffoun contenit in the said Summoundis, to be laid to his charge: And siclyk, the said Johnne Stewart of Foulege comperit perfounalie, and was content to abyde the tryall of law for the crymes of Treffoun laid to his charge, contenit in the said Summoundis: And als, comperit the said Robert Ormefstown of Brigend, and producit ane lettre subcrituit be the Kingis Maiestie, direct to the said Mr David Makgill advocat, commanding him in his hienes name to pas fra the said Robert, and that pairt of the said Summoundis quhilk concernis him, and to deelit him furth of the said Summoundis; vpoun the productiuon quhairof, the said Robert Ormefstown akit instrumetis.

And the said Mr David Makgill producit Lettres of Relaxatioun, beirand, that the foirfaids hail perfonis defenderis, Summound be the said Summoundis of Treffoun, to be relact fra quhatfumeuir proces of horne led aganis thame or ony of thame, for quhatfumeuir caufe or occaioun, preceding the dait of the said Lettre, quhilk is daitit at Dalkeyth the tent day of Maii, and of our fourerane lordis regnne the xxv yeir, 1592; and execute the xij day of the famin moneth of Maii, and registrat in the sherref court buiks the xxij day of the famyn moneth of Maii: And siclyk, thairbpoune akit instrumetis.—And siclyk, Mr Johnne Makgill advocat comperit perfounalie, and in name and behalf of Alexander Home, brother-germane to William Home of Prandergait, protestit, that his abisence at this tyme be not imput vnto him for contumacie, and prejuge him not of his innocencie, anent the odious cryme of Treffoun laid to his charge, feing the caus quhairfoir he may not compeir is notour. And as to the cryme of cumming to the Abbey that Nicht, contenit in the said Summoundis, in cumpannie with Frances suntyme Erle Bothuell, he protestis he is maift innocent thairfoir; as being that nicht vpoun the Waft Bordour of Scotland, mair nor thrie socir myles fra the said Abbey; quhilk he is content to vereifie be honest gentilmen: And thairfoir protestis, that in caife it be not sufficientlie provin be sic as hard, saw and knew him thair, that na argument be groundit vpoun his abisence, quhairby he may be prejudget of his innocencie; according to the said protestatioun, gevin in be the said Mr Johnne at lenth in write; and akit instrumetis vpoun the proponing and productiuon thairfoir, excusatorio nomine for the said Alexander Home.—Mr David Makgill advocat, present, tuik him to be advisit with the Kingis Maiestie, gif heould gif command to the clerks to deelit Robert Ormefstown furth of the said Summoundis of Treffoun or not, conforme to the ticket direct be his Maiestie to him to that effect.

The Lordis Commissions of Parliament ordanis the saidis James Lermouth, Robert Ormefstown and Johnne Stewart of Foulage to reteir thame selfis to thair lugeingis within Edinburg, thairin to remane ay and quhill thai be fend for be his Maiestie.
CRIMINAL TRIALS.  A.D. 1592.

REGE ipso Presente.

May 29.—The haill eftaititis of Parliament chefit (the perfonis) vnder-writtin to be Lordis of the Articles.

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The quhilk day the Kingis Majestie, and Mr Dauid Makgill of Cranftoun-Riddell his hienes advocat, being baith pribunaie preffent, declairit, in preffence of the Lordis of Articles, that he inffitit only at this tyme in perffute of the said Summoundis and truyall thairof; agenis the perfonis following: Thay ar to fay, Dame Margaret Dowglais fumtyne Countesse of Bothuell and Frances fumtyne Erle Bothuell her fpoufe, for his interes, James Douglas fumtyne of Spott, Archibald Vauchope younger of Nudry, Mr Johnne Coluile of Strathvrdie, William Stewart fumtyne Constable of Dunbartane, Johnne Hammiltoun younger of Samelstoun, William Lermounth of the Hill, Johnne Vauchoir baillie of Nudrie, Robert Home younger of the Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Eift Reftoun, Patrik Auchincraw thair, Mr Thomas Cranstoun younger of Moreitoun, Johnne Cranstoun his brother-germane, Johnne Ormestoun of Smailhome, Robert Ormestoun his fone, James Stewart of Tynneis, Patrik Crummy of Carribdin and Daud Orme of Mugdrum. And paft pro loco et tempore frome the haill remanent perfonis, defenderis, speciet and contenit in the said Summoundis of Trefoun, except the fairfaisd spesiall perfonis, preffentlie nominat be his Majestie, as said is: And thairypoun the said advocat akit instrumentis.

And immediatlie thairefter, the fairfaisd Summoundis of Trefoun raifit at our fouerane lordis inffance, and execute agenis the perfonis vnderwrittin and ilk ane of thame, contrair quhome his hienes declarit he inffitis at this tyme in truyll of the said Summoundis of Trefoun, in maner fairfais, being red in preffence of the Kingis Maiestie and Lordis of Articles, and the fãym being hard, sene and vnderstannd be thame, and thay thairwith being ryplie advifit; the saidis Eftaititis finds and declaris the resfoun and caus contenit in the fãym Sum-
moundis of Treffloun relevant aganis the personis abovewrittin. And thairfor
admittis the famyne Summoundis to the said advocatis probatioun; quha being
perfoumalie present, declairit that he sould vse his probatioun with all expedi-
tioune; and the said advocat akit instrumentis of the relevancie of the said Sum-
boundis, and that the saidis Entaites had fundin the refoun of the said Sum-
boundis relevant.

Jun. 5.—The quhilk day Maister Dauid Makgill of Cranftoun-Riddell,
adovcat to our fourane lord, fwr vereving of the said refoun contenit in the
said Summoundis of Treffloun raifit aganis the said Dame Margaret Dowgglas
Countesse of Bothuell and Frances funymye Erle Bothuell hir spous, for his in-
teresse, &c. product and repetit the Extract of the Poirfaltour led and pronuncit
befoir the Justice and his deputis, aganis the said Frances funymye Erle Bothuell,
subscriuit be the Laird of Ormeftoun Justice clerk, of the dait the twentie-fyft
day of Junii, the yeur of God 1591 yeiris; Depositionis of certane witnesfes, quha
wer takin and execute to the death for the cryme libellit; and Depositionis of
diuerse itheris witnesfes, examinat befoir the saidis Lordis of Articles in the said
mater; the notorietie of the deid libellit, and cuming of the defendaris to the
place of Halyruichous the tyne libellit; quhilk in mater of Hie Treffloun sould
mak full probatioun: And that the Lordis of Parliament being the Greit Aslyfe
of the cuntrie, of the daylie practise, quhatfumeuir perfone clengis not, of cer-
tane knawlege, the personis acqussit, he fyles thame: And the commoun notor-
ietie of this fact and Treffloun, and contumacie of the defendaris, is sufficent to mak
na man to clenge thame: And wes content the fairfaid proces and Summoundis
of Treffloun be baldin concludit: And defirit the Entaites to advis the proces,
and to prounces their sentence of Parliament thairintill, according to the saidis
probationis and thair confidences.—The quhilk day our fourane lord and his
hienes advocate paft fra the said Johnne Wauchoup bailie of Nudrie, and de-
clairit that his hienes wald na weyres insfit aganis him.

SUMMOUNDIS OF TRESSOUN, &c. against Dame Margaret Dowgglas Coun-
tesse of Bothuill and others.

JACOBUS Dei gratia Rex Scotorum; dilectis nostris Leoni Regi Armorum, Ilay, Albanie, Rossie,
Rothesay, Snadoun, Merchmont, heraldis; Joanni Ferguissoun, Archibald Dowgglas, Roberto Stew-
art et Dandie Bryson, claniheris; Ormond, Bute, Vpincorne, Carril, signiferis, nuncij et eorum cui-
libet, conianctum et disisim, vicemoribus nostris in hac parte specialiter constitutis: Saltem. Man-
damus vobis et precipimus, quatenus summonesiste legitime et peremptorie, eorum testibus, Jacobum
Dowgglas de Spott, Magistrum Joannem Cobiile de Strathurdie, Herculem Stewart de Qabytlaw,
Joannem Hamiltonioun juniorum de Sannmeltoun, Archibaldum Wauchop de Nudrie juniorum, Jaco-
bum Stewart de Tyneis, Guilelmum Stewart quondam Constabularium de Dunbartane, Guilemmum
Lermouth in Hill, Magistrum Thomam Cranftoun juniorum de Moreftoun, Joannem Cranftoun eis
Criminal Trials. A.D. 1592.

fratrem, Robertum Home juniorum de Hesch, Ioan nem Orometoun de Smallhous, Robertum Ormetoun eius filium, Patrictium Crumby de Caribdin, Damidem Orme de Mugdurn, Georgiam Auchincraw de Elif Relfoun, Patrictium Auchincraw ibidem, Dominam Margaretn Dowglas comitissam de Bothuell et Franciscum Stewart olim comitem de Bothuell eius sponsum, pro suo interesse, Conspiratores, perpetratores et celatores crimini Lefi maiestatis subfecissent, perfonnaliiter, si eorum personales praeventias commode habere poterint; aliquosqu, apud loca eorum habitatiorum vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Haddington, Lanark, Durnfreis, Struilling, sc. aliaque loca necessaria; degentes vero seu exifientes extra regnum nostrum seu certum nullum domicilium in codem habentes, apud dictas cruces forales aliaque loca necessaria, super premonitione lexagista diern, sic quod hujusmodi sammoniti ad eorum aures et notitiam veridimilitur pervenire poterit: Quod comparant eorum nobis seu Justiciario nostro, vicecimo quarto die mensis Maii proxime sequam, in nostro Parliamento apud Edinburgh, . . . . . . die mensis . . . . . . tenend. hora cauforum, cum continuatione diern, ad respondendum nobis nostrorum Justiciario in praefato Parliamento, super proditoris criminibus subfecissentibus; dictos feliciter Jacobum Dowglas de Spott, Magistrum Ioan nem Colule, Herculem Stewart, Archibaldum Wauchop de Nudrie juniorum, Ioannem Hamiltoun juniores de Samblenton, suoque omnes complices specialiter ante nominatos et eorum quemlibet, pro his proditoria arte, parte, consilio et auxilio, in ipsum recenti proditori Consipiratione, consultatione et conclusione horumne facinoris contra nostrum honorabilem personam et vitam, per dictas personas comiss. vicecimo septimo die mensis Decembris vltimae exaequationis, huc notis fletentio, in ipsum proditori Consipiratione Invasione Palatii nostri de Halyndnhouse, intrando ibidem, cum affiassanti, confortio convocatione dicti Francisci quondam Comitis de Bothuell aliorumque homicidiarum, opproforum, latronum, ac hujusmodi infensus vitoriis armatorum et a legibus nostris fugitionum, ex deliberato animo et certa intentione violentas manus in nostrum regnum perfonsam imponere, vt vitam nostram vel nefari exinguerent, vel nos captivos fecam deducerent: Et ad hunc effectum, praeferit Conspiratores directe acceserunt ad nostrum priusatam conclane sua cubical, et oftis ignem nefare injicerunt, domestici nostros presenti violenta morte minuto, oburgandoque, nisi ipsis declararent vbi nos effuemus, nulla victa inquisitione per eos facta ob quamcunque alias personas nisi propter quos fuerat ipsum: Ac preterea, violenter effrgerunt maiia octa inferioris cubicali Regine nostrre charissime conscjus: Atque denum, vbi parum se promouiss et ad illorum invitatam fclclus ac propositum nefandum peruenire non possit intelleoerent in eorum regreffi non dum satisfactus, crudeliter et fines vita misericordia, domestico et familiariffimus nostrors feritores, ob nostram caufam, interfecerunt et jugularunt: Hinc manifestificus crimen Summe Proditionis contra nos, nostram vitam, authoritatem regiam, et leges committendo; atque adeo, pro suo proditoria celatione et occultatione predicte Conjurandinis, consultatione, contractu et executione eiufdem. Ideoque dictos Jacobum Douglass de Spott, Magistrum Ioan nem Colule, Herculem Stewart, Archibaldum Wauchop juniorum de Nudrie, ceterosque omnes suos complices particulariter ante nominatos Conspiratores proditorifque executores, ad videndum et audiendum se eorum quemlibet, respecta premifiis, crimen Lefi maiestatis incurriiff per nos et trium regni statum decreatum decerni et declararf, et super predictis et aliis quamplurimiis rebellionibus et tranfgressionibus et proditoria criminaibus, per pronomatis personas, contra nos, regnum nostrum et authoritatem regiam impie et nefarii perpetratris, et dictis die et loco, cum continuacione die- rum, proponendis et offendendis et juris parendum, et super hujusmodi judicium nostrum et notri Parliamenti, secundum leges regni nostri expectandum et fubeadum; dictas videlicet personas, Conspiratores, perpetratores et celatores crimini precedentium, ad videndum et audiendum se eorum quemlibet, intuito premifiis, crimen Lefi maiestatis incurriiff, per nos et trium regni nostri statum decreatum decerni et declararf; et propteris, ipfiore bona, mobilia et immobiliia, tan terras quam officia, aliasque res ad eos spectantes, nobis conficari et pro perpetuo nobiscum in proprietate remanere, personasque suas penam Proditionis et vltimis supplicii a regni nostri legibus inflictiis subire; et vberias
in premiis responendum et juri parendum: Intimando, supradictis Conspiratoribus et eorum cuilibet, fuisse dictis die et loco cum continuatione dieum comparuerint fuisse, nos dictusque nofer Jusitia-
rius in premiis, justicia mediate, procedens et procedet. Infuper citoitis, &c. ad comparendum coram nobis noftrrov Jusiticiaio, dictis die et loco cu libatione dieum, ad perhibendum fidele
testimonium in causa predicta, sub pena legis: Et presentes literas debite executas et indorfas earun-
dem latori reddius: Et vos qui presentes executis fueritis fitis ibidem dictis die et loco coram nobis
seo dicto nofer Jusiticiaio, portan. vobisca munimentois veste testimonium in scriptis, pro pre-
miis seu ipsos testes. Ad quod faciedum, vobis et venetum cuilibet, conjunctam et diuissim, vicecomi-
tibus noftris in hac parte committimus potestatem. Datum sub testimonio noftri Magni Sigilli, spud
Edinburgh, decimo die mensis Februrij, anno domini millesemo quingentisimo nonagesso primo, et
regni noftri vicefimo quintoo.

Quhilik Summondus with the executionis and indorfationis thair of respectue
foirsaidis, being this instant day red in presence of his Maiestie and haill Eftaittis
of Parliament, first in Latyne and fyne in Scottis, and the faidis haill perfonis
defenderis respectue abonewritten, nocht paft fra as faid is, being thryfi e callit
of new at the tolbuith windo of the faid burgh of Edinburch, to haif comperit
and anfuerit to the faid Summondis and resfounes contenit thairin; and none of
thame comperand, to haif defendit in the faid mater and to haif anfuerit to the
faid Summondis, the faid Mr Davud Makgill aduocat to his Maiestie, defyrit the
faidis Eftaittis declaratim, gif the resfounes of the faid Summondis wer rele-
vant: Qubilikis Eftaittis and every one of thame, all in one voce, fand the famyn
relevant aganis the haill perfonis vnderwritten. Thairfor the faid aduocat of
new, for verefeing of the faid resfoun contenit in the faid Summondis of Treffoun,
producit and repetit the Extract of Foirfaltour, led and deducit befoir the Jusitice
and his deputes aganis the faid Frances sumtynme Erle Bothuell, Depositionis of
the faidis witnesse, the noftertie of the fact, and repetit the haill probationis
repetic be him of befor, in the faid mater this instant day; and defyrit the faidis
Eftaittis of Parliament to adlyfe the faid Depositionis of witnesse and vtheris
probationis, and to pronounce their sentence of Parliament thairintill, according
to the famin probationis and their confidences: And thairefter, the Depositionis
of the haill witnesse execute to the death, and of the witnesse examinat in pre-
sence of the faidis Lordis of Articles, haill writts and probationis, being red,
sene and considerit be the faidis haill Eftaittis of Parliament, in presence of the
Kingis Maiestie, and thae thairwith being ryplie advifit, the faidis lordis and
Eftaittis of Parliament Findis, decernis and declaris, that the faidis Dame Mar-
garet Dowglafs sumtynme Countesse of Bothuell, James Dowglafs of Spott, Archi-
bald Vauchop younger of Nudrie, Mr Johnne Coluile of Strathurdy, William
Stewart sumtynme Constable of Dunbartane, Johnne Hammiltoun younger of
Sammelftoun, William Lermounth of the Hill, Robert Home younger of the
Heuch, Hercules Stewart of Quhytlaw, George Auchincraw of Elft Preftoun,
Patrik Auchincraw thair, M’ Thomas Cranftoun younger of Moriestoun, Johnne Cranftoun his brother germane, Johnne Ormefstoun of Smallhouse, Robert Ormefstoun his sone, James Stewart of Tynnife, Patrik Crummy of Caribbin and Dauid Orme of Mugdrum, and euer ane of thame, hes committit and done oppin and manifeft Treffoun anagin our said fouerane lord, in all pointis and articles contenit in the said Summondis.

DOOM. And thairfoir it was gevin for Dome, be the mouth of James Nybfite dempster of Parliament, in maner and forme as followis. This Court of Parliament schawis for law, That the said Dame Margaret Dowglas sumtyne Countesse of Bothuell, &c. and euer ane of thame, hes committit and incurrit the cryme of Treffoun and Lefè majefte abone writtin; in maner at lenth contenit in the said Summondis: And thairfoir, decernis and declaris all thair guidis, movable and vnmovable, alswell landis as offices and vther thingis quhatsumeir, belonging to thame, to be confiscat to our said fouerane lord, and to remane perpetuallie with his hienes in propriete: And thair perfonis to vnderly the pane of Treffoun, and vter and laft pvnifhment appointit be the lawes of this realme. And that I gif for Dome.

Frances sumtyne Erle Bothuell.

Jun. 5.—‘The proces, convictioune, sentence and dome of Foirfaltour, led, deducit and pronunciit of befoir, be his hienes Juftice Generall and his deputes, in the Juftice Court helden at Edinburgh Jul. 25, 1591,’ was Ratified by Parliament.

The disheryung of the pofteritie of perfonis (above) foirfaltit.

Jun. 5.—Oure souerane lord and Eftaitis of Parliament haifing conferdit the treffounable, crwell and vnnatural fact laitlie committit be the perfonis following, in company for the tyne with Frances sumtyne Erle Bothuell, &c. to wit, Frances Erle Bothuile, Archibald Wanchope younger of Nudry, &c. and dizeris vtheris thair complisses, in thair treffounable cumin to his Maiesties Palice of Halyruishous, vnder silence of nicht, vpoun the day of December laftypast, invading, saffegging and perfewing of his Maiesties maist noble person, be fyre and fyword, breking up thair chaumer durie with foirhammeris, and crueltie flaying his hienes servandis, cuamand to his Maiesties recours; ane Treffoun and crueltie not hard nor fene committit be subjectis, sa heichlie oblit to thair natives King and Prince, precogiat, confaltit and aggreit vput to be put in executioun lang of befoir; having alfa devitit mensis, in thair judgement, to preferre thair landis and guidis after the committing of thair Treffoun foirfalt. Qhilk haynous and treffounable facto, as it paffis all vtheris in crueltie and enil example, fua it is thocht meit and expedient that ane condigne law and punifhment be sett down for extinguishing of the memoire of the treffounable perfonis foirfaltis and thair pofteritie, to be ane document to all aiges to cum and attempt the lyk: It is thairfoir statute and ordanit be oure souerane lord and his said Eftaitis of Parliament, that the said Frances sumtyne Erle Bothuell, Dame Margaret Dowglas sumtyne Countesse of Bothuile, James Douglas of Spott, Archibald Vauxhop younger of Nudry, Mr Johnne Coluhale of Stuaruidis, William Stewart sumtyne Contable of Dunbertane, Johnne Hammiltoun younger of Sannmelftoun, William Lermounth of the Hill, Robert Home younger of the
Henc, Hercules Stewart of Qahilylaw, George Auchincrow of Eit Preftooun, Patrik Auchincrow thair, Mr Thomas Cranftoun younger of Moristoun, Johane Cranftoun his brother germane, Johanne Ormefoune in Smallhome, Robert Ormeftoun his fone, James Stewart of Tynneia, Patrik Crumbe of Caridin and Davyd Orme of Mgdrum, thair bairnes, thair airis and hail pottertie, fall neuir brouk land, beneface, honour, office nor dignitis within this realme, in ony thyme cuming: And als his Maiestie and Eftaitis forfaisis decernis, decreittis and delineris, that al maner of infeftmenis, alienationis, dispoisitionis, refignationis, contractis, bandis or obligationis, for making of infeftmenis of thair lands and heretages, or ony part thairof, or annueltrentis furth of the same, to gither with all pretendis affignationis and dispoisitionis of thair tackis, fledingis, rousmes, poelleffionis, guidis or geir, to ony maner of perfons or perfonis, qhilk tute not effect, be actual and reall poelleffoun, befoir the committing of the forfais crynis, falbe null and of nane avel, force nor effect, in thyme cuming, as thay had neuir bene maid.

(Jun. 8.)—A Proclamation issuied, forbidding all the lieges to ' reflet, supplie nor intercommoun with Patrik Maister of Gray and Robert Gray his bruther.'

(Jun. 29.)—A Proclamation ' for perlute off the ERLL BOTHULLE.'

(Jun. 30.)—A PROCLAMATION ' for presenteng of prisionaris.'—That ' as diuers of the thevis and trarours that laitlie assaite his Maiestis perdon within his awin PALICE OF FALKLAND, eftir thair grite spulsihe and heirchippis, committit vpon the horis and guidis of the faithfull and gude subjectis of this realme, in thair schamefull flight and returning hamewart, ar takin be the way, in diuers pairtis, within the shereffdomes and burrowis of Lanark and Peebis; qhais takaris will naways present thame to juftice, without thay be compeilitt;' therefore declaring that such perfons shall be held as traitors.

(4uly 5.)—The King and Council having granted ' Licence to WILLIAM ERLLE OF ANGUS to remane in the company and societie of Johane E rl of Montros, ay and quhill his Maiestie declar forder of his will and pleafour towards him;' therefore the Earl of Montrofė binds himself, that during this time, ' he fall nocht do nor attempt ony thing hurtfull or preudiciall to his Maiestie, the present Eftate, nor the Religion, &c. The Earl only obliges himself, ' for his gude behaviour, during the same thyme of his remaning;' but would not bind himself for the entry of Angus when required.

(Jul. 8. apud Drumfreis.)—' Promes of reward to flk as fall reveill the refettaris of the ERLL BOTHULLE and his complices' is only made, but in caue of farther concealment, ' they falbe perlewit with fyre, fwerd and all vther kynd of rigour.'

(Jul. 11.)—JOHN EARL OF MORTON Lord Maxwell, created Warden of the Weft March, ' dimittit be Sir Johne Carmichael of that ilk, knicht.' He is ordained the same day ' to mak redres for bigane attemptatis.'

(Jul. 12.)—It is declared, that ' albeit Johne Lord Maxwell be nominat and stylie E rl of Mortoun in the late Act, and in fundrie vther Actis and ordi-
nances,' &c. '5it the same nomination and style fall nayways hurt nor projuage the
righte and titles qhillikis William Douglas Earl of Morteoun Lord Dal-
keith, hes and pretendis to have, as air of taillie to the Earldeome of Morteoun;
nor 5it impair him in honnour, style, dignitie, preeminence and privilegis,
qhillikis he hes and brouikis, or may brouke and posses thairby,' &c.

WARRANT for demolishing of the Houses of Tynneis, Horden (Harden)
and Dryhoip

APUD PEBLIS, siui die mensis Julij, anno lxxxiij (1592.)—The Kingis
Maistie, with aduise of the Lordis of his Secret Counfale, Gevis and grantis full
powr and Commiision, expres bidding and charge, be thir presentis, to his weil-
belouit William Stewart of Tracquair, to DIMOLEIS and caus to be dimoleift
and caffin doun to the ground, the place and housis of TYNNEIS, qhillikis per-
tenit to James Stewart sumtyme of Tynneis; as alwa, the lyke powr and com-
miission, expres bidding and charge, to Walter Scott of Gouldielandis and Mr
Iedeon Murray, conjunctlie and feueralie, to dimoleis and caus be dimoleift
and caffin doun to the ground, the placeis, housis and fortalieis of HARDEN and
DRYHOIP, pertening to Walter Scott of Harden, quha, with the said James
Stuart, wes arte and full of the lait treflonabill fact, perpetrat aganis his hienes
awin pericone at Falkland: And that the forfaitidis perfonis caus the pre-
misfes be putt in execution with all convenient expediition in figure and talikin
of the forfaitidis vihiris perfonis treflonable and vnnatural defectiouin and at-
temptat, committit be thame in manner forfaid. As thay will anfuer to his
hienes vpon their obedience.

(Jul. 13, apud Edinburg.)—JOHN PENNYCUE of that Ilk and MARK
ACHIESOUN of Achieonifheavin, denounced rebels, for refetting the Earl of
Bothwell and his accomplices.

(Jul. 13.)—JOHNE STEUART of Roilland finds surety (Richard Hereot y'
of Trabroun), 'that he fall nocht refett Mathieu Hereot, denunce rebell.'

Jul. 20.)—WALTER SCOTT of Hardenis ordered to be denounced rebel, for
not appearing ' to have anfuerit to fie thingis as fould haue bene inquirit of him
at his owning, twicheing the late treflonable attemptat committit aganis his
Maistieis pericone at Falkland, vpon the xxvij day of Junij laftbipat.

(Aug. 10, apud Dalkeith.)—PHILIP SCOTT of . . . . , denounced for the
treflonable refet of the Earl of Bothwell and his accomplices; and being present
at the Raid of Falkland.

(Aug. 24, apud Castrum de Edinburg.)—In ' the querrell and contrauerfie
laitlie happynit betuix ROBERT BRUCE of Clakmannane and the Prouot, ba-
ilies and Counfale of Perth,' 'the Kingis Maistie defriet the said Robert to in-
forme his Maistie and the Counfale present, of the injurie and offensiles committit
againis him be the faidis Baillies, &c. causses and occasions thairof; quha declarit, That he having certane guidis and geir cuming throu the fame burgh, nocht bocht nor to be sauld thairin, the fame guidis wer not onlie stayed and not sufferit to hauie passiage be thair portis, bot at laft intermeltit with be fum of thair nychbouris, becaus his feruand caryar of the faidis (guidis) wald not pay cuftum thairfoir; quhilk being reportit to him, and he finding the fame to be a novation, quhairwith his vmq\(^{1}\) father nor none of his tennentis and feruandis wer burdynnit in his tyme, requirit the faidis Baillies, be his Missiue Letter, to repair this injurie, and to caus his guidis be randerit agane without payment of ony cuftum, vthirways he wald vfe the lyke forme of doing to thair nychbouris,\(^{1}\) in thair passiage betuix thair tooun and Dundee: And becaus thae refuist to satisifie this his reffonnable defyre, he tuk sum of thair nychbouris repairing fra Dundee to the faid tooun, and tuke thair waponis fra thame; quhilk waponis he offerit, be his uther Missiue Letter direct to the faidis Baillies, to caus be deluyerit agane, be reslaying the lyke deluiuerie of his faidis guidis; quhilk, as of befoir, not onlie being refuist, bot sum of thair nychbouris, and in speciall Williamie Ingulis and Johnne Balilifie, come to his ground and landis of Gatounhall, vpoun the xvij day of Augustinstant, and eit, tramplit down and dinstroyit with thair horsis, the cornis growand vpoun the faidis landis; for the quhilk, thay being reparvit, thay vterit sum injurios wordis; quhairvpuoun he wes movit to fryke ane of thame with ane pistollett, and in end to tak and retene thame in his place of Gatounhall, without foder injurie done to thame: And that fame nicht, the faidis Baillies, counfall and communite, to the nowmer of . . . . perfonis or thairby, all bodin in feir of weir, come to his faid place, and vpoun the morn, afoir day licht, foun dit thair drwym, aflegeit him thairin, dischargit hacquebutis and pistollettis in at the durris and windois thairfof; and at laft tresounable fett to fyre, and enterit perforce in the same place, at the ruif thairof; and eftir thay had cruelli hurte . . . . . . . . . . . . his seruand, with the schott of ane hacquebute, to the effuifoun of his blude in grite quantitie and perrell of his lyffe, thay tuk him seif, and transportit him away with thame ane certane space, bairfutit and bairleggit, not suffering him to put on his awne claithis; and fpueilset and tuk awaith with thame his haill filuer-werk, bedding, claithis and all the plenennis of his hous: And all this wes done without ony Commissioun had be thame thairto: Vfurpand thairby vpoun thame his Maistays authiritie. To the quhilk it wes anstuerit be the faidis Baillies and counfall presente,\(^{2}\) that the taking of cuftum, for sic kynd of guidis as had passiage be thair

\(^{1}\) Townsmen, inhabitants of the burgh.  
\(^{2}\) Olipher Young, Patrick Blair and Adam Anderfoun, baillies of the said burgh, James Drummond dean of gild, William Merfier, Patrick Anderfoun, Thomas Burrell, William Stevinsoun, Robert Sym and William Jak, burgeffes of the fame burgh.
portis and brig, wes na novatioun, bot a forme of doing visid be thame and thair predicesbouris in all tyme bigane, past memoir of man, according to thair liberties and preuileges grantit to thame to thame to that effect; and thairfoir, inStay the said Robert Bruceis guidis, quhill the cultume thairof had bene payit, thay committit na wrang: And forder allegeit, that albeit the first taking of sum of thair nighbouris, and retening of thair waponis, wes ane offen done, na les to the contempt of his Maiestie then to thair particulair greif and hurte, sit thay not onlie patientlie buir thairwith, bot caufit resititution to be maid to him agane of his faidis guidis, without payment of ony cultum thairof: And thair- eft, thay directit Anthone Maxtoun, ane of thair awin nighbouris, requiring him to suffer the faidis William Inglis and Johnne Waffilie (Balfillie) takin and detenit be him within the saith place, etfir thai wer cruellie hurte and woundit, to hae libertie and freedome: Qhilk not onlie being refuit, bot at laft, reporte being maid to thame that he had murdreiist and flane the same personis; quhaurivpoun, complaint and exclamatyon being maid be thair wyffis, bairnis and vtheris of thair freindis, in end, Olipheir Pebis, shereff-depute of the shereffdom of Perth, to quhome a certane noumer of thair faidis nighbouris gaif thair concurrence and aifstance, past, according to the pouer grantit to thame be the Actis of Parliament, to the said Robert Bruce place faifaid, and thair perforce recoverit thame furth of his handis; and tuke him felf awaith with thame, to be afuierable to justice.

THE KINGIS Maietie, with aduise of the faidis Lordis, findis and declairis, that baith the faidis pairteis, be thair awin declaratioun and confesioun, hes offenlit and contempnit his Maietie, his auctoritie and lawis: And thairfoir, ordanis the said Robert Bruce to be committit to warde within his hiene Castell of Edinburgh; and the faidis William Merfail, Patrik Andirfon, Thomas Burrell, William Stevintosh, Robert Sym and William Jak within the Castell of Blaknes; thairin to remane vpoun thair awne expensfes, ay and quhill thay and thair complices, affitaris and pairt-takaris with thame in the committing of the fairfaidis crymes and offensfes, be putt to the knaulege of ane Affife, befoir the Jutice or his deputis; and that justice be ministrat as efferis: And that feuerall warrandis be direct for thair reshift in warde, within the faidis Castellis.

(Aug. 29, apud Dalkeith.—ALEXANDER LORD OF SPYNIE ordained to be put to the knowledge of an Affife before the Jutice, in the Tolbooth of Edinburgh, the twelfth day of September nixtocum, for the tressouneable reshift within his place of Abirdour of Francis sumtyme Erll Bothuell; and for intelligence had with him, or (until) that materis wes pakkit vp betuix thame, for the Raid of Falkland; quhairof the said Alexander is dilaitit, be William Commendator of
Pittinwyme. 'Certifeing alwayes the said Commendatour, that in cais the said Alexander fall, eftir tryall, be fund cleane and innocent of the saidis crymes, that in that caife the pane and pynshement, prefcryuit in his hienes lawis and Actis of Parliament, falbe extendit and vfit aganis the said Commendatair with all rigour and extremitie.'

(Sep. 2.)—DAVID COCHRANE of Pitfour complained to the King and Council, that he had raifed Letters against HARY LINDSAY of Kinfawnis, on the ground that the said Hary, 'with comuocation of his hienes liegis, to the nower of xi perfonis or thairby, all bodin in feir of weir, with jakkis, fpieiris, hacquebutis, pistolettis and vtheris waponis invasit, prohibite to be worse be the lawis of this reame and Acts of Parliament, come vpoun the xxviij day of Julij lastbi-paft, about twa houris in the morming, to the place of Pitfour, quhair the said compleiner, his wyffe, bairnis and familie wer for the tyme, takand the nichtis reft, lippynning for na violene nor inwrie of ony personis; and finding the zettis (gates) of the said place clofed, fua that they could nocht gett entres thairin, thay secireitlie hid thame selfis, in certane quiet pairis aboute his houss, and directit ane boy to his zett, as giff he had cum with ane Miflyne Letter to the said compleiner from the Laird of Lethindie, desiring entres, that he micht deluyer the said Miflyne; quhairof the said compleiner being aucteisit, and lippynning for na thing les then that quhilk happynnit, he caufit oppin his zettis, to haue lattin in the said boy; at the oppynning quhairof, the said Hary and his compliceis violentlie rufheit in at the zett, and being repulfit, and putt bak and the zettis closed, thay then be plane violene and force brak vp the same zettis, enterit within the said houss, intromettit with the said compleineris hail mouablis and plennisfing, and removit and expellit his wyffie, with nynie young bairnes, and his hail familie, furth of the said houss; witing sic inhumanitie aganis his wyffe and bairnis, as the lyke hes not bene hard of to haue bene committit be a gentleman of his eftait; quha, eftir the removing and putting of thame furth of the said houss, wald nocht shaw thame that courtesie to remane in ane barne or byre, outwith his said houss; bot hes forceit thame to ly vpoun the feildis, aboute his awne wallis and zettis fenfynye: And now hes placeit certane of the said com- plenaris vnfreindis, (enemis,) with quhome he standis vnder deidlie feid, within the said houss; quha keipis and detenis the same, and on nawife will deluyer the same to the said compleiner, without compulsioun.' Lindsay was accordingly charged to deliver up the houss, &c. and to anfwer before the King and Council for these acts of oppreffion. The parties having appeared along with 'Johnne Tuedie, preffent kepair of the said houss;' and 'in respect the said houss was ran- derit to the meffenger, without tryale or cognitoun, ordanis vtheris letteris to be direct,' charging them 'to render and deluyer the famin, to gieder with the
guidis and geir qhilkis thay resflaut thairintill, vpoun inventair, within fix hours thereafter, under the pain of rebellion, &c.

(Sep. 14.)— ...... WEMYSS younger of Logie and Mr RICHARD DOUGLAS, sone lauchfull to the Laird of Quhittinghame, ordered to be denounced, for not appearing to have anwered relative to Earl Bothwell, &c. Sir MICHAEL BALFOUR of Burlie alfo to be denounced, for not appearing to anwer, concerning 'his Maiestyes perfone and eftate,' &c.

(Sep. 14.)—PROCLAMATION 'to meit at Peblis, in feir of weir, with xv dayes victuallis and prouifion,' upon the xxv day of September, to accompany the King 'in propir perfone, to tak the feildis' against BOTHWELL and his accomplices, 'inhabitantis within the boundis of West Tiviotdaill.'

(Sep. 23.)—ANDRO KER of Phairnahirft, Johnne Ruthirfurde elder of Hunt-hill, William R. younger of H., William Ruthirfurde prouest of Jedburgh, and William Kirkton baille of Jedburgh, ordained to be denounced rebels, for failing to appear this day, to have anwered 'twicheing the treffounable reflett, intercommoning and intelligence had be thame with Frances fumyme Erel Bothuill,' &c.

(Sep. 26.)—On account of the state of the harvest, 'be the lang continewance of this stormie and vnseasounable wedder,' the meeting at Peebles was postponed to the tenth day of October.

(Sep. 28.)—SCHR JOHNNE LINDSAY of Ballingho knight, to be denounced for failing to anwer as to his intercommuning with Bothwell.

(Oct. 14, apud Jedburgh.)—A great number of the lesser barons on the Border, find security this day and afterwards, that they 'fall behave as deutfull and obedient subiects.' The Court is held 'at Haliruidhous' on Oct. 24.

(Nov. 4, apud Haliruidhous.)—An act is passed in favour of ALEXANDER LORD SPYNIE, in which the charge brought against him of intercommuning with Bothwell, &c.1 is, after strict trial, found to be a malicious invention of Colonel WILLIAM STEWART; the King and Council 'restoir and repone him to his honnour, dignitie, place and service he had of his Maiestie.'

(Nov. 9.)—A 'Commissioun of Lieutenandrie and Jufticiarie' is granted to WILLIAM EAREL OF ANGS Lord Douglas and Abirnethie, in consequenc of the King being 'informeit of the grite cruelteis, heirchippis and disordouris recentlie committit be the laules brokin hieland men of the Clanchatan, Clancmoure, Clanranald, and vtheris, pretending their dependans vpoun the EARELS of HUNTIE and ATHOIL, hes fa wrakit and shailkin lowfie findrie pairtes of the North cuntrey, that grite nowmeris of honneft and peaceable folkis, his hie-

1 See Aug. 29, 1592.
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nes subiectis, ar murhowrit, thair houffis brunt, now in the winter seafoun, thair guidis spuiltei, &c.: With spacial power to intercommun with the saidis Erllis and vtheris authouris and movaris of the saidis disordouris and crueltis, twicheing thair defitting from armes and hostilitie, and repairing of sic places as his Maiestie hes appointit, quhair the groundis, occasionsis and circumstances of the saidis troubles may be hard, and the same redreisit,' &c. And 'giff' neid be, to display his Maiestis banner, aflige houfis, rasse fyre and vfe all vther force and weirlyke ingyne,' &c.

(Nov. 16.)—A Proclamation issued against the Earl of Bothwell; and of new interdicting all subjects from intercommuning, &c. with him.

(Nov. 20.)—Another Proclamation and Declaration to the same effect.

(Dec. 8.)—All Refeters and Aiftiers of Bothwell, having been ordered, in time coming, to approach no nearer the Royal presence than ten miles, and many of them having disobeyed, Warrant is issued to the Provost and Bailies of Edinburgh to apprehend 'Dame Margaret Douglas, Contesse of Bothtryle, Arch Wauchop younger of Nudrie, William Stewart sumtyme Constable of the Castell of Dunbartane, Johnne Hammiltoun younger of Sammeldoun, William Liernmonth of the Hill, Hercules Stewart of Quhylaw, Mr Thomas Crantoun younger of Moriestoun, James Stewart of Tynnis, Sir James Scott of Balverie, Andro Ker of Farnhyrhit, Watt Scott of Harden,' &c., and all others received or that shall be received into favor, quhikis fall notch produce and fash to thame, his Maiestis Licence, for thair remaning within the same burgh.'

(Jan 5, 1592.3.)—A Proclamation issued against the covertit and biffy travellis of Jesuitis, Seminarie Preftis, borne subjectis of this realme; and fum vtheris, strangearis, and their tressounable Conspiracie for inbringing of strangearis, Spangpartis, in this realme, this nixt spring or simer; to the overthrow of his hienis and all professing the trew Religioin with him, and to the ruine and conquest of this auncient Kingdom and libertie,' &c.

(Eodem die.)—Act passed, 'allowing the apprehending and warding' of William Eroll of Angus within the Castle of Edinburgh, 'vpoun fuspicious consufit, that he was guilty of sum treasonable Conspiracie, diuifit for subuerflion of the trew Religioin,' &c.; 'as planelie appearis be fum Letteris, laitlie apprehendit with Mr George Ker bruthir to the Lord of Neubottle, subfcriuyit be the said Erol and vtheris his colligis: As alwa, concerning the warding, tryell and examinationoun of the said Mr George, Hew Barclay of Ladyland, and fum vtheris, apprehendid for this same caus.'

(Eodem die.)—Another Act, that in future, all persons suspected of such crimes, shall be called before the King and Council, 'and giff thair aithis of veritie solemnntie, that thay fall leillie and treulie declair and depone the veritie,
&c., and conceill na pairt thairof; and in cais thay fall refuse to swier and giff the said aith, that thair refufes, in that cais, falbe haldin as a Confessioun of the crymes quhairof thay ar or fall be delaitit and inquirit.'

(Jan. 8.)—Mr Alexander King, Advocat, finds caution to the extent of L.5000, that he shall appear personally, on fix days warning, and anfwer 'to sic thingis as falbe layed to his charge.' Robert Swintoun of that Ik, Mr Michael Cheifholme, and William Fairlie, burgessis of Edinburgh, were his fureties.

(Jan. 12.)—Letters ordained to be directed, charging Sir Johnne Ker of Hirfell, knicht, and Mr Walter Lindsay of Balgay, to appear and anfwer, 'concerning thair practizing in materis aganis the Eftait of Religioun, his hienes perfone and authoritie, and dirsturbng of the commoun quietnes of the realme,' under the pain of Rebellion.

(Jan. 17.)—Proclamation 'to pas fordwart to the North with his hienes, for refisting and repребing of the authoris of the treffounable Conspiracie for the inbringing of Strangearis, and rasing of Ciuile wearn,' &c.; and 'for defens and maintenance of the libertie of Religioun from thraldom of conscience, and conquêt and flavorie of Strangearis;' 'vnder the pane of tinsfall of lyffe, landis and guidis.'

(Jan. 23.)—Johnne Earl of Menteith finds Johnne Blair of that Ik, Johnne Grahame of Knokdoleane and Robert Grahame of Thornik, as his cautioners, under the pain of 10,000 merks, 'that he fall on naywis invade nor perfew Walter Lekky of that Ik, his kin, &c., in the deidlie feld standing betuix him and his fädis freindis.' Johnne Earl of Montrois, Johnne M' of Montrois, Mr Johnne Grahame of Haìsairdis, Sir Duncane Campbell of Glenvrquab, William Grahame of Balvie, William Grahame of Claverhous, and William Grahame of Panhollis, bind themselves to relieve the cautioners of their furety.

(Jan. 25.)—Walter Lekky of that Ik, finds Johnne Murray of Polmais as his cautioner, under the pain of 3000 merks, that he shall not invade or pursue the Earl of Menteith.

(Eodem die.)—Robert Jamefoun, burgess of Air, ordained to deliver to Sir James Sandielandis of Slannanane, 'M' (Maifter) Knight, gentleman of his hienes chalmer,' the sum of 236 'crownis of gold,' delivered to him by James Campbell his servant, who received the same from Mr George Ker, brother to Mark Lord Newbottle.

(Jan. 30.)—Commission to Archibald Earl of Argyle, his hienes Justice Generall, for repressing the violence of 'the wicked Clangregour, the Steuartis of Baquhidder and diuers vtheris brokin men of the hielandis,' &c.; with power to charge 'all and findrie personis of the furename of the Mak-
GREGOUR, and the STEUARTS of Baquhidder, thair affiraris and pait-takaris, to find fouirtie or to entir pleveis, as he fall think mait expedient, for observa-
tioune of his hienes peace, quietnes and gude ruel in the cuntrey;' &c. Power is also given to convocate the lieges, and to ' perfew an affege' their ' houffis an
frenthis, raife fyre and vfe all kynd of force and weirlyke ingyne,' &c.

(Eodem die.)—A number of ' MACKGREGOURIS' charged to appear before the
Earl of Argyle, at Stirling, the . . . day of February next.

(Feb. 5, apud Sanct Androis.)—GEORGE ERL of Huntlie, FRANCES
ERL of Erbole and SCHIR PATRIK GORDOUN of Auchindoun, kn', ordain-
ed to be denounced rebels, for not appearing this day, to answar ' tuiching thair
practizing and traffiquing with Jesuites, Seminarie Preists, and vtheris ex-
communicat and traffiquing Papiftis, againis the state of the trew Religioun,' &c.

(Feb. 12, apud Halirudhous.)—ROBERT LOGANE of Restarrig, to be de-
nounced, for not appearing to have anwered ' vpoun his trefflounable Conspirig,
consulting, traffiquing and diuying with Frances fumtyme ErlBothulli, in fundr
trefflounable purpoisis, againis his Maiestis perfone and authoritie.'

(Feb. 15.)—SCHIR JAMES CHEISHOLME of Dundorne, kn', to be denounced,
for not appearing to answar, ' tuicheing his practizing and traffiquing, in fundr
trefflounable materis, againis the trew Religioun,' &c.

(Feb. 26, apud Abirdene.)—WILLIAM ERL of Angus, Lord Douglas and
Abirnethy, ordained to be denounced, for not appearing to answar, ' tuiching the
trefflounable practizing againis the eftate of the trew Religioun, prefentlie
profeftit within this realme, his Maiestis perfone, authoritie, eftate and realme,'
&c.

(Mar. 3.)—MR ROBERT KEITHE, brother to George Earl Marishall, to be
denounced, for not appearing to answar a charge at the instance of the Earl and
Robert Lord Altrie, his uncle, that ' quhair he, vnmyndfull of his naturall de-
trie towards him, hes laitlie with his compliceis, violentlie, and be way of deid,
takin the said Erllis hous of Akirgill, in Caithnes, and intrufit him self in pol-
ffeitoun thairof, of intention to mak incurfionis vpoun his tennentis and fer-
uandis, occupiaris of his landis adjacent and belonging thairto; and to commit
all maner of oppreffion, reif and heirhippis vpone thame: As lykuife, to com-
pell thame to answier and mak payment to him of the mailles and dewitie thair-
of, by (contrary to) all ordour of law and justice, and to the grite contempt of
his hienes auctoritie: Qhais inflolence, albeit the saidis compleneris be able
aneuch to repres and tak ordour with; yit, in respect of his hienes presence in
the cuntrey, thay ar laiththairto, in hoip that his Maiestie fall prouyde remeid
for pyrnisment of sic inflolence and enomtitie.'

(Mar. 9.)—A COMMISSION is granted to GEORGE ERL MARISHALL LORD
Keith and Altrie, constituting him his Majesty's Commissioneer, within the bounds of the Sherifdoms of Kincardin, Aberdeen and Banf, to pas, searche, seek and tak GEORGE ERL OF HUNTLEY, WILLIAM ERL OF ANGUS, FRANCIS ERL OF ERROLE, Schir Patrik Gordoun of Auchindoun, kn1, Schir James Cheifholme of Dundorne, kn1, Mr James Gordoun and Mr Williame Ogiluy, Mr Robert Abercrummy, and all vtheris Jesuites, Seminarie Preistis and traffiquing Papistis, tressonable practizaris agains the Estate of the trew Religion, presentlie professeit within this realme, his hienes perfone, crowne and libertie of this cuntrey: As ALSWA, the vtheris perfonis vndirwrittin, denunseit rebells and putt to the horne, and fugitius fra his hienes lawis, for the tressonable FYRE-RASING and birning of the place of DYNNIBURSKILL and MURTHOUR of vmo1. JAMES ERL OF MURRAY: thay ar to say, the saidis George Erl of Huntlie, Schir Patrik Gordoun of Auchindoun, kn1, Schir Thomas G. of Cluny, kn1, William G. of Geycht, Robert Innes of Innermerky, Johnne Gordoun apperand of Lefmoir, William G. of the Craig of Auchindoir, Johnne G. youngair of Carnburrow, George G. his brother, James Lorymer, Alexander Chalmer, feruitouris to the Laird of Innermerky, Patrik Gordoun of Letterfoury, Patrik G. of Corrachrie, Johnne G. younger of Auchannachie, Normond Leslie, Johnne Vans of Lochflynne, Johnn̄e Gordoun of Audtouneyis, Johnne Drummond, Andro Wode, Johnne Edmefroun, Robert Dalgleith, William Borthuk, George Gordoun of Crechlie, James Mournay, George Gordoun brothir to Patrik G. of Corrachrie, James Borthuk at the Brigend of Haillis, Johnne Chalmer sufter-fone to the Laird of Geycht, and William Morifoune; togridder with the reflettaris,' &c., and to bring them before the King and Council, or before the Justice or his deputies, to be punifhed for their demerits: And alfo, 'to repreis and refit, and as occaision fallis oute or necessitie requirs, to tak and apprend all thewis, revars, fornariis, violenti and maifcfoul oppreffouris, hieland and laueland, brokin men,' &c. With power likewise to hold Courts of Justiciary, &c.—The following perfonis are added 'as Comffallouris to the said Erl, be quhais aduife, or ony three of thame conjunctlie, he and his deputis fall proceed in the execution of this present Comffion, viz. Johnne Maifter of Forbes, Robert Lord Altrie, Alexander Iruing of Drum, Schir Walter Ogilvy of Findletter, kn1, Schir George Ogilvy of Dunlugus, kn1, Alexander Frafar of Phillorth, James Creichtoun of Frendraucht, Williame Forbes of Tolquhone, George Johnnẽstoun of Carlyben, Williame Forbes of Monymusk, Williame Forbes of Corfe, Johnne Wilhert of Pittarro, of Thornetoun, of Lowrestoun, of Balmane and Arbothnot of that Ill.'

(Mar. 9.)—A similair COMMISSION granted to JOHNNE ERL OF AITOILL Lord Balvany, as his Majesty's Commissioneer, within the bounds of the thaires of
Elgin, Forres, Nairn, Inverness and Cromarty. He is instructed 'to concur, fortifie and assist' the Earl Marischall; 'and for this effect, to repair to him with his forceis, within the faidis boundis, at sic tymes as the necessitie fall sa require, or as he false aduertisit or desirrit be the said Earl Marischall.' Symon Lord Fraer of Lovatt, Johnne Grant of Freuchy, Coline M'Kenzie of Kintaill, Lauchlane M'Intofhe of Dunmauchtane, George Ros of Balnagowne, Mr Hector Monro of Foullis, Johnne Dunbar of Moynes schereff of Murray, Johnne Vrquhart tutour of Cromartie, Thomas Fraer tutour of Lovatt and Williaime Suther-land of Duffus, are appointed his ' counfallyouris.'

(Apr. 12, 1598, apud Halyruishous)—'JOHNNE BUCHQUHANNANE of Drumfoid and James B., fonis to Thomas B. of Blairlof, Archeabal M'Air-thure in (and) Airthure in Ardindowan, Johnne M'Inlay, fone to the millar of Dunfuge, and George Buntene M'Indoquhy, seuand to Thomas B. of Blairlof,' ordainit to be denounced rebels, &c. by virtue of 'our fouerane lordis Letteris, rafit at the instance of Johnne Campbell of Ardkinglas, Maifter Johnne C. of Auchinvelling, Mr Dougall C. Deine of Breichin, Patrik and Robert Campbellis, brether to vmq" Duncane Campbell; makand mentioune, that quhair the said Johnne C. of Ardkinglas, at the speciallis direction of his lieues, being cuming to the burgh of Edinburgh, vnder his Maiestys protection, and being on his journy, at Dumbertane, vpone the xxvij day of Marche laft, accompanied onlie with foueranandis, in pceable and quiet maner, he tuik purpuse to hald fordwart his journy that fame nycht eftfter supper, be reffoun of the trublis quhilkis ar in that cuntrey, lippynning for nothing les than ony injurie or truble to haue bene intendent aganis him; notwithstanding, it is of the treuth, that Johnne Buchannane, &c. being aduertisit of the said Lord of Ardkinlas intention to hald fordwart his journy that nicht, thay associat vnto thame felfis findrie vtheris, brokin men and fugitives, to the number of twentie-foris perfonis on horrie and fute, all bodin in feir of weir, with lang hagbuttis, jakkis, piotolettis and vtheris waponis invasfue, prohibite to be wore be the lawsis of this realme and Actis of Parliament; and lay in ambulsion in ane yaird, direct opposit to the gait, quhairby the said compleineris behuuisit to pas, of fett purpuse and proufioun to haue murderit him in his by cuming: Lyk as, the said vmq" Duncane and ane vther of his feraundis, being gagnand a littel befor him, and the perfonis forfaudia fuerlie believing that ane of thame had beine the saif Lord of Ardkinglas, thay dichtairgeit ane dufan of harquebutts at the faidis tua perfonis, and schott the said vmq" Duncane in the heid with ane of the fame schottis; and theireftir cuming furth of the yaird, finding the said vmq" Duncane not to be deid, and still believing he had beine the saif Lord of Ardkinglas, thay schamefullie and barbarously maiglit and flied him with fweirdis, and cuttit of his heid:

26 JAC. VI. CRIMINAL TRIALS.
And then, perlawing thame selsis to be dispointit, thay schairple followit the said Lard, schott aucth or nyne hagbuttis at him, and had not failit lykwaysis to haue flaie him, wer nocht be the Providence of God he schaipit: Committing thairthrow maist schamefull and barbarous Murthur, vpone fett purpos and prouifioun, in hie and proud contemptiou of his Maiestie and his authoritie, and eius example of vtheris to do the lyke, giff this remane vpunifiit.  

(Apr. 15.)—Johnne Lord Hammiltoun ordered to be denounced, for not presentit Mr Patrik Hammiltoun, brother to George H. of Prestoun, Captaine of the Caftell of Brody in Arrane, as bound by the laws and the ‘Generall Band,’ to present and enter him before the King and Council, ‘to be punfit for his de-meritiss, proud contempt and rebellion;’ and to have anwered to a Complaint made by Abacuch Biffett,1 writer to the Signet, that on 23, 25 and 26 days of September, 1587, Mr Patrick was denounced rebel, for not appearing before the King and Council, ‘tweching their (Mr Patrick’s and John H. fear of Prestoun, his brother’s sons) cruell perfuit and invasioun of the said compleiner, within St Gellis Kirk of Edinburgh, in tymne of Parliament, and mutilioun and difmernbing him of the haill fingers of his left hand,’ &c.; and that ‘sen the tymne of his deneceatoun, he hes maist schamefullie and vnhonestlie murrdeifi and flane tua innocent men, to wit vmq’ Davi Stewart in Buit, and vmq’ . . . . . Inglis, quha newer offendit him,’ &c.; ‘befydis mony vther and odius vicked deidis committit be him, vpone his Maiestis peceable subiectis, and speciallie, within the pairtis of Arrane, quhair he wes appointit Capitane of Brody, oppressand sic as may not refiit him, baith be fay and land, and takand ranfomis and buiting’ with vtheris his complies, that he houndit out to that effect; behaving him self, in all respectis, as giff he wer not subiect to a souerane lord and king,’ &c.  

(Apr. 17, apud Edinburgh.)—James Cheyne of Straloch became cautioner for Patrik Cheyne of Efflouth, ‘that he, be him self’ and all that he is oblidit to anfiweir for, be the lawis of this realme, fall behave thame selsis as dewtifi and obedient subiectis’—and that thay shall not ‘tak part with George Erll of Huntlie, &c., nor na vtheris, Jesuits,’ &c., under the pain of 3000 merks.  

(Apr. 21.)—A number of ‘Northland Men’ find caution under large sums, that thay shall repair to the town of Dundee, upon the 24th day of April in-

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1 Habakkuk Bisset was clerk to Sir John Skene, Lord Clerk Register. He is the reputed author of ‘Ane short Formes of Proces, patiently vbih and oberved before the Lords of Counsell and Seffion,’ appended to Skene’s Scottish translation of the Regiam Majestatem, published in 1609. This work forms one of the articles in a scarce volume, entitled ‘A Compilation of the Formes of Process in the Court of Session, during the earlier periods after its establishment; with the variations which they have since undergone, and likewise some ancient tracts concerning the manner of proceeding in Baron Courts; published by order of the Commissioners lately appointed by his Majesty for Enquiring into the Administration of Justice in Scotland.’ 8vo. Edinburgh, 1809.  

*Free-booting? Taking booty.*
26 Jac. VI. CRIMINAL TRIALS.

... and thair, ather satisfie the Generall Assemblie of the Kirkis, quhilkis ar to be convenit thairin the same day, in sic thingis as concernis the trew Religioni, &c.; and returne ane Testimonikill of the same satisfactioun, to his Maiestie and Lordis of Secret Counsale, within thre dayis next thairefter; or ellis, within the same spaise, fall returne and enter thair perfonis in weir, within the burgh of Edinburngh, &c.

Apr. 26.)—Proclamation, that 'fforsamekle as thair is ane Justice Court proclamit and appointit to be haldin within the burgh of Haddington, vpone the thrid day of Maij nixtocum, with continewatioun of dayes, be certane noblemen, barrones and vtheris, to quhome his Maiestie hes gevin full power and Commitfioun to call and convene befor thame diuerfe perfonis, inhabitantis within the boundis of the sherefdomes of Berwik, Lawderdaill and Edinburngh, within the Constabularie of Haddington, committaris of the saidis crymes and enormities, and to proceid and minifter justice vpone thame,' &c. 'And that necessar it is, that Commisionaris be weill and substancioullie accumpandit, with a force of his hienes guid subjictis.' Therefore, that the 'Erlis, lordis, barronis, fewayris and frehalderis, duelland within the saidis boundis, alweill to regaliitie as royaltie,' be charged to repair to Haddington 'weill bodin in feir of weir, and with ten dayis wictuallis and prouffoun.'

Anent the Tryall and punishment of the Ressetaris and assistaris of the Erli. Bothuil.

(May 1, apud Haliruidhous.)—Anent the Kingis Maiestis Propositioun to his nobilitie and baronis prefentlie convenit, concerning the present disordouris ower all the realme, and contempt of his hienes authoritie; and speiciallie, how his perfoun micht be gairdit, and the rebellious contempt of Frances fumtyme Erli Bothuilh his affifteris and refsettaris reprefit and punifit; it was anfwerit, that the feruice and execution necfessor for that effect, behuifit to be done, ather be a force of waigeit men, quhilk hardlie may be intertenit be ony vther moyen (to thair knowlege) nor be a generall taxatioun; and that cannot be condefend-it vnto, without the content of all the Eftaititis convenit, the perfoun now prefent being vnable of thame sellis to resolute thairanten; or then, the faid executioun behuved to be maid, be ane force of his hienes subjictis, of all eftaititis, to be convenit personallie in armes, be Proclamatioun: Notwithstanding, that thair fall appeir na inlaik, in the det-bund guidwill and readynes of the noblemen, barrones and counsale prefent, to do all that lyis in thair habilitie, alweill for the faulfgaerd and prefervatioun of his hienes perfoun, as for the reprefiing of the faid fumtyne Erli his affifteris and refsettaris, without ony excufe or delay; thay offerit thame sellis reddy to remane and accumpandit his Maiestie, and
HOUN of Luss and ALLAN (AWLAY) M'Caula of Ardincaple, thair kin and freindis, with all extremite; and vnndir culour of sercheing and seikung of the Clangregour, to affie their houfis and rais fyre thairin; quhairof he hes alreddy gevin a sufficient pruffe, be the convocating of the haill name of Buchan-
nane, for the maist parte in armes, (with quhome the said Allane standise vnndir deidlie feid,) and be quhais power and force he proceidis in all his actionis, &c. And albeit thay ar na les willing to perchew the Clangregour, with thair haill power and force nor (than) the said Robert is, yit thair dar nocht ryfe and accompanie the said Robert to that effect, for feir of thair lyveis; in respect of the deidlie feid standing betuix the said Alexander Colhoun of Luis and the said Robert, throu the stauyture of vmq' Donald M'Neill M'Farlane, houshald seruand to the said Robert, committit be the said Alexanderis vmq' bruthir; quhilk feid yit standise betuix thair houfis vренconfliat, and the said Laird of Culcreuch daylie awaittis all occasionis to revenge the fame; and in respect of the feid laitlie re-
newit betuix the said Laird of Ardincaple and the Buchannanis, with quhais power, counself and force the said Robert is affisted, in execution of the said Commissioun, ving their aduife and direction in all thingis thairanent; as al-
fwass, in respect of the grite grudge and hatrrent stonding lykways betuix the said Laird of Ardincaple and the said Robert, quha hauing bereft his awin mo-
der, quhome the said Laird of Ardincaple hes now maryt, of hir haill leving, he hes be ordour of law recoueret the fame furth of his hands; for the quhilk causs, the said Robert feikis to hae his advantage of him, hes gevin vp kindnes, and denunceit his euill-will to him with foilempne vows of revenge.' On complaint made, ' the Kingis Maiestie, with auife of the Lordis of his Secret Counsaille, in respect of the euill will and inimitie stonding betuix the faifraisais paiirtis, thair kin and freindis, &c.; and paiirtlie, for the stauchter of vmq' Petir Colboun, committit be Johnne Buchannane Shereff-depute to the said Robert Galbraith, be vertew of a Commissioun, as he alleget, EXEMIS (exemptis) the said Alex-
ander Colquhoun and Allane Macaula, thair kin, &c. fra all ryfing, convening or afflicting the said Robert, in putting the said Commissioun to execution; and decerns the fame, in fa fer as it is extendit to the sercheing or seikung of the Clangregour within thair houfis, to be suspfindit and discharget fimpleciter, in tyme cuming.'

(Eodem die.)—PATRIK HEPBURN of Richartoun, Thomas his bruthir, Ni-
niane Huike his seruand and William Otterburne seruand to vmq' Alex. O., were ordained to be denounced rebels, for coming, ' with William Anderfone, prefentlie in the Tolbuith of Edinburgh in waird, and thair complices, all bodin in feir of weir, with jakkis, steilbonetts, vpone the xj day of Februaire laftbipat, about ten hours at evin or thairby, vnder silence and cloud of nycht, to the
toun of Babertoun, quhair vmq" Alexander Borthuik, fone to Adame B. in Wefter Haillis, and vmq" James B. their freind and kyndman, wer liand in the said vmq" Alexanderis hous, in thair beddis, dreedand na evill, &c.; the said Patrik and his complices foirsaidis, maitf crewallie and barberouslie rafit fyre in thair houfis and chalmer quhair the saidis vmq" Alexander and James lay, and brunt thair houfis and chalmer, with certane vther houfis adjacent thairto; of fett purpois and prouifioun to haift bereft thame of thair lyves: And thair vmq" Alexander and James and thair famelie, for echewing of the said fyre, come furth of thair houfis, quhair the saidis perfons maitf tyrannouslie fett vpone thame, hurt and woundit findrie of thair servandis, bairnis and wyffis, crewallie and vnmercifulie mordreif and flew thair vmq" Alexander and James, as also hurt and woundit Margaret Hoig, spous to the said Alexander, quha is yit in grit danger of hir lyff; committing thairthrow ane maitf his cryme of Treffoun aganis his Maistrie, to the great contempt of God, his hienes authoritie,' &c.

(May 8.)—Johnne Lord Fleming ordainit to be denounced rebel, for not appearing to find furtey to 'compear before the Justice on May xxj, under the pain of 10,000 pundis,' to underly the law 'for beiring, weirin and schuittin with hagbuttis and pitolettis, and wounding of findrie his hienes subjectis, vpone the . . . day of Aprile laftbepast.'

(Eodem die.)—Robert Galbraith of Kilcrewch ordainit to be denounced rebel, for not finding security in terms of the General Band; 'that he, be him self, and all sic as he is oblieft to anfyer for, sould be anfwerable to justice and satisfie pairteis skaithit, vnder the pane of 2000 pundis; and forder, that thay sould not reflett, supplie nor intercommoun with ony perfoun of the surname of Buchannane, Makhregour nor Makharlane, quhilkis ar declarit fra his hienes lawis, or denunceit to the horne for criminal cauffis; nor furnisf thame met, drink, hous nor harbery,' &c.

(Eodem die.)—The Commedar of Sanct Colmes Inche ordainit to be denounced for not appearing perfonally, and for not presentit Thomas Inglis his fervant, 'to have anfuertit to fic thingis as sould haue bene inquirit of thame, tuicchein their treffounable reflett, supplie and intercommouning with Frances sumtyme Eyll Bothuill;' &c.

(May 12.)—The Inhabitants of Kelso, except Williame Lauder, having come in his Majestys will for the treasonable refet, supplieing and intercommuning with 'Frances sumtyme Eyll of Bothuill and his complices, at diversse and findrie tymes, fen the proces and dome of forfalture led aganis thame;' they find securit that they shall 'satisfie his Maistrie will, in fluer, prouiding the fame his will exceed not the fowme of 2000 merkis money.'
(May 17.)—Alexander Levingtoun of Pantherkane ordained to be denounced rebel, for not appearing to answer 'tuicheing his tressounable reflett, supplie and intercommoning' with the Earl of Bothwell and his accomplices, &c.

(Eodem die.)—The King's Will towards the Inhabitants of Kelso was this day formally declared, viz. 'That the present hall Inhabitantes of the said toune and thair pottertie sall be freelle pardonit and remittit, &c.; and that thir prefentis be als sufficient for the siture of thair lyves, landis and guidis, as giff the same we paft in forme of Remissioun vnder the Grite Seill, with all solemnités requirite: And siclyke, that the saidis perfonis sall mak payment to his Maiesties thersaur of the foun of fevintene hundreth merkins money; and forder, that thay sall find cautious actit in the buikis of Secret Counfall, that thay sall not reflett, fupple nor intercommoun with the said sumtyme Erii nor his complices, funeis thame meit, drink, houfe nor harbery, nor hauie inellience with thame, priuatie nor publictie, in tyne cuming, vndir quhatsumeirc cullour or pretence; vnder the pane of tua thousand pundis.'

(May 24.)—The Provoft, bailies, council and community of the Burgh of Perth make complaint, that notwithstanding their having submitted the adjuftment of all differences between them and Robert Bruce of Clakmannan 'to certane of his awin freindis, well affected to the removing thairof, and to the Kingis Maiestie as owersinan,' yet that 'Johnne Wilfone and Johnne Nevene, with certane vtheris honest burgeffis and inhabitantes of the said burgh, paffing toward the cietie of S' Androfe to the mercat thairof, in quiet and peceable maner, laitlie, vpone the xxiiij day of Aprile instant, wer vnbeft at the cobill of Rind, in thair hie way, be the said Lard of Clakmannane, accompanieit with nyne horfemen and futenemen, bodin with hagbutts, jakkis and vther airmour, and be thame maift cruellie and vnmercyfullie perfewit for thair bodelie harnes and flactheris: Lykas, the saidis Johnne Wilfone and Johnne Nevene, being baith hurt and woundit in dierfe and findrie partis of thair bodyis, to the effufiou of thair bluid in grit quantitie; the said Lard and his complices maift ëchamefullie tirrit' thame baith naikit, and in maift barberous and dilflainefull maner skurgit thame with horfe brydillis throw the toune of Abernethie, as giff thay had bene thves or hauynos malefactouris, left the said Johnne Nevene liand thair for deid, and tuik the said Johnne Wilfone, naikit, as captiue and prifonner, away with thame, to quhat place the saidis compleinaris knawis nocht, nither ar certane quhiddre he be deid or leavand; vfurpand thairthrow vpone thame his hienes autoritie, to the manifesit and proud contempit thairof, mifregaird of all law and justice, and evill example of vtheris to commit the lyk barbaretie and insolence, vpone the guid and obedient subiectis.'—The Laird

1 Ferry-boat station, near the confluence of the rivers Earn and Tay.  2 Violently stripped.
was charged to appear before the King and Council to answer for his conduct, and failing, is ordained to be denounced rebel. 'Johnne Erre of Gowry Provfeit of the faid brugh' appears to plead the cause of the inhabitants of Perth.

(Eodem die.)—Warrant is granted to 'William Ker of Cesfurd Wardane of the Middill Marche, and James Dowglas of Caveris Shereff of Roxburgh, and their depuittis, to pas feirch, tak and apprehend Sir John Ker of Hirfell, kny', (qua being excommunicat and out frome the cumpany and societie of the faithfull, as alse denunceit rebell, and put to the horne of a lang tyme bigane, hes remanit at the proces thairof senfyne, as he dois yit, vnrelaxit; and refourit and to and fra in the cuntrie, as gif he wer his henes fre subiect; and continew and in his filthie cryme of Adulterie, for the quhilk he wes excommunicat, &c.) quhaireuir he may be apprehendit within thair boundsis and jurisdictioun; and bring and present him befor his Maleftie and Counsaill, or befor his Justice or his depuittis, to be puneift for his demerittis,' &c.

(May 26.)—Alexander Lord Levingtoun and William L. fear of Killyth become sureties for Johnne Lord Flemyngh, that he 'fall pas and enter his perjoun in warid, within the boundis of the sherefdome of Striueling, within thre dayes nixt after the dait heirof; and remane and kep ward thairin, and not transcend the boundis thairof, ay and quhill he be fred be the Kingis Maleftie, with auife of his Counfaile, vnder the pane of 10,000 pundis.'

[Adam Bishop of Orkney, Alexander Commendator of Culros, Eduard Commendator of Kinloch, James Lord Lindsey, Adam Lord Vrquhart, Sir Robert Melville of Murlocarny, kny, specially appointed by a Commission from Parliament.]

Treasonable Conspiracy against the King—Invasion of the Palaces of Holyroodhouse and Falkland, &c.


Being summoned, 'for certane crymes of Treafone and Lefemajestie,' the Advocate produced the summons and executions, with Letters of Relaxation, Mar. 16, 1592-3, bearing Bothwell 'to be relaxit fra the process of Horning led aganis him.'

(Jul. 16.)—The 'reafone and caus contenit in the same summondis' is found relevant; and the Advocate declared, 'that he fuld vse his probatiousn with all expedition.'

1 See Acts of Parl. 1593, &c.
[REGE ipso presente, cum omnibus regni statibus.]

Per sewaris, Mr David McGill and Mr John Skene, Advocatis in our fouerane lord.

(Jul. 21.)—Mn David Makgill and John Skene, Advocatis to our fouerane lord, for vereifying of the said reafone contit in the said Summondis of Tressfone raift aganis the said Frances sumtyme Erll Bothuill, producit and repetit the Extract of the Fairfaltour, led and pronuncit befoir the Justice and his deputitis, aganis the said Frances sumtyme Erll Bothuill, fufcryuit be the Laird of Ormeifhoun Jeitice Clerk, of the dait the xxv day of Junij the yeir of God 1591, Depoistionis of certane wittneses examinat befoir the saidis Lordis of Articles in the said mater ; the notoriety of the deid libellit ; and the cuming of the defendaris in to the Palice of Halyruhdous and Falkland, the tymes libellit ; qhilk in materis of his Tressfone fuld mak full probation ; and that the Lordis of Parliament, being the greit Afflys of the cuntrie, of the daly practik ; quhathfumeur perfonis clegis nocht, of certane knawlege, the perfonis accuit, he fylis thame : And the commoun notoriety of this fact and tressfone libellit, and contumacie of the defender, is sufficient to mak na man to clenge him : And was content the soifraid proceds and Summondis of Tressfone wer haldin concludit ; and defyr the Estatis to aduise the proceds and to pronounce their Sentence of Parliament thairintill, according to the saidis probationis and their confidences. And immediatlie thaireftir the saidis aducattis exhibite and producit befoir the Kingis Maistrie and hail Estatis, lyk as thai did dyuerse tymes ofbefoir, the Summondis of Tressfone vndirwrittin, raift and perfwit at the infaite of our fouerane lord his hienes Justice, aganis Frances sumtyme Erll Bothuill, qhahirby he was summund to compeir befoir our fouerane lord the thrid day of April, fourcoir threttene yeirs instant with continewatioun of dayis, to haue anfuerit to the poynsis of Tressfone vndirwrittin, contenit in the saidis Summondis : Off the qhilkis Summondis the tennour followis.

SUMMONS OF TREASON against FRANCIS sometime EARL BOTHWELL
and others.

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leoni Regi armorum, Ilay, Albany, Rofs, Rostefay, Shawdoun, Merchemont, herauldis ; Johanni Fergusonere, Roberto Stewart, Alexandre Douglas et Dañiði Bryfloun, clauigeris ; Ormond, Bute, Vincorne, Carrick, signiferis et nuneis, ac eorum cuilibet, coniunctum et diuifum, vicecomitibus nostris in hac parte specialiter constituatis : Salu- tem. Mandamus vos et precipimus quatenus summoneatis legitime et peremptorie coram teftibus, Francifcum olim Comitem de Bothuile, Gilbertum Pennycote, Johanne Rutherfarde de Huntbili feniorem, Thomam Rutherfarde de Huntbili juniorem, Simoonem Armetranc juniorem de Quhyt- hancbe, Conspiratores, perpetratores et celatorum crimini Maiellatis subfquentium, perfona- liter, si eorum perfonales prefentias commode habere poteritis, aliquoquin apud loca eorum habitationum, vel per publicam proclamationem, apud cruces forales burgorum nostrorum de Edinburgh, Haddington, Jedburgh, aliaque loca necellaria ; degentes vero feu extinctes extra regnum nostrum, feu certum nullum domicilium in eodem habentes, apud dictas cruces forales aliaque loca necellaria, super premoni-
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tione sexaginta dierum, sic quod huinummodi humonitio ad eorum suares et notitiam verus militiae praeunire poterit; quod comparant eorum nobis seu Joviciario nostrro primo die mensis Junii proxime sequen. in nostro Parliamento apud Ed. tertio die mensis Aprilis sequen. Tenen. hora caesarum cum continuatione dierum, ad respondebendum nobis nostrue Joviciario, in presfato Parliamento, super pro- 
ditoris criminibus subsequebantibus. IN PRIMIS, dictos fictices Franciscum olim Comitem de Bothule, 
&e. et eorum quenlibet, pro sua prodictoria arte, parte, confilio, in iporum prodictoria Conspiratione, 
confultatione et conclusione horrendi facinoria contra nostram honorabiliem perfonam et vitam, per dic- 
tas personas committit. xxvii. die mensis Decemberis, anno domini 1591, sub noctis silentiis, in iporum 
prodictoria Invasione Palaci nostrri de Halyruclous, intrando ibidem cum affinitatis, confortio et con- 
voctione, aliarumque homicidarum, opproreorum, latronum ac hujusmodi injolentum vironorum arma- 
torum et a legibus nostris fugitatorum, et deliberatio animo et certa intentione violentas manus in no- 
stram regiam perfonam imponere, vt vitam nostram vel nefarie extinguere vel nos captivos fecum deducere: Et ad hunc effectum, prefecti Conspiratores directe accesserunt ad nostram priusum concluse 
seu cubicularum, et otijs ignem nefarie iniecerunt, domesticos nostrum pretenti violenta morte ministando 
objurgandoque, nifi ipsa declararent vbi nos essens, nulla veniam inquitione per eos facta ob quam-
cunque aliam perfonam nifi propter nofnmet ipso: Ac preterea, violenter effregere malleis, oltia 
interiorum cubicali Regine noftri charifime conuigis: atque demum, vbi parum fpe promunifet et ad illo-
rum inquitatum fancus ad usum nefandam pomenire non posse, intellegerunt, in eorum regefl a 
nondum satisfacti, crudeliter et fine vila mifericordia domesticos et familiarismos nostrer feruiores ob 
nostram canfas interfererunt et jugulaverunt: Hinc manifestissime crimen Summe Prodictionis contra 
noe, noftram vitam, autioritatem regiam et leges committendo. SECUNDO, presfatos Franciscum olim 
Comitem de Bothule, &e. Et eorum quenlibet, pro sua prodictoria arte, parte, auxilio et confilio, in 
sua prodictoria Conspiratione, confultatione et conclusione horrendi facinoria contra nostram honorabiliem 
perfonam et vitam per dictos Conspiratores committit. xxvij die mensis Junii anno domini 1592, in ip- 
forum prodictoria Invasione Palaci noftri de Falkland intra vicecomitatem nostrum de Fyff, nobis 
ibidem intus pro tempore exitentibus, accedendo ibidem cum affinentia et conscursu homicidarum op- 
prexorum, latronum, declaratorum prodictorum et hujusmodi injolentum vironorum armatorum et a legi-
bus noftris fugitatorum, ex deliberatio animo et certa intentione violentas manus in nostram regiam per-
fonam imponere, vt vitam nostram vel nefarie extinguere, vel nos captivos fecum deducere: Et ad hunc 
effectum, predicti Conspiratores cum suis focis accesserunt ad poticum dici noftri Palaci, ejac-
culando tormenta feres, et hujusmodi machinas enas violenter idem poticum oppugnarunt, ut eo di-
rupto, faciliss ingrept presfato fuam coniurations et horrendum facinorum inceptum compleperunt: Hinc 
manifestissime crimen Summe Prodictionis contra noe, noftram vitam, autioritatem regiam et leges com-
mittendo; atque adeo, pro iporum prodictoria celatione et occultatione preface Conspirationis, confulta-
tione, conclusione et executione eiusdem. TERTIO, commemoratos Johannem Rathurfrde dom. de 
Huntill fenieren, et dom. juniorum, Simponem Armebrang juniorum de Quibthauer, et eorum quen-
libet, pro sua prodictoria receptione et auxilio prefitto dicto Francifco olim comiti de Bothuil; et pro 
eorum prodictoria affinentia, participatione et intercommunicatione cum presfato Francifco et suis com-
pliquibus, noftris prodictobus declaratis, contra leges et statuta regni noftri; idque in mensibus Aprilis, 
Maij, Junij, Julij, Augufci, Septembris, Januarij, Febrarij, Marcij, anno domini 1592, et eorum quolibet 
respectue, in locis de Huntill, Jed, Hawik, Liddifdaill: Hinc manifestissime crimen Prodictionis contra 
noe, noftramque vitam, auctoritatem regiam et leges regni noftri committendo; atque adeo, pro iporum 
prodictoria celatione et occultatione predicte fue intercommunicationis, receptione et auxilliis supræpe-
cificat. QUARTO, presfatum Simponem Armebrang, pro sua prodictoria arte parte et confilio in exec-
dendo monetam adulterinam domi fue de Boyne in Liddifdaill, in mensibus Aprilis, Maij, Junij, Julij, 
Augufci, Septembris, Octobris, Novembris, Decemberis, Januarij, Febrarij et Marcij, et quolibet eor-
um, anno domini 1591: Hinc manifestissime crimen Summe Prodictionis contra noe auctoritatem re-
giam et leges regni nostri committendo; atque adeo, pro sua celebratio et occultatione eiusdem. InducGIS, supra scriptus Conspiratores ad videndum et audiendum esse et eorum quemlibet, respectu prefissorum, crimen Leefe Majestatis incursus, per nos et trium regni nostri statuum decerni et declarari: et super predictis et alia quomplurimis rebellionibus et transgreffionibus et proditionis criminibus per prænominatas personas, contra nos, regnum nostrum, sanctitatem regiam impie et nefariis perpetratis; et dicta die et loco, cum continuatione dieorum, proponendis et ostendendis ad iuri parentiam, et super hujusmodi indicium nostrum et nostri Parliamenti, secundum leges regni nostri exspectandas et subeundas, dictas vix, personas Conspiratores, perpetratores et celatores criminum precedentium, ad videndum et audiendum esse et eorum quemlibet, iustitu prefissorum, crimen Leefe Majestatis incursus, per nos et trium regni nostri statuum decerni et declarari; et proterea, ipserum bona, mobilias et immobilia, tam teras quam officia aliasque res ad eos spectantes, nobis confisci et pro perpetuo nobis circa in proprietate remanere, representas suas penam proditionis et vitii suppellex regni nostri legibus indirectum subire; et verius in prefissis respondendum et juri parentiam: intimando supra dictis Conspiratoribus eorumque culibet, quod sine dictis die et loco cum continuatione dierum compararent sive non, nos, dictusque nostri Juxtaeiarius in prefissis, justicia mediante, procedere mus et proceder. Insuper citetis, &c. ad comparendum eorum nobis nostrae Justice dicitis die et loco, cum continuatione dieorum, ad peribendum sive le testimonium in causa predicta, indoratas es- randum latori reddatis; et vos qui presentes executi fueritis satis ibidem dictis die et loco coram nobis seu dicto nostro Justiceario, portam. vobis habemus testimonios vestre testimonium in scriptis pro prefissis seu ipsos testes: Ad quod faciendo vos et vestrum culibet coniunctum et divisum vicecomitis nostris in hac parte commissius potestatem. Datum sub testimonio nostri Magni sigilli Apud Edinburghe, in templo domini millecimo quingentesimo nonagesso sexto, et regni nostri vigesimo sexto.

Quhilkis Summondis, with the executionis and indorationis thairof respectiue fooraid, being this instant day red, in presence of his Maiestie and haill Eftaitis of Parliament, first in Latyne and fynie in Scottis, and the said Frances sumtyme Eurl Bothuille being ostymes calit of new, at the Tolbith window of the faid burgh of Edinburghe, to haue comperit and anfuerit to the said Summondis and rellonis contenit thairin: And he nocht comperand to haue defendit in the faid mater and to haue anfuerit to the faidis Summondis, the faidis aduocatiss to his Maiestie, defyring the faidis Eftaitis declaratium, gif the reaftones of the faidis Summondis wer relevant aganis the said Eurl Bothuille; quhilkis Eftatis all in one voce fand the same relevant aganis him. Thairfoir, the faidis aduocatiss of new, for verefeing of the faid rellones contenit in the said Summondis of Treflone, product and repetit the extract of Forfaltour led befoir the Juife and his depuittis aganis the said Frances sumtyme Eurl Bothuill, Depositionis of the faidis witneces, notorietie of the factis, and repetit the haill probationis repetit be him ofbefoir in the faid mater this instant day, and defyring the faidis Eftaitis of Parliament to aduise the Depositionis of the faidis witneces and vtheris probatios, and to pronounce thair Sentence of Parliament thairintill, according to the samyn probationis and thair confiences: And thaireftir, the Depositionis of the haill witneces execut to the death, and of the witneces examinat in presence of the faidis Lordis of Articles, haill wreittis and probationis, being red, fene and
confiderit be the saidis hail Esaitis of Parliament, in presence of the Kingis Maiestie, and thay thairwith being ryplie aduyfit, the said Lordis and Esaitis of Parliament findis, decernis and declaris, that the said Frances sumtyne Erill Bothuile hes committit and done oppin and manifest Treffoun aganis our said souerane lord, in all pointis and articles contenit in the said Summondis: And thairfoir it was gevins for dome, be the mouth of James Neibit dempster of Parliament, in maner and forme as follows.

DOOM OF FORFEITURE. This Court of Parliament schawis for law, that the said Frances sumtyme Erill Bothuile hes committit and incurrir the crymes of Treffoun and Left-Maiestie abonewrittin, in maner at lenth contenit in the ref- fonis of the saidis Summondis. And thairfoir, decernis and declaris all his guidis movable and immovable, alweill landis as offices and vtheris thingis quhat-fumeur belangand vnto him, to be confiscat to our souerane lord, and to remane perpetuallie with his hienes in propirtie, in tyme cumming; and his perfoun to vnderly the pane of Treffoun, and vttér pvnishment appointit be the lawis of this realme. And this I gif for dome.

(Jun. 21.)—JAMES GRAY, fone to Patrik Lord Gray, ordaine to be denounced rebel, for not appearing this day, to have anwered 'vpon his contemptuous revilifying and taking be force and violence of Katherene Carnegy, dochter to Johnne Carnegy of that Ilk, furth of the hous of Robert Jouffy merchand in Edinburgh, and carying of hir away and keipping hir captiue aganis hir will; committit vpon the tent day of Junii instant; and als to have exhibite and presentit the said Katherene the said day, &c. to be putt to libertie;' &c.

(Eodem die.)—SCHIR JAMES JOHNNESTOUN of Dunfekellie knicht, ordaine to be denounced rebel, for not appearing to have anwered 'to sic thingis as fould haue bene inquirit of him at his cuming, tuichest his treffonnable breking of warde furth the Castell of Edinburgh;' &c.

(Eodem die.)—GEORGE SMOLLETT burges of Dunbartane, ordaine to be denounced rebel, for not appearing to anwer certain charges at the infance of the Provofs, bailies and community of the burghs of Glasgow and Renfrew, in regard that the said George had, 'vpon sum finifter and wrang information maid to his hienes, laitlie purcheft ane priuey Letter or Commissioun vndir his hienes subscripition and signet alianerlie, without suife of Counfale, tryale, cognitioun, or ony vther proces preceding; vnder cullour quhairof, hauing af- fociate vnto him self certane deboihet men and vagaboundis, he not only maif- terfullie and perforce oppressis and revis the guidis and bestiail, clothing and vtheris wairis, brocht be the Inhabitantis of the Ilis and vthiris pairtis of the Hielandis to the said burrowis, baiith be fey and land; bot takis, apprehendis and imprefonis thair perfonis, and sumtymes perfewis thame felfis be way of deid:

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Quhair vpoun, the cheiff perfonis and vtheris inhabitantis of the saidis Hielandis, hes confaunt sic hailent and malec aganis the saidis complenaris, in particular, as gif thay wer authouris and allowaris of this forme of doing, that thay haue denunceit thair inimitie and ewill will to thame, takin 'alreddie sum of thair nibeouris prifonairis, intromettit with thair guidis, and avowit to vse all kynd of rigour and extremite aganis thame; quhairby, not onlie ar thay liklie to be defraudit and difapointit of that mutuall interchange qhilk hes bene had amangis thame, to the commoun benefite of the haill inhabitantis of the Lau-lanlis and in-cuntrey, bot be tymel, Ciule weir is lyklie to follow, to the brek of the peax, and bringing on of mony inconvenientis, giff tymous remeid be nocht proudit.' The King and Privy Council likewise di discharged the Commissioun, and decrened the fame to ceafe.

(Jun. 25.)—JOHNE LORD HAMMILTOUN gets a suspension of Letters raifed at the instauce of Abacuch Biffett,1 ' becaus the said Lord hes found cautoun, that he fall remove, expell and hald the said Mr Patrik Hammiltoun furth of his landis, rowmes, poiffeccionis and bailliereis, during the tymel of his rebeilioun, conforme to the Generall Band, vnidr the pane of 1000 merkis.'

(Jun. 28.)—THOMAS KIRKPATRICK of Cloiburne, his kin, friends, &c. exempted from the jurisdiction of ' Wardanerie and Juticiarie of Johnne Lord Maxwell, and fra all ryfing, convening or accompanying of him or his deputis, to ony dayis of trew heireftir:' 'Because it is of veritie, as it is notour, that the said Lord and the said complenar (Cloiburn), thair kin and freindis, pretuentle stondis vnidr termes of vnfreindichip and inimitie; and kyndnes and freindichip is gevins vp betuix thame, infafer as not onlie hes the said Lord tane vpone him the patrocinie and defens of all the said complenaris vnfreindis, bot alswa, be all indirect meanis, hes huntit for his lyffe, and daylie awaittis the occasioune to bereve the said complenar of his lyffe; as namelie, vpoun the thrid day of Aprile laft, the said Lord conuocat and aflemblit togidder of his kin and freindschip, the noumer of tua hundreth perfonis or thairby, and directit thame to the said complenaris landis of Rouch Ile, to haue dispoisit him thairfra, vpoun intentioun alwayes, gif the said complenar had cum to refit thame, to haue bereft him of his lyffe; and senvyne, Thomas Greir of Barjarge and Gilbert Greir of Drum, men tennencis and feruandis to the said Lord, with conuocatioun of vtheris his freindis and feruandis, to the noumer of fourefscoir perfonis or thairby, bodin in feir of weir, off the said Lordis special cauising, &c. come to Bar-dannahuch, being within the schoit of ane hacquebute to the complenaris landis of Rouch Ile, and di chargeit ane grite noumer of hacquebutis and pisleltis at

1 See Apr. 12, 1593.
him and his feruandis, and had not faillit to haue flane him, wer nocht he wes
the bettir accompanyt for the tyme: Lykas, vpoun the laft day of Apryle, the
faid compleinair hauing directit certane of his freindis and feruandis to the
burgh of Drumfreis, for findrie his effearis, the faid Lord, vpoun advertisiment
thairof, directit xxiiij of his men and feruandis, quha ferheit and socht the faid
compleinairis feruandis throw all pairtis of the faid burgh, quhair thay wer acce-
tumat to hant and repair, stoggit beddis, and had not faillit to haue flane his
feruandis, gif thay had bene apprehendit; and at that same tyme thay cruellie
hurte Johnne McMurie, feruand to the Gudeman of Kerfe, the faid compleinair
causing. In respect quhairof, the faidis compleinairis dar nocht ryfe, convene
nor accompany the faid Lord, vules thay wald mak convocation of thair hail
kin and freindship, quhairvpon fum grite inconuenientis will not faill to fall
oute, without remedie be prouydit.'—Lord Maxwell, though charged, failed to
appear before the Council; but Closeburn 'comperit be Roger Kirkpatrik his
bruthir.'

(Jul. 5.)—SCIR ARCHIBALD STIRLING of Keir, Matheu Colhoun his fer-
uand, James Kinros feuar of Kippanros, and George Musfhet of Tolgarth, were
ordained to be denounced rebels, for failing to have appeared and anwered
'twicheing the slaughter of vnaq' William Sinclair of Galduadmoir, Eduard
and George Sinclairis his fonis, committit vpoun the thrid day of Junij laft.'

(Jul. 7.)—AN ACT anent the weiring of Hacquebutis and piftoletis is paffed.
It is stated that the former ordinances had been difregarded, 'quhairthrow vile
murthouris and frequent slaughteris hes not onlie bene committit within Kirkis
and vthiris placeis, ower all pairtis of this realme, bot evin within the burgh of
Edinburgh and suburbiis thairof, ewest to his hienes Palace and place of refi-
dence, to the grite hafaird of his awine perfone, &c. It then states various
modes by which noblemen and others were drawn into street brawls and 'deid-
lie feidis' by twagging and turbulent perfons, 'quhilkis wickit and vnhappy
-spiritits lykwayes ceiss not to make and tell lesnings betuix his hienes, his no-
obilitie and gude subiectis, be previe or oppin speichis, and sumtymes be famous
libelles and rymes disperfit or affixt, aways of mynd to law and soffer discord
and diffension,' &c. Command is therefore given to the Provoft and bailies of
Edinburgh and suburbiis, and their officiers 'the Capitane of his hienes Gaird,
officaris and Archearis of the fame, and vtheris appointit for gaird during the
tyme of this present Parliament, the Maitier of his hienes Palice, and portair of
the fame, and all thair deputis, to ferche and seik for all hacquebutis and piff-
toletis borne, worn or schoitt within his hienes Palice or vtheris place of refi-
dence, or in the burgh of Edinburgh or suburbiis thairof, and to take and intro-
mett with the fame, and to escheate the fame to the behuf of the apprehendaris;
and convoy the perfonis of the beararis, weiraris and schuittaris to his hienes warde and prefoun,' &c.

Deletioun of William Gordoun of Auchindore furth of the Summondis of Forfaltour.

(Jul. 21.)—Comperit perfonallie, Mr John Skene, aduocatt to our fouerane lord, and product ane writting subückruit be his Maiestie; of the quhilk the tennour followis.

'Rex,

Mr David McGill and Mr John Skene, our oderier Aduocatus, We greit 3ow weill: Forsameklie as We ynderstand, be very credible narration maid to ws, that William Gordoun of Auchindore is altogither innocent of the crymes for the quhilkis he is attiechit to be fairfull, in this our Parliament, content in the Summondis of Treffline direct furth aganis him and certane vtheris thair remant: Quhairfoir, it is oore will, and We expresslie command 3ow and ather of 3ow, that with all guidlie diligence ye obliterat and deilet the said William Gordoun, name and furenme, with his fylie, furth of the saids Summondis and executionis thairof, lis that na kynd of procefs be led aganis him at the said Parliament, for ony cryme contentis thairin. And thir prefentis falle sufficient warrand to 3ow. Subscribit with our hand at Haliruidhouls, the xvij day of Julij, and of our regne the xxvj yere, 1598.

'Sic subscribitur, JAMES R.'

According to the quhilk writting, and for obedience of the samyn, the said Mr John Skene as aduocat to our fouerane lord, and in his hienes preffence and eftattis forfaitis, defyrit the Clerk of regifter and his deputitis to deilet the said William Gordoun furth of the Summondis of Treffline and Lef-maiestie per-sewit be his hienes aganis the said William Gordoun of Auchindore and certein his complices, for the alleagit airt, pairt, counsail and affistance, in the Birning of the Houssis and Place of Dunybrisell, committit vpoun the sevint day of Februar i"v lxxxxj yeres, and cruell Murthuring and Slaying of James Eill of Murray thairin: Quha at command of his hienes lettre, prefentlie in jugement, obliterat and delitit the said William Gordoun of Auchindoris name, furenme and fylie, furth of the bodie of the said Summondis of Treffline and executionis thairof. Quhairvpooun Mr Johnne Demster, aduocat, in name and behalf of the said William Gordoun, akkit instrumentis.

(Jul. 21.)—The quhilk day, in presence of the Kingis Maiestie and Eftaites of this preffent Parliament, comperit Johnne Leflie of Balquhane, and product the offeris vnderwritten, for the pairt of William Eill of Angus, George Eill of Huntlie, Francis Eill of Erroll, Schir Patrik Gordoun of Auchindoun, kny'; and Schir James Chisholme of Durdun, knicht, perfonis dilatit and suspeictit of the crymes of Lef-maiestie; of the quhilkis offeris, the tennour followis.

1 See Acta Parl. A.D. 1599, fol. 15, &c.; see also March 9, 1592-3. 2 Ibid.
OFFERRIS presentit to the Estaitis, be the Laird of Balquhane, in name of
the ERLLIS of ANGS, HUNTLE and ERROLL, and utheris.

In the first, fiorameke as the saidis perfonis ar Indytit and accuif of Leis-
majeftie, for consulting and concluding for the inbringing of strangearis and
fubuerfioun of the Religious, at lenth contenit in pair Summondis of For-
faltie, gif it will pleis your Maietie and Eftaitis, to select and cheis certane
ather of your Maieties Counfaill or Parliament, to intreat and commun, ather
with the saidis perfonis thame felfis or thair freindis, thay fall nocht onlie de-
clair and mak notifit thair innocence, and schaw thair guid will and obe-
dience to your Maietie and cuntie; bot also, thay neir meant nor attempt-
it, nather directlie nor indirectlie, contrair your Maieties perfoun, fait of je
cuntie, nor Religious publictie proffeft thairintill. Item, after the triall of
pair innocence, to tak away all occasioun of fuftionioun, the saidis perfonis
offers for continwance of thair dewtisfull servise vnto your Maietie in tymé
cvming, that thay fall neir trafique nor haue intelligence with ony forreyne
natioun or Prince, in hurt or preindice of your Maieties perfoun, eftait, com-
moun weill and Religioun, bot to follow your Maietie in all tymé cuming, as
your maift obedient and humble subiectis, aganis qubatfnameur your Maieties
vnfreindis: And secritie to be maid in sic sufficient forme as falbe thocht ex-
pedient. Item, your Maietie being fatisfiet, for removing of all kynd of sklander
and euile conflaut opinione be the Kirk aganis the saidis perfonis, thay ar con-
tent, after communing had with certane Miniftrie, to be depute be your Maietie
and Kirk to that effect, incace pai, after reffoning, may be throucheie reffoluit,
nocht onlie to satisfie the Kirk for ony sklander, bot also concerning the hail
heidis and Articles of Religioun; vtherways, gif pai can nocht be throucheie re-
foluit, thay are content to depairt furth of the cuntrie, thair to remane during
your Maieties plefour, or ay and quhilk thay satisfie the Kirk in the premifis:
And to that effect, and incaife forfaide, maift humbly cravis your Maieties licence.
And in the meaintyme, for your Maietie and Kirkis better satisfactione, the saidis
perfonis fall remove out of thair company all suspekt perfonis of Religioun.

Quhilkis being red, hard and confiderit be je saidis Eftaitis, and thairwith
being adwyrit, the foirsaidis Eftaitis, for thair adviie to his Maietie thairanent,
finds it meiit and expedient, incace the saidis noble men and utheris foirsaidis,
conforme nocht thame selgis vnto his Maietie and his lawis, profentlie esta-
blischit within this cuntrie, anent the Religioun proffeft within the same, that
his hienes grant thame Licence, vpoun thair humble fute, to be maid to that ef-
fect, to pas furth of the cuntrie, vpoun sic conditionis, and to sic vnsuspect places,
as his hienes and his Counfaill fall prescriue and appoit: And incaife thay will
nather conforme thame selfis, as said is, vnto his hienes and to the Religioun pre-
fentlie professed, nather yit will pas furth of the countrie, conforme to the directionis to be gevin to thame; that his Maiestie and his said Counsale tak ordour thairwith, as they think maist meit for quieting of the countrie and Eftait of Religioun. And in the meantyme, that thai remane vnder the Proces and Summitis of Foirfaltour, execut againis thame in this present Parliament, quhill furder probation may be had and gottin of the crymes of Treffone and Lefemaiestie libellit aganis thame thairintill.¹

(Jul. 26.)—An Act is passit 'in favouris of the ERL BOTHUILL and his complices,' viz. Dame Margaret Douglas Countesse of Bothuill,² James Douglas of Spott, &c. Proclamation is ordered to be made, charging 'all his hienes legis, that nane of thame tak vpoun hand to sklander, murmour, reproche or bakbyte the perfonis abouewritin or thair pairt-takaris, or onyways molest or perfew thame, in bodyis or guidis, vpoun quhatfumeur caus, cullour or cryme bigane.' And that Letters be directed to relax them from the proces of horn.

(Aug. 8.)—Proclamation, relative to 'ane schip of Prestoun laitlie arryvit in this Firth, cum furth of England, quhairin ar findrie perfonis and guidis suspect to be infectit with the pest.' The 'maisteris, skipparis, marinaris,' &c. are charged 'to addresse thame selffis with the said schip and guidis being thairin to Sanc Colnis Inche, and thair loife handle,' and remane with the same schip and guidis, vpnto the tyme pruif and tryall be had, giff thay be foule or cleane of this disease;' &c. Charge is likewise given to the liegis, to prevent communiction with the ship.

(Sep. 11.)—The Cheiffis and Principallis of the Branchis of Clannis are charged 'to enter plegeis, for keipin of guid reule in tyme cuming; vnder the pane of executioun of the saidis plegeis to the death, in caife of transgreffion and not redres maid be the perfonis offendaris, for quhomo the saidis plegeis lyis;' &c.

(Eodem die.)—A Proclamation, convening 'the Erllis, Lordis, &c. weill bodin in feir of weir, with tuentie dayis victual and prouifion, to meit his hienes at Pblis, vpoun the first day of Nouember nixtocom,' for 'invasioun of the cuntreyis eweft the Bordouris, perturbaris of the commoun quietnes of the realme; vndir the pane of tinfall of lyffe, landsis and guidis.'

(Eodem die.)—A Proclamation, 'to meit Ludouik Duke of Lennox, Eirl

¹ Oct. 30. (apud Lymuthgou.)—A Commission is granted to John Lord Thirlstane, Chancellor, the Earls of Marischall, Mar, Montrose and Rothes, &c. 'to heir and consider the Petitionis of the Erlis of Angus, Huntlie and Errole,' &c. Their decision was declared to be final. Acta Parl., fol. 44.—Jan. 18, 1593-4. They are declared to have admitted the benefit of the Act of Abolition, and that they be forthwith put to trial. Acta Parl. fol. 53.—Maii 20, 1594. The Advocates produced a Summons of Treason, but 'nane of thame comperit.' Acta Parl. fol. 55. And again on May 30. See further proceedings, Jun. 8, 1594.
² See her Trial for the rest of the names, May 4, 1592.
³ And there unship their rudder and cast anchor.
Dernelie, Lord Tarbolton, Methven and Aubigny his hienes Lieutennent, at Striuling, on Nov. 1, for invasioun, perfute and pvnifement of the rebellious and contemnuus perfonis, Inhabitants of the Hielandis and cuntreyis adjac- 
ent thairto. In terms of the former Proclamation.

(Sep. 12.)—A Proclamation to the Juftices and Commiffioners appointed by Parliament, &c. ' to proced and minifter juftice vpoun all strang and idill Beggaris, vagaboundis, thevis and fornaris, or thair relletaris and pairt-takaris in thair thifteous and wicked deidis; and being convict, to pvnifhe thame prefentlie to the death, or vtherways, as thay fall find caus worthie,' &c.

(Oct. 9.)—A Proclamation to meet his Majefty at Lauder, on Friday next, Oct. 12. It proceeds on the narrative, that 'the Kingis Maietie being weareit with the mony and diuers complaints of his hienes peceable and gude subiectis, herreit, wrakkit and opprefit be thevis, brokin men, and vtheris difordourit perfonis, Inhabitants of the Bordoires of this realme, quhilikis daylie committis to thounthis, reifiss, slauchteris of trew men, in the defens of thair awne guidis, and findrie vtheris crymes and enormiteis maift vnnaturall; not onlie within the bowels of this realme, bot als within the nighbour cuntrey of Eng- 
land,' is determined to 'refrath the inflence of the faidis difordourit perfonis, chiefflie now, befoir the winter seaftoun approche, and the nichts grow lang.'

(Oct. 11.)—Letters appointed to charge Frances fumtyme Earl Bothuill, James Douglas fumtyme of Spott, and Mr Johnne Coluill fumtyme of Strarudie, to appear before the King and Council, on Oct. xxv, 'to anfuer to fic things as faighbors inquirit of thame, concerning maift Heich Treffoun committit be thame aganis his Maietis perfone and eftate; and to vnderly fic ordour as faighbors takin in that behalf,' under the pain of rebellion, &c.

(Oct. 25.)—The Earl of Bothwell, Douglas of Spott and Mr Johnne Coluill, ordained to be denounced rebels for not appearing, &c.

(Oct. )—Proclamation that as the Earls of Angus, Huntley and Errol, 'be dierife thair lettres and vtherwise, hes maift humelie and eirniftlie craved ane Tryal', for thair 'trefloumable Conspiracie,' committed in the month of January laft; and in order to prevent disturbances in the kingdom, 'in re- 
pect of thair grimes and the place thay occupy,' that 'his gude subiectis for- 
beir to mak conoucaition or gadding in quhatfumeuir pairtie of the realme, be the perfiououn or finterfe information of ony perfonis; bot be in redynes to 
repair to thair hienes felf, as thay faighbors adueritif bee his awne Proclamation ou Miffieu Letteris, and na vthirways: And that thay disfolue thair forceis, gif ony 
bef alreddy conuocat, and depair hame to thair duelling houfis, except sic per- 
fonis as ar speccialie requirit be his awne Letteris, to be prefentit at the Conven- 
tiouen of the Nobility and Eftates now at Lynlythgow,' &c.
(Oct. 31, apud Lynlythgow.)—A Commission granted to Johnne Lord Thirlstane Chancellair, George Eril Marihaell, Johnne Eril of Mar, Johnne Eril of Montrois, Andro Eril of Rothes and Alexander Lord Levingtoun, James Scott of Balvery, Johnne Murray of Tullibairdin, Alexander Bruce of Airth, knychtis, and George Lauder of Bafs, William Scott of Abbotishall and M’Daid Carnegy of Culluthy, Alexander Hume of North Beruik Prouef and Clemett Cor, Commissioners of Edinburgh, with the Commisionaris of Dundee, Striuiling, Lynlythgw and Coupar, with the officiars of Eftate that fall happen to be present for the tyme, &c.; and that Maiisteris Daud Lindsay, Robert Bruce, Patrik Galloway, James Carmichael, Robert Pollok and Johnne Duncanfoun, Ministeris, or sic of thame as beis present, haue access and audience quhen thay haue ony thing, or sic happen to be callit vpoun for conference; to hear and consider the Petitionis of the ERI.LIS of ANGUS, HU.TLIE and EUR.OL.

(Eodem die.)—Proclamation ’that nane tak vpoun hand to invade, trouble or perfew the saidis Eriis and vtheris, seikaris of the said Tryale, in bodys or guidis, during the tyme of the same tryale; in dird all hiefe pane, charge and offens,’ &c.

(Nov. 6, apud Haliruidgous.)—Proclamation ’that nane repair to Edinburgh but sic as ar writtin for.’ A Convention had been callit by the Eftates at Linlithgow ’to findrie noblemen, baronis and vtheris to convene within the burgh of Edinburgh, vpoun the tuefth day of November instant, and thair to treate, confult, deliberat and conclude vpoun findrie materis; specialie, twicheing the fuirtie of the Eftate of Religioun and profesouris thairof, and fuirtie to be taine of all perfonis suspetit or dilaitit to be adverfaris of the same, or trublaris of the quietnes of the cuntrie; or in caiss of thair disffebdien and contempt, how thay fall be perfewit or represfit,’ &c.

(Nov. 26.)—’Act of Abolitiooun;’ that Godis trew Religiooun publictie preichett and be law eftablissit in the firtt yier of his hienes reigne, fall only be profesfit and exercist be all his Maiesties lieges, &c.

(Dec. 22.)—A Commission granted to ’Williame Lord HERRIS, Schir Johnne Gordoun of Lochinvar, Alexander Steuart of Garleis, James Douglas of Drumlanrig, Thomas Mc’Clellane of Bombie, Thomas Kirkpatrik of Clofeburne, Williame Greirfoun of Lag, Alexander Jardane of Apilgirth, Johnne Charterhous of Amysfeld und Charis Murray of Cockule, or to ony fevin, fyve or thrie of thame coniunctlie, his hienes full pouer, speciall command and charge, to convene, treate and confult vpoun sic thingis as may tend to the observatioun of the peax and amitie with England; eftablissing and making of quietnes and gude reule, within the boundis of the West Marche; refisting and repressing of the disturbaris thairof; and committaris of thift, refsett of thift, reiff, mur-
thour, slaughter, fyre-raising or vtheris opprisionis and enormities; quhairthow
the trew and peceable subjectis may be preferuit and defendit from wrak and
heirship: And to that effect, to convocat his hienes liegis within the boundis of
the saide Marche, in armes, for perfute or defens, aloft as neid beis; vndir the
pane of tinsale of lyffe, landis and guidis, &c. And for the better furthernace
of the premisfes, Justice Courtie or Courtis, within the Tolbuth of Drumfreis, or
ony vther place, within the boundis of the saide Weft Marche, to fett, begin, af-
ferme, hald and continew. The saide Commisfoun quhilk the fyfeth day of
Februarix nixtocum, and forder ay and quhilk the fame be dischargeit, to indure.1
—This Commission was granted on account of 'the present troublit state of the
Bordouris, speciallie in the Weft Marche thatirof, forranent England, behectioun
of the treffounable rebellium of Schir James Johnnestoun of Dunkeilie
knight and his complices; quha, eftir impvnitie, and his hienes grace and par-
doun reffautit, for findrie treffounable and wicked deidis committit be him and
the thevis of his name, and vtheris, thair affiftaris; at laft the saide Schir James
treßounable brak varde furth of the Castell of Edinburgh, and be the saidis
wicked thevis of his name and vtheris, maift crewellie and barbaroullie Mur-
thourit the trew men, induellaris in the Sanguhair, in the defens and fualftie of
thair awne guidis; continewing still in his treffounable deidis, as Birning of the
Parroche-Kirk of Lochmaeine, and slaughter of sum of his Maiestis subjectis
send hither be Johnne Lord Maxwell, his hienes Wardane and Justice, for
the furthsetting of his Maiestis authoritie: And at laft, vpoun the fast day of
December instant, cuming with convocation of his hienes liegis, and divers
Englishmen, treffounable brocht within this realme, armed, in plane hostilitie
againis the saide vnq" Lord Wardane and Justice, he beiring our fouerane lordis
authoritie for the tyme, vmbellett, invadit, perfeltit and maift cruellie and out-
ragiounlie slew him and sindrie Gentlmen of his name, and vtheris his Maiestis
subiectis; drounit, lamyt, dememberit and tuke's grite noumer of prifonaris,
refit and spuilit zeir horfis, armour, purffis, money and vtheris guidis; and
still continewis in thair rage, cruellie, heirship and wafting of the cuntrey; in
proude contemp of his hienes authoritie and Lawis.'

(Dec. 27.)—Alexander Lord Spynie ordained to be denounced rebel, for
failing to appear before the King and Council to have anfiwered 'to sic thingis
as fould hae beene inquirit of him at his cuming, tuicheing certane treffounable
practizeis and Conspiraceis deuifit and attemptit againis his Maiestis perfone
and eftate.'

(Eodem die.)—Archibald Wauchop appeirand of Nudrie and Gilbert
Pennycaulk to be denounced rebels, for the same reasoun as above.

(Jan. 9, 1593-4, apud Edinburgh.)—Hercules Scott bruther germane to
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Frances fumtyme Erell Bothuill, and Niniane Chirnesyde,—Sym Azmesstrang y' of Quhithauch,—Josias Steuart bruthir germane to Andro Lord Vchltrrie,—and Mr. Thomas Cranstoun apperand of Murelltoun, are severally ordained to be denounced rebels, for not appearing to answer concerning certain treasonable practices and Conspiracies, devised and entered against his Majesty's person and estate.

(Jan. 18.)—Act of the Taxation of ane hundred thousand pundis; the Queene his darrest bedfellow nowショルてる approching to the tyme of hir birth, to the confronte alweill of his hienes as of all his trew and faithfull sujectis.

(Eodem die.)—Act declaring the Erellis of Angus, Huntlie and Errole to have anmitten the benefite of the Act of Abolition.

(Jan. 25.)—Act of materis referitt to the Secret Counsell. That thai first begin and tak ordour anent the Papistis Lordis, Jesuitis, Seminarie Prefitis and excommunicat perfonis, and their resfettaris; thaireftir, with Frances fumtyme Erell Bothuill, his complicis and their resfettaris; the Slauchter of his hienes Wardane of the West Marche; the Slauchter of the twa Ministeris; and all vtheris Slauchteris; Murthours, Deforceing and dinging of Officeris of armes, in execution of their officeis; cruel Oppreffionis, and vtheris odious crymes, &c.

(Jan. 26.)—Robert Steuart and William Steuart callit of Innermeith, and William Steuart of Tullichemett, and Robert Creichtoun of Cluny, were ordained to be denounced rebels, for not appearing to have anwered concerning certain treasonable practices and Conspiracies, &c.

(Eodem die.)—Schie Johnne Meluill of Carnbie ordained to be denounced rebel, for not appearing to have anwered a charge, at the instance of the Tenants of his Majesty's proper lands of Kingbarns; that he, having begun to erect a mill on the said lands, the tenants made 'lauchfull interruittoun to him; for the quhilk he hes comfruit ane deidlie haitrent and malice aganis thame, daylie invading and perfewing thame, &c.; as namelie, vpoun the first day of October last, Thomas Fermour, ane of the saidis tenantis, being cumand in peceable and quiet maner fra the citie of Sanctandrois to his awne house, wes vmbefitt in the hie way betuix the Grenealaw and Polduff be the said Schir Johnne, James Meluill and Robert Betoun his fervandis, quha being miffilt, disguised, or masked, bodin and furneit with hacquebutis, pistolettis, swardis and vtheris wapones invaive, &c. and their, maist cruellie hurte and woundit the said Thomas in diversis partis of his bodie, as namelie, the said Laird fruke him with ane pistollett vpoun the heid and feld him; quhairthrow he is almaiit blindit of his left ee; and left him thair for deid, &c.

(Eodem die.)—Robert Buchannane of Spittell, Mungo B. in Tullichewne,
and eight other Buchannanis, ordained to be denounced rebels, for not relieving George B. of that Ilk, of a Decret Arbitral, pronounced by Ludovick Duke of Lennox, upon a Submissiion entered into by the Laird of B., taking burden upon him for his friends, on the one part, and Allane (Awlay) M'Caula of Ardincape and his friends, on the other part: 'be the quhilk Decrete, the said George hes bene decreit to mak payment to the said Allane, and vtheris his friends, of a certane fowme of money, for fum violence done, and attemptit aganis thame be the said George freindis.'

(Jan. 31.)—William Eill of Angus, George Eill of Huntlie, Francis Eill of Errole and Schir Patrik Gordoun of Auchindoun, kni, charged 'to pas and enter their personis in warde, within the feuerall wardis following; viz., Angus, within the Castle of Blackness; Huntlie, within the Castle of Dunbartane; Errole, within the Castle of Edinburgh; and Sir Patrick, within the Castle of Thomptalloun; 'thairin to remane, vpoun their awne expenses, ay and quhill thay be tryt, foule or clene, of the saidis crymes; 'under the pain of Treason.

(Feb. 14.)—The King and Council Annull, revoke and discharge 'all and quhatsfumeuir Commisionis of Lieutenandrie and Justiciary, proceeding the dait heirof.' This Act proceeds on the narrative, that 'a grite nowmer of such Commisions had been 'paft and purchesit be findrie noblemen, baronis and vtheris, within thir lait yeiris; quhilikis, for the maift paire, wer visit ayther for their awne particular proffeit, to the depaupering of honest men, his hienes gude subiectis, na commoditie followand to his Maiestie; to acquite sum personis of crymes, quhairof thay wer gilty, and deseruit punishment; or to be revengeit of vtheris, aganis quhome thay proffeit euill will and enimitie; as vn-happie experience, be the monyfauld flauchteris, and treffonable fyre-rafigingis that hes bene committit within thir few yeiris, evidentlie declarit.' Charges are ordered to be given, that thenceforward 'nane of thame tak vpoun hand to vse or execute the same Commisionis, or to mak convocation of his hienes liegis, vnder the pane of Treason.'

(Feb. 26, apud Striutiing.)—Proclamation against Alexander Lord Spynie, Robert Creichtoun of Cluny, &c. charging the lieges, that none of them refet, supply nor intercommune with them, nor furniush them with meat, drink, houfe or 'harbour'; and that they affitt the Sheriffs, &c. in apprehending them; under the pain of being held 'as arte and pairt-takeris with the saidis declarrit traitouris.'

(Mar. 8.)—Act against the Earls of Angus, Huntlie and Errol, ordaining them 'to be repute, haldin and perfewet as traitouris; and the proces and dome of florifaltour to be led aganis thame, conforme to the lawis of this
realm, and Acts of Parliament;—they having failed to enter their persons in ward, as lawfully charged.

(Mar. 14.)—'Mr James Betoun of Creich, kep'par of his hienes Castell and Palice of Falkland, charged to rendre and deliver the same, with the plennessfing, guidis and geir being thairin, pertenirg to his Maiesties self, vpoun Inventair, to the officiers executouris of the Letteris, within xxiiij hours;' and failing, to denounced him rebel: And alfo to charge David Murray, fader-bruthir to , , , , M. of Balvaird, in like manner, to remove furth of the Park and Wood of Falkland: This is done in consquence of 'his hienes darrest bed-fallows the Queene, now laitle preivisfing and requiring his hienes with the accom-plishing 'of his promife, that his haiil conjunct-fee and terce-leiving, pertenirg to her within the lordship of Fyffe,ould be put in ihr awne possesfion.'

(Mar. 27, 1594, apud Edinburgh.)—A Commission, granted to 'Alexander Lord Hume, Wardane of the Eift Marche; Schir Robert Ke, appeirand of Cesfurde, Wardane depute of the Middle Marche; and Schir Walter Scot of Braxholme, kn'; evryane of thame within their awne bounds and jurifdictioun,' to convocate the lieges, 'alfwele to burgh as to land, regalitie as ryaltie, on horfe and fute, in weirlyke maner.' This is done, in consquence of the King and Council 'heiring of the treffouable intendioun of Frances fun-tyme Earl Bothuile, and vtheris his complices, his hienes declarit traitours, be quhome certane cunpanyis and bandis of wageit men of weir, on horfe and fute, are raft of lait; for executirg, as appeiris, of findrie treffouable practizis and Conspiraces,' &c. And, 'in cais thay or any of thame flee to houfis or ftrengthis, with power, &c., to direct their preceptis and chargeis for rendering of the saidis houfis, &c., vnder the panes of treffou and hoirning; the perfonis dilobeyand, to caus denunce to the horne; and thairetztir to Afege the saidis houfis, raife fyre and vfe all kynd of force and weirlyke ingyne, that can be had for wynning and recoverie thairof,' &c. All perfonis betwixt firty and fixeene years of age, are charged 'to ryse, concur, fortife and affift' the Commissioners.

(Mar. 29.)—Proclamation, charging all the lieges within the age of firty and fixeene, dwelling within the bounds of Edinburgh, Haddington and Linlithgow, 'aftweill to burgh as to land,' &c., to repair to Edinburgh, 'vpoun Monday next, the first of April next to cum, weil bodin in feir of weir, specialie with jakcis, stelbonnetis, fpeiris, or lang gwnis, with prouifion for the space of aucth dayis efter their cuming; and to remane and attend vpoun his Maiestie, or vthirways to pas forward, as they falbe commandit;' 'for preventing, with-standing and represfing of the proude and temerarious attemptatis of the saidis declarit traitours (Bothwell, &c.) and vnnaturall subiectis, and perfute of thame as occaion falbe offerit.'
(Mar. 31.)—The King and Council, understanding that 'JOHNE ERL of ATHOILL, accompanied with his freindis and servandis, and vtheris his Maiestis liegis, perlwaide be him ypoun furn collourit pretens, ar to repair in weirlyke manner with all conveniency expedientoun, to the South pairtis of this realme, to joyne in cumpayny and actioun with Frances surnytme Erll Bothwill,' &c. Therefore, Letters are ordained to be directed, charging him 'to disloq his forceis and returne hame to his awne duelling place, and their remane and contene him self in quietnes, vndir his Maiestis obediens.' The lieges who had joined with him, are charged to 'pas hame to thair awne duelling houffis, within xxiiij hours.' A free Pardon and Remission granted to those obeying—'thame that refuifis to accept his hienes grace and fauour, now quhen it is offerit, and dois in the contrair heirof, false alifwa perffewit as tratouris and Confirratouris agains his Maiestie and his authoritie, with the lyke rigour and extrenchmitie, without fauour.'

(Apr. 2.)—Proclamation for the 'Erlis, lordis, &c., of the Sherefdome of Perth and Steuartreis of Stratharne and Menteith,' &c., that they, 'weill bodin in feir of weir, with aucnh dayis victualis, addres thame felfis to meitt his Maiestie, his Lieutennon, or vtheris hauaend his hienes pover and Commiision, at the burgh of Stirling, vpone the fyft day of Aprile instant, for perfute and withstanding of the faidis declairit tratouris,' &c.

(Apr. 9.)—Proclamation to pass to the North, along with 'his hienes in propir perfoun, for perfute, refitit and represing of the cheif authouris of the treffounable Conspiraceis diuifit and maid agains God, his treu Religioun, presentlie profeffit,' &c. The 'Erlis, baronis,' &c. of the sherifdoms of Fife, Kinross, Perth be-north the water of Erne, Forfar, Kincardine, to meet at Dundee on 29th April; Aberdeen, Banff, Elgin, Fores, Nairn, Inverness and Cromarty, to meet at Aberdeen on 2d May; 'allweill regalitie as ryantle, tosgider with the inhabitantis of burrowis, weill bodin in feir of weir, with xxx dayis prouifion,' &c.

(Apr. 13, apud Brunt-Land.)—Proclamation against 'CAPITANE GEORGE STRANG, Capitane Robert Melull, Mr Jerome Lindsay, soone to Mr David L. Minifter, Mr Johnn Murray, Dauid Orme of Mugdrum, Mr Alane Orme and .......... Orme his brothir, Robert Douglas, soone naturall to Schir George D., and Patrik Clapene, brothir to the Laird of Carlogy, his Maiestis vnnaturall and disobedient subiectis, fugitiue fra his hienes lawis, for thair treffounable affifting, intercommuning, &c., with FRANCES surnytme ERL BOTHWILL, and vtheris his complices, his Maiestis declarit traitouris, in thair treffounable and wicked deedis; and sum of thame for rasifg bandis of men of weir; and vtheris for reffuing of wagens and enterring vnder the charge and commandiment of thame and vtheris Capitanes and Commandaris, for feruing of the faidis tra-
touris againis his Maiestie,' &c. The lieges are therefore discharged from furnishing them with 'meit, houfe nor harbory,' &c.

(Eodem die.)—The Magistrates of the 'Townis of the coift-syde,' find caution to appear before the King and Council, 'to anfwer to fiche thingis as fable inquirit of thame, concerning their affifance, arte, pairf-taking, intercommoning or hauing intelligence with Frances fumtyme Erll Bothuill,' &c., viz. 'The Magistrates of Kirkaldy, under the pane of 2000 merkis; Kinghorne, 1000 merkis; Dysart, 2000 pundis; Pittinwyme, 1000 merkis; Carsaill, 500 pundis; Sanct Androis, 2000 merkis; Anstruthkr, 1000 pundis; and Coufair, 500 merkis.

(Apr. 23, apud Edinburgh.)—Thomas Mertoun of Cammo, and William M. younger of Cammo, become security for Henry Lord Sinclair, that be, his kin, tenants, &c., shall observe peace, quietness and good rule in the country; and in no wise invade, trouble nor pursue Dauid Wemys of that Ilk, Johne his son, their kin, tenants, &c.; under the pain of 10,000 merks.

(Apr. 26.)—Johnne Erll of Atholl to be denounced rebel, for not appearing to answer concerning his dealing and practicing with Bothwell, &c.

(Apr. 29.)—Proclamation, for the lieges to be in readiness to repair to his Majesty, upon fix days' warning.

(May 2.)—Andro Lord Steuart of Vchiltrie ordained to be denounced rebel, for not appearing to answer 'tutching his trefflouable attempttats, con-spirit, practizit and put in execution againis his Maiestie perfone and eftate.'

Creasonably Conspiring and Trafficking against the Protestant Religion, &c.—'The Spanish Blanks.'

(Jun. 8.)—William Erll of Angus, George Erll of Huntlie, Frances Erll of Erroll and Schir Patrik Gordoun of Auchindoun, kn

The quhilk day, Mr Dauid Mc'Gill of Cranfoum-Riddell and Mr Johnne Skene, advocats to our fouerane lord, producit, in presence of the Kingis Maiestie and Eftatits, lyk as they did dyuerfe tymes ofbefoir, the Sumondis of Treffone, raift and perfevit at the instance of our faid souerane lord and his hienes Justice, againis the faidis William Erll of Angus, George Erll of Huntlie, Frances Erll of Erroll and Schir Patrik Gordoun of Auchindoun knicht; quhairby they wer fummond to have comperit befoir our faid souerane lord, and his hienes Justice, the xvij day of Maij laftbypaft, with continuatoun of dayes, to haue anfuerit to the crymes and pointis of Treffone and Lefemajestie contenit in the faidis fummondis: The quhilk fummondis, reflexis and cauffis thairin

1 See Acta Parl. 1592-3, p. 283.
contentit, being first red, in prefens of the Kingis Maiestie, and in prefens of the Lordis of Articles, they fand the same summons relevand. And thaireftir, this instant day, the same Summandis of Treidene being red in prefens of the Kingis Maiestie and haill Eftaitis; and the saidis thre Erllis and Laird of Auchindoun being thryfe callit at the Tolbuith winde, and nane of them comperrand; the saidis haill Eftaitis fand the saidis summmondis relevand; and thairfor, they admittit the same to the saidis aduocattis probatioun. And immediatlie thaireftir, the saidis aduocattis, for preveng of the saidis Summandis of Treidene againis the saidis [Erllis] and Laird of Auchindoun, producit, in presence of the Kingis Maiestie and haill Eftaitis, the PROBATIONIS following; lyk as, they producit the samyn probationis of befoir to the saidis Lordis of Artikles, wpoun the first day of the moneth of Junij instant. IN THE FIRST, thai producit AUCHT BLANKIS, in paper; tua thairof subscriuyit be the said Erll of Angus allanlerie; vther tua be the said Erll of Huntlie allanlerie; vther tua subscriuiit be the said Erll of Erroll allanlerie; and vther tua be the saidis thre Erllis and Laird of Auchindoun; all fand to Spayne. Qubikis blankis hes na designatioun on the bak, nor declaratioun of the caufes for the qubilk thai wet fend, bot blank and quheit paper on baith the fydis, except the said subscriuiiionis.—ITEM, thai producit dyuerse and findrie seillis of the saidis Erllis, imprentit in paper, fend with Mr George Ker to Spayne; to the effect vtheris seillis might be mair their conforme to the samyn, to seill the saidis blankis, efter thai fuld be findit. They produce dyuerse and findrie Depositionis of Mr George Ker, subscriuiit with his awin hand; with ane Missive Lettre, writtin and subscriuyit be him, vncompellit or coactit, bot of his awin frie will to the Kingis Maiestie; be the qubilk Depositionis and Lettre, the haill tresfonable Trafficking againis the Religion, the King, his eftait and realm, is willinglie confeffit and planelie declarit; and the tresfonabil end and effect for the qubilk the saidis blankis and seillis wer fend, is maid manifest, viz. that thai wer fend to be findit vp be the Counsaill of Spayne, and Mr William Creichtoun Jefuite, with fic forme and securitie as thai fuld deuyse, anent the sendind in Scotland of monie, for lifting of men of weir and of Thrette Thowland Spangeardis to cum in this cuntrie, and land in the waft pairtis thairof; quhairof Fyve Thouland fuld haue remanit in this cuntrie, and beand conjunct with the saidis Erllis, fuld alter the Religion and eftait of this cuntrie.—ITEM, for preveng the premissses, thy producit certane Depositionis, subscriuiit be vmq" David Grahame of Fintrie; conforme in all thingis to the Deposiositionis of the said Mr George Ker.—ITEM, thai producit the Dome of Fairfaltour gevyn and pronuncit againis the said vmq" Laird of Fintrie, contenand his Deposiitionis and Dittay; qubilkis ar conforme in all pointis to the said first resfone of the summmondis, and expreslie verrifies and pre-
vis the famyn: The quhilkis Treffone the faid Laird of Fintrie confeffit in juge-
ment, and neuir revokit the same, but séid (went) to the death thairwith, and
was justiset and execute thairfoir.—ITEM, thy produce findrie Lettres writti
be Mr James Gordoun, vnder ane fëniteit name of James Crytiefoun: And fie-
lyk, ane Lettre writtin be Mr Robert Abercrummy, Jesuite, havin ane fëniteit
subfcriptionun of Robert SandiesOUN: And ane Lettre writtin and subfçryuit be
the faid vnQ Laird of Fintrie, havand ane fëniteit name of David Forrefter:
Quhilkis Lettres planelie previs, conforme to the premisses, the hail Treffone
libellit.—ITEM, they produce Lettres writtin be Mr James Gordoun, in fauvour
and commendation of Mr George Ker, writtin to findrie perfonis in Spångie, to
preif, that he was purposit to pas to Spaine with the faidis blankis: Togidder
with tua Obligatiounis, subfçryuit be the faidis Mr James and Robert, in the
quhilk thay conffes the fençeing and mutatioun of thair awin names, quhilk lyk-
ways may be easelie provin per comparationem literarum, and be inspection
of the faidis Obligatiounis, that SandiesOUN is Abircrummy, and Crytiefoun is Gor-
doun: And as to the fëniteit name of the faid vnQ Laird of Fintrie, calland
him fëllf David Forrefter, he conffesit the same fals subfcriptionun and name to
be his awin hand-write and name, in his Depostiounis, 20th Januar 1592; the
quhilk lykwyis is provin, per comparationem literarum, be the subfcriptionun
of the Depostiounis, and ane Lettre writtin and subfçryuit with his awin-hand, heir-
with product; quhilk Lettre is direct to the Kingis Malestie, and is repetit in
modum probationis of the faid libell.—ITEM, they produce Lettres of Incident
Diligence, quahirby the faidis Erliis, and Laird of Auchindoun, and Mr James
Gordoun, and Mr Robert Abircrummy, ar summon to this Parliament, to hear
and fie the subfcriptionis of the faidis Blankis, and fëniteit subfcriptionis, and
stills fœrmaid, to be thair awin; and being recognoïcit, to preif aganis thame;
and to hear and fie all that subfcription un vfit, led and deducit aganis thame, as
accordis of law: And reptèis the Depostiounis of witnesnes, in quantum, and the
notorietie of their subfcriptionis and hand-write.—ITEM, becaus Mr George Ker
and vnQ Laird of Fintrie, Mr James Gordoun and Mr Robert Abircrummy,
wer Traffiquing Papistes, trattouris and participatis of the Treffone libellit,
lyk as thair ar hit, (except the faid Laird of Fintrie, quha wes execute for the
fame,) and thairfoir, it may be objectit that thair Depostiounis fàll mak na faith
in this caùt, the faidis adventisis producis ane Interloquittour of the Lordis
of the Seffloun, subfçryuit be the Clerk of Regifter, findand thir infame perfonis,
minoris, or perfonis beand fellowis or companions in the fàme cryme, may be
witnesnes in the causses of Treffone and herefi; quhilk Interloquittour wes pro-
ducit and practizit in the accusatùon of vnQ Ewfrane McCalzeane.—ITEM,
they produce the Sentence of Excommuni càioun aganis the perfonis accusit, and
also contrair Mr James Gordoun, vmq* Dauid Grahame of Fintrie.—Item, it is of veritie, that the King and thre Eiftatis of this realme, in criminall caus, hes jurisdictiou and powre of ane greit Aisife, and may juge and decide all crymes, conforme to thair confciences, and vehement presumptionis, conjectures and probabilities, quhilk may be collectit and gatherit in the caufes; and speciallie, in the cryme of Treffone; as is manifest in the writtin law of this realme, callit Regiam Maiestatem, lib. 4. cap. 1. And the saidis aduocattis repetis, in forme of probationoun, the notorietie of the crymes libellit, and that of the law *sufficiente allegare notorium sed non probare*, and the publicit voce and fame, quhilk is ane vehement probacioni in criminibus clandestinis, and namelie, in the cryme of Treffone and Lefemaistlie, with the notorietie of the Treffone, and of the traffiqung libellit, committit be the perfonis accusit at the Brig of Die, the yeir of God 1589 yeiris; sfor the quhilk, findrie of thame cum in his Maiestatis will for the samyn; quhilk is ane Confeissioun of the cryme.—Item, thay repetit and producis ane Catalogue of fals and fentsit names of certane Jefuittes and traffiquing Papistes, containing also certane fentsit names of the saidis Erillis, quha all did fensie thair names, to the effect thai micht the mair furelie and quietlie vfe the treffonabill traffique libellit.—Item, thay produce and repetitis, that the saidis Erillis and Laird of Auchindoun, being suspect of Treffone, and chargit to enter in ward, conforme to the Act of Parliament mait be King James the Second, difobeyit the saime; and thairby hes incurrit the pane of Treffone, be reffone of thair contumacie; becauis of the law, he thair is contumax may be contampnit, for his contumacie caufiss him be eftemit as present, and inducis aganis him ane Confeissioun of the cryme L.S . . . ' decernimus.' And it is of treuth, that of the law he is callit contumax, quha is summond to ane certane day, be ane peremptour summond, with certificationoun, and compersis not the said day. L. Contumacia et ibi glossa ff. de re judic.: And for verificatioun thairof, thay produce the Kingis Lettres, with the executionis thairof; quhairby the saidis Erillis and Laird ar chargit to enter thair perfonis in ward.—Item, thay produce ane act and decreit of the Secretit Counfaill, mait at Edinbourgh the aucht day of Mercie laft wes, with the publicatioun thairof at the mercat croce of Edinbourgh, vpoun the xij day of the said moneth, the yeir of God fairof; findand and declarand, that the saidis thre Erillis and Laird of Auchindoun hes contravenit the saidis chargis, and fuld be prvnifit, eftemit and accusit as Tractours.—Item, To the end that the saidis Erillis and Laird of Auchindoun thair contumacie and perfeuerance may be knawin, in the treffonable Treffone libellit, without ony apperance of repentance or amendement, the saidis aduocattis repetitis the manifest Treffone committit be thame and ilk ane of thame, be refleetting of certane strangearis, traffiqueris and treffonable mwtineris and rafaris of VOL. I.
CRIMINAL TRIALS. A.D. 1594.

Of the estate of the realm and Religioun, qua laitlie arryvit and landit in the towne of Montrofe, and ar prefentlie, lyk as they haue bene fen the tyme of their arryvyng in this realm, refleff, helpit, supporrit, affitit and manentit be the saidis thre Erllis and Lard, and euerie ane of thame, to the owerthrow and euerfloun of this realm and Religioun prefentlie proffesit within the same.—The saidis aduocattis repetit the haill wreittiis and vtheris premiisses abone mentionat, as that ar fet doun in maner abone mentionat, with the notoriety of the deid; and that this Parliament is ane greit Affyse; fua that he, qua of his conscience can nocht clenge, he of necseffitie mon fyle: And renunct forther probatious of the first resfonde of the Summondis of Fairfaltur.

SUMMONDIS of TRESSONE and FAIRFALTE aganis the ERLIS of HUNT- 
LIE, ANGS and ERRO, and SIR PATRIK GORDOUN of Auchindoun.

JACOBUS, Dei gratia Rex Scotorum, dilectis nostris Leonis Regis armorum, Ily, Albaine, Rois, Rot- 
fay, Snaewdoun, Merchmont, herauldis; Roberto Stewart, Davidi Bryffone, Alexandre Douglas, 
Jacobo Chalmers, clanigeris; Orment, Bute, Vincorne, Carrik, signiferis; Joanni Blinditchellis Bute 
signifer, Roberto Frazer Vincorne signifer, &c. nuncius; et eorum cuilibet, conjunctum et disjium, 
vicecomitis nostris in hac parte; Salutem. Mandamus vobis et precipimus quattuor fummonetis 
legitimam et peremptoriam, coram tefibus, Wilhelmi Comites de Angus, Georgium Comites de 
Huntlie, Francicum Comites de Erroll, Dom. Patrickium Gordon de Auchindoun militem, 
Conspiratores, perpetratores et celatores criminiis Lese maiestatis subfectuominis, personaliter fi eorum 
perfolales pretentias commode habere poteritis; alioquin apud eorum loco habitacionem, vel per 
pubicam proclamationem, apud cruces forales burgorum nostrorum de Edinburghe, Haddington, Lanerk, 
Abirdene, Perth, Bamf, &c. aliqua loca necessaria; degentes vero feu existentes extra regnum no- 
trum, feu nullum certum domicilium in eodem habentes, apud dictas cruces forales aliqua loca neces-
faria, fuper premonitioj fezaghinta dierum; sic quod hujusmodi fummonetio ad eorum aures et noti-
ciam verifimiliiter peruenire poteritis; quod compareant eorum nobis feu Justiciarior nobtro, vigesimo 
diesis Maij proxime sequent. in Parliamento nostro, apud Edinburghe, decimo octauo die mensis Maij pre-
dicte tenend., hora caudarium continuatius dierum ad responsum eorum nobis nostrorum Justiciarior in 
parlamento, fuper proditorius criminiis subfrequentibus: Dictos scilicet Guillelmm Comite Angus, 
Georgium Comites de Huntlie, Francicum Comites de Erroll, Dom. Patrickium Gordon de Auchindoun 
militem, &c., et eorum quemlibet, pro sua proditoria Conspiratione, consutatione et conclusione hor-
rendi feceseris et facinedis ad exsequendum definit ad alteratione status regni nostri et vere Religionis 
inad profetis, per nos nostrisque probos et fideles legios, secundum Dei omnipotenti Verbum, per Acta 
Parliamenti nostri approbates, et per leges nostras confirmates: Idisque preferint, in mensibus Junii, Julii, 
Auguti, Septembris, Octobris, Novemberis, aut eorum aliqiius, anno dominii 1592, in iporum consilia 
et conventionibus cum Magistro Jacobo Gordon et M. Roberto Abircrummy, Jesuitis et feminariis 
prodictionibus, et cum M. Georgio Ker et quondam Dauide Grahame de Fintrie, aut eorum aliqiius, ex-
communicatis Papistis, fuper litteras a M. Wilhelmo Creichtoun et M. Jacobo Tyrrie, Jesuitis ex His-
pania, mittis et directis ad prefatum M. Jacobum Gordon: Et in iporum proditorum consutatione et 
conclusione defuer habita; in quibus declaratus, quam diligenter, et quanto cura ipse cum Rege et 
confillo Hispania elaboraverunt, pro pecunia et militibus in Scotia deportantis, ad extremam subuen-
ionem et alterationem Religionis nunc profetis, et invasionem regni Anglie; quod folum in hoc re-
cursabatur, donec ex Scotia clarus quidem vir mitteretur cum litteris certitudinis, et alias vacuis cartis 
(lie Blankis), subscripitis per nobiles viros qui pro parte et nomine Catholicorum Promanorum in hoc 
notro regno existentium fefe obligarent et hypothecarent: Quequidem Letere (lie Blankis) impleren-
tur, cum außamento dictorum M. Wilhelmi Creichtoun et M. Jacobi Tyrie, in Hispania degentium, tuncum certissima vinaqula, signa et òadejuciones predict. monete et militiae, extenden. ad numerum 30,000 virorum armatorum, anno predicto, intran. verius occidentalem partem hujus regni nostri, prope Kirkcudbreche vel flanum de Clyde, prout ventus navigatioi melius inferuirer. Ad cuius impij et prodictorij facinoris perimpletonem, commenratore vacue Literae (lie Blankie) partim Latina, partim Gallice, sub dumeris formis, vna cum Literis certificationis et videi sub scripts fuerunt manibus praefectorum Wilhelmi Comitis Anguis, Georgii Comitis Huntlie, Francisci Comitis de Erroll, et D. Patricii Gordon de Anchindoun militis palam proficientium et affirmationis se affe maieflatia regis Hispanie (ad quem ite Literae mittebantur) humillimis et maxime obdientes servitores: Quod ipsorum factum profisionis predicte manifeste eos arguit, quod tum natura et fide sint nobis suo Regi obligati (ad quem hujusmodi Litera vacue non erant nisi) ligeantiam et fideltatem nobis debitant prodictorij diffibuerunt, et alieno et peregrino Regi, fine nostrro concenfu, sidenta suam obstrenerint; et litteras vacua ipsorum manus subscriptsas ad eum miserunt, in quibus scribi et impleri potuit per eum et eius confilium quicquid ipsi virom effit quod possit effe nocuum et detrimentum nobis, nofrie autoritati regie, regno nostrro et subdidis; quo ipsorum facto, nihil magis prodictoriorium fieri et excogitari ab illis potuit. Poffea eodem Literae (lie Blankie) ad effectum superscriptum tradite et deliberae fuerunt, in manifi... anno domini 1599, dicto M. (Georgio) Ker, vna cum varias et diversif figilii dictorum comitum cere impreffia: Quosquidem M. Georgius trans mare in Hispaniam navigaturus, ad hoc sceleratam opus exequend. electus fuit; idemque negotium in se libenter fuscipit, et iter ingreditus ad Cumbram Insulam vique perueniit; cum plenaria commiffione perfonarum supranominationis; annus in se acceptantium pro omnibus allius fve factionis hoinibus Catholico Romanis, ad sedulo laborandum pro pecunia et militibus recuperandis; cum ipsorum fideli permissione ad preparandum fse fdeque viros et equites armatos, quo ad dicta pecunia extenderede et satisfacere valuerit; qui certo expectarent adventum et intromit dictorum Hispanorum militum, deducereque maiorem numerum eorumdem in Anglia, pro eurientia eiusdem et Religionis ibi profesfie: Et quorum Hispani 5000 infra hoc nofrium regnum pro perpetuo reviderent, cum quibus antemenonitas profitarores, degenerati nobiles et hujusmodi omnes Papishe Catholici illius fecte in hoc nofrio regno degentes esse conjuigentur, pro alteratione flatus eiusdem, et Religionis nunc profesfie: quorum qui alteratum esset vitrumque euerit, cum inter se fta fum conjuncta vt vno peruenit alterum perire fit necesse; et exaluatione missorum et Catholico Romane profesionis, ad euidens perriculum et detrimentum nofse regne perifone, diffutationem pacis regni nofri, et alterationem nulli flatus eiusdem. Committendo inde nefandam et manifeffissem proditionem, contra Deum nofrium omnipotentem, nos, auctoritatem noftrum regiam et leges. Ideoque antemomatus Guillelmum Anguis Comitem, Georgium Huntlie Comitem, Franciscum Errolle Comitem, D. Patricia Gordon de Anchindoun, militem, &c., ad videndum et audiendum fse et eorum quemlibet, intuitu premumorum, crimen Lefo Majestatis incurrife, per nos et trium regni nofri flatum decretem decerni et declarari: Et propter, bona, (mobilia), et immobile, tam terras quam officia aliasque res ad eos spectantes nobis conficari, et pro perpetuo noftrum in propriete remanere; personalque fusa penas Proditionis et vtilim suppletioni a regni nofri legibus infictas fubire: Ac velutex, in permifio respondend. et juri parent: Intimando supradictis Conspiratoribus et eorum culibet, quod fine dictis die et loco cum continuacione dierum comparurint fine non, nos, dictuque noftrum Justiciarirus in premifis, justitia mediante, procedens et procedet. Infuper, citisas, &c., ad comprandum eorum nobis noftrrove Justiciarirus dictis die et loco, hora caufarum, cum continuacione dierum, ad peribendum fidele testimonium in faqua predicta, sub pena legis; et prefentes lettere debite executas et indoritas earundem latori reddatis. Et vos qui pre Festival executi fueritis itis ibidem, dictis die et loco, eorum nobis noftrrove Justiciarirus, portan. vobis fummoniationis veftre testimonium in scriptis pro premifis, feu ipfos teftes: Ad quod faciend. vobis et velfum culibet conjuiget et duiium vicemobiles noftris in hac parte committimus potestate: Datum sub testimonio noftris magni figill, apud Edinburgh, decimo nono die mensis Marci, 1595, et regni noftri vigeñimo septimo.
THE quhilk Summondis, with the executionis and indorationis thairof respectiue foirfaidis, being this instant day red, in prefens of his Maiestie and haill Estaitis of Parliament, firft in Latyne and fyne in Scottis, and the faidis William Erle of Angus, George Erle of Huntlie, Francis Erle of Arroll and Schir Patrik Gordoun of Auchindoun kny, being ofymes callit of new, at the Tolbuyth vyndow of the faid burgh of Edinburghe, to haif comperit and anfuerit to the faid summondis and refloane contentit thairin; and thai nocht comperand, to haif defendit in the faid mater, and to haif anfuerit to the faid summondis; the faidis Aduocatis defyrit the faidis Estaitis declaratioun, gif the reffoun of the faid summondis wer rerelevant aganis the faidis thrie Er lis and Schir Patrik Gordoun of Auchindoun kny. Quhilkis Estaitis, all with ane voce, fund the fumin relevant aganis thame: Thairfoir, the faidis Aduocatis, of new, for verefeing of the faid reffoun contentit in the faid Summondis of Treffoune, producit and repetit the haill aucht Blankis, in paper; twa thairfof subfcryvitat be the faid Erle of Angus allanerie; vther twa be the faid Erle of Huntlie allanerie; vther twa subfcrivit be the faid Erle of Arroll allanerie; and vther twa subfcryvit be the faid E rls and Lard of Auchindoun; all fend to Spaine: And als repetit the haill vther probationis repetit be him of befoir in the faid mater, this instant day; and defyrit the faidis Estaitis of Parliament to advyis the probatiounis foirfaidis led and deducit in the faid mater, and to pronounce thair sentence of Parliament thairintill, according to the fumin probationis and thair confences. And thairafter, the haill writitis and probationis, being red, fene and confiderit be the haill Estaitis of Parliament, in prefens of the Kingis Maiestie, and thai thairvithe being rypelie advyf, the faidis Lordis and Estaitis of Parliament findis, decernis and declaris, that the faidis William Erle of Angus, George Erle of Huntlie, Francis Erle of Eroll and Schir Patrik Gordoun of Auchindoun kny, hes committit and done oppin and manifest Treffoune aganis our faid fourerane lord, in all poynitis, articlis and maner contentit in the faid Summondis. And thairfoir, it was gevin for Dome be the mouthe of James Nefbet dempster of Parliament, in maner and forme as followis.

DOME of FOIRFALTOUR. This Court of Parliament schawis for law, that the faidis Williamie fumtyne Erle of Anguis, George fumtyne (Erle) of Huntlie, Francis fumtyne Erle of Eroll and Schir Patrik Gordounie fumtyne of Auchindoun kny, and ilk ane of thame, hes committit and incurrit the special cryme of Treffoune and Lefemaiestie abonewrittin, the tymis and in maner at lengthe contentit in the reffoun of the faid Summondis of Treffoune: And thairfoir, decernis and declaris all thair gudis, moveable and vnmoveable, alfwell landis as officis, and vtheris thingis quhatiumewir belonging to thame, to be conficat to our fourerane lord, and to remane perpetuallie with his hienes in property, in tyme cumming; and thair perfonis to vnderly the panis of Treffoune
and vter pwnifement, appoyntit be the lawis of this realme: And this I gif for Dome.

The interest which must be felt by all in the mysterious story of the Scottish Blanks, induces the Editor to give an accurate reprint of an extremely rare Tract, published under the immediate authority and revision of the King and Privy Council of Scotland, which he is fortunate enough to have in his own Collection. The original is marked, ‘ex Pamphletis Roberti Mylne scribœ;’ a well-known Collector of Tracts, illustrative of the History of Scotland, who died Dec. 21, 1747, at the very advanced age of 105; having ‘enjoyed his sight, and the exercise of his understanding, till a little before his death.’ The same Tract was reprinted under the direction of Queen Elizabeth’s Council; but unluckily, it is ‘done into English,’ and is otherwise inaccurately edited. It bears for imprint on the title-page, ‘London, Printed by R. F. for John Norton. 1593.’

A DISCOVERIE

OF THE VNNATURALL AND TRAITEROUS CONSPIRACIE OF SCOTTISCH PAPISTES, against God, his Kirk, their native Cuntry, the Kingis Maiefties perfone and eftate. Set downe as it was confessed and subscrived bee M. George Ker, yt remaining in Prifon, and David Grahame of Fentrie, iustly executed for his Treafon, in Edinburgh, the 15 of Februarie 1592. Whereunto are annexed, certayne intercepted Letters, written by sundrie of that faction, to the same purpose.

Printed and publisht at the speciall command of the Kingis Majestie.

AT EDINBURGH,

PRINTED BY ROBERT WALLEDEGRAVE, Printer to the Kingis Majestie.

Cum privilegio Regali.

TO THE READER.

ANIE and dangerous poyntes (good Reader) of vnnaturall and treasonable practises of Scottisfh Papifts, or (as they will needes be styled) Catholike Roman, against God, his Kirk, their native Country and the Kinges Majesties estate and perfonse, beeing discovered by Gods great and mercifull providence, partly by the depositions and confessions of some of the practisers themselves, and namely, Master George Ker, who for that caufe is imprifoned, and David Grahame of Fentrie, iustly execute for the same alfo, in Edinburgh the 15. of Februarie 1592, and partly by sundrie letters of sundrie of the practisers, intercepted at divers tyme. It is thought good by the Kings Majestie,

1 See Scoo Magazine, 1747, and British Magazine, or London and Edinburgh Intelligencer, for 1747.
and his honourable Counsell, that the most substanstiall poyns of the said depositions, shuld be faithfully taken out of the originals, which were deposed and confessid by the said M. George, and David Grahame of Fentrie, before the honourable persons depute by the Kings Majestie, and his highnes Counsell to that effect, and subscribed with their own hands; and for the greater ease of the memory of the reader, should be summanly gathered into this forme following, which otherwise were scattered here and there in their depositions, according to the occasion of the diverse demands at diverse dyas: for the reader taking vp whereof, the times of the depositions and persons deponing, severally and conjunctly as the matter craveth, should be set down in marginal quotations: As also, that some of the most remarkable letters of the practisers, should be joyned herunto word by word, quhilkis were intercepted with Maister George Ker, and the rest decyphered and translated as after shall appeare; and so the whole together to be imprinted, and set forth unto the view of the world, to the glory of Gods Majestie (the only revealer of these secrets), to the comfort and edification of his Kirk, and the perpetuall detection and shame of the vnnatural enemie. 

Al quhilk things are so faithfully done in this volume following, that no man so impudent fo ever he be, can ingufly challenge it with any falsefying, forgoying, or changing one thing for another, to the wresting of the original depositions, in any the left substanstial pairt thereof, as by confessing this extract with the first records which are in the Clerks hands, most evidently shall appeare, if any lift to looke upon them. Thou art therfore (good Reader) greatly to consider the goodness of our God in this case, fo watchfull over his Kirk, for the good and safetie thereof, by discovring his deep and dangerous practises of the deadly enemy, even then, when as we thinking nothing lesse, ar redy to be surprisid by their cloffe crouses fo cunningly and craftily conveyed: as we may may well say with the Prophet, our soule is escaped, even as a bird out of the snare of the Fowlers, &c. As also, thou art to be warned vp, to the earnest consideracion of the diligence force and crueltie of our enemies (quhilk yet is nothing abated, but more eiger presently than ever hertofore to achien their desielife intent) and no waies to tryst them or be secure, as though they wer sleepid and minding no danger to vs, while in the meane time, fo depeely and deadly they conspir within and without, with fo great force and craft against our Religion, landes, and lives, that they dare be bold in their pride, to affurne the Spaniszeard of no resisstance heir to their cruell interprife, as by their awin bragging words hereafter in their Letters evidently shall appeir: yes, al kindely nativ Scottish men, and true loveres of the Christien religion, ought speidily and substanstially to concurn, to the withstanding and overthrowing of this our common enemie, within our awin bowles; whole vnnaturalnes, barbarity and hie attempt, can be matched with no example domestick or forraigne that we read off, whether we consider the cruell barbaroushneffe of the Spaniszeards to whom they have sold their countrie, King and people, (wherof let the monument written by one of their awin Fryers against the Spanishe cruelty, beid experience, whereuer they are masters, be a witness,) or whether we consider their most deceitful dealing, covering their most bloody purposes with cloake of most tender friendship, quhilk most cloffly they have counterfeitt, by subfuscritpion to the true Religion, by hearing of the worde preached, and common professtion thereof with vs, and participation of the Sacraments, by bandes, finall affinitie, othres, and al attestations and lawes sacred and humane, that might seeme to procure credite amongst men, and many other things to bee enlargeda in time and place, as mens callings in Kirke and policy crouses: Confider, and confider again (good Reader) what shold be the eftate of all honest and godly men, their wifes and daughters: the eftate of Kirke, common weale and Prince, yes and of these miserable wretches themselves, if their purpose to make the Spanzard our master (for no man fervand nor fellow will that proud beest be) full tak effeit: O miserie, miserie, miserie vnpeakeable, especially to themselfis, if their wofall purpuse sucede to their minde and farre proceeded practis: Wherfore yet again, it is hie time and more, that all good men and lovers of their native Cuntrie be wakened vp to true repentance to the Lord, who fo heavilie threateneth, and in a part already triketh: and to a diligent and substanziall
concurring, every one according to his calling and place, both in land and Burgh, to withstand these
desperate attempts before they pafs remedy, and tymely to prevent the farther danger, by affilting the
execution of Justice vpon the rest of the detected traitors, without respect of persons; that fo we, la-
bouring to take evill out of Israel, the Lord who hath so notably begun the work, may bring it to an
happy end, to his glory and our comforts, through Christ our Lord. Amen.

A DISCOURSE of the vnaturall and traitorous practises of the SCOTISH
PAPISTS, against God, his Kirke, their native Country, and the Kings
Majesties person and estate.

By the Confessions and depositions of Master George Ker, and David Graham of Fentry. It is discovered, That in March, 1591, Master William Crichton (who hath remained these two yeares bygone in Spaine) sent to Master
James Gordoun, Iesuite, father-brother to George now Earle of Huntly, ane
gentle man called Master William Gordoun, sonne to the Laird of Aberzeldie,
with letters, to let the Catholickes heere understand, what travell Master William
Crichton had tane with the King of Spaine since his comming there: And
that the said King had opened to him, that he had bene deceaved by English-
men, and wold from that time forth embrace the advise and way which the said
Master William wold shew him, both for invading of England, and alteration of
Religion within this realme. And for that purpos, the said Master William
craved by this gentleman, to be sent to him so many blanks and procurations, as
could be had of noblemen here, for the assurance of his traffique.

Upon the right and refate of the which blankes, sent with some other discreet
gentleman, hauing the noblemen's commission, to be filled vp with such condi-
tions as shuld be capitulat and aggried vp on betwix the King of Spain, and
Master William Crichton, quhilkis fuld haue servit as pledgis and fiuerties for
the subscrivers part, at the landing heir of the Spanishe armie. It was concluded
that thair fuld have been sent out of Spaine, about the latter end of the spring,
in this present yeir, 1592, an armie of thritty thousand men, to have landed
either at Kirkcudbright or at the mouth of Clyde, according to the opportunite
of the wind, quhair thay fuld have intrinsichit and fortisfe thame seilis, for the
assurance of thame and thair schippis.

And first of all, money fuld have been sent to the Catholikes heir, for raffing
of forces to supplie the said armie: Quhairof foure or five thousand fuld have
remainit within this Cuntry, quha with the fortification and affistance of the
noble men, Catholikes, their friends, and thik vther forces as the Spanish money
wald raff, fuld haue immediately after thair landing, begun to alter thair Reli-
gion, preffently profeft within this realme, or at least procure libertie of conscience,
and Papistry to haue been erected heir: And the rest of the armie fuld have past
toward England the neereft way, fra' - - - - - - - - - - - - - the bordour.
Thir Letters sent fra Master William Crichton, being concredite be Master James Gordoun to Master Robert Abercumbey, wer shawin be him to David Grahame of Fentrie, at Abernethie, in Aprilil, 1592.

And for effectuating of this mater, it was anis thocht maift convenient that Schir James Chepholme, quha then wes an of his Majesties master houphaldis, fuld haue gone to Spaine with this Commissioun, in respect he was utherwise buonit, towardis his vncl Master William Chepholme (callit Bishop of Dumblane), for Schir James had the firft credeit of this erand with the nobill men; as he declarit to David Grahame of Fentry, that hee had deilt with the Erle of Huntly and Erroll, and conferrit with Master George Ker, anent this turné, about the time of the last Parliament, haild in Edinburgh in Junii, 1592, as alwa, intercommuned again in his awin houfe with the same Master George in October, 1592, tuiching the haull heidis of this despatch. But Schir James, not being abill to be sa foone reddy, and Master George Ker being buonit of the country, it wes thocht best that the same Commissioun fuld be geven to him, and that he fuld vndertak the carrying of the said Letteris: And fwa hee wes imploied in that erand, the rather, because bith his gud-dames were Crichtons.

Thairefter, Master George beeing buonit to this journy, and reddy to mak fail out of the Fairly-raide, at the west seybank, upon the 27th of December, 1592. Then (be Gods provisoon) the said Master Georg was apprehended in the Ile of Cumray, and with him thair wes interceptit fundrie missive Letteris directit to this purpofe. Amongis quhilk, thair wes aught blankis, quhairof one is subscrivit,

De vostre Majestie tres humble  
et tres obesant serviteur,

GUILLAME COMPT DE ANGUSS.

Ane uther blanke is subscrivit,

De vostre Majestie tres humble  
et tres obesant serviteur,

FRANCOYSE COMPT DE ERROLL.

And thir twa blankis wes baith procurit of thame, be Schir James Chepholme, in their awin ludgeings in Edinburgh, at the time of the last Parliament, in Junii 1592.

An uther blanke is subscrivit,

GULIELMUS ANGUSLE COMES.

An uther blanke is subscrivit,

Which were baith procurit of thame bee Master Robert Abircrumby, quha was the chiefeft travallair in that matter, in October 1592.
An other blanke is subscrived,

GEORGII COMES DE HUNTLY.

And an other is subscrived,

GEORGII COMES DE HUNTLY.

Which were both, with the whole blanks, proposed first to the Erle of Huntly, by Master George Ker in Strathbogie, at his passing there.

Which fix severall blanks before specified, shuld have beene all filled with missive letters, by the advye of Master William Creichton.

And the other two blankes, making out the number of eight, were both subscrived in the mids of two open throgs of paper in this maner,

GULLIELMUS ANGUSSIE COMES.

GEORGII COMES DE HUNTLY.

FRANCISCHUS ERROLLIE COMES.

PATRICII GORDOUN DE Auchindoun Miles.

Which two last blankes were first subscrived by the Erle of Huntly, and Patrike Gordoun, in October, 1592. And thereafter, being sent with Master Robert Abercrumby to the Earles of Angus and Erroll, were subscrived by them in the same moneth of October, 1592. And these two blanks shuld have beene filled vp with procurations, and whatsoever shuld have bene thoght meete by the saide Master William Criechton, for the avowance of that which Master George Ker had in direction and credite of the subscrivers; which credite he refaved fra the Earle of Huntlie, be the report of Master James Gordoun, and fra the Earles of Angus and Erroll, by thame selfis in Edinburgh, in the beginning of October, 1592.

And the summe of this his credite, was an assurance that thir nobill men fuld raife an power of horfmen, and meite the Spanishe armie at thir landing, and reciprockly to affift, accompanie and convey thame in their passing to England, be all the forces thay culd procure uppon the King of Skips charges; And thir nobill men subscrivers tooke the burding on thame, and interponit their bandis, for the concurrence of the hali Catholikes of Scotland in this caufe; and thocht it meite amangis thame selfis, for the better secrecie, that nane vther fuld be crauit to bine, for this erand, but thay three.

With thir aught blankis, subscrivit as said is, there was interceptit flampis in wax; of the Erle of Angus feiles of armes, fax; of the Erle of Huntlies feiles of armes, four; and of the Erle of Errols feillis of armes, three.

David Grahaie of Fentry deponit, that he met fundrie times, fen this pur- pose wes in hand, with Master Robert Abircrumby; as namely, that the first knowledg hee had of this purpose, was be the saide Mr Robert, in Dumfermlin, and thereaftir in the Castle of Striviling, before Mr George Ker his preparation.
to his Iornay, quhair Master Robert shew him, that this Commision was to be
given to the said Master George, to cause fill the blankis with Master William
Creichtouns aduirt, and that hee was to deliver the same blankis, with the vther
Letters, to him who was to depart and carrie with him all this message.

Like as, the saids blankis and Letteris, quhilkes were procurit for that erand,
were all delivered by Mr James Gordoun and Master Robert Abircrumby to
Master George Ker, to bee carriit bee him to Master William Creichton, Jesuit;
and to bee filled vp, at the discretion and direction of the said Master William,
and of Master James Tyrie, quha wes beft acquainted with the affairis thair.

For the vnderstanding of the borrowit and counterfeit names that occure
in the Letters following (good Reader,) thou fall finde thame interpriet
on the margent, quhair thay are pyontit out by this mark;* quhil kin-
interpretations are contained in the originall depositiouns of the practifars,
and in some of their Interceptit Letters.

A LETTER directed from an English Jesuit, and intercepted with Master
George Kerr, the 27 of December, 1592.

GOOD FATHER, the inclofed to my Lord, I pray you reid and take it as
writen to your self: Quhat I writh to him, I writh to you; quhat I crave of him,
I crave of you; quhat I hop of him, I hope of you; as of my patron and pedagog
in spiritualibus, as of a man, whole discretion and moderation I have well
experimented, in all cases and at all times. If I had so farre overlashed and
gon befide my compass, as some good fellowes wuld imagine, yet I wonder, that
some good men, haith in their owne conceits, and vther meanis spiritall, will
admit no excuse, no satisfacon, no purgation; quhen Saint Paul, to the Gala-
thians, in moit evident delites, fettis downe this reull amongs the perfect and
spiritall: Fratres, et si præ occupatus fuerit homo in aliquo delicto, vos qui
spirituales estis, hujusmodi instruite in spiritu lenitatis, considerans teipsum, ne
& tu tenteris. If I had spokenn with you, at my last beeing in Italie, as I well
hoped, I had perhaps made a better conclusion of my buifenesse thaire, then I did
to my awin content, and al my friendis satisfacon, quhil hop for all these
stormes. I will never give over, and quhen I leawe by your meanis, to be vnder
the gude habering, I will writh to 3ou of that subject. The Lord Seyton, in
quhais hous I foyrn sometymes, salutis 3ow. Of the effaires of the Catholikks
heir, I leawe it to them to write and relate, by quhais meanis thefe Letters shal-
be convoyit. My Lord Seyton hath ane hauen of his awin, quhilke may be
herafter very commodious for our misfions. Commend me I pray you to F.
Barth, Pere, &c. Master Dudley Iper, knight, and John Thules, quhilk vpon
some fuden putches of perfecution, mak their repair hither, ar in health, and fa-
Blanke on the back.

A LETTER directit from the Eril of Angus, all writen and subscribbed with his awin hand, intercepted with M. George Ker, the 27 of December, 1592.

My maist affectioned commendationes premittit, this present is only to know of your welfare and friends, and of the estate of maters where ye remaine, and to be ane testimonie of my gud affection towards you. For God be praised, if you were in this country, I could do you greater plesaure nor I was able to do before, albeit gude will inlaikd not at na tyme, as 3e know. The present bearer can int.-M. Georg Ker. forme 3ou of fik things as occurres with vs; for we are heir dayly subiect to alera-ration. Ye may credite him as my felse, for his vertewis dois merite. It is not needfull I trouble 3ow with his recommendation, feing he is to 3ow that he is to me; 3e know his honifie and good intenition, and the caufes of his parting; to quhais sufficiencie referring the rest, my hartie salutations, and my bedfellows, with al our companie, young and aid, remembrit vnto you and your gude company, commits you with tham to the protection of God. Edinburgh, the tenth of October, after our compt, 1592.

Yours ever at power, 

ANGUS. 

To M. William 
Cricehtoun.

Blanke on the backe.

A LETTER direct from M. James Gordoun to M. William Criechtoun, interceptit with M. George Ker the 27 of December, 1592.

Traith friend, after maist hartly commendations, your friends that ar heir M. Georg Ker. hath directit this present bearer to you, for full resolution of all your affairs in thir quarters: We have delayit over lang, I grant, but he will shew you the caufe of all. The next bett is, ye vie al expedition in time comming, against the next somer, vtherways ye will tyne credite heir with your factours. If ye come, ye will finde ma friends nor ever ye had, but vtherwise ye wil find fewar; becaufe the next somer many ar bownit to vther countries, and will not abid on you na langer: Haift hame heir sum word to your friends, that we may put tham in gude hope of 3ou, and thay wil tary the langer. The bearer is an honest man, and verie sufficiant; ye may credite him as my felse. I fuld haue cumit with him my felse, wer it not I wes persuadit that ye wald remain on our anfwere; and becaufe I got an fop out of Flanders. As the bearer can shew you, yee Relative to the haue goten all that ye desirit, thairfore mak haift. The bearer is cumit to
you on his awin charge, theryfore ye mon have respect to him. The last bearer that ye fend, cam heir behind the hand, and hath gottin na satisfaction as fat; because nothing could be gottin heir, and we cull find na man but this, that wald pass on his awin charg; and I feare, that if hee had not come on his awin expensis, ye fuld not haue refivit anwere fa foone; theryfore ye fuld treate him the better. Wee will abide heir your felie shortly, and I wald ye brught the rest of your friends with you that ar beyond sea; for if your block paffes fordward, they mon be also present, vtherwise we mon cum and visit you. All vther effaires of this country, I will commit to the bearer, quha is faithful. Your wife and your bairnes commendis thame to you, and luikes to fe you shortly. If I or Sandefoun, your friende, refausis ony fiver fra the bearer, ye shall be adver-teit be an vther tiket, how mekle it is, and subcrivit with baih our handis. The rest I will referre to the bearer. God prevere you from all evil. At Dundie the 20 of November, 1592.

Yours maffit affectioned at all his power, I. CHRISTESON.

Direct on the back,

To his assured friende, George Craufurd.

A LETTER directit, fra M. Robert Abircrumby, to M. William Criechtoun, interceptit with M. George Ker, the 27 of December, 1592.

After my dew and humble salutations and offer of service, I regrate and lamentis hauily, the fleath and negligence your merchands hes vfit, in answering of your laft suit ye proponit to thame. For appearandly, if they had made an-swer in due tyme our wares had bein heir in due time, with our great profite and conflation. The stay and stop of the matter appearandly was lacke of expensis, that na man wald of his own charge, take that viage in hand; yea, some cravit a thousand crownes for his expensis. Swa the mater was anis haley given over, and almoit clein forget, vntill it pleasit God of his divine Providence to stirre vp this bearer, to take the turn in hand on his awin expensis: As hee hes bein ever bent in that caufe, not only to spend his gudis, but alswa the thing that is mair deir to him, that is, his life: thairfoir, I thynke hee fuld be the mair acceptable, as also for the affinitie of bluid: for baith his guddames was Criechtouns. And as for witte and abilitie, of treating of they effaires, he is not inferiour to none of your merchands quhilk ye defyr, as ye wil perfae be experience, God willing. And albeit that he, of his courageous liberalitie and zeal to the caufe, hes tane the mater in hand, on his awin charges, yet all your friends in thefe quarters thinkes it very reaonable, that all fuld be refounded to him againe, Cum vsura, with promotion, till ony vther accident fuld fall out, for the well and furtherance of this caufe, &c. But nowe I will say an word of him, and fynd com to sum vther purpors of our own. If I had an thousand tongues,
with as many mouthes, with Ciceros eloquence, I cannot be worthie enough in commendation of this gentillman to you and al your companie: As I fall let you vnderstand, God-willing, if ever we fall chance to meet face for face; and thairfore, whencesoeuer ye may, prevent him with any benefit, either be your self or any other. Abide not quhill hee crave it at you, for hee is the worst aske in his awin cause that ever yee converst with. Sed nunc ad alia. If ye be right remembrit, at your departing out of this, ye gave Master James Mackartnay an procuratory, to intromit with Master Alexander Homes litill leving, hee hes heir in East Lowthian; the quhilk he pedit and obtentit in law, and tuke vp yeirly rentis thairof to his awin behuil, and givis his name of it. In this meane time, there falles out like cummers tuichin that land, that we ar able to lose the hail ware first. The said Master Alexanderis narriest friendis and aires hes in judgement prooved him to be deid, and swa enteris aires to him. By this, the Laird of Spot his owirlord is forfaltit, and swa the land wardis; swa that we are able to tyne all, if remedie bee not found. Quhairfore, falling in confultation with Master Alexander King, he thocht beft to fell the land to him, and we tveye the silver on an maior faire maner, of the quhilk ye fall refaue fun wryttings from this beareur, the quhilkys ye will vnderstand better nor I. Only I thinke it forme of moyan bee not vfit, we fall lose all, and better is to haue fun thing now, and lose all. As to the price, fet ye it downe, for he hes mentioned nane as yet; but hee will give als meekle as any vther, becauf, as hee faies, hee hes fun land ly and contigue to it. I pray yow for an haffte anwtere of this. I doubt not but yae have heard how thay young men, quhais faithers was flane bee the Laird of Ruthvenis, flew him againe, quhais lady is mariet to one Iames Reid. Camnay is come in the Contables handis, and your nevoy is private of it; and that be the moyan, I trow, of Abraham your brother, but your Maich is litill better nor beggand. Drunkilbo is dead, and Thomas Tyrie is tutour. I pray you adverifie mee bee what manner Mather Stevin Willoun hes commit bee my Lord Levingtouns obligation, the quhilk ye had of the fourth crownes, his L. was owin 30w; for mather Stevin hes gotten thefe fourtie crownes randering the obligation quhlike yee had: I durst never make mentiou of the hundredh crownes fra the father, and fourty crownes fra the sonne, quhilk ye left mee power to crave, &c. My Lord Levingtoun is departed of this world. ge heard befoir, that David Forefter * had ane sonne, and now hes ane other borne in the Caftle of Striving, quhair he is in ward, hardly handlit. Thair is but ane of our nobilitie heere, quhilk hes of the K. of Spaine, ane penfion well payit of twelve hundredh crownes. The quhilkys appearandly are evil beftowit: For hee nor name of his, as yet, hes never done ony kinde of good, in the promotion of the Kingis matters; quhairfore like penfiones were better beflowed on vthers, quha travels dayly and hourly, putting in hazard baith their goodes and lives, as this

* Envir amang the Papists the Unanswircs.
CRIMINAL TRIALS.

A.D. 1594.

bearer hes done and dayly dois: and vthers, as he can shew yow, &c. Because I have na vther thing to write, and haue bein lang enough, I commend mee to your prayers, and you to God. At Scotland, the 15 of December, 1592.

Yours at his power,

ROBERT SANDESOHN.

Direct on the back,

To his traitf friende, GEORGE CRAUFURD.

A LETTER directed to the King of Spayne, bee three noblemen of Scotland, quhairof twa hes senyne returned to the professioun and defence of the treuth, bee thair aithes and subscripions, quhairefore thair names are suppresed; the third his name expresst, (to witte the Earle of Huntlie,) because he continues as sit in his former wicked course. This letter, writen by thame in name of the Catholike noblemen of Scotland, cypher'd in French, was intercepted in Januarie 1589, lately before the time of the Raide of the Brig of Die, thairafter was decyphered word by word, and translaitit in Scottis, as followes:

SIR, wee cannot sufficientsly expresse bee speach, the great regrait wee have confavit, being frustrate of the helpe we haue so long had to see, this year paft, the defired affects fall out, quhilk we attendid of your Majesties preparations. And our displeasure hes beene fa mekle the greiter, that your armie navall fuld haue passed by fa nei, vs, vnvisiting vs, qua expectit the same with sufficient forces, for the peaceable recept and asstitial thereof, against all enemies; in fike forthe, that it fuld haue had na resfistance in this country, and with our support, fuld haue given angh ado to England. At leaft, gif it had cumnit heir to refrech it, it had preferved a number of vechels and men, quhilk we know have perished neir our Iles and upon the coast of Ireland: And had discovered an incredible number of friends, in full reddiness to haue run the same Fortune with it, in fike forthe, as wee dare well affirme, it fuld not haue founde half fa many men in England, for all that is spoken by the English Catholikes refugit there; qua by emulation, or rather bee ane vnchristian envie, extenuats ower farre our meanes to aid yow, to magnifie thair awin only, and make themselves to bee ettenit able to doe all; to advance thamefs thairby in credeit with your Majestie and fik as are about you; but by experience of this year paft, hath sufficiently testified, they haue not shawin themselvs, in fik number, to assift your forces, as we haue done. And therefore your Majestie, as maist wife as yee are, shall, gif it pleis you, mak fikk accont of the ane, as yee neglect not the vther, and fa serve you with tham balth, to the end ze pretend, with hazarding your forces for the particular of the ane or the vther. We remit to the declaration of some of your awin subjets that hes beene heir, the commoditie and adventures of landing in thir partes, quhair the expensis belowit vpon the equipagge of an Galliaffe, fall bring mair fruite to your service, than ye may haue of ten vpon the fey. And wee may assure your Majestie, that having anis fak thou-
land men heir of your owne, with money, ye may lift heir forces of this country, as freely as in Spaine, quha will serve you na leisfe faithfully than your owne naturall subjects. And albeit wee can not, without blame of presumption, give your Majestie avise in your affair thair: Alwais in that, that may concern your service heir, wee speak mair freely, as being vpon the place, and knowing by the ordinary experience, many things vknawin to ony of yours that are not after heir. The overlate arrivall of your armie in our watters, tike from it the commodities to retur it felfe in fik fafetie, as it might haue done coming sounar, be reason of the great winds that are ordinar heir in harvest: as alwa lacke of py-lottis experimented vpon the coasts of Scotland, England and Ireland, appears to have bred great harme to the fai armie; quhairunto wee culd have remedis concerning Scotland, to have fent pilotts from this, gif it had likit your Majestie to have fervit your felfe with thame. Likewis, (laving better advics,) it seems to vs altogidder vntprofitable to fight the armie bee sea, gif it may be echewit, for mony causes: And amangis vthers, becaus fike as full haue fochten by sea, falbe vnabill, being wearie, to feight againe bee land against new forces: Sa the bost fuld bee, to flicht bee one way or vther, for sparing of your men and vehicles, and fwa the English forces staying vpon the sea vnfochten, fall be disappointed, and fall not come in time to affit thame, that falbe affailzeit be land. Attour, sendin heir a part of your forces, before the vther, quhilkJ fuld goe the right way to England, and that secrrectly by the backe of Ireland: Your Majestie fuld compell the enemie to divide their forces, and it may bee, fuld caufe thame send the greatest part heir, quhair yee might make thame believe the greatest part of your forces wer arryvit, at least fuld caufe thame disgarneis as meckle of England, and drawe a great part of their forces, quhilkJ wald refit your landing and invasion on that coast. And we may well promisse, that having heir fax thousand of your men, and money to lift vtheris heir, wee fuld within fax owkis after their arrivall, bee well farre within England, to appraoch and affit the forces quhilke your Majestie fuld caufe enter thair. The knight William Sempill Colonell, can shew your Majestie the haill; to quhom we remit. Al-fwa, wee haue caufit writ baith before and sen his depart, our money sik advises bee M. Robert Bruce, and caufit addrefse the fame to my Lord Duke of Parma, to whome your Majestie remittit vs, from the beginning, in thir affairs. And seeing wee hope your Majestie is dewly advertized and informit, wee will end in the present, kifing maist humbly your Majesties hand, praying God with all your affection, to grant you full accomplisment of all your holy interprifes. From Edinburgh, this 24 of January, 1589.

Your Majesties maist humble and affectioned servitours,

G. ERLE HUNTILIE, &c.

In name of the vther Lordis Catholiks of Scotland.
A LETTER direct fra the Erle of Huntly to the Duke of Parme, interceptit in Januarie, &c.

MY Lord, I haue receivit fra John Cheholm, the letters it pleisit your hierneffe to wriet, the 13 of October, full of mait Christian affeccion to the weill of our caufe: For the quhilkis I gie you your hierneffe maift humble thankis. The support of ten thousand crowns, sent to that end, is receivit be M. Robert Bruce, quhilkis hall not bee employed, but for helpe of the maift vrgent necessitie of the faid caufe, as it hes pleisit your hierneffe to direct. After the departure of Colonel Sempill, I have found my selfe fa boastit on all hands, and fafftit in sik fort be our King, that it behuifit mee to yeeld to the extreme difficultie of time, and subscrire with his Majestie, not with my heart, the Confession of their Faith; or vtherwise, I haue bene forced immediatly to haue departit the cuntry, or to haue taken the fieldis for refifting his forces, and sik as bee might haue drawin out of England to his aide; quhilk I could not have done, especialy then, quhen be the returning of your armie in Spain, all hope of helpe was taken from vs; but if on the one part I have failt, bee the apprehension of dangers that threathned my ruine, I falle on the other part endeavour my selfe to amend my fault, (quhairf I repent me with all my heart) be fein effect, tending to the well and advancement of the caufe of God, quha hes put mee in sik credite with his Majestie, that fen my cunning to court he hes broken his former gairdis, and cauffit me faftablis vthers about his perfon of my men, bee the moyen of quhom and their captaines ar alfo mine, I may ever bee matter of his perfon: And your support being arryvit, spulzie the hereticks of his authoritie, to fortifie and aflure our interprifes; quhairfpon I beseeke your hierneffe to send me your avise, and to aflure your selfe of my vnchangeable affectiones in my former resolucions; albeit the outward actions bee forced to conforme thamefelfis, sumtimes, to necessitie of occasiounes, as M. Robert Bruce will mair ampie write to your hierneffe, to whom I remitte mee harder. Praying God, after I haue maift humbly kiffit your hierneffe hand, to give you accomplishment of your holy enterprifes. From Edinbrugh, the 24 of Januarie, 1592.

Your hierneffe maift humble and affectioned servitor,

G. ERLY OF HUNTLY.

A LETTER fra the Erle of Erroll to the Duke of Parme, interceptit in Januarie, &c.

MY Lord, fen God of late, bee the clirr licht of his holy Catholik faith, hes chaift from my vnderstanding the darknisse of ignorance and error, quhairm I have bene heirtofore nurichit; I haue bene als soone perfwadit in acknowledgong of fa great ane effect of his divine grace towards mee, that I am chiefly obligit to procure, sen I knew the enterprifes of his Majestie Catholik, and your bienes
tendes principally to that end, as also to the advancement of some civil cause, quhilik hes very great affinity and conjunction with ours heir. That I mon testifie the present, the affection that I have to the well of the ane and the vther, having ever before my conversioun bene ane of the number of your friends and servitors, for the respect of the last; to the quhilkes, the first of religioun, quhilik is the greatest and maift important that is in this world being jynit thereto, I am alfo become altogether yours; quhilik I beseik maift humbie your hienesfe, cause it signifie to his Majestie Catholik, and to promise him in my behalfe, that hee hes not in this country a mair affectioned servant than I, neither yet your hienesfe, as ye fall vnderstand mair ample of my intentioun in particular, be him, bee whom your hienes shal reffluae this present. To whom, after I haue maift humbie kiffed your hand, I beseike the Creator to give yow the accomplifhment of your holy desires. From Edinburgh, this 24 of Januarie, 1599.

Your hienesfe maift humbie and maift affectioned servitor,

FRANCIS ERLL OF ERROLL.

A LETTER fra Robert Bruce, to Monsieur Franciſce Aguirre Eſpaignell, &c. interceptit in Januarie 1589. Written in French, and translait in Scottis, as followis:

Monsieur de Aguirre, I have refavit your Letter, of the nynt of November, written from Handwerp, quhairy, I was glad to vnderstand of your arrivall thair and helth, and that ye haue gifyt your felfe fa wifely in execution of al that I committit to yow. Your Maifter, quha at my requiſit hes geyin yow enterthenement, hes givin mee the like testimony of your behavour, and hes promisit mee bee his Letters, to have 30w in the favourable commendation I defirit, and to employ 30w in gude occasions. Gif he send 30w heir again in thir parts, cause fette you on land neare Seytoun, quhair I pray 30w to enter secretyly, and there ye fall be keepit quhil I may come and finde 30w.

[The rest of this Missive, being set downe in obscure times (terms?) is to be fene in the original.]

A LETTER fra Robert Bruce to the Duke of Parme, interceptit in Januarie 1589, lately before the Raid of the Brig of Die, cyphered in French, decipherit there after, and translait in Scottis, as followes:

My Lord, Monſieur Cheſholme, arryvit in this country five dayes after his departing from thair, and with thair requisite diligence, cam to the Erle of Huntly in his owne house in Dumfermling, quhair having prefentit to him your hienes letters of the 13 of October, hee declarit ample to him the credite givin him in charge, conforme to the tenour of the letters from your hienesfe: quhair thi they perceavit your hienesfe great humanitie and affection, to the advancement of the glory of God in this country, with vther conſolations maift convenient,
to moderat the dolour and displeasure conceavit be the heartis of the Catholikes, 
be reaoun of the succes of your armie, against their hope and expectation. 
Alwa, sum dayes thereafter, as the commodite offerit to mee to refave the money, 
the said Chefolome deliverit to me fax thousand twa hundred thre scoire 
twelve crownes of the fume, and three thousand fevin hundredth Spanisch pisto-
lets : And likewise hes cariet himeselfe, in all his actions fenfyn, verie wiufy, 
and as become a man of God : Chiefly then, quehen vpon the fulpition conceavit 
of his sa sudden returning, the king fent to gar take him. I fay behave my selfe, be 
the grace of God, in the keeping and deftribution of the money laft fent, and of 
that qhilk refetes yet of the first fowme, according to your hienes prescripition, 
and as I ought to answere to God in conscience, and to your hienes in credite, 
and to the hall world in the reputation of an honeste man : And sa mariage it 
in fik fort, that be the grace of God, thair fall be fruite drawin thereof, plefants 
to your hienes. It is true that I finde (as all vthers wald doe, that walde in-
terprife fik a charge heir) my self involved in great difficulties : For on the ane 
part, I am in great danger of the heretikes, and of thame of the faction of Eng-
lund, be reaoun of the oppin profession that I make of the Catholike Religion, 
and of the fulpition that the laft hes of my secreete practises and dealing against 
thame : On the vther part, I haue meekle adoe to moderate the appetite that 
sum Catholike lordis hes, to haue the money presently, for the hope qhilk they 
give of sum pretendit occatiouns, that will never fall out as they promife. The 
Earle of Huntly made inffance to haue the third part of the fowme qhilk was 
fent heir, alfe foone as it was delyvered to me ; but he hes not tuitchit, nor fall 
not twitch hereafter a malasie, but vpon gude takins. I haue payed him in the 
meane tyme, with inexpugnabill reaons, quhairof in the end he is contented. 
I beseik your hienes, bee the first letter it fall pleas you to write in thir partis, 
to the Catholicke lordes, to remove ane errour from three, quha hes writen thair 
in name of the remanent, that moves them to thinke, be reaoun thay were the 
first that made offer of thair service to the King Catholique, that all the money 
that comes heere shoulde be parted in thre, and immediately after the arrivall 
thereof delyvered to thame, without giving part to vtheris, qhilkbe befide thame 
are in great number to the King Catholikes service and yours, and alwa de-
liberat to hazard after their power, for the advancement of this caufe, as thay 
are ; of whom the vtheris will not depend in ony fort, in the accepting of the 
moyans that commes from your liberalitie, but acknowledge thame as comming 
directly from your hienes, to quhome onely they will bee bound and obleist, and 
not to the vther three. Of the qhilkis, the Erle of Mortoun, hes hitherto con-
tented himeselfe with reaon : As alwa the Earle of Huntly, hes never fchawin 
himeselfe subject to money, bot fent he hes beene inducit be the third, to wit, my
Lord Claud Hamilton, his uncle, quahe is sum quhat covetous of geir, and thocht vnder fike pretext to make his profite. The faide Earle of Huntly is constrained to remane at Court: He is fallin from his constancy in his outward profession of the Catholike Religions, partly for having loft all esperance of your support before the returning of the faide Cheholme, because of his lang flay there, partly by the perfwasion of sum politicks, partly to efchew the perrills imminent to all thame that calles thamefells Catholikes, partly to keepe himselfe in the favour of his King, quahe preafht him greatly to subscrib the Confession of the Heretikes, and to league with England. Bot for all this, his heart is na wife alienat from our caufe; for he hes the foul ever gude, albeit he haue not fik vigour to persevere, and execute fik as is requisite, in fa great an enterprize but they may helpe thay defects, putting beseide him a man of credite, resolute to affift him, as we haue advised to doe, hen the Barron of Fentrie is put in waird be the King, in the Towne of Dundie: Swa that he darre not gang out of the portes thereof, vnder the paine of a great sowme, quhill the occasion may bee offerit to depart the cuntry, within the tyme limited. And I bee the Kings commandement, am discharget to come neir the said Erle; because they have attributed to the said Laird of Fentrie, and mee, his constancy in the Catholik Religion, and his absence from Court against the Kings wil: His wairding hes sum quhat hinderit our course, and permits mee not to move him, as it hes pleafit you to command mee, and as I desire to dilfence the money conjunctly with me; sa that for supplinge of the default of him, I haue alloeate to the same end, a very honest man and very wife, callit Father William Criechtoun Iesuift, quahe wes detenit sum yeiris in the towne of Londoun, after he was taken vpon the see, cummand toward this from France. Likewise, I fall helpe my selue be the prudence of Schir James Cheholme, eldeft brother to the said John, quahe brought the money from your hieneffe. For hee is a man confident, wise and one on our part, and very little suspet. In the mean time, the ane part of the money is in the principal house of my Lord Livingstoun, a very Catholike Lord, the vther heir in Edinburgh, in great enugh faurtie, to helpe as it fall neid the Lords Catholiks, quahe will conveene heir very soon to refist, to the defynges of thame of the faction of England, quahe in the same time are purpoft to remane at Court, with forces, to range all things at their fantacie. As for the like sowme or greater, quhillik your hieneffe willis to caufe follow the laft sent heir, it is good in all eventis, it were very foone sent heere, secretly, to help the neccefitie that may fal out, and to caufe things incline to our side, quhen they are in balancce, as their is great appearance thay will bee, be the occaition forfaifd: And in case that neccefitie requires na distibution, the faid sowms fall bee keepit. It is meant that Spanish forces and referdif to better occasions, or quhill the arrivall of your forces in this Ile.
Thair is fulpiton, as alfo arguments probable anugh, that Thomas Tyrie, quha hes brought heir your hienes letters to our King, hes not behavit himselfe according to his duetie: For hee hes accommodate himselfe in his behaviour, mair after the affectioun of our Chancellor (quha is of the faction of England, and abuifes the credeit hee with the King) nor according to the instructiouns given him thair. Hee hes not prefentit nor made mention to the King of Colonell Sempills letter, quhairof I haue caufit prefent the copie to his Majeftie be the Erle Bouthwell, as gif it had beene fent to him with an vther of the said Colonellis to himselfe, quhilk hee refavit from Thomas Tyrie at his arryvall, quha hes reported to the said Chancelar, all that Segneur don Bernardino spak to him, in Parifé, to the difadvantage of the said Chancelar. Alfo, hee hes reportit to the King, that my Lord Bifhop of Dumblane, beeing returnit thair, spake to your hienes and to vthers, many things to the great prejudice of his hienes: And it is beleued alfo, that he is the caufe of the fulpitious qubilk is conceavit of the comming of the said Iohn Cheifholme, newlie to the said Bifhop. However it be, the vther reports fairfaid, quhilk he hes made, hes not servit to conciliat, but to alienate the affection of the King, of the Chancelar and mony otheris heretics from the said Segneur don Bernardino, the said Bifhop, and Catholickes heir, that he had ado with thame. As for mee, albeit I spake not willingly to the difadvantage of ony whatsoever, chiefly of thame whome I haue recom- mendit, as I did the faide Thomas Tyrie to the said Don Bernardino, yet I will preterre the love of the treuth to men, and wald not in concealing thereof, bring prejudice to the publick well, nor to the fidelitie that the an aught to vthers, and specially to that we aught all to the King of Spain, and 3our hienes, to quhome I am presently servand, particularly addicted, bee the obligation of five hundreth crownes of fee, and fourty for monethly entertainment, quhilk it hes pleafit your hienes to give me friely in name of the King of Spaine, vnbeing required for my part, nor vther thing for my particulare to this prefent; bee reafoun quhairof, I am the mair bound to give your hienes maffit humble thanks, and to endeavour my felfe to deserve, be my maffit humble and faithfull services, as weil the said entertainment, as the recompenfe it hes pleafit 3our hienes to promife me of your grace and favour. The said gift of your liberalitie, come to me weil to purpofe, feing bee reafoun of the danger of my perfon, it behuifit mee to augment my ordinare tryne for my greater fuirtie, quhilk I was not able langer to have borne out without helpe. For from all the lorders of Scotland, I have not retyrde but a part onely of the money, quhilk I spendit traveling, for the well of this caufe in Spaine with his Majeftie Catholike, and with your hienes in the low countries. As for the fourie hundreth crowns imploidy for the deliverance of Colonell Sempill out of prifon, I haue put in it compt with
the remanent qhilk I debursed of the firth fowme, according as it hes pleisfit your hienesse to command me. The Earle of Mortoun, to quhome I haue given con
folution bee writ in prifoun, hes instantly prayed me alfo be write to remember his maist affectioned servise to your hienes. Finding himself greatly honourit to be the care it pleisfit yow to have of him. Be the grace of God he is na mair in danger of his life, be way of iustice; it not beeinge possible to his enemies to prove against him ony thing qhilk they had supposid in his accussatioun: As alfo the Kingses affection not fa farre alienate fra him as it hes bene heeretofore:

And incaife thay wald noye him, or that it were presently requisite for the weill of our caufe to deliver him, wec haue ever moyan to gette him out of prifoun, and abides not in the meane time, bot the Kings will towaerde his liberty, only to avoide all perfit that thay wald make, gif wee delyvered him extraordinaril. Qhilen they offerit him in the Kings name his libertie, gif he wolde subfcrive the confeffion of the Heretikes faith, he anwerit hee walde not doe it for the Kings crowne, nor for a hundruth thousand lives, if he had them to lofe; and he offerit to confound the Minsters being publicke disputation. I fell follicite the lords, his friends, to procure of the King his libertie very soone: for hee importes mair the weill of our caufe, nor ony of the rest, be reasoun of his forces, qhilk es are neare England, and the principall towne of Scotland, and the ordinare refi
dence of our kings: As alwa, he is the lord the maist refolute contant and of greatest executioun of ony of the Catholickes. It is na finall marvell, confidering the moyanes the heretickes hes to harme vs, and thair warldil witt fa far
passing ovrs, and thair evil will and intentioun against vs, that wee subfift. Truely, wee cannot bot atribute the effect thereof to God, qhua (then when the certain newes of the returning of the arme of Spaine be the backe of Ireland, were diiferit through this country, and the heretickes of the faction of England triumphant, and the constancie in the outwarde professioun of the Earle of Huntly and others wes branglit) cauffit the Earle of Angus to die, qhua wes cheiffe of the Englilch faction, and the felfe fame time fulcitat tum diiferentioun amangis the hereticks, bee resoun of tum offices that tum pretendit to viurpe aboute vthers at Court, and bee the instanta prayers and haly perfwsions of twa fatheres Ieufiites, convertit to our holy faith twa hereticke Earles of the firth of authoritie and power amangis them, the an quhairef is callit the Earle of Erroll, constable of Scotland, convertit bee Father Edmond Hay: The vther called the Earle of Crawfurde, convertit bee the said Father William Criehtoun. Thaye are baith able and wife young lordes, and maist defirous to advancement the Catho
llicke faith, and your interprizes in this Ile, qhilk they are deliberate to testifie to his Majestie Catholicke and your hienes by their owin letters, qhillike be the grace of God, I fall fend be the firth commoditie. In the meane tym, they haue
required me to mak yow offer of thair maift humble and maift affectioned ser-
vice, promisng to follow quhat fumever the saif Ieufistes and I fall thinke good
to bee done, for the confevrion of the Catholikes, and to difpoze and facilat
the executioun of your enterprizes heir, quhilk they may doe mair eaifly, nor
thay that are knowne to bee Catholikis, quhais actions are ever fupsitious to the
heretikes, for thair Religioun, quhaerof thir two Earles hes not yet made out-
ward profefsioun; but in that, as in the ref, thay submit them selfis to our will,
and to that we finde maift expedient. Thay faides fathers of that company makes
great fruite in Scotland, and fa foone as ane lord or other perfon of importance
is converted bee thame, thay difpoze and inclyne in the very meane time their
affection to the service of the King of Spaine, and your hienesse, as a thing infe-
parabile conjoined with the advancement of the true Religion in this country.
Gif I had commandement of your hienesse, I walde give thame fume litel almous
in your name, to helpe thame and eight vthers, quhaerof foure are als Ieufistes,
and the vther foure ar femanarie priestes of Pontawmouffone in Lorane; quhilkis
are all the Ecclesiaftickes, that produces fa great spirituall fruite in Scotland,
and acquires to 3ow heir fik augmentation of your friends and fervants. After
the pantering of Colonell Sempill from this, the lords sent letteris with the said
Father Creichtoun and vther gentlemen, after the armie of Spaine, to caufe it
land in this cuntry; bot it had taken the way to Spaine few dayes before their
arrivall at the Iles, quhair it had refrefted the selfe, fa that it was not poiffible
for thay to attend on it. Thay of this country that are of the faction of Eng-
land, were in a marvellous feare, during the incertitude of the landing of the
faid armie, and confesfes plainly, if it had landit heir, thay had bein alleterly
wrakkit. The Erle Boithwell, qua is Admirall of Scotland, and als galjerit a
lord as ony is in the country, albeit hee make profefsioun of the new Religion, yet
is he extramly defirous to affift yow against England, having lifted and entert-
tained all this sommer, (vnder pretext to ga dantoun the Iles) fum trowpis of
men of weir, quhilk, together with his forces ordinaries, fild haue loyned with
yours, gif thay had cummit heir. He suffers himselfe to bee peaceablie gydit be
me, notwithstanding the diverfitie of our Religion, and hee oftestimes saif, that
if the Catholickes wald geve him fuerte to possifie, after the restitution of the
Catholickes Religion, twa abaises quhilk he hes, that hee fild even preffently bee
altogether ane of ours: Hee intends to send the Colonell Halkertoun, to accom-
panie certaine capitaines and gentilmen to Spaine, and almaist foure hundredeth
fouldeours all faife from the nowfrage in our Iles. And becaus thay are in
great necefitie, he is purpofted to accommod thame with shipes, victuals and
vther things neceffarie, to teffifie thairby to thair King of Spaine, the affection hee
hes, to doe him maift humble and affectioned service: And gif we think it good,
hes offerit himselfe to go out of the country, and to go offer himselfe to your hienesse in the Law Countries, and be your advife thairafter, doe the like to his Majestie Catholike in Spaine. Bot heerevpon, wee fall advife vpon the maift expedient: Gif wee may alwayes be affurit of him, he will bee alfo profitable for the well of our caufe, as ony lord in Scotland: For he hes great dependance about this towne, quhilke is the principall of Scotland, as aiſwa, vpon the fronterris of England. Hee hes offerit to maintaine and defend me against all that wold at tempt againis me. Wee haue cho’en for every Catholike lord a gentleman of the wiseft and faithfull Catholikes, and belovit of their friends, to ferue thame of a counsell, and to conveen at al occasions, to resolve the maift expedient that may concern the well of our caufe, according to the will and intentioun of their lordis, quha hes obliit thatmefellis to approve and execute their resolutioun, and navifte to contraveine the fame. And bee that moyan, we hope to procede with greater soliditie and effect, than wee have done heirtoir: Alwayses, thir fall knaw naething of our intelligences thair, nor our finall intentiounes, but according to the exigence of the effaires fall be in hand, and that superficially, and without discoverit our selwis over farre.

Your hienesse fall vnderstand, bee the particulare Letters of the lordis, that quhilke refes to bee faid to yow by thir prefentis: Be refoun quhairof, I will make end, maift humbly kifing your hienes handis: And prayand God to give yow all the gude hope and felicitie ye defire. From Edinburgh, the 24 of Januarie, 1589.

Your hienesse maift humble and maift affectioned servitor,

ROBERT BRUCE.¹

(Jun. 12.)—Charges ordained to be given to the keepers and witholders of the ‘places, houfis, touris and fortaincies of STRATHBOGY, Boig of Geycht, Innerness, Slanes, Douglases, Bothuil, Drymmens, Ruthuen in Badyenauch, Crawford, Auchindoun, Garlief, Peill, Birnes, Balgawy, to rander and deluyer the jamyn to the Heraldis, purévantis or vthis officeris, executouris of the saides Letteris; and to remove thame selfis and thair séuandis furth thairof, within xxiiij houris,’ under the pain of Treaſon.

(Jun. 13.)—ROBERT LOGANE of Reftalrig, ordained to be denounced rebel, for not appearing before the King and Council, to anſwer a charge at the inſtance of Robert Gray burges of Edinburgh; ‘makand mention, That quhair vpoun the second day of Aprile laft, he being paffing in peceable and quiet maner to Beruik, for doing of certane his leſſum efłears and buſynes, lippynning for na

¹ In the Advocates' Library, there is also a copy of the same Tract, printed verbatim with the Edition from which the present has been taken. It is chiefly in Black Letter. Another Edition was ‘printed at London by T. Snodham, and are to be sold at the house of T. Effe, 1603.'
trouble nor injurie of any personis; treuth it is, that Johnne alias Jokkie Houldie and Petir Craik ('houffald') furandis to Robert Logane of Restalrig, with three vthirs their complices, vmbesett his hie way and passage, befyllde the Bowyrod; quha not onlie reft and spuillez fra him nyne hundreth and ffftie pundis money quhilik he had vpoun him, bot alffwa, maitf cruellie and barbar-ouflie invlidit and perfewit him of his lyffe, hurre and woundit him in the heid, and straik him with diuers vtheris bauch straikis vpoun his body, to the grite danger and perrill of his lyffe, to the said complemaris yther wrak and euill ex- ample of vthirs to commit the lyke ruberie and violence,' &c. Logan failed to appear and to present these persons, for whom he was responsiblie.

(Jul. 11.)—Johnne Eler ('citiemair of the town ofDanskene,' as procurator for Joachym Eler, Michael Meves and other citizens of Danskene, obtain Letters for charging 'Patrik Eroll of Orknay, Johnne Forret of Fingask, and Dauid Hoppringle, mercheant and burges of Edinburgh, for the wrangous, violent and maitferfull spoliatioun and away-taking fra the saidis pereswars, of ane shipp of the toune of Danskene, callit 'The Ark of Noy' (Noah,) with his ankeris, ca-billis, towis, furnitour, and certane vtheris guidis and geir.'

(Jul. 22.)—Proclamation, that 'the Kingis Maiestie, now finding the ef-fectis of the traiterous practixeis of his disloyall and maitf vntbankfull and vn-naturall subiectis saifer (fo far) procedit, as the Jesuitis, the pernitious springis and instrumentis of thir euills ar returnit; nor simplie, bot accunpanyit with strangearis, and furnit with money to fteir vp and profequate a publict wear, againis God, his trew Religion, his Maiestis perfoun and authoritie,' &c. 'For refilting and reprefeing of quhilik maitf treffounabill and odious attemptatis, his Maiestie willis and effectuuslie requiris all Minifteris of Godis worde, within the hail Prefbitereis over all the realme, eirniffie to travel with all his hienes faithfull and gude subiectis of all efeatis, alswell to burgh as to land; to tak this mater in harte, as that quhilik importis the prent dangeir and hafard of thair Religion and confience; the lyffis of thame fellsis, thair wyffis, bairnis and kynnismolkis; the conquaist of thair natiue cuntry and of thair awne landis, levingis and guidis, vailteantlie defendit be thair worthie forrbearis, vnto this age; fra that maitf crewell and vnmercifull Natioun of Spanzie and thair adherentis: And to that effect, to move the Baronis and gentilmen in euerie shyre or prebiterie, and the Prouet and bailies of ilk burgh, to convene with all speid, in sic convenient places as they sail think maitf expedient, to advife vpoun the beft and maitf expedient meenes to refil and repres the intrestine and foreyne inemeyis of trew Religion, &c.; and to reporte vnto his Maiestie thair guid-willis, and offeris to prepare thame fellsis with armour and victuallis, to pas ford-wart with his Maiestie, vpoun the nixt aduertifement.'

(Jul. 25.)—A Commission granted to 'Archibald Eroll of Ergyle
Lord Campbell and Lorne, Johnne Eill of Athoill, Lord Balvany, and Johnne Lord Forbes,' constituting them 'his hienes Lieutenants and Jus-
ticiiis within the boundis of the heresfuoms of Abirdene, Banff, Elgin, Forres, 
Narne, Inuerne, Cromartie and Tarbett,' to 'pas fordwart, ferche, feik, tak, ap-
prehend, or vtherwise to perfew to the deid, with fyre, fwerd and all kynd of ri-
gour and extremitie, all his hienes declarit TRAITOURIS, rebellious and vna-
natural subjectis, Jesuitis, Seminairie Priestis, Trafficquing Popisit, and thair re-
frettaris,' &c.

(Eodem die.)—Proclamation calling the Earls, Barons, &c. of the shires 
of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk and Peebles, to repair 
to his Majesty, at Edinburgh, Aug. 26; those within the bounds of Lanark, 
Dumfries, Wigton, Ayr, Tarbet, Bute, Renfrew, Dumbarton, Linlithgow, Stir-
ling, Clackmannan, Kirkcudbright and Annandale, Kile, Carrick and Cunning-
ham, at Stirling, on Aug. 27; Fife, Kinrofs, Perth, Stratherne and Menteith, 
at Perth, on Aug. 28; Forfar and Kincardine, at Brechin, on Aug. 29; Aber-
deen, Banff, Elgin, Forres, Nairn, Inverness and Cromarty, at Aberdeen, on Aug. 
31; 'and fra thyme to pas fordwart as thay fals commandit, for refitting and 
repreffing of the treflounable practizes and conspiraces of the said vnnatural 
subjictis, or perfute of thame, as occasioun fals commandit.' Licences to be granted 
to the 'ageit, diseat and infrime, thay payand fis refflounable compositioan thair-
foir, for the furtherance of this seruice, cheiflie the payment of the wages of 
horfemen and futemen,' &c. These Treafeons are said to have been highly ag-
gravated, by their taking place 'evin in this tyyme appointit for his hienes bap-
tifine of his darrest fone the Prince, quhome God in his mercie hes grantit to 
the conforte of the nation; be the affittance and witneffing of the fouerane 
Princes his maist deyr freindis and allyes, and commoun welthis, his narrest and 
gude neibours.'

(Jul. 31.)—Ean Dugoe Euch of Kintaill was charged to appear and 
produce a Commiffion of Juficiary, 'maist inordourlie past aganis the temnour 
of the Actis; and speciallie, gevand him pouer to proceid aganis perfones dilaitit 
of treflounable Fyre-rafin, quhilk is onlie propir to the Juficce Generall and 
his deputis, and aucpt na to be trit befir ony inferior judgement.'

(Aug. 2.)—Andro Ker of Fairnyhirt, Thomas Ker his brother, Thomas 
Ker of Caveris and Robert Ker of Newton, having been denounced rebels, 'for 
subcriving to Schir Robert Ker appeirand of Cefurde.' They 
are charged 'to pas and entir thair perfonis in warde, within the Caftell of Dun-
bartane;' until they obtain themselves relaxed from the procefs of horn.

(Aug. 15.)—William Hay of Linplum to be denounced rebel, for not an-
swering to a charge at the instanc of M' Dauid Ogill minister at Humbie, and
M' George Chalmer minifter at Bar, 'that quhair, thay being defyrirt be certane freindis, at his speciell direction, to haue conuenit with him at ane tryift, vpoun the ground of his awne landis, for removing of the contrauerfie betuix him and the faid M' Dauid, ament the right of the vicarage of Barro; ' they on 8th infinit attended, when Hay ' came and mett thame, accompanyed with three of his fer-
naundis in armes, and befor the vettering of ony fpeicheis to thame, he thameful-
lie and vnonmeftlie perfewit thame of their lyveis; thay haueing na thing, 
faulffing thair buikis in thair handis, shoit and dischargeth his pistollett at the 
faid M' Dauid, off fett purpois and prouiflion to haue slane him thairwith; and he happymanyng with the same shoitt to fall, the faid William belevit he was 
slane, and left him for deid; and thaireftir followit and perfewit the faid M' 
George and prenentit ane bendit pistollett at him, quhilk mifgave, cheiffit him 
three quarteris of ane myle, and had not faillit to haue slane him, wer notch 
gatt entres within the portis of Hadingtoun, and wes releuit be the inhabitantis 
thairof.'

(Aug. 17, apud Striulique.)—Proclamation, referring to the circumstance 
of the preceding Proclamations having been iffled, in regular form'—'nocht-
withstanding, be resfoun of the prent feafoun and nature of the yeir, and lait 
harvest liklie to follow, be that occaion, the grite grudge and murmuring of a 
grite nowmer of his Maiestieis gude subiectis, giff thay falbe drawne from thair 
harvift, cheiffie at that tyme quhen as thair coirnis ar rype and redy to 
be sloirnie; respecent heirwithall the grite stairstie of vivers and vtheris necexsaris 
for men and horsis, and grite derth that hes followit and yit continewis be that 
occaion; and lait, the want of ane thousand wageit men on horfe and fute, 
thocht necessar for this purpois and yit not tane vp.'—Therefore the lieges are 
ordained to convene at the before-named places, on the laft day of September—
frift, second, third and fourth days of October, ' for refifting and reprefeling of 
the trefloombile practizes,' &c.

(Aug. 24.)—Proclamation, charging ' all and findrie noblemen, gentilmen 
and vtheris his hienes faithfull and gude subiectis, luiflaris of the honour of 
his hienes and thair natiue cuntrey, that thay and evere ane of thame preas be all 
gude means poissible to intene the Ambassadours [' of findrie Princeis and Com-
moun-welthis, darreft and narreft freindis to our fouerane lord and lady, repairit 
to this burgh of Striulique to the Baptisme of the Prince, darreft fone to 
our fouerane lord,'] and the gentilmen and vtheris being in thair cumpnyis, 
freindlie and courteoulie: And that thay may performe the same the mair effec-
tualie, that thay retene nane in thair cumpny bot sic as ar dircet, courtas, of 
gude inclination, and honneft behauour; naways factive, querellous, bot sic 
as will vterlie forbeir to invade or perfew ony maner of perfone or perfonis, or
mak pronouncaution of displeasour, in worde, deide, or countenance outhier for said feid or new, or for qhathfumeur cause or occasioun, in coming to this town, remaning thatairn, or depairting thatirfra,' &c.

(Sep. 10, apud Halliruidhous.)—Act anent Thomas Foullis, goldsmith and burges of Edinburgh, in which it is narrated, That in consideration of the sum of £14,598 'prefentlie lent and deliuerit to the Kingis Maiestie, and vthirways his deburfit in certane his hienes awne particulair affairs,' 'his Maiestie hes prefentlie confiscit and delayuerit in his handis twa Drinking peceis of gold, weyand in the halli fyftene pundis and fyve vnce of Gold.' And in case of non-payment of the above sum, beuix and the first day of November next, ' Ordanis him and Thomas Acheifoune his Maiestis Maister cuncour, to faryke doun and cunzie, and caus the saidis twa drinking peceis of gold to be strukin doun and cunzie, in fyve pund peceis; 'The superplus, giff ony beis, to mak furthcwnand and delayuer to his Maiestis felf.'

(Eodem die.)—Another 'Drinking peceis of gold, weyand tueliff pundis and fyve vnce of gold,' configned, on the same conditions, with Thomas Acheifoun Maister Cwnseour, for payment of £6000, advanced by Johnne Abnott burges of Edinburgh. Acheifoun becomes cautioner for his Majesty; and for his relief, he is empowered to 'faryke doun and cunzie' the Drinking pece, if the money be not paid within the time stipulated; and after fatisfying Abnott, to pay the furplus to his Majesty.

(Eodem die.)—Johnne Abnott gets Affignation of the fiew-farms and fiewmailes of his Majesty's proper lands of Colbrandilpeth, for 'this instaint crope and yeir' 1594, and of the crops and years 1595 and 1596; and also the fiewmailes of his highness's proper lands of Orkney and Yetland, of the years 1595 and 1596; for sums expended before the 'incwming of the strangearis to this honourable tyme of the baptizing of the Prince,' viz. £5000 for 'wyne and beir'; and '8000 markis, to the interning of his Maiestis and the Quenis grace, his darrest bedfellowis, awne houllis, quhan all vthir moyane failit;' which, with 'annualrent,' then amounted to £11,500.

(Eodem die.)—Proclamation for the North. 'The Erilis lordis, &c. ordained to meet at Edinburgh, Sep. 30, at Dundee, Oct. 4, and at other times as specified in Letters to be directed, at Aberdeen; with thirty days' victuals and provifion, after their reaching Aberdeen,—for refitting of the trefounable practizeis of the faidis declarrit trauours,' &c.

(Sep. 30.)—Act in favoure of Thomas Foullis goldsmith, burges of Edinburgh, that he had 'prefentlie, at his Maiestis earnit desier, lent and deburfit the fowme of £12,000, for outredding of findrie his hienes efferais, speciallie the payment of the wagesis of horsemen and futemen, leveyed for the advancement
of his hienes authoritie and servise in the North pairtis of this realme.' Until repayment, ten per cent interest is stipulated to be paid.

**Proclamation against Francis famtyme Erll Bothuill.**

*(Eodem die.)*—Forsamekle as the unnaturall and maist odious Rebellions of Frances famtyme Erll Bothuill, is now manifested to the haille world, in his and manifest contempt of our dourane lord and his auctoritie; first, breking warde oute of the Caftell of Edinburgh; Invading his Maiestie vnadir cloude of nichi, at his Palacis of Haliruidhous and Falkland; Awaitting on his Maiestie, at his ouerpafling at the Ferreyis of Leith and Kinghorne; Seikin at findrie tymes, belyde the burrowis of Edinburgh and Linlythgow, to haue stealed on his hienes perfone, at the hunting; Entering in his presence, in maist irreverent and barbarous maner, the xxiiij day of July, the yeir of God 1593, at his Palice of Haliruidhous forfayt; Clengeing him seff of the odious cryme of Witchecraft, in a Judgement, quhair he wes baith Juge and pairty; Presing his Maiestie (yea almaiit compelling him aganis his harte, giff he had not preffert his honnour and libertie of his Crowne to his awne lyffe,) to capitula with him, in materis maist foule and ignominious: And the thryd of Aprilie laft, in his dispyte of his Maiestie, cswning with displayed baneiris in ficht of stran- geris and in his hienes awne presence, committing premumptus inflences vpon his hienes gude subiectis: By quhilkis treffounable and continuall indignities, the said famtyme Erll, labouring his Maiestie now the spacie of three yeiris and mair, he hes perturbit his hienes and his eftate, in sic forte, as he had na laik air to correct the practizaris with stranberis for fubuefioun of Religioun and amitie betuix the tua realmes, quhairvnto baith his hienes awne confience and eirnft prayeris of his gude subiectis urged him; till now, of lait, his hienes, hoipin be his lang patience, to haue moved the said famtyme Erll to sum conformitie and humilation, he affignit the secund day of October nict to cum, for going fordwart in that Crifteane servise aganis the saidis Practizaris; bot the said Bothuell, thaiwing of all Religioun (with opinious quhairof he had abused the fimple people, during the spacie of three yeiris forfayt), and making shipwrak of all honnefte, hes enterit in freindchip with the saidis Practizaris, refuellit thair gold, and promissit to thame, befoir the said secund day of October nict, ather to apprehend and possis his hienes perfone, or then, giff he sett fordwart to the North, fia to perturb the South pairtis of this realme, be surprising the Caftellis of Blaknes, Thomptalloun, Bruchtie, Brint-Iland, Ile of Man, and be vthiris in-curcions; as his hienes sould be forced, vndoing justice with the said practizaris, to returne with shame and defcredite: And to that effect, the xiiij of September instant, or thataraboute, to haue invadit his Maiestie, vndir silence of ничt, at his
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Palice of Halryuidhous forfayd, without spareing ony perfone, from the ytter set (outer gate) to his bed chalmer; hauing, for that purpois, three or fourescoir of his rebellious complices warned to haue concurred with him, at the place and tyme forfayd; and immediatlie eftir his Maiestis apprehensioun, to haue caryed him captiue to the Caftell of Blaknes, (the keiper quhairof, being corrupt, is now execute for his demereitis,) thair till haue detenit his hienes, till the difdourrit outlawis had cum frome the Bordouris, quha wer indeid vndir wairning to haue mett the xv of this instant, at Jedburgh, and fra that to haue haistit to Bothuill for his releifi; and to his Maiestis perpetuall flame, how sone thay had hard of his captiuitie, giff God of his mercy had not, be Letteris vndir the said Bothuillis awne hand, quhilkis wer found vpon Mr Allane Orme, one of his fervandis, detected the names of his associatis, quhairby sum of thame wer apprehendit, and the reft fugitiue, and his Maiestis through devyne grace deliuerit of that moat dangerous Treasoun: And as the said Bothuillis dissembled hypocritie, thir three yeiris past, had procured to him the fauour of ower mony of his people, be the quhilk he was inable to work all thir inofolences aganis his hienes, fo wes his Maiestie, not onlie aganis his naturall inclination, (being moir inclymit to pitie nor to pvinishe,) forced notwithstanding, to pvinishe fum of his dependaris, for the terour of vtheris; bot be the fame fauour of the people borne to the said Bothuill, his hienes wes distracted and disabilled to proceid in the gude caus forfayd, with that eirnitnes that he intendis: And fo, be the ignorant and foolishe affection of his liegis borne to the said Bothuill, he was impeid and haldin bak fra that quhilk thay maift desirit, and he wes maift willing vnto; for thay, conforting the said Bothuill, maid him bauid, euerie three monethis to mak a new Conspiracie; quhilk forceit his hienes, for faultie of his lyffe and honnour, to neglect all vtheris actionis, and onlie to prouyde aganis his barbarous and diparat invafioun: Bot feing his defectioun from the trew Religioun, quhairwith, in maner forfayd, to this hour, he hes cloiked all his Treasonis, is now manisfeit be his actionis, all Letteris send to the Minifteris beiring his accord with the saidis Papiftis; his hienes hoipis that none of his gude subiectis, treulie professing the said Religioun, fall conforte or harbour him heireftir, ony mair; bot, in respect the saidis Papiftis and he now being all joyned in ane rebellious societie, haue maift shamefullie abufed his hienes said liegis, thay faillie pretending his hienes fauour, and Bothuill als faillie pretending a cloak of Religioun: His hienes ordanis Letteris to be direct to Officeris of armes, thereffis in that parte, chargeing thame to pas to the mercat croeis of the heid-burrowis of this reale, and vtheris placeis neidfull, and in his hienes name and authoritie to mak publicaition heirof, that none pretend ignorance of the same: And to command and charge all and findrie his hienes lieges, ordanit be his formair
Proclamationoun to attend vpoun his Maiestie, that thay convene thame felfis, in maift senible and subfiantious maner, to accompany and defend his Maiestie, in his maift Cristiane seruise; quhairin euery ane of thame, eftir a measure, hes als grite interest as him sciff, and on the succes quhairof dependeth the eftate of the said Religiouie, stabilitie of his Crowne, and thair faultie: As alwa, command- ing and chargeing famony of his Maiestis subjectis as ar permittit to remane at hame fra this prent Raid and Armey, faithfullie to affift and concur with his hienes Lieutenant, William Erll of Mortoun, and all vtheris his Maiestis off- iceris, Commissonaris, or Wardanis, for repressing of the said Bothuill, or ony vtheris his Maiestis rebellis infulences, during his hienes absens and remaning in the North; according to his Maiestis Commissonoun gevin to the same effect: Certifeing thame that dos in the contrair, thay falsre repute and haldin gilty of all crymes committit be the saidis rebellis, and perfewit and pvnish thairfowr with all rigour and extremitie, in example of vtheris.

(Oct. 1.)—'Proclamationoun, for concuring with Archibald Erll of Er Gael and Johnne Lord Forbes, Liettenentis in the North pairtis of this realme.' The lieges are charged, 'that thay and ilk ane of thame, weill bodin in feir of weir, addres thame felfis and joyne in cumpny with the saidis Lieutenantis, concur, affit and tak ane efauld and trew parte with thame, following thair direction in the perfute of the saidis declarit traitours,' &c.

(Oct. 2.)—Licences for 'abiding from the Raid' are ordainit to pafs the Signet and to be duly registerit, otherwifie to be held as null.

(Oct. 4.)—'Proclamationoun for concuring with Buckcleuch (Sir Walter Scott of Branxholme kn'), Keipar of Liddifdale.' The Wardens of the East and Middle Marches and the lieges are directed to 'rylie, concur, Fortifie, affit and repair to the said Sir Walter, at all tymes as thay falsre requirit thairto, be his Mifflue Letteris, &c. for perfute, taking and apprehending, refitting and repressing of the infulence of his hienes declarit traitours,' &c. This Proclamation proceeds on the narrative, that the King had 'gevin and disponit to him the office thairfowr (the Keepership of Liddifdale), heritable in tyne cming.'

(Eodem die.)—'Proclamationoun to affit the Laird of Cesfurde, Wardane' (of the Middle March). The lieges within these bounds, 'and in special, the inhabitantis of the burgh of Jedburgh,' are charged to concur, &c. as in the former Proclamation.

(Oct. 8, apud Dundee.)—Act in favour of Sir James Skrymgeour of Du- dop kn', Conitable of Dundee, that 'albeit his Maiestie hes appointit ane of his hienes Page of Honnour to beir ane Cornett Blanche befor his hienes, dur- ring the tyme of the prent Raid, for the better attendance to be gevin be his
houfhalde feruandis on his Maiesties awne perfone; yit fall the same naywes derogat nor pryeuge the saide James Inseftmentis, &c. viz. the place and preferment of BEIRING HIS Hienes BANER AND STANDART before his Maiestis perfone and his succesflours, at tymes of Oistis, Weiris, Raidis, Armeis and Battellis;—nither fall the same Blanche Cornett be borne nor vfit eftir his Maiestis Baner and Standart fofmaid beis dïsplayit, bot the same Blanche Cornett rollit vp.'—' And in the meantyme, quhill tryall be tane, the saide Blanche Cornett fall not be borne, except during the tymes of this preftent Raid.'

(Oct. 16, apud Abirdene.)—PROCLAMATION, that 'his Maiestie, with aduise of the Lordis of Secrete Counfale, hes concludit and refoluit to remane and not to depairt furth of thir North pairtis, vnto the tymes the same be quieted and fettled, to Godis glorie, his hienes obediens, eafe, repofe and fuirte of all his faithfull and gude subiectis,' &c. The 'Erlis, Lordis, Baronis, substanfous feewaris and landit Gentilmen, &c. togidder with the inhabitantes of burrowis, duelland within the boundis of the sherefdome of Perth, (except the inhabitantis of the Kerle, be neth the Watter of Ilay, allanauirie,) Struiling, Linlythgws, Renfrew, Dunblane, the Cuntreis of Ros and Ardmannauch, &c. to repair to his Maiestie, at Abirdene, vpoun the xxvij of October inftant; and fra thynye to pas forward,' &c.

(Oct. 19.)—'AL! HOISSIS, quhairin God hes bene dishonourit, ('be committiings of Ydlatrice and prophaning of the sacramentis,') ordanit to be caffis doun.'—'In fpecial the placesis, fortaliceis and houfis of STRATHBOGIE, SLANES and NEWTOUN,—and that, in figne and memorie of the vnnatural defection and rebellion of the anawaris and poffefiones thairof for the tymes, agenis God, his Maiestie and his authoreitie.'

(Oct. 23.)—'The CAPITANES and Commandarisis of his Maiestis houfemen and futemen falle anfuerable to the inhabitantes of the BURGH Of ABIRDENE, for payment to thame of the ordinar chargeis and expenfis of the peronis vndir thair charge,' &c.

(Eodem die.)—Act in favoure of the BURGH OF ABERDEEN, abolving their Provost, &c. for not apprehending and preferit 'Mr James Gordoun, faid bruthir to George suftyme Erl of Huntie, eftir his landing at the raid and heavin of Abirdene, nor yit for latting to libertie of certane fraungaris quhilk arryvit and landit with him,'—nor for refettit with declared traitors, &c. at the horn for the Murtherour and Slauchter of vmq' James Erl of Murray.'

(Eodem die.)—'Twenti fteane wecht of pouder, togidder with certane mat- tokis, gavilloksis and vtheres werklemes and maaterialis for dimolifying and caffing doun of houfes and fortaliceis, valuat and estimat in the haill' to £548, 6s. 8d. to be restored to the Burgh of Aberdeen, or the value of such as may be loft or destroyed, &c. to be paid.
(Oct. 28, apud Terrisoule.)—' Act anent the down-casting of Strathbogie.'

(Nov. 4, apud Abirdene.)—' Capitane Thomas Ker and James Ker his bruthir' ordered to be denounced, for not answering 'twicheing their treffoundable affittance, &c. with George sumtyme Erll of Huntie,' &c.

(Nov. 7.)—' Act, quhair the Baronis galf thair Aithis to affit the Lieutenants.' The names inferted are 'Marifhaell, Forbes, Lovat, M'Kanzie, Grant, M'Intofhe, Buchane, Finlatter, Drum, Innes, Phillorth, Effilmouth, Frenandraucht, Straloch, Muchalsis, Duffus, Vrie, Corfe, Monymusk, Corfindae, Toquhoun youngair, Tutour of Cromartie, Alter, Auchtirallen, Boquhallie, Towy-Barclay, Warrdres, Ravynniferag, Ludquharne, Pitcapele, Pittingreich, Hairthill, Birnes.'

(Eodem die.)—' Commission of Lieutennandrie' granted to 'Ludouik Duke of Lennox, Lord Darnelie, Tarbolton, Methunei and Aubigny, his Maiestst Lieutennent and Justice, within the bounds of the Schirefdomis of Abirdene, Banff, Elgin, Fores, Narne, Inuernes and Cromarty, alswell to Burgh as landwart, regalitie as ryaltie.' It is directed chiefly against the Earls of Huntie, Angus and Errol, 'Mr James Gordoun, William Ogiliv, Robert Abircremy, and all vtheris Jesuities,' &c. and their refeters.

(Eodem die.)—' Declaration in favouris of the Erll Marifhaell and vtheris,' that the burning and destroying of the place and fortalice of Ballogy, of the month of October last; and thereafter demolishing the place and fortalice in Newton, 'wes and is done be his Maiestis expres command, allowance and approbation.'

(Nov. 8.)—' Warrant for making off Bandis' is granted to 'the Baronis, &c. of the North pairtis, alswel for the suirtie of the trew Religiuon and of thame selcis and all vtheris profeffouris thairof, as for refitting of the Invaisoun of his Maiestis declarit traitouris,' &c. And this, notwithstanding of all Acts to the contrary.

(Nov. 28, apud Haliruidhous.)—' Archibald Erll of Erygle promitit, band and oblifit him to mak all the perfonis of the Surname of Campbell, &c. anfuerable to justice; and that he fall ather caufe thame fatisiic pairtis skaithet, fwa that na complaint false ministrat to his hienes; or then entir thame befoir his hienes or his Justice, to vndirly tryall and provisishment, as effeires;' ' conforme to the tenour of the Generall Band, lawsis and Acts of Parliament.'

(Dec. 19.)—' Thomas Foullis, goldsmith, ordained to retain Jewels belonging to his Maiest, till payment shoule be made to him of 5900 merks due by the King, 'for certane chenzeis and goldsmith werk;' viz. 'Threttene finall diamontis with chattonis of gold; auchtene chattonis of gold fett with rubeis; and fyve ryt rubeis fett in chattonis of gold, enametl reid, quhyte and blak.'
(Eodem die.)—‘Ratificationoun of the Duke of Lennoox Commissioun, with a powar to him to grant Remiflions.’

(Eodem die.)—Claud and Alexander Hamilton, sons of James H. of Levingtoun, ordained to be denounced rebels; for coming with their accomplices, ‘bodin in feir of weir, of the speciall caufing, command, &c. of the said James, and of Agnes Cokburne his spouse, betuix tueif and ane eftir none, to the fraud of Preifinche, quhair shamefullie and barbaroufliie thay hocheit and flew with swordis fevin young ky with calff, fax oxin, and fyve ftoittis and queyis of three yeir auld,’ &c. ‘And not content heirwith, thay come, vpon the xxv of November laft, furth of the place and Peill of Levingtoun to the place of Bynnis, quhair Patrik thair eldar bruthir duellis, and thair, efter thay had dynnit (dined) and confluit with the said Patrik, thay come to the milne of Philpftoun, pertening to James Lord Lindlay of the Byris heritable, and to Davit Dundas of Preifinche in tak and afferdation, and brak the stanes, quheillis, hopper, huipis and gandand graith of the said milne all in peces, strak and dang thair millaris, held bendit piftolettis to thair breiflis, and caufit thame fweir that thay fould duell na langair at the said milne,’ &c. —And that ‘vpon the laft day of November, they come to the barneyaird of Dudingtoun and patt fyre in three of the ftakkis, of purpois and intentioun to haue brint the hail barneyaird.’ Lord Lindlay of the Bires, and Dundas of Preifinche, appeared personally to pursue the Hamiltons before the King and Council; but they all abfented themselves. [See Feb. 3. 1594-5.]

(Jan. 9. 1594-5.)—William Polwart, of Rottonraw, ordained to be denounced rebel, for not appearing to anwer to a Complaint at the instance of Sara Hunter, relict of Andro Jouffy, merchant, burgefs of Edinburgh: That upon Dec. 23 laft, he ‘ with vtheris his compliceis, bodin in feir of weir, come vndir cloude and silence of nicht to the complenaris duelling place, within the burgh of Edinburgh, quhair fho wes, &c. and efter that the said William had crafeltie gottin hir yet oppin, he appoinit ane nowmer of his compliceis to awaitit at the said yet, to impede and stay all thos quha fould hapin to cum to the said complenaris releif; and he him selff, with the rest of his inholute compliceis enterit within hir houfe, and be ane verie barbarous and vncumeliie behauour, did quhat in thame la to haue reviffed hir, and to haue caryed hir with thame quhair thay plesfit, and to haue rubbit and fpuilzeit hir houfe; quhilk they had no faiillit to haue done, wer not be the Prouidence of God fho wes deliuerit of that dangieir, be the help of fum of hir nighbouris.’

(Jan. 19.)—‘Proclamationoun that nane cum to the Conventioun or place of his Maiesties residence, but sic as ar writtin for.’

(Eodem die.)—‘The Kingis Declaratioun, anent the Laird of Johnne-
STONIS PLEGEIS.—That ' in caiis ony perfone of the name of Johnneftoun, or
vtheris for quhome certane plegeis ar now enterit, fail commit flowth-reiff, op-
preflioun or blude, in thair thifteous deidis; or contravene any of the conditiones
for the qhilk thay ar now enterit, at ony time heireftir, if the principal party
committer of the theft, &c. be not given up ' to anfueir for thair awne deid, and
to vndirly tryle and punishment thairfoir, as appertenis, within xv dayis nixt
eftir requifition,' ' the pleige or plegeis of that branche or brancheis fwa of-
fending, to be execute to the deid.' And that Sir James Johnneftoun of Dun-
skelie kn', and Sir Walter Scott of Branxholme kn'; (' quha hes gevin Band for
fulfilling of certane conditiones') ' falbe halvin to enter vther plegeis,' &c.

(Feb. 3.)—' JAMES HAMMILTON of the Peill (of Levingftoun,) Agnes Cock-
burn his fpoufe, and James, John, Claud, and Alexander, their fons, were ' de-
nuenceit rebellis;' (See Dec. 19, 1594,) and Alexander Cokburn and Hector Lok-
hart, their fervants, were alfo ordaine to be denounced rebels, for not anfwerin-
g a complaint at the inftance of ' James Lord Lindfay of the Byris, David Dundas
of Preftinche, and John Yallowleis, Meffinger (at arms): That upon the xij Jan-
uary laft, the faid Johnnie Y. accompanied with Michael Bynnie fervand to
the faid Lord, and Thomas Huttoun fervand to the faid Dauid, as witneffis to
him, with foure feuercall Letteris and chargeis; and hauing paft to the Place of
the Peill, and at the yett thairof, the faid Agnes, &c. cwmimg furth at the faid
yett, tuke the faid meffinger be the craig (throat), fruck him vpone the heid,
arms and houlders, and gaif him mony bauch fraikis with piftoleittis; held
bendit piftolletit to his breiff, caufit thame to fwer neur to vfe ony Letteris
agains thame; and in end, with mony threatningis and minaffingis, in ane verie
barbarous and ucnowth maner, forceit the faid Meffinger to eit and fwallie the
haill copys of the faidis Letteris, and tuke the principall Letteris frome him;
and thaireftir, thamefullie and cruellie dang the faid Witneffis with bendit pif-
tolletis and quhinzearies, and left thame for deid: The lyke of qhilkis shame-
full and preumptuus inflenceis hes fendle bene hard of in the In-cuntrey; the
preparatiue quhaicr of will not faill to breid a greitair contempt of all law and
justice, through the haill realme, giff this be sufferrit to pa ouer vnpvynit.'

(Feb. 4.)—Proclamation ' anent the fluiting with haquebutis and pif-
tolletis.'

(Feb. 11.)—The Subscriptionis off the forrfaltit Lordis recognizeit.

Forsamekle Schir James Scott of Baluery, knicht, being fufpeetit and di-
laatit of traiffique and intelligence with his Maiefteis declairit Tratouris, rebel-
lious and unnatral subiectis; and thaireftir taken, apprehendit, and at lait
committit to warde, and fndrie tymes examinat thairvpon; in end, he planelie
confeffit and declairit, That in the moneth of Auguft laftbipaf, he, being in cum-
panie with Williamium sumtyme Eyll of Angus, George sumtyme Eyll of Huntlie, Franciscus sumtyme Eyll Bothwill, Franciscus sumtyme Eyll of Errole, George Eyll of Caithnes and vmq Schir Patrick Gordon of Auchindoun kn1, in ane Oisflair-hous, befyde the Kirk of Menmure; their wes produceit be the faid sumtyme Eyll of Angus, certane Heidis and Articles, altogiddir writtin with his awin hand, quhairupon ane Band wes appointit to be mait: Quhilkis, eftir thay wer red in their presup and audiens, and had aduifit, consultit, concludit and aggreit thairupon, at laft thay all subscriet the same with thair awne handis; lyke as, the faid Schir James gaif his subcription tuan thairto, as witnes: Quhilkis Heidis and articles being thaireftir committit to his cuftodie and keipin, he laitlie produceit and deluyerit the famin to his Maiestie; be quhome, and be the Lordis of his Secret Counfall and Seiffoun, and certane vtheris beft acquentiit with thair hand-writtis and subcriptionis, the famin being fene, confidderit and tryit, and thaireftir compairrit and conferrit with vtheris thair hand-writnis and subcriptionis, The Kingis Maiestie and the saidis Lordis hes Recognosceit, and as thay weill and treulie vndirfand, Recognoceis the Subcriptionis of the saidis Heidis and Articleis, quhairupon the said Band wes appointit to be mait as faid is, to be the veri subcriptionis and hand-writnis of the personis particularis aboue mentionat. And for the bettir resolution and satisfactioun of his Maiestis gude subiectis heirmanent, Ordanis ane Act to be mait heirepoun, ad futuram rei memoriam.

(Sic subscrititur) JAMES R. EX CERTA SCIENTIA.


(Eodem die.)—JOHNNE EYLL OF MONTOIRS and . . . MAISTER OF MONTOIRS find caution (Sir Johnne Murray of Tollibairdin) 'that they fall compier personallie, befoir the Kingis Maiestie and Lordis of Secret Counfall, and anfuer and vnderly sic ordour as faile prefcryuit to thame, tuicheing the lait vnhappy accident quhilk fell oútet betuix thame and thair freindis, on the ane parte, and THE LAIRD OF CALDER and SCHIR JAMES SANDIELANDIS of Slammarnane Maifter knicht, thair kin and freindis vpou the vthir parte, vpoune the laft day of January laftbipaft;' the Earl under the pain of £2000, the Maister under the pain of 2000 merks.

(Feb. 12.)—ACT against JAMES DOUGLAS, sometime of Spott, that 'not onlie deferuis the faid James Douglas maift rigorous and extreme pvnhishment, for thir particular, befydis the formair crymes for quhilkis he wes fairfalt; but the cen-furis of the Kirk aucth to proceid aganis him,' &c.
(Feb. 14.)—Andro Makfarlane of Arroquhair, Andro Dow M., and Malcolme Beg M. to be denounced rebels, for not appearing, to have vndirlyne the ordour as sould have bene prefcriuit to thame, tuiching the obseruation of his hienes peax, quietnes and gude reule in the cuntrey, &c.

(Feb. 17.)—Act ‘ anent the Duke off Lennox proceedingis in the North ’ and ‘ exonering’ him and his councillours, as having discharged their duty faithfully.

(Eodem die.)—Act ‘ anent dimoleisfing of the Place, houﬀes and Fortalice of the Craig, pertening to Johnne Ogiluy.’ Patrick Lord Gray and Patrick Master of Gray, got full Commissíon, as Sherifs-principal of Forfarhúre, to take all necessary steps for that purpoose.

(Feb. 28.)—Harie Steuart of Cragyhall becomes surety for the entry of James Sandielandis of Calder, &c. (See Feb. 11.)

(Mar. 5.)—James Master of Ogiluy finds surety (David O. of Quhytefeild,) that he shall not supply, refet nor intercommune with ’ Johnne Ogiluy of Craig, nor na vtheris his Maiestis declairit traitours and rebellis,’ &c., under the pain of 2000 merks. He is denounced rebel on Mar. 27.

(Mar. 15.)—Act against his Majestis’s Traitors and rebels.

(Eodem die.)—Proclamation against refettynge, suppling or intercommunicating with declared Traitors, &c.

(Mar. 26. 1595.)—‘ Proclamatioun that nane transporte Erillis of Huntslie and Erroile within this Kingdome.’

(Mar. 28.)—Dame Jeane Gordoun, Countesse of Sutherland, finds surety, under the pain of 2000 merks, that she shall not refet, supple nor intercommune with any of his Majestis’s declared Traitors, &c.

(Jun. 18.)—Proclamation, ‘that nane furnis the rebellis in Irland.’ ‘ For blamekle as Angus Makoneill of Dunnyvag and Glennis, and Donald Gorme of Slait, accompanieit with a nowmer of rebellious and disobedient subiectis, inhabitantis of the Ilis, ar myndit, as the Kingis Maiestis is informit, to transporte thame fylfis ouer to Irland and to joynye with the Eril of Tyrrewne, Odoneill and vtheris of the rebellious people of that land, for troubling of the quyet estait thairof; as alwà, fynidrie of his Maiestis subiectis, inhabitantis within the shirefdomes of Lanerk, Renfrew, Dunbartan, Tarbettel, Bute, Air, Wigtoun and bailliereis of Kyle, Carrik and Cwninghame, daylie furnishe the rebellis of Irland with victuallis, waponis, pouldore, builet and vther mvntioun of weir; be the qhillik doing, the peace and amitie standing betuix his Maiestis and his darrest sutfer and confine the Queene of England, thair realmis, dominionis and subiectis may be gritelie endangerit.’ Therefore Proclamation is ordered to be made, that the liegis shall in no wise ‘ asfist, tak pairt, ryde, gang,
accompany, nor yet furnis and sell any kind of victuals, &c. under the pain of Treason.

(Nov. 26.)—Proclamation ' anent the arrayail of strangers of that maist cruell and vnmercifull natioon of Spayne and their adherentis.' The Clergy are called upon to exhort the lieges ' to tak this mater in hait, as that quhilk importis the present dangeir and hafard of thair religiouin and concience, &c.: 'And to the effect thay may the bittir convene, with ane vnforme mynd in this caus, to vrge all and findrie perfonis, amangis quhome deidlie feid and elefth' is presentlie standing, to subcriue and giff assurranceis ilkane of thame to vthir; and quha refuillis, to repore the famin to his Maiestie; quhairthrow his hienes may tak ordour with thame as appertenis.'

(Nov. 27.)—Proclamation that the lieges ' prepare them seifis and be in full redyynes, weil bodin in feir of weir, to mak WAPPONSCROWINGIS and giff Muftouris, vpoun the second day of Februarie nixt, in presence of the Scherffis, steuartis, prouestis and baillies of burrowis; ilkane of thame within thair awin bounds.

(Eodem die.)—George Murray, fone to Johnne Murray of Spainjiedaill, Robert Hoppringle, fone to the Guiderman of Qhbytebank, Andro Douglas, fone to George Douglas, feurand to the Laird of Ceffurde, Raguel Bennett, fone to vmq" Mungo Bennett in Chasteris, . . . Adair, fone to . . . Adair of Kinhiel , . . . Kirkton, fone to . . . Kirkton of the Tour, and Malcolm Colburne, fone to . . . ., make supplication to the King and Council, ' That quhair, it is nocht vnknawne, how that thay this langtyme bigane have bene detent in warde within the tolbut of Edinbursch, for the vnhappy accident quhilk fell out in the perfon of WILLIAM SICLAIIR, fone to the Chancellair of Caithnes, be the slaughter of vmq" Johnne M'Morane, burges of this burgh, quhairof thay and ever one of thame ar innocent, and ar willing to abyde tryale thair-upoun, befoir ane vnusupect Juge: And becaus the Prouet and Baillies of this burgh, to quhorne Commissioun was given, to juge vpoun the saidis compleharis, wer partial, thay being in effect baith juge and pairty, it pleifit his Maiestie, vpoun thair Supplication gevyn in heir-upoun, to ordane M' Mark Borthuik, Justice Depute, to fitt with the saidis Prouet and Bailleis, vpoun Mononday the xxvij of October laft, and to putt thame to the knaulege of vnusupect Affife, the maist half of thair peiris, thay being all for the maist partes the fonis of Baronis and gentilmen, and to proced and minister justice vpone thame, conforme to the lawis and practique of this realme: At quhilk day, thay being enterit vpoun

1 Rancorous grudge or offence; literally an eye-sore; what hurts or offends the eye.  2 See the spirited account given of this affair of the Insurrection of the Boys attending the High School of Edinburgh, (in consequence of the Magistrates denying them their usual ' privilege' of a day's play, &c.,) in the Extracts made from the Diary of Robert Birrell, which immediately follow these selections.
pannell, befoir the saidis Proueit, bailleis and Juftice depute, thair tryal wes continewit to the morne thairefter, the xxvij day of the said moneth; at quhilk day, albeit they micht have juftlie declynnit the saidis Proueit and bailleis, and had mony gude argumentis of law and practique to have preferuit thame fra the tryale of ane Affifie, yet thay be thair freindis and prolocutors, freelie offerit thame selffis to tryale, prouydning that ane condigne and vnuspect Affifie wer gevin to thame, viz. of Gentlemen outwith the toun of Edinburgh, according to his Maiestatis ordinance; quhilk being refuifit, thay wer compellit to vfe thair lauchfull defensis: Quhairupoun the saidis Juges, perceaving that thay could not gett thair intent aganis the saidis complenaris, and mynding na thing ellis bot to wearie and wrak thame with expenffis, thay continewit thame to the fourte of Nooumer: and vpoun that day, maid ane new continewatioun; quhairyby it is euident, that thay intend to hald the saidis complenaris in continewall warde; and ather to complaye thame to becwm in will for that cryme, quhairof they ar innocent, or then to submitt thame selffis to ane Affifie of the burgesffis of this burgh, qua ha will not faill maift partiallie to proceid aganis them,' &c. Having heard parties, the King, ' with auife of the saidis Lordis, Ordanis the saidis perfewaris to be putt to the knaulege of ane Affifie of thair peiris, of landit gentilmen duelland outwith the burgh of Edinburgh, for the crime fowrfaid; within the tolbuith of Edinburgh, vpoun the fift day of December nixtocum, in presens of M' Mark Borthuil, Juftice depute, to quhomo his Maiestatis adjoins Schir Robert Meluill of Murdocairstrie, kn'; thefauair depute, M' Johnne Skene, clark of Regifter, and Schir Johnne Carmichael of that Ik, kn'; to be Affelfouris; secludin all vtheris asffelouris,' &c. With certification, that if appearance is not made aganist them, they shoulde be put to liberry, on finding caution, &c.

Discharge of a Letter granted to the Countess of Bothwell.

(Nov. 29.)—Forsamekill as the Kingis Maiestatie laitlie subfcriuit and paft ane Letter to Dame Margaret Douglas, fumtyme Countesse of Bothwill, movit thairunto vpoun hir humble fute, and prostrating of hir felf in hir bines way and presens; quhilk Letter, as his Maiestie is informed, fcho immediatie thairefter, not onlie caufit proclame in fandrie pairtis of this cuntrey, and thairby tuke occaflion to reforbe publictie quhair fcho pleift; lyke as, a grite nowmer of perfones hes reforit and intercommunit with hir fefyne: Bot als, fcho hes directit and had intelligence of lait with Frances sumtyme Eril Bothuill, hir fpois, in the realme of France, vanelie vanting of hir credite at his Maiesties handis, and perfwading him of that fauour; quhilk, in respect of his monftrous factis, is not to be luiked for;uther is it nor wes it hir bines meaning, that the said Letter fould haue bene proclameit, nor fho tane fic libertie thairby, as fho
hes done; bot onlie, fould haue feruit for remaning of hir self and hir bairnis within the place of Moftour, that hir freindis micht fumptyme haue refortit to hir, without danegur of his hienes lawis: And that foir, feing shoo hes faffar abusit his Maiesties sauer, grantit to hir be the said Letter; his hienes, with aduife of the Lordis of his Secret Counfale, hes annullit and dischargeit and be thir prefentis annulles and dischargeis the fame Letter and contentis thairof, simpliciter, in tyme cwmim; ordaning the fame to ceis and to haue na forder force nor effect at ony tyme hereafter. And that Letteris be direct to mak publicatioun heirof, be oppin proclamation at the mercat croceis of Jedburgh, Kelso, Hawick and all vtheris places neidfull; quhairthrow none pretend ignorans of the fame.

(Apr. 1.)—Proclamation 'aganis trafficquing with Strangearis,' 'except it be betuix marcheant and marcheantis, in materis concerning marchandice allanerlie, without the speclall aduife, licence and consent of his Maiestie had and obtenit thairto, vndir the pane of deid.'

(Dec. 2.)—Proclamation for assembligli of the lieges at the Towns of Leith, Inverkeithing and Bruntisland, S' Andrews, Dundee, Montrofe, Inverness, Cromarty, Kirkcudbright, and Air, 'weill bodin in feir of weir, to repair vpoun the first aduertisment, vndir the command of the schirreff of ilk fhyre, and ic vtheris as the fame schereiff, with aduife of the Baronis within the boundis particularie aboue mentionit, fall cheis to that effect, to the said towns, to joyne with and fupplee the fute-forceis, in refitting to the landing of the Ennemy, in thay pairtis; vndir the pane of tinsale of lyffe, landis and guidis.'

(Dec. 3.)—Proclamation 'that none accompany The Erll of Mar and Lord Levingstoun to thair day of law.' It is statit that 'as it is vndirstand to the Kingis Maiestie and Lordis of his Secret Counfale, that thair is a grite nowmer of his hienes liegis, of all eftacatis of perfonis, quhilkis ar warnit and requirit be Johnne Erll of Mar Lord Erkfin, Alexander Forrestair of Garden, and vtheris the kin and freindis of vmq' Daud Forrestair, burges of Striulig, on the aue parte; and Johnne Levingstoun youngair of Dunnypace, . . . Bruce youngair of Airth, and certane vtheris thair colligis, on the vther parte; to be present at aine dyet appointit to be haldin within the tolbuith of Ed', vpoun the xx day of December infiant, for thair vnderlyng of his hienes lawis, for the Slauchter of the said vmq' Daud: Amangis quhilkis perfonis, thair being deidlie feid and contrauerfe prefentie standing, at the leift amangis a grite nowmer of thame, it is to be feirit, thay vpon the first occasioune of thair meiting, sum grite inconvenient fall fall oute, to the brek of his hienes peax,' &c.

(Dec. 10.)—Act 'anent the derthe.' The King and Counell 'being wunderfullie movit at the prefent derth of all fortes of victuall, this seafoun of the yeir, vnuerfallie throu all pairtis of this realme, and the grite penuritie and in-
digence quhairunto the puir handy-labouraris, and vtheris his hienes subjectis of all eftaatis ar redactit be that occaision, the fame derth sill daylie increifing, and fosterit, pairtlie be the auiritious gredynes of a grite nowmer of perfonis that hes bocht and byis victuaill afoir it cum of the ground, and thae foorfaltis and keips the fame to a derth, and paqrtlie, by the shameles and indiscroit behaviour of the ownaris of the fame victuaill, quha reuifis to threfhe oute and bring the fame to oppin mercatis,' &c. It is therefore declared, that after Proclamation made, all foartallers, &c. shall be strictlie punifhed, in terms of the statutes, and their victual 'echated' to his Majestie's ufe. All costly apparel, banqutings, &c. are deprecated; and it is declared that the former Acts relative thereto shall be strictlie enforced.

(Dec. 11.)—The King and Council, 'with the speziall auife and consent of Schir James Johnnestoun of Dunkellie kn', being perfonallie warnit, frefhis and releuis all Prisounaris takin be him, his freinds, affifaris and paert-takaris, at ony of the lait Conflictis quhilkis happeynnit to fall out betuix thame and the surname of Maxwell, their freinds, &c.: As alfu, Dischargeis all Bandis, Obligationis, or vtheris fcurietis quhatfumeuir made be thame or ony of thame, to the said Schir James Johnnestoun, his freinds, &c. ather for thair entry agane, vpoun certane days wairining, payment of founes of mony in name of Ransoyn: Decerning the same Bandis to be null,' &c.


1 The number of followers allowed in the other instances are in the same proportions, according to the rank of the respective parties. 2 Altogether not exceeding the number of sixty persons.
and ANDRO MAXFARLANE of Arroquhairy, vpoun Feb. xx: JAMES LORD BORTHUIR, . . . PRESTOUN of Craigmillar, Mr GEORGE LAWDER of Bafls, and CHARLIS LAUDER fone and air of vmq" Andro Lauder in Wyndpark, vpoun Jan. v: SCHIR JOHNNE EDMESTOUN of that Ilk, and Mr WILLIAM CRANSTOUN appeirand of that Ilk, vpoun Jan. viij: GEORGE ERL MARISHAIL, and . . . SEYTOUN of Meldrum, vpoun Mar. i: JAMES CHEYNE of Straloch, and WILLIAM KING of Barrauch, vpoun Mar. iij: JAMES TUEDY of Drummeljaair, vpoun Mar. x: CHARLIS GEDDES of Rauchane, vpoun Mar. xij: —To vnderly sic ordour as falbe prescriuit, tuicheing the removing of the saidis ffeidis,' &c. With certification, that if they fail, ' thay falbe repute, haldin and perfewit with fyre and swerd, as inemeis to God, his Maiestie, and to the com-moun wele and quietnes of this thair natuie cuntrey, with all rigour and extre-mitie.'

(Dec. 25.)—Mr JOHNNE MACKANZIE, Minifter at Vrra, ordainit to be de-nounced rebel, for not appearing, to anfire a charge at the instance of ALEXAN-DER BANE of Tulloch, and ALEXANDER BANE, (younger) 'fear' of Logy, ' for his insolencis, oppin and manifeit oppreffionis commitit vpoun thame; as namlie, be reflett and huirding within his houfe, of JOHNNE McGIllichallum Rasu, ane commoun and notorious theif and lynnair and denunceit rebel, be oppin and avowit thift, in the moneth of May laft; quha come to the faid M' Johnis houfe, vpoun fett purpoois and prouifoun to ly derne (hid) and quiet thair, quhill he nicht find the commoditie to mordreis Hucheon Makconeill Bane and Duncane Bane, fone to the faid Alexander Bane youngair: Lyke as, eftir he had remanit with the faid Mr Johnne the space of xlviiij hours, vpoun fuir knaulege had be the faid Maifter Johnne of his barbarous and wicked intentioun, he come furth of the faid houfe, vndir flence of nicht, be the faid M' Johnis preuitiie and foir-knaulege, to the duelling place of the faid Hucheoun Makconeill Bane, of fett pur-poois and prouifoun to haue execute his barbarous and wicked intendioun; quhill he had not faillit to haue done, wer noctht the faid Hucheoun, getting sum in-formatioun of his intendioun, convoyed him selt with the faid barne away: And fenfynye, the faid M' Johnne come to the faid complenaris landis of Vrra, and cuttit his plewis and rigwiddeis; and thairby, and be vtheris the lyke oppin and manifeit oppreffioun, hes layd and haldis the faidis landis waift,' &c.

(Jan. 12, 1595-6.)—Mr WILLIAM CRANSTOUN appeirand of that Ilk, or-dained to be denounced rebel, for not enterit 'his perfone in warde, within the Caftell of Thomptalloun,' in terms of the command iifiued by the King and Council, on Jan. 9.

(Jan. 15.)—JOHNNE HALDEN, dagmaker and others, to be denounced rebels, for not anfwering ' tuicheing the Riot committit be thame laitlie, vpoun the . . .
day of Januair instant, aganis the Prouest and Bailleis of the Burgh of Edin-
burgh, in thair convey and taking to warde of James Lord Borthuik:

(Jan. 17.)—James Erll of Glencairne ordained to be denounced rebel,
for not appearing before the King and Council, 'tuischeing the removing of the
sfeid and contrauerie standing betuix him and Robert Maister of Eglintoun
and his freinds.'

(Jan. 28.)—John and Alexander Foster (Forrestair) 'fanes to the
Laird of Garden, Alexander Forrestair of Myethill and Walter F. fone and
appeirand air to Duncane F. of Puldoir,' to be denounced rebels, for not appear-
ing before the King and Council, for coming with their accomplices, on Dec.
30, ' bodin in feir of weir, with daggis, piftolletis, &c. to Johnne Roithill offi-
ciair of armes, being executing Letteris of Hoirning aganis Alexander Forrestair
of Garden, and certane vtheris parrochionaris of the Ruid-Kirk of Striulging, the
said officiair being in the very meantyme, of the reidng the fame Letteris, pub-
llicitie, at the mercat-croce of the burgh of Striulging; pullit him don at the
same croce, dang him with piftolletis on the heid, and with the gairdis of thair
swerdis, and cruellie hurte and woundit him in diueris pairtis of the body, to
the effiuion of his blude in grite quantitie; and thairefuir, violentlie and per-
force reft the fame Letteris, and thair raif thame all in peceis; in hie and
proud contemptioune of thair Maifestis auctoritie and lawis.'

(Eodem die.)—Proclamation, that none of the liegis 'reflett, supplee,
shaw fauer nor intercommune' with 'the Forrestairis'; under certification,
that they 'falbe apprehendit, perfewit and pvneift, with na les rigour and ex-
tremitie to the deid, nor (than) gif thay had reflett Frances funtyme Bothuill,'
&c.

(Jan. 29.)—James Cunynghame appeirand of Glengarnok, ordained to be
denounced, for not 'compeirig personalie' before the King and Council, 'tuis-
cheing the removing of the sfeid standing betuix him and Schir Patrik Houtoun
of that Ilk kn' and his freindi, &c.

(Feb. 5.)—Proclamation for a general Wapponshaving, on May 5.
'Marcheants-traffiquaris in vtheris cuntreyis,' are commanded 'to by, prepair
and bring hame corflettis, pickis, murronis and all vthir kynd of armour; fell
and mak penny thairof to all thair subiects, vpoun reffounable pryees.'
It proceeds on the narrative 'of the preparatioun and intention of mercyles
strangearis, to arryve in this Iland this nixt spring, for moving of a publicit wear
aganis God, his trew Religioun,' &c.

(Feb. 12.)—On the complaint of The Countess of Eglintoun (Dame
Helen Kennedy.) Hugh Earl of Eglintoun, only lawful son of the deceased Hugh
Earl of E., Robert Maister of Eglintoun his Tutor, and the kin and friends of
the late Earl, ' That quhair, the said vmq" Earl, being maift shamefullie and cruellie flane be Johnne Cunynghame of Rosk, bruthir to James Earl of Glencairne, Alexander C. callit of Poquhene his servand, Alexander C. of Aikatt, William C. his bruthir, Patrik C. in Bordland, Johnne and Dauid Maxuellis, brethir to Patrik M. of Newark, and Johnne Ryburne, vpoun fett purpois, pro-
uifioun and forthocht felony, the saidis compleanaris perfewit thame for the same flauchter, criminalie, befor the Justife and his deputis; and thay, takand the cryme vpone thame, abentit thame seliffs frome tryale, and wer thairfuir
denunciet and registrit at the horne; quhairat maift contemptandlie thay
remanit divers yeiris thaireftir, quhilk now of lait, as the saidis compleanaris ar
informed, that the saidis perfonis hes purcheist ane Remiiffoun or Refpett for the
said flauchter, quhairby thay intend to tak away the saidis compleanaris tach-
full perfute; su that in ffeid of justice, quhilk thay euir luiket for, conforme
to his Maiesties solempne vow and promeis maid to that effect, thay ar now
movit to lament to his hienes the want of justice, throu the said Refpett or Re-
miiffoun,' &c. They farther state, that there has been ' na afflythment nor sati-
factioun maid to the saidis compleanaris for the said flauchter, nor Letter of Slanis
grantit thairupoun;' and that therefore, in terms of the Acts of Parliament and
Secret Council, and ' ane lovable practique paft in the lyke caife, at the infance
of the relict and ten faderles bairnis of vmq" Luk Striuling of Baldorane, aganis
Thomas Kincaid and Johnne Jak his servand,' the Refpete or Remiiffion was ipso
 facto null.—Robert Maiter of Eglinton having appeared for the complainers,
and James Earl of Glencairn and William Cunningham of Caprington for the
defenders, the King and Council remitted ' this mater, to be decydit befor the
Justice or his deputis, as accordis of the law.'

(Feb. 21.)—Proclamation regarding ' the Spanishe Preparatioun
to arryve in this Iland, for moving of a publict wear;' &c.; charging all the
lieges within the ages of 60 and 16 ' to be in full reddynes,' within 24 hours,
' to convene and repair to sic paircis and placeis as thay salbe aduirteit,' &c.

(May 21, 1596)—Sir James Johnnestoun of Dunfkillie kn.' ' as maifter,
landlirord or cheiff to Johnne, James and William Johnnestonis, brethir, in
Haifliebray, Niniane J. in Rowantrie-know, and William J. fone to James J. of
Heifiebray, for quhosome he is oblleit to anfuer be the General Band,' &c. is or-
dained to be denounced rebel, for not appearing and presentig thes perfons to
have anwered, ' tuiching the shamefull, cruell and vnmercifull flauchter of
vmq" Mr William Johnnestoun, Perfone and Minifter at Lochmaben; com-
mittit be thame laitlie, vpoun the fourte day of Marche laft.'

(May 22.)—Proclamation for the Ilis.—The Kingis Majestie, his
Nobilitie, Counfaill and Efteatis presentlie conuenit, Considdering the proude
Rebellioun, defectioun and disobedience of the Inhabitants of the Ilis and Hielandis of this realme, subject for the maist parte, thir mony yeiris bygane, to all kynd of insolence, barbaritie and crueltie, not onlie in committing of yyle and beifftie Murthouris, Slaucheris, reif, thift, oppin heirschippis, oppreſsionis and depredationis vpoun thair Maiestyis peeceable and gude subiectis, inhabitantis of the cuntreyis nixt adjacent; bot euerie one of thame maist vnnaturallie puttand violent handis in vther, bekydis innumerable vtheris treffounable, monfrous and odious crymes, commitit be sum of the cheif perfonis, inhabitantis of the faidis Ilis; for the quhil, the sentence of Foiffaltour is led aganis thame; quha nochtwithstanding remanis peeceable in the cuntrey, without feir of God or of his Maiestie, nayways acknaulegeing their offens, nor yit his hienes as thair fourane lord and King; nather payand thair mailles and deweties, exactiones and cuftumes to his Maiestie, his Comptrollaire and ordinair officiaires; the same mailles and deweties and cuftumes being a gret part of his hienes propirtie, rent and patrimonie of his crowne, quhairupoun his princele porte and eflate fuid be sufnetit: And thairfor, his Maiestie is resoluit to repair, in propir perflone, to the faidis Ilis and Hielandis, with all convenient expeditioun, for abandouning and reducing of the faidis rebellious, vnnatural and disobedient perfonis, to the acknaulegeing of his hienes and his lawis; and compelling of thame to mak payment of his Maiestis propir rentis and deweties, in tyme cuming: For quhilk purpuse, necessar it is that his hienes be weill and substan-tiouslie accompanied, with a force of his faithfull, loving and gude subiectis; and thairfor, his Maiestie, with aduise of his Nobilitie, Counsal and Eftcatis foirfaidis, Ordanis Letteris to be direct, chargeing all and fndrie Ertlis, Lordis, Baronis, fowaris and freehaldaris, betuix faxtie and fxtene yeiris, valijant (worth) in yeirlie rent the fowme of three hundreth meriks, ather in heritage or annualrent, within the boundis of the baill therefdomis, fleuartres and bailliereis within the realme, togidder with the inhabitantis of burrowis within the faidis boundis, alswell regalitie as ryaltie, be oppin Proclamationioun, at the mercat-croces of the fame burrowis; that thay and ilkane of thame, weill bodin in feir of weir, with schippiis, crearis, boitis and all vtheris vetchellis, and prouifion, requisife and necessar for tranporting of thame to the faidis Ilis, and fra Ile to Ile, within all the boundis of the fame Ilis and Hieland pairtis, during all the tyme that thay faibe occupit in that feruice; addres thame felfis to meit his Maiestie, at the burgh of Dunbartane, vpoun the ffrst day of August nixtocum, prouidit to imbirke and pas fordwart thairfra to the faidis Ilis and Hielandis; and to attend and accompanie his hienes, for the space of fourtie dais eftir thair cuming, to the effect foirfaid; vndir the pane of tincfall of lyff, landis and guidis.
29 JAC. VI. CRIMINAL TRIALS.

[The Editor has thus endeavoured to supply, from the most authentic source, a pretty copious Selection of the leading Cases which occurred before the Privy Council of Scotland, during the interval unfortunately vacant in the Records of the Court of Justiciary, through the loss of the Volumes from 1591 to 1596; which period, doubtless, occupies an interesting portion of the History of this country. To some of his readers, perhaps, an apology is due, for the insertion of so many State Papers, and of notices of matters, not strictly embraced in the immediate objects of this Compilation; but, in extenuation of this trespass, it may be remarked, that the leading features of these times were so peculiarly distinguished by open defiance of the King and Parliament, and by the frequent and daring Conspiracies enterprised against the Royal person, as well as by Bothwell’s Treasons, and the Popish and Spanish Plots, for the overthrow of the Government and the Religion of the Country, that such Illustrations as those he has ventured to select, may, by many others, be considered as necessary Historical elucidations, at least as convenient appendages to such a Collection as the present.

Before closing his Extracts, which are intended in some measure to supply this hiatus valde deflundaius, the Editor must farther draw upon the valuable stores contained in ‘The Diary of Robert Birrell, burgess of Edinburghe,’ which was, for the first time, given to the public by John Grahame Dalyell, Esquire, in his ‘Fragments of Scotic History,’ Edin. 1798. The reading has been taken from the original MS. in the Advocates’ Library, W. 5, 10. There is also in the same Library, among Wodrow’s MSS., (W. 7, 26,) another copy, which is, apparently, a Transcript of the former.]

NOTICES extracted from ‘BIRRELL’S DIARY.’

(Sep. 6. 1591.)—The Earl of Bothwell made a roose in the Abay of Holtroudhouse, quho came in over the houe in the South fyde of the Palace; and the fayd Earl, taking too grate presumptione, he, with his complisife, broke with ane hammer at his Maiesties chalmer dore: And, in the meane tyme, the hauil noblemen and gentlemen of his Maiesties houis made, quho thought to have taken the fayd Earl Bothell and his complis. The fayd Earle fled; yet he returned at the South fyde of the Abay, quher the fayd Earl and his complisife, flied his Maiesties Maiter Stabler, namit William Shaw, and one with him, named Mr. Peeiter Shaw. Bot the King’s folks took 8 men of Bothwell’s factione; and one the Morrow, hantit tham all, with out ane Aisfyle, bethit the Girth croffe and the Abay gate.]

(Dec. 28.)—The King’s Maiestie came to St Geill’s Kirk, and ther made and Orationes, asent THE PRAY made by Bothwell, and William Shaw’s slaughter, his Maiter Stabler.

(Feb. 7, 1591-2.)—The Earl of Huntly came to the house of Dumfrisfide in Fyffe, quher the Earl of Murray, with a few number, was for the tyme, being his anen houise. The chieffe

1 This tumult was called the first Roos of the Abbey.'—Sir James Balfour’s Annals, 1. 290.
[1591-2, Feb. 7.]—At quhilk tyne, one Capitane John Goreoone, takin upon the 18 of Februarij: Himselue was beaditt, and hes man was hangit.

(Feb. 28.)—Richard Graham was burnt at the Cross of Edinbirgh, for Vischcraft and Sorcery.

(Mar. 18.)—Ane Proclamation, that the young Earl of Murray should not perowe the Earl of Huntly, in respect he, being vardit in the Blackness for the same Murder, was willing to shyde ane trayell, saying, that 'he did nothing but by hes Maiesties Comminion, and sua ves rather sit nor pairt of the Murtth.'

(May 12, 1592.)—The Earl of Bothuell and hes complices ver denuncit rebels and summond to the Parliament quhilk ves to be haldin at Edinbirgh, the 12 day of Julay; quherin the said Earle, with all his quhible complices, wer all of them perfaualit.

(Jul. 17.)—The Earl of Bothuell, with his complices, made a fray at Falkland, hes Maiestie being ther: And therefer, hes Maiestie cam over the vatter. And vpone the 26 day of this same mounthe, hes Maiestie made ane Oratone concerning the same, in the grate Kirke of Edinbirgh. Inmediatly after the fray, Bothuell and hes men cam over the vatter; and ther ver 18 of them taken in Cader-mure, and in vther pairs neir Cader-mure, laying fleiping, for vant of reft and interteinment; and immediatly after ther taking, they were all brought to Edinbirgh and hangitt.

(Jul. . . .)—At the same tyne the Lairds of Nidrie and Samuelstone, ver takin by John Lord Hamilton, and vardit in the Caistell of Drafhin, and came to Edinbirgh, thinking to haue gottin grace to them from his Maiestie. He came doune to hes Maiestie's ludging at the Nether-bow, and going in to Mr John Laings houe, quher hes Maiestie lodgitt, the gaurd standeung abowt the port with ther bagbutts, guns and uther wepons; the forfaik gaurd, feing my Lord Hamilton, for honor of his Lordship, thott ane volley at my lord: Ther wes ane man, speiking to hes lordship, thott through the head; ane vther, by him, thott through the legge; and ane bullet strooke the lintell of the gaurd, inft above my lord's head quher he stoode; yet no more harme doune: So that, by meir accident, the said Lord Hamilton had moit hane beine flaine, and not through aney euill vill. The Lord Hamilton, seeing that he could get no grace to the said tuo gentlemen, he seng vord to hes baftard sone Schir John, quo convoyd the said tuo gentlemen away, and vnt vithe them him fulue, for their more saftery.

(Jul. 31.)—Francis Hay Earl of Errol ves put in vard in the Caistell of Edinburgh, for Papitley.

(Oct. 18.)—The Earl of Angus vardit for Papitley.

(Nov. 7.)—Hes Maiestie did recusse againe the Laird of Nidrie in his favor, and reftorit him to his former dignity and effait.

1 It (was) givin out and publickly talked, that the Earle of Huntley was the only instrument of perpetratin this fact, to satsifie the Kings jetsyie of Murray; quhon the Queine, more rashlie then wylie, some few days before, had committit in the Kings heirdoe, with too many epithetty, of a proper and gallant man. —Balf. Annals, 1. 390.
2 Vpone the 7 day of Februarie 1592, the Earl of Huntly was slaine by the Earle of Hamilton, mistae cruelly, at Dunnybirstle; and with him the Sheriffs of Murray. —Marj. Annals, p. 56.
29 Jac. VI. CRIMINAL TRIALS.

(Nov. 17.)—The Lady of Bothuill was received into his Majesty's favor. [1592, Nov. 17.]

(Nov. 19.)—A proclamation, that no man receaveth the Earl of Bothuill; and signifyeth that all those that had received his Majesty's favor, quo he had bene with the Earl of Bothuill, should not come near his Majesty within 20 miles, under the paine of death.

(Nov. 23.)—A proclamation, that no man should receive the Countess of Bothuill, give her entertainement, or to have any commerce or society with her, in any case; quho had beene but for lately receaved in his Maiestie favor before, viz. one the 17 day of the same monathe. Behold the changes of Courte!

(Nov. 30.)—John Cachoure was beheaded at the Croffe of Edinburghe, for Murthering of his aken brother the Laird of Lusse.

(Dec. 2.)—Captain James Stewart came to the King, quho had been banished since the Coinc. (1604) at Strueteling before, which was aboute the 1 day of November 1585.

(Dec. 17.)—The Ministers ver content by the King for opin Treflone, in speiking agains his Maiestie; yet his goodnes pass it ever at that tyme.

(Dec. 21.)—Mr George Ker was brought to Edinburghe out of Calder, and putt in vard, for carrying of Letters out of the country from the Papists to the King of Spaine.

(Jan. 1. 1592-3.)—The Earl of Angus ver commandit to vard in his aken lodging, and straitly knapit till the monrrow, and then vse convayet to the Castell of Edinburgh, for sending Letters to Spaine to the Spanish King, whith Mr George Ker.

(Jan. 3.)—A proclamation to refus the Papists; and all men to stand to the Religione presently professit with this realme; in which his Maiestie hes beine brought vp into frome his youth: And sickenlyke, charging all suspected Papists to come and subcribe ane Band, that they fall not lye as Papists, but in Religione conforme to that presently professit.

(Feb. 8.)—The Earls of Huntley and Errole ver denounced rebels and putt to the horn, for not compairing to subscripe the Band concerning Religione.

(Feb. 14.)—Squier Alexander Stewart and Mr John Grahaume Ies be Squier James Sandilandis at the fit of Leith wynd.

(Feb. 15.)—The Earl of Angus brake ward out of the Castell of Edinburghe; quho hade beine in, fen the first of Januar befoir, for sending Letters to Spaine.

(Feb. 17.)—David Grahaume beheidit at the Croce, for opin Treflone, callit Lord of Fentres.

(Mar. 15.)—The King's Maiestie came hame fra the North, quhis hae haid beine sicke befoir, and haid causit cast downe the palace of Strabogie, and ane place callit the Sianis, ane place callit the Newtoun, and ane place for the tymie quhill belongit to Mr Walter Lyndesfein, callit the Brumhous, with ane hous of Sir John Ogilvie callit the Craigie. His Maiestie had with him 5 bands of men of weir out of Edinburghe, Capitaines George Todridge, James Ingles, James Williamson, and C. Dauisfon and Geddes.

(Mar. 20.)—A proclamation at the Croce, cherishing the Earls of Huntie, Angus, Errole, with divers Gentlemen and Irenmen of the Illis, to compeer to the Parliament for divers poynits of Treflone.

(May 19, 1593.)—Katherine Muirheid burnt for Witchcraft; and quho confess fundrie poynits thairof.

(Jun. 4.)—The Laird of Jonestoun brake ward out of the Castell of Edinburghe.

(Jun. 20.)—Mr George Ker brake ward out of the Castell.

(Jul. 21.)—The Parliament haldin; the Earl of Bothuill forfaught, and his armes renve by the Croce of Edinburghe be the Heraldis.

1 Mr. called hiselmes Earl of Arran. 2 Sel. Ann. 1, 392. 3 Turn and defaced.
[Jul. 24.]—At 8 hours in the morning, the Earle of Bodwell, the Laird of Spott, Mr. William Leslie and Mr. John Colville, came in to the King's chamber, well provydit with pittoll. This Earle with his complices come not this way, provydit with pittoll and drawin swordis, to harme the Kingis Majestie any wayis; but because he could not get preuence of his Majestie, nor speichis of him, for the Houses, quho wer courtisours with the King, and enemis to the said Earle Bodwell; fus thai cam in into his Majesties chamber, refuylaying thame selif nor to be heldin bak till thai could hae fokin with him: And fus, after thai come in, his Majestie was comming fra the bak stair and his breikis in his hand, in ane fair; bowbeit he neidit not. The fair said Earle Bodwell and his compless fell vpone thair kaisis, and beggit mercies at his Majestie; and his Majestie, being wyfu, mercifull, a noble Prince of grate pitie, not defyorps of bluid, grantis thame mercie, and refusit thame in his favour: And at 4 hours after none, causit proclame thame his frie ledgis. And vpone the 27 day, the fame Proclamationis of the Earle of Bodwellis peace was renuited at the Croce, with Heraldis and fex trumpettis sounding for jovet.

(Aug. 10.)—Are new alterationis oferit again.

(Sep. 20.)—The said EARLE BODWELL chairgit be ane Proclamationis at the croce, that he shoul not come within 10 myllis to the Kingis Majestie, under the pain of death.

(Oct. 11.)—The Kings Majestie ryding to one day of Law, the excommunic Lordis met him; quhom he refusit in his favoris, viz. Huntly, Errol, Angus, Schir James Chisholm, with fundris wtheris.

(Oct. 31.)—Are Conveticounis haldin at Leith, for the same purpos, concerning Angas, Huntlie and Errol, and their complessis.

(Nov. 2.)—Are Proclamationis, that na man trubil the said PAPISTIS LORDIS, but to refusit thame and intirne thame as his faithfull and trow subjunctis, as that will be saufershill to him.

(Nov. 7.)—Smytrounis bangit, for braking of ward, with Mr George Ker, out of the Caſfell of Edinburgh.

(Eodem die.)—Are Proclamationis that na man could repair to the teene of Edinburgh, without leine grantit be his Majestie; quhill Proclamationis greuit the teene, and specialis the Mnisorisia.

(Nov. 27.)—Are Proclamationis of the Act of Abolitionis in favoris of the PAPIST LORDIS.

(Dec. 7.)—The LORD MAXWELL slaine be the Laird of Jonestoun. ¹

(Dec. 11.)—The EARLE BODWELL put to the bonne; quhill day the said Earle Bodwell and NEIL OF SEAFURD met and faucht twa for twa.

(Dec. 27.)—The EARLE OF BODWELL, nor the LAIRD OF JONCASTON, no man could refuit thame, nor give them intertainment.

(Jan. 23, 1593-4.)—The Act of Abolitionis quhill was maid, null and to no effect.

(Feb. 19.)—PRINCE HENRIEZ was borne, at the pleasour of Almighitis God, quhill day befallen on Tuytiday.²

(Mar. 13.)—His MAJESTIE come to Mr Robert Brushe preiching, being Sundaie; quhilin Mr Ro- bert Brushe faid to hes Majestie, that God wuld steir up us (more) Bodwellis nor (eman) same, that wes enemies to him nor (than) Bodwell: if he renegit not and faught not Godis quarrell and battelis on the Papistis, before he faucht or remeng his swines particular.

¹ In the mouth of December 1593, Sir John Houstoun (mistake for Johnstone) of that ilk swaw John Lord Maxwell, quho bad betrayed the Laird of Houstoun (Johnstone) under frendshiis and alliance; and it was rumored, that he had purchased ane Commissions of the King to pas vpone the Laird of Houstoun (Johnstone) with fire and stord, altho that they war smour friens and bound vp in allianc and of bloodis; and in ane very great perilis, the Laird of Houstoun (Johnstone) swaw him in his aum just defence. — Marj. Annals, p. 51. — This yer swaw with the Lord Maxwellis slaughter by the Laird of Houstoun, the 6 of this mouth of December. — Balfr. Ann. I. 304.

² Vpown Tuesday at 5 hours in the morning, the 9 day of February 1593, Anna, daughter to the King of Denmark, and Queene of Scotland, was delivur of ane son to King James the Sum, in Struelles, the 4 yeir after her comin in Scotland, the 27 yeir of the said King James raing and 28 of his age. — Marj. Annals, p. 58.
(Apr. 3, 1594)—The King, being lodged in Robert Gourlay's lodging, he come to the same, and there, in presence of the bailie, he promised to reveng Godis cause, and to banishe all the Papistes and their requysits the bailie to gang with him againis Bodwell, quha was in Leith for the tyme. The same day, the Kingis Maiestie raiis and the tonne of Edinburgh in arrnes. The EARLE OF BOTHWELL quha was in Leith, heiring that his Maiestie was cumming demoe, with the tonne of Edinburgh, he reid with his wyne hunder horse, and come out of Leith and raid up to the Halkhill, befoye LEXFELRIK (Refalrig,) and ther fluid till be faw the King and the tonne of Edinburgh approching near him. He drew his companie away throw Duddingston. My Lord Home followit till the Wow...mit; at quhilk place the Earle Bodwell turnit, thinking to have a hot of Home; but Home fled and he followit; yet, he chance, little bluid. The Kingis Maiestie fand himself, and see the said chairst.

(Apr. 5.)—SYLYKE, the King raid out to hane tane Bothwell, but gat him not.

(Apr. 29.)—WILLIAM HIGIE hangis, for refusing the Earl of Bothwell.

(May 17.)—My LORD Home maid his repentance wnto the New Kirk, befor the Assemblie, vpone his knees.

(Jan. 8.)—The Parliament haldin; at quhilk tyme, the Earles of ANGUS, HUNTLIE, ERBOLE, MACKLE, MACKENWILL and AUCHINDOUNE wer all foorsaited.

(Aug. 30.)—The PRINCE baptized, and named HENRY FREDERICK, by the grace of God.¹

(Sep. 16.)—Ane Proclamatione that nane men refray nor intertene the EARLE BOWDELL.

(Sep. 17.)—ALAKAN ORMES² hangit for interteng of the Earle of Bodwell.

(Sep. 24.)—JOHNE GIBSON hangit, and James Cochran hangit, for interteng of the Earle of Bodwell.

(Oct. 3.)—The Battell of GLENLIUKLE fouchein betwixt the Earl of Argyll, Generall for the King, against the EARLIS of HUNTLIE and ATHOLL and their assaites. The schiiffis, of not, that was sinnen on Huntlie and Atholl syid, wer, the Laird of Gight, Afflinlie, Mr William Gordon, the Guideman of Dorth (Dort) and his fone. This Dorth was brother to Abergeildie. The brethren of Tillichoudey, and the young Laird of Drumelgie.

(Oct. 15.)—The CAPITANE of BLACKNES wes hangit, for refasing and interteng of the Earle Bodwell.

(Dec. 4.)—Ane Proclamatione, chairging all men not to hae to do with the Earle Bodwell.

(Edinb. die.)—CAPITANE RALLIE hangit for counterfetting the Grait Seall against the merchandises.

(Jan. 13, 1594-5.)—GEORGE MWR hangit, for slaring of twa Ministers, viz. Mr David Blyath and ane Aikman.

(Jan. 19.)—The young EARLE of MONTROIS faucht ane combat with SCHIR JAMES SANDLANDIS at the Salt Trone of Edinburgh, thinking to have reveng the Slaughters of his cuines Mr Johnie Graham, quha wes theire flaine with ane fichot of ane pitroll, and four of his men flane with swordsis, viz. Johnie Craufurd, Johnie Graham, George Dunais and Alexander Boner.

¹ Marjoribanks dates this affair the 21 of March, and says, 'The King, all this tyme of the chace, was standing vpon the Borrow-mure of Edinburgh.'-Annals, p. 86. ² This ceremony took place at Slighting, within the Chapel Royal. David Cunningham, Bishop of Aberccinny, officiated. For a particular account of this splendid ceremonial, see A True Reportarie of the most triumphant and royal accomplishment of the Bapitisme of the most excellent, right high and mightie Prince, Frederik Henry, by the grace of God, Prince of Scotland. From the verfaile, the 30th of August 1594. Printed by R. Weir-grace Printer to the K. Maiesties. Cum Privilegio Regali.' Quarto, Black Letter, pp. 36. This remarkable Edition was purchased, by James Maidement, Esquire, at the sale of the Library of the late Archibald Constable, Esquire, who considered it Unique. One other copy, however, is known to have been in the Royal Library at Copenhagen. Several Reprints were published early in the next century. See also Birch's Life of Henry Prince of Wales, &c. ³ Brother to the Laird of Magdum, (Mugdum.)—Balf. Ann. 1 395. ⁴ At this tyme, their was gare appearene of troubells in Scotland, through the forsafted Earlis of Huntly and Errole; quha was with them comped gredit ane grase power of men among the Earlis of Argyle, being the King's leuant, and faught ane grase Battel in the North, near Strachobeg, at ane past called the Lederfute; which battel was called by some the field of Glenlou, and by others the battle of Beltrines, &c. 'Marj. Annals, p. 86. See also, in Dalyell's Poems of the Sixteenth Century, 'The Battell of Beltrines.' And My Adv. Library, W. 3, 10. ⁵ The chief persons of note.
[1595-6, Feb. 14.]—Anx of the Keipers of the Wardes, in the Caftell of Edinburgh, was hangit, for lattig the Earel of Angus out of ward.

(Feb. 18.)—Hercollis Stewart hangit, and ane John Syme, for bearing companie and intertaining his awin brother, and the Earel of Bodwell.

(Feb. 23.)—The Earl of Bodwell excommunicat.

Mar. 10.)—Anx horrible tempest of flaw, quhiche lay vpone the grund till the 14 of Apreyll thaireftter.

(Mej. 26, 1595.)—John Gilchrist, Henderstone and Hutoun, all thrie hangit, for making of fals writis and prefing to warisse (verify) the fame.

(Jan. 11.)—Anx callit Cuming the Munck, hangit, for making of fals writis.

(Jul. 19.)—James Laird of Emporxe and his servand beitid, as partakeris of the Mur- dur of the Earle of Muray and Patrik Dumbar, in Daniburfall in Fyff; quh'a wer slaine the 7 of Februar 1591.

(Aug. 14.)—Cristiane Johnston, ane widdow in Edinburgh, raveft be Patrick Aikenhead. The toune was put in ane grait fray be the ringing of the commone bell. The said Cristiane was followit and brocht back fra him; fta that the said Patrik got no advantage of hir.

(Sep. 15.)—John Macmorrance, flene be the schot of ane pistoll out of the Scholl; this John Macmorrance, being Baillie for the tyme. The bairnis of the said Graner-fcooll came to the Toune Counsell, conforme to theire yeirdie custome, to seeke the priviledge; quh'a was refusit: Upon the quhilk, ther was ane number of scollaris, being gentlemenis bairnis, made ane mutinie, and coome in the night and tuik the scooll, and proveydit ambe feilds with meit, drink, and bagbutis, pistollis and sword: They ramforcit the dores of the said scooll, fwa that the refusit to lat in their Maistir nor an wther man, without they wer grantit their priviledge, conforme to their wontit vife. The Prouoct and Bailies and Counsell bairing tell of the fame, thai ordanit John Mackmorran balsie to goe to the Granour-fcooll, and tak sum ordour thairwith. The said John, with certane officeris, went to the Hie scooll, and requerit the scollaris to oppin the doiris: They refusit. The said Bailieis and officialis tuik ane geft (jowte or beam) and ran at the bak doore with the geft. Ane scollar bad him desite frome dingit vp the doir, wtherways, he wowit to God, he shou sleut ane pair of bulletis throw his heid. The said Bailieis, thiking he durft not schuit, he and his afferitari ran still with the geft at the said doir. Their came ane coiller callit William Sinkler, fone to William Sinkler chanfer of Catnes, and wit ane pistoll schot out at ane window, and schott the said Bailieis throw the heid, fua that he diet prestente. The haill toune men rane to the scooll, and tuik the said bairnis, and pat thame in the Tolbuithie; Bot the haill bairnis wer lattin fria, without ane hurte done to thame for the fame, within ane fchort tymes thairefter.

(Sept. 1.)—The Ladie Bodwell refusit in favour with the King, in Glasgow.

(Oct. 20.)—Gilbert Lawder laime, in Linlithgow, be the Craufounia.

(Nov. 22.)—Four Heraldis sittig drinking, twa of thame fell in words, viz. John Purdie and John Glaidstanis, the said John Glaidstanis flikit John Purdie at the table: And the said Glaid- stanis being apprehendit, he wes beheddit vpone the 25 day of the fame moneth of November, for the fame flauchter.

(Dec. 3.)—The Ladie Bodwell banishit yit anes agane. Bot within six dayis thairafter, the said Ladie purchit ane Letter of paie, subcrevuit be his awin Maiesties hand.1

(Jan. 5, 1595-6.)—Anx Proclamatione, declaring perpetuall Peace betwixt Scotland and Ingland;

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1 Amongst the costances of the Countes this yeir, one was remarkable; that at Glasgow, in September, the King receold the Countes of Bodwell to his favor the 22d day at night; and the 3d of December, againe pretendit and exyled her, under the paine of death; yet gave her a Letter of Protection, under his awn hand, within six dayes thairefter.
and that none of the Borderers in aid one another, under the paine of death. Sic lyk, as at this fame tyme, the generall mutteris proclaimed to be halidn the 2 of Febrar next.
(Mar. 2.)—. . . . . . . . CAMPBELL OF ARKINLES was for the Slauchter of Campbell Laird of Cadder: And one the 4 day, he thottit ane Affylye; and contenedit day till day, till the 8 of Apryll, he was convyted to the Blakness till ward; and at lengthe he was maist frie.
(Apr. 6, 1596.)—THREE men hangit, viz. PATRICK DOUGLAS, PATRICK BYDE and ane . . . . SYME. This Douglas was a thief or murderer and brunt; and haid contenid long wnfuleckit to, be ony man.
(Eodem die.)—THE LAIRD OF BUCKLEUCH past to the Castell of Carloll with 70 (men) and tuik out WILL KYMNOTHE out of the sait Castell; the sait Will lyand in ironis, within the iron yet. This he did with schowting and crying and sound of trumpet; putand the sait toune and contrie in sik ane fray, that the lyk of sik ane wafhounde wes niver done since the memorie of man, no in Wallow dayis!
(Apr. 14.)—MR WILLIAM SCHAW wes strukin throche the bodie with ane raper, be FRANCES MOWERA, fone to the Laird of Barnbouyall.
(May 31.)—ANe Proclamatione, chairgoinge all men betwix 60 and 18 to be in radines, betuix that and the first day of August, to pas with the King to the Iylis.

Trial of the Earls of Huntleie and Errol ordered.
Mai 24, 1596.—(Apud Haliruidhous.)—The Kingis Maiestie, hauing ostynes tane grite paneis and travelliis for quistong of the troublis estate of the North Countrey, kytheit be the effectis that followit ypon the perfonis and livingsis o the principal authouiris of the said trouble; befydis the expelling of thame selfis forth of the chief partis and placis qhouair they maist their commoun resilence: In end, it wes thocht merit be his Maiestie, his Counthal, noblemen and baronis of the countrey, and thairis residant with his hienes for the tyme, that befor his Maiestis returning furth of the saime countrey, his hienes kould coninitte and appont ane Lieutenant, to mak his resilence and remaing thairin in his Maiestis abisence, for obtristis and withstanding of all forder practises, giff ony fould praie tobe attempit; and reduceng and conteneng of the inhabitantis thairof, vndir his Maiestis obedientis: And ati takandie Noblemen, then presten with his Maiestie, wer bairdie to accept that charge ypon thame, lit few or none could be movit thairunto; sum excusing thame selfis be their inhabilitie, and thairis for want of present preparation; so that delay of tyme in this caise being then thocht tobe verie dangerous, his Maiestie wes movit at lait, of verie necessitie, to bairdy his darkst confing LUDWICK DUKE OF LENNOX Erll Darnelie Lord Torbolten Methune and Anbignis, with the said charge, efir the same wes refusit tobe acceptit be all perfonis then prsyst with his hienes: Lyke as his Maiestie wes forceit to fuirseis him with a counfail of certane noblemen, befysic forceis of bairdmen and furmen, for the bestir executioun of that charge; qhouair be continewit almaist during all the tyme of that winter frozoun: And because it wes then thocht tobe verie troublesome and falous, and almaist vaposible that he fould remane still in thay partis, furseis with the fluidis forceis, Companion the money apponit for that erand with thame diffcultie (could) be had: In end, he wes movit, of verie necessitie, be his Maiestis allowance, to onerly the paffing furth of this realme to the partis beyond the Se of George sumtime Erll of Huntleie, and Frances sumtime Erll of Errole, chief authouris of the said trouble, ypon Bandis alwayes gavin that they fould not returne agane within this realme, without his hienes speial Licencis; and that during the tyme of their abisence, they fould not traffique to the prejudice of the true Religion, prefentlie proseffit within this realme, his hienes perfonne, crowne and estate; vndir certane pecuniail paneis, mentionast in the fluidis Bandis mai thairupon: And in respect
thairof, to promese lykways, be his hienes allowance, that the pointis forfaisidis of the said Band being obserued and kepid, their wyfis in that caisse coude have intromission with their rentis and living, duriung the tyme of their abodes; quhilk promese, his Maiestie, his nobilitie, counsale and efectis preventlie contenit, findis, that his hienes can nayways volat, without spott and dirogation of his princelie honnor: AND thairfor hes Suspends, and be the tennour heirof Suspendis all foder execution to be vis agains the saidis samtyme Erellis, tucheing the Intromission with their rentis and living, quhilk eftir truyle it falle fundin and declarit, that they haue traffique to the prejudice of the said trew Religions, as his Maiestie is informit; quhilk truyle his hienes fall tak and caise be tane, betruix and the feit of Lambmes nixtoccum; quhairvuto findrie of the Ministeris, being now perfanble present, promitit to hald band: And incalys, eftir truyle, it falle onyways foundin, that they haue had traffique, to the prejudice of the said trew Religions, and consequentlie agains his Maiestie, his perfone, crowne and Estate, or thirways to hause contranent ony parte of the said Band, agains the tennour of the famyn; then and in that caisse, no onlie fall his hienes caise intromission to be baid with their rentis and living, and the famyn baillie brough to his hienes vfe; bot lykways, thair cautonnaire falsie callit and perlewit for contravenent of the saidis Bandis, and the panes contenit thairintill vp-takin of thame, with all rigour and extremiteis, in example of vtheris.

(Dec. 16, 1597.)—An Act of Parliament was passed, Reducing the Forfeitures of the Earls of Huntlie, Angus and Errol, and of vno* Sir Patrick Gordoun of Auchindoun kni', for not entering in ward and obeying the charge of Treason, Mar. 8, 1593: And also Reducing the Doom of Forfeiture, pronounced Jun. 8, 1594: It likewise Restored them to their lands, honours, dignities, offices and eftates, &c. Acta Parl. 1597, fol. 123, &c.

(Dec. 16.)—Another Act was passed, abolishing all actions and accusations, payne, penaltie and punishment following thairrpow, competent to his hienes agains the saidis perfonis, or ony of their complices or affittaris, for ony fact or deid committit be thame or ony of thame, their complices and affittaris forfaisidis, fen the first day of Maj 1592 3eiris.—(Jun. 30, 1598.) The Earl of Angus got a ' Commiffion ' from Parliament, appointing him his hienes Lieutenant and Justice within the boundis of the Eitl, Middill and Weft Marches of this realme, for all Englan, and all the scherese'domes of the famyn; togedder with the scherese'domes of Pebis, Selkirk, Eift Lowthiane, Niddifdaill, Gallaway, Kyle, and Ouer Ward of Cliddifdaill, alsweill to burgh as to landwart, rogalite as ryllie, (the inhabitantis of the burrowis of Air and Irving onlie except); and that during his hienes will allanerlie: And siclyke, Wardane and Justice within the boundis of the said Weft Marche and scherese'domes and burrowis appertaining thairto, for the space of ane yair nixtoccum.—(Jul. 31, 1598.) The Earl of Angus accepted this Office, and promitit faithful discharge of his duties, &c.]

Sir Walter Scott of Branxholme's relieving Kinmont Will out of the Castle of Carlisle, &c.¹

ACT anent the LAIRD of BUCKLEUCH, &c.

May 25.—(Apud Haibruidhous.)—Anent the demand maid in name and for the Kingis Maiestis darrefst Suffer the Quene of England, be Robert Bowis hir ambassadour, heir resident, for redres tobe gevin to hir of the allegeit outrageous fact done be Schir Walter Scott of Branxholme knicht and his complices, at the Caffell of Carlile, proportand: That ssforameke as the said Schir Walter, knawne to be a public officer, with his saidis complices, vpon the xiiij

¹ See Acta Parl. 1596, fol. 99.
day of Aprile last past, in weirlyke maner and hostilitie invadit hir Majestie's
realme of England, affaylzeit violentlie hir Caftell of Carlile and subjectis, and
committit vtheris haynous offenfis contrair to the league and amitie betuix the
tua realms; gevand thairby ane just and manifest occasioun of violatioun of the
fame: Thairfore requiring the said Schir Walter tobe baith deulie fylit for his
fact, and deluyerit to his said darreft fuiter, to sufter the panes tobe execute vpoun
him for the famin; as the said demand at mair lenth proportis.

The said Schir Walter, being lauchfullie warnit, and compairand perfonalie
befoir his Maiestie, his nobilitie, counfale and eftatis pretentlie conuenit, and
the said fact being havelie layed to his charge be the Kingis Majestie—ffor jufti-
tifeing of his awne parte, denyt that euir he had ony intentioun to invade the
realm of England, or to affaylze ony of his said darreft fuiteris houffis: Lyke
as, na deidis of hostilitie, fíc as flauchter, depredatioun of guidis, fyre rasing, or
taking of prifonaris, nor yit the actuall taking, or his intentioun to tak the said
Caftell, is relevantlie qualifieit aganis him in the said demand; bot that he alla-
erlie fimpillie recouerit William Armeitrang of Kynmonth, ane subiect of Scot-
land, furth of that parte of the Caftell of Carlile, quhair maift injustifie he wes
detnit for the tyme; as maift wrangullie he had bene tane ofbefoir, within the
realm of Scotland, be Thomas deputie to the Lord Scrope Wardane of
England, accampanyed with a force of fáx hundreth armeit men, within the
tyme of ane general affuirance, takin at a day of trew; to the quhilch the said Wil-
liame had repairit, at the speciall command of the said Schir Walter, in quhais
name, as Keipar of Liddifdale, the said day of trew wes keipit: Be the quhilch
breking of the affuirance, the said Schir Walter refflait ane oppin and manifest
injurie, to the difonnour of his Majestie his souerane, and of the realm of Scot-
land: Qwhilk difhonour and wrang can not justlie be excusit, be pretens of
the said Williames stopping of the following of ane lauchfull tred, feing the said
forme of following wes nawayes lauchfull; and albeit it had bene lauchfull, yit
the stopparis thairof could not lauchfullie haue bene takin be the said Ingliife
deputie, at his awne hand, within the realm of Scotland: Qwhairby it is evi-
dent, that the onlie wrang quhilch wes in all this mater, wes committit be the
said Lord Scrope and his deputie, be invading the realm of Scotland in weirlyke
maner, and taking of prifonaris within the fame, in tyme of peace, and vndir af-
fiurance of a day of trew, as fáid is: In quhilch the said Wardane continewit, be
his wrangous detening of the said prifonair and refufal of redres, eftir lauchfull
requiiritoun maid to him for that effect, be Lettres sent to him be the said Schir
Walter, and als be the said Ambaffadour at his Majestie requeitit, eftir that the
said Schir Walter, vpoun the said Wardane of England his denyale of justice,
had maid baith fute to the said Ambaffadour and als his humble complaint to
his Majestie: Quhilk wrang and denyale of justice, movit the saeid Schir Walter to attempt the simpie recoverie of the saied prifonair, in fic moderat ane fasshoun as wes possible to him; being onlie accompanied with fourescoir horfemen, and vndir silence of nicht, without ony vther deid of hoftilitie done be him for the tym; quhilk simpie recoverie of the saeid prifoner, mon necessarie be eftemit laschfull, giff the taking and detening of him wes vnsuchfull, as without all queftioun it wes, and mon be swa eftemit be all reffounable and indifferent perfonis.—For the quhilkis reffonis, the saied Ambassadouris demand to fyle and de- lyuer the saied Schir Walter, to suffir panes for the saied fact, is altogiddar vnsuch- full, and wald tend gritlie to the dishonour of his Majestie and his hail realme.

Quhilkis reffonis being at length hard and confiderit be his Majestie, his no- bilitie and efteatis fairfaydis, it wes thocht maist meit and conuenient be thame; that conforme to the ancient treaties of peace and cuftum obseruir betuix the realmes, this mater of mutuall allegiancies of notour injureis done betuix the of- ficiaris of the twa realmes aucht and sould be intreatit be Commisionaris; quhilk his Majestie is maist willing and promittis for his hienes parte, with all possible diligence, to fend to meit vpoun the bordour, for tryle of the faidis allegit wrangis, and making of redres for all extraordinair wrangis quhilkis faibes tryit tobe done be his Majestis subiectis, at sic tym and place as faibes condistendit vpoun: The saied Ambassadour being reddy to caus the lyke be done for the parte of England: Vnto the quhilk Commisionaris his Majestie fall giff expres command to caus mak full satisfactioun and redres, conforme to the ancient treaties of peace; to the effect, that now, in sa necessar ane tym, quhen the hail Ille is minaftit be the commoun inemey, thair be na just occasioun, for his Majestis parte, of breking of the happie amitie quhilk fadang hes continewit be- tuix the tua realmes.

[Mr Robert Leirmond and Mr Johnne Campbell, Justice-Deputys.]

Reaswing and Intercommuning with Bothwell after his forfeiture.

May 29. 1596.—Dame Agnes Sinclair Countes (Dowager) of Errole. 1

Dilatit of the tresonabill Traffiqueing and Reffauing fra frances fumtyyme Erle Bothwell, sen his fforfaltour; and speciallie, sen his passinge furth of the realme.

Comperit M' Thomas Hammiltoun of Drumcarne and William Heart of Li-
vielandis, aducattis to our fouerane lord, and produceit ane Warrand of his

1 She was daughter of George, fourth Earl of Caithness, and second wife of Andrew, seventh Earl of Errol.
. Malesteis, to the Justice to proceed, and the Aducattis to infrist in hir perfute; desying to be registrat, quhariof the tennour followis.

Warrant to pursus and to admissif Justice.

Rex.

Justice, Justice Clerk and your Deputis, and Advocate; We grete 30w wele. Forfamekill as We hait appoisonit pis day, for pee perfute and tryell of Dame Agnes Sinclair Countes of Errole, of certane crymes of Tresfon, quhariof fishe is dilatit and suspect: It is our willpairfoir, and We com-
mand 30w our said Justice, Justice Clerk and your debutis; to proced and minifter justife vpoun hir, conforme to pe Lawes of our realme: And pis 30 our Aducate infrist in pe perfute of hir: As 30 will anfuer to we pairvpoun: Quhairanent pis prefentis falbe to 30w a warrand. Subscriwseit with our hand, At Halyrudehouse, pe xxix day of May, 1596.

(James subscrabbit)

Comperit the famin day M'th Johnne Scharp and Johnne Nichollioun, adu-
ocattis and proloquitoris for the said Dame Agnes, and produceit ane Warrand, deliuerit be the Lordis of teffoun, chargeing thame to compeir in hir defence: quhilk charge was vfit be James Chamer Mafer; and defyr the fame to be re-
giftrate, quhariof the tennour followis.

Supplification and Warrant for Advocates to defend the Countes of Errol.

My Lordis of Counsfal, vsto your ll. haimlie mens and schawis, We 30ur seruitouris, Dame Ag-
nes Sinclair Countes of Errole and Alexander Gordon of Strawarin' my fpous, for his interes. That quhair, we are to be acquitt pis day, before pee Justice and his debutis, for Alleget Intercommoning with Frances humtyms Eris of Boithwell, or for sum vhir forgeit crymes, quhariof as pee Lord knawis We ar maift innocent: And albeit for pee better defence of our innocencie pairant, and for propon-
ing of our lawfull defences, it be neidfull to ws to hait certane Aducattis to procure pairintill, We being to be acquitt on our lyves; and pis pee hailing of proloquitoris in sic materis is permisfibil and acquittanit of pee Law and daylie practice; nochtpeis, pair will nane of pee Aducattis procure for ws in pee said materis, without your ll. command. Heirfore we beque 30ur ll. pis we may hait command to M'th John Scharp, John Ruffell and John Nichollioun aducattis, to compeir before pee Justice and his debutis, and procure for ws in pee said materis, vpoun our reffonabil expenses. According to Jus-
tice and your ll. anfuer, we befeik.

APUD ED: xxix Maij 1596. Fist ut petitur.

(Sic subscrbatim)


Persewars, Mr Thomas Hammilloun of Druncarne, Mr William Heart of Livelandis.

Proloquitoris in defence, Mr Johnne Scharp, Mr Johnne Nichollioun, Mr Johnne Ruffell.

The said Dame Agnes requires of the Juge that fishe may hait hir husband to affift in hir defence.

The Jutice finden hir suufficientlie authorisfit with proloquitoris:—Alleget, that hir hubband being in this toune, shoul be heir to affift.

First, It is alleget for the said Dame Agnes, that the Dittay, anent the alle-
geit crymes contentit theairrin, is generale, nocht condiscendand vpoun the moneth of the committing of the alleget crymes, preceillie; bot refolwaand alternative in

1 Strathowne, or Strathdon, the son of Alexander, third Earl of Huntly, and ancestor of the Gor-
dons of Cluny.
ane of the xij monethes: quhowbeit he fuld preceislie lybel the monethe, if the law, per legem Libellorum Diges. de Accusationibus.—Secundlie, Allegit the Dittay to be alutterlie¹ irrelevant, insofar as the fainis is confault vpoun the refseit of onye Letteris fra the Lady Boithwell, being in the tyme lybellit in our bowerane lordis failgard and protectioun: And quhair it was menit² that the tengour of the lettres was to support Frances fumtyme Erle Bothwell, (nocht granting the verite thairof), the defyre of support be onye of Boithwellis freindis can newir infer a treffloun aganis thame fra quhome the support is akit, except it had bene qualefeit that the faid support was granit; for albeit the defyre to support ane trattour may be trefflounabil, yit the refuse of the support can nawyfe be criminall. Thridlie, As to the last point, twitching the allegit refseit of Letteres fra the Maifter of Cathanes,³ (nocht grantand as said is,) repetis the former anfwer, with this additioun, that the Maifter of Cathanes standis the Kingis subiect, newir being forfait. Ferdlie, As to that point, twitching of ane Obligatioun inclofit within the Ladye Boithwellis Lettre, the famen is verrie ir-relevant, nor inferris na cryme, except thair had bene fowmes deluyerit, for it may stant, that the Ladye Boithwellis Lettre being refusit, the fainis with the Obligatioun mycht be revin, as it was trew indeid. As to the qualificatioun of the concelijg, quhair thair is na cryme thair is na concelijg, for the concelijg man be of a cryme.

The Aduocate anuersis to the first allegance, anent the generalitie of the tyme, that it aucht be repellit; becaus the Dittay will stant relevanit in onye day of the haill yeir, the Erle Boithwell standand forfait all that yeir; and it being Treffloun to traffique for him, and to concel the fainis: Anfuerand to the second allegance, sayis that it is nocht fet doune nakitielie in Dittay, that the Letteris was refseit fra the Lady Boithwell, as the cryme quhairvpoun the pannell is accusit; bot, that the Lettre contenit trefflounabil traffiquing and procuring of money for my Lord Boithwell, than standand forfault. The refseiting and concelijg thairof was lykwyfle Treffloun, in the perfoun of the refseitair and concelar; becaus it is manifest of the law, that the knawledge and concelijg of Treffloun is Treffloun. Quhair it is affermit be the pannell, that the Letter and Obligatioun refseit wes revin and brunt, the perfewar acceptis the fainis in quantum; and yit the fainis purcheiss nawysis the knawledge and concelijg; becaus it wes nochtt anewch, in caife it had bene trew that the defender had revin and diffiyt the faidis Lettre and Obligatioun, (the contrari quhairof is maist trew ;)

¹ Altogether, entirely. ² Complained. ³ John Master of Caithness, her brother, (who died in 1577,) married Dame Jean Hepburn, only daughter of Patrick third Earl of Bothwell, who was Francis Earl of Bothwell’s mother. The person here alluded to might be John Master of Berriedale, son of William Lord Berriedale, and grandson of George fifth Earl of Caithness.
bot it behowit hir, of hir dewtie and alledgeance, to haif revellit the treffonabill directing thairof, and to haif manifestit hir awin innocencie, be refulfal and reveling, and be deteining of the meffingir quha wes in hir hous and power, scha haifing sic knowledge of his treffonabill travelling and traffiking in that mater; quhilk the Aduocat repetis, as ane anfuer to the haill alledgeance.

The Defender repetis hir former anfuer, and eikis thairto, that thair can nocht be ane conceling in Treffoun, quhail thair is nocht tractatus in Treffoun; tractus est duorum vel plurium in eodem consensu. Thair is na content heir qualefeit, that ony support wes grantit, 3e (yea) be the contrar, it wes refusit; and the propofitioun de fiendo subsidio and the refufing thairof nocht facit tractatum, itaque, thair is nather cryme nor conceling. The aduocat acceptis the alledgeance in quantum, and anfueris, that the famin elydis nocht the Dittay, quhilk is nocht onyl foundit super tractatu, sed super silentio et celatione; and the Doctouris and specialtie Angelus affirmis, that the knowledge of ony kynd of Treffoun and conceling thairof, be him quha may preif it, is Treffoun: And trew it is, that my Lady Bothwellis wryting for money and supplie to my Lord Bothwell hir husband, being the Kingis rebell, is Treffoun; quhilk being knowin to the defender, and habill to haif bene verefeit be the Lettres refliuit be hir fra my Lady Bothwell to that effect, hir conceling thairof is expres Treffoun: Lyke as, the lyke cryme wes fand Treffoun, in the pairt of David Home of Argattie, in anno 15841 or thairby; quha, for reding and conceling of ane Letter direct fra his brother-sone,2 being thame forfeit in Ingland, to ane of his awin tennentis, for support fra him of money and vtheris his privat effairs, wes thairypoune put to ane Affylfe, convict thairof and thairfore execute: And M' Nicoll Dalgleich,3 being accuit for reding of commendatiounis, writtin in ane Letter, fend be M' Walter McCanquall to the said M' Nicoll, in ane Letter writtin to the said M' Walteris wyife; the Dittay, foundit vpoun the said cryme, wes fund relevant; he wes put to the knowledge of ane Affylfe, and he wes convict thairof. And this cryme specefeit aghanis this preffent pannell, being mair odious of the feilf and relevant of the law nor the said vthir crymes aboue mentionat, the famin aucht to be fund relevant, nochtwithstanding the haill alledgeance maid in the contrair.

The Defender anfueris to the pretendit practikis, that thair is nane of thame produceit: and protestit, that before ony of thame be red be the judge or the King and Counfall, that thay may haif inspectioun of thame, that siche may anfuer thairto: And in caife ony sic thing wer as is alledgeit, it is nocht pertinent in this caife, specialtie M' David Home of Argattie, quha is allegeit to haif red

1 See Dec. 8, 1584.  Patrick Home,  servitor to the Earl of Mar.  Minister of St Cuthbert's, near Edinburgh.  See Dec. 8, 1584.
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A Letter, writtin be ane declarit Tratour: As to Mr Nicoll Dalgleish, he was newir convict. And forder, the Act of Parliament, maid att Lynlythqw in four scoir and fyve zeir (1585) retretis,¹ and for maist vergent cauffis hes retretit all fice proccessis, and hes ordnait the memorie thairof to be bureit for ewir, that thay fould nocht be hard in judgement thairefuir.—Anfuerit the Aduocat, that the Act of Parliament, maid att Lynlythqw, contenis resititutiones gratie et non juris; and albeit it haif redintegrat² the perfonis forfaltit being on lyff, and the postere of thame being deceifit, to thair fame, honour and leivingis, yit it alt cerit noch decisiones juris, foundit vpoun the Commoun Law and noch vpoun particular Actis maid aganis the perfonis forfaltit.

The defender repetis the former anfuer, with the Act of Parliament and cauffis thairin contenit; qhilk Act of Parliament rescrindis the haill proccessis, per expressum, as gif thair had bene speciell decreitis gewin vpoune ilkane of thame.

The Justice continewis to Monunday the laft of Maji.

(Maji 31.)—The Justice continewis Interloquitour, in the allegances proponit betuix the Lady Erroll and the Kingis Advocattis, to the secund of Junij nixtocom. [No farther entries occur in the Record.]

Slaughtering, selling, and eating of Flesh in time of Lent.

May 31.—William Barrie, flecheour in Dunde, and thirteen others ' flecheouris' of Dundee and Perth.

Dilatit of contravening of the Actis of Parliament, in slaing and etting of flech in Lentrone laftwas.

Only one of the pannell 'fylit and convict;' another continued to the aire of Perth; and the others found to be 'cleane and acquit.'

Eating Flesh in time of Lent.

May 31.—[David] Erl of Crawfurd.

Mr John Halyday produceit the Kingis Licence, subfcriuit be his Maiestie, granting the Erl of Crawfurd licence to etit fleche, and Thomas Stewart to mak reddie flech, (in time of Lent).

The Aduocat allegis the Licence is null, in respect it is paft but⁴ compositioun, and nocht conforme to the Act of Parliament.—The pannell allegis, that na proce foold be led in this Judgement, becaus befor the criminal perfuit, ane precognitione ciuilie aucht (to have taken place), and it importit ane pecuniall pane alienarie.—The Aduocat anfueris, that the alledgeance aucht to be repellit,

¹ Lat. Retractare. ² Lat. Redintegrare. ⁴ Without.
in respect of the Act of Parliament, ordaining that the Thesaurar fall accuse thame, and being convict, their eschetics and vnlawis falbe tane vp.

[Mr Robert Leirmond, Justice-Depute.]

**Child-Murder.**

Jun. 1.—ISSOBELL PRATT, feruand to Cristopher Lyndesay in the Grange.

Dilatit of the crewall Murthour and slaughter of ane infant bairne, procreat betuix hir and John Abirriculume wyrcyt, eftir the bairne wes quick borne; committit in the Grange the feuinteen of Maj laftwas.

**VERDICT.** The Asyffe, in ane voce, stylys the saud Issobell Pratt of the murderiffing of hir awin bairne, be strangling of the bairne, ane man chyld, be nipping of the bairnis chraig.¹

**SENTENCE.** ‘Fylit and Convict. Suspen.’

**Shooting with Baggs and Pistolets—Hurtig and wounding.**

Jun. 1.—JAMES CREYCHTOUN of Ruthvennis, Davud Home his feruand, Stephin Curroir of Logiemegle, Johnne Cuming in Glafwall and Abimilech Crech, burges of Edinburghe.

Dilatit of contravening of the Actis of Parliament, in bering and wering of (and schuting with dagis and) pistolettis; and hurting and wounding of John Ker, feruitor to Davud Wod of Craig, in the body and rycht hand, George Ker in the head, and James Ker in the left hand; and mutilatioun of the saud James of twa fingaris of his left hand.

Comperit James Reid, Constatbill of the Caftell, and produceit ane Testimoniall subcryruit be Davud Ramsay, Miniftrr at Elyth and Ruthvennis, testifiting Cristopher Creychtoun in Megle and Alexander Creychtoun to be lyand deidlie hurt: And als, producecit the Kingis Precept, ordaining the Justice to continew the mater, vpoun fyftene days warining, vpoun the said Cristopher and Alexander Creychtoun, in respect thay ar lyand deidlie woundit.—The Justice admittis the Kingis Warrant, the Thesaurar being present and confenting thairto.

—Continued to the Aire of ‘ Forfare, tertio Itineris, (vel super premonitore) xv dierum.’

**Shooting with Pistolets—Hurtig and wounding.**

Jun. 2.—DAVID WOD of Craig, Mr James Wod, brother to the Laird of Craig, Robert Wod, brother to Thomas Wod in the Grange, and John Ker, feruitor to the Laird of Craig.

¹ Squeezing or pinching of the child’s throat or windpipe, craig.—The same mode of suffocation which was recently practised by the infamous Burke and his gang, in the West Port of Edinburgh.
Dilatit of the hurting and wounded of Cristell (Christopher) Creychtoun, feruitour to James Creychtoun, of Ruthvennis, be the schott of ane pitolet in the bodie and arme, to the effusloun of his blude in giet quantite; and thairby, for contravening of the Actis of Parliament, in bering, wering and schuiting with pitoletis; committit in March laftbyspast.

It was allegeit be Mr Johnne Scharp, aduocatt, that Daud Wod of Craig can nocht be vnlawit for the entrie of Daud Wod, fone to the Laird of Boningtoun, and George Ker, becaus Johnne Ducie, Minifter of Monroife, teftifie to Walter Commendater of Blantyre (Treaurer), that thay wer vnliable; quhilk was confeft be the Thesaurar.—Continued to the Aire of Forfar, tertio Itineris, xv dierum.

[Mr James Fowlis, Justice-Depute.]

Murder—Theft.

Jun. 7.—Johnne Pennycuik in Dykenuke.

Dilatit of airt and part of the crewall Murthour and Slauchter of vmq Johnne Cowane; and of Hurting of Alexander Young in Cowter, and chaffing of Cuthbert M'Clen at the West Port of Edinburgh; and for airt and part of the thifteous steling of thre naigis fra thame; committit the xxiiij day of May laftbyspast, &c.

Persawaris, Robert Lord Sanquhar, Johnn Dryburcht in Ravinsbanch, William Dryburcht thair; John Wanchop, bailli in Nudrie, Johnn Creychtoun of Bruntoun, Robert Miller in Stanyhill, Sir Archibald Naper of Edinbelle, kay; Mr William Hare, aduocat.

Verdict. The pannel is 'flylit' of eight feperate acts of Theft, &c. and 'for Commoun thift, commounge Refsett of thift, inputting and outputting of thift, bayth auld and new.'

Sentence. To be tane to the Gallows of the Borrow-muir, and thair to be hangit quhill he be deid; and his heid and rycht hand to be ftrikin off, and put and hung vpoune the West-port; and all his movabill guidis to be efscheit and inbrocht to our fouerane lordis yf, &c.

[Mr Jacobus Fowlis Justiciarius, per Commissionem s. d. n. Regis constitut.]

Slaughter.

Jun. 8.—Thomas Gardyn, fumtyme in Bandoch, now in Legatftoun.

Comperit James Guthrie of Gagye, and produceit our fouerane lordis lettres deulie execute and indorflat, purcheft be Isbel Wod Ladye Guthrie, the relict; James Guthrie of Gagye, Daud and Gabriell Guthries, fonnes; with the kyn and freindis of vmq Alexander Guthrie of that Ilk; to tak fouertie of Thomas Gardyn, fumtyme in Bandoch, now in Legatftoun, that he fould compeir befoir our
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Souveranis Justice and his Deputis this day and place, and vnderlye the law for art and part of the crewall slaughter of the said vmq Alexander Guthrie of that Ilk; and desyrif proces thairvpoun, and protestit, that he as cautioun be relevit of his cautionar.

Comperit Mr Dauid Peirsoun, and produceit ane Warrand of his Maiesties, datit at Lynlythqw, the ferde day of Junij infant, to deffert the dyet; and desyrif that the famin be obayit; quhairof the tennour followis.

Rex,

JUSTICE, Justice-Clerk and 5our deputis, We grete 5ow wele. For hamekill as it is vnderstand to ws pat our vtheris Lettres ar raft, at pe inffance of pe bairnis, kyn and frendis of vmq Alexander Guthrie of pat Ilk, and our Advocatis for our lutes, for calling of Thomas Gardyn of Ban-
doch to vndrlye our lawis befor 5ow, vpoun pe viij day of Junij infant, for art and part of pe Slauch-
ter of pe said vmq Alexander, as our saidis Lettres at lenth beris : Nochtwise standing quhairof, in respect We haif shfeede caufft pe deidlie feid standing betuix pe houffis of Gardyn and Guthre, amangis vtheris, to be affuris and submittit to certane of our Counsile, Bawwnis and Ministeris, for reconfisatioun and removing pairef; all fis perfittis wald in pe mene tyme be slayit pat may hinder pe fame: And pairef or it is our will, and We command 5ow, pat vpoun pe fycht heirof 5e deffert pe said dyet, appointit pe said succt day of Junij infant; and on swyftis vnhlaw the said Thomas nor his cautionar for nocht entre pairef, bat deffit fra all maner of proceeding pairef; pat according to pe subst-
mitloun, pe remanin of pe feid may be pe bettr handill, and proceed without impediment. As 5e will anfuer to ws vpoun 5our office and obedience: Quhairment 5ir prestentis salbe 5our warrand. Subcriueit with our hand, at Lynlythqw, pe ferde day of Junij, 1596.

(Sic subscribitur) JAMES R.

Quilck Warrand the Justice obayit, and thairvpoun deffert the said Court, in respect of na contrair warrand produceit.

Consulting with Witches, for destruction of Earl of Orkney, &c.—Witchcraft—Poisoning—Murder.

June 24.—JOHNE STEWART Maister of Orkney.

Dilatat of consulting with vmq Margret Balfour, ane Wich, for the distruc-
tioune of Patrik Erll of Orkney, be poyfoning.

PERSEWAR, Mr William Hairt Advocat to our soueraine Lord.
PRELOQUITOURIS for the Pannell.
My Lord Barnbarroch, Mr W= Leslie, Mr Johane Nicoloun, Thomas Kennydy Tutour of Caflilia.

The famin day, Patrik Erll of Orkney being offfymes callit, to comperir this day and place, to haif inffit in perfit of Johne Maister of Orkney for the crymis contenit in the Lettres, as he that wes lauchfullie fummoned to that effect, comperit noch; quhairvpoun the said Maister of Orkney askit instrumentis.

The said Mr William Hairt advocat inffit in perfit of the said Johne Stewart, for the crymes contenit in the lettres: That is to say;
DITTAY against the MASTER OF ORKNEY.

FORSAMEKILL as the said Johnne Maister of Orkney, brother germane to Patrik Eril of Orkney, vpoun the fyft, secund, thryd, ferd, fyft, fext and remanent dayes of the monethis of October, November, December and Ianuar, att the leift in sum of the dayes of the monethis forisaidis 1593, Conspyrit the Murthour of the saif Patrik Eril of Orkney, his brother, confultat and dewyft thair-nent with vmq" Alyfoune Balfour, ane knawin notorious Wich and execute to the death for Wichcraft; and that att the tymes forisaid, within the saif vmq" Alyfounis hous in Ireland in Orkney, how thay mycht haif bewichit the saif Patrik Eril of Orkney his brother, and bereif him (of life) be Sorcerie and Wichcraft: Qhilk the saif Alyfoune grantit and confest the tyme of hir execu- tloune and diuers tymes of befoir : LYKEAS, the saif Johnne, in the forisaid moneth of November, and in ane or vthir of the dayes thairof, schortlie eftir the deceife of vmq" Robert Earl of Orkney, than past to M' William Mwdeis hous, in Wallis in Orkney, accompaneit with James and William Stewartis, his bro- ther, Patrik and Olipher Sinclairis, Thomas Palpla and vtheris thair complices, qhaur the saif Johnne with the saidis perisonis confultit, confypyrit and dewyft how to murther the saif Patrik Eril of Orkney his brother, be poyfoning, or vthirwayes, be craft and quyet dealing. LYKEAS, the saif Johnne hyrit and conducelt the saif Thomas Palpla his fruitour to poyfoun the saif Eril of Or- kney, quha tuk the fam in hand; and being accusit thairof, confest the famin, and wes execute thairfoir to the deid : LYKEAS also, the saif Johnne, with the affittance of the saif William Stewart his brother and thair complices forisaidis, confult- it, dewyft and concludit att the tyme forisaid, to haif murtherit the saif Patrik Eril of Orkney, att ane Bankynet in Daud Moncreifs, in Kirkwall in Orkney; qhilk the saif William Stewart his brother hes confest diuerse tymes senfyne: LYKEAS, the saif Johnne Stewart, in the moneth of December thaireftir, in the yeir of God forisaid, att the leift in ane of the dayes of the saif moneth, confultit, dewyft, confypyrit and interpypyrfit to haif enterit in, secreitle, in the saif Patrik Eril of Orkneyis chalmer, within the Place of Birza in Orkney, thair to haif flayne and murtherit him in his bed. Committing thairby, att the leift doing that in him lay, be the meanis forisaidis, to haif flayne and murtherit the saif Patrik Eril of Orkney.

The famin day the saif Mr of Orkney declarit, that albeit the summondis be al togidder irrelevant in the thre heidis thairof, viz. Wichcraft, Poyfoning and Murdering of his brother, anent the specciall circumstances and factis alledgeit done and interpypyrfit be the saif Maister of Orkney, and that it is newir lybellit that ony effect followit vpon the saif pretendit purpois of consultioute, qhilk

1 Yrelan, or Yrland, ' a town' in the parish of Stennes or Steinhous.
is alwyse denyit and is mait falslie forgit; yet nevirtheles, in respect of his innocencie, he is content to abyde the ordinare tryall of all the poynits and crymes specifie in the said summondis.

The famin day the Aduocat produceit his Majestis Warrand, and deyrit the famin to be infort; and forder deyrit the concurs of my Lord of Orknavy, as he that wes lauchfull wurrit to that effect; quha being callit commperit nocht; and the said Aduocat deyrit proceis, and tuk instrumentis, that the partie opponit nocht aganis the famin. Followis the tenour of the Kings Warrand.

Rex,

Mr Thomas Hammiltoun of Drumcarme, and William Haift of Lewielandis, aduocattis to our fouerane Lord. We gret 30w weill. It is our will, and We command 30w, that incontinent eftir pe fycht heirof, 30 compeir before our Justicis or his Deputis, in ane Court of Jacticis to be haudin in our Tolboith of Edinburgh the xxij day of Junij infant, and infft in perfit of Johnne Stewart, Mr of Orknavy, summond be vertew of our rtheris Lettres, purchest att 30ur inffance aganis him, for pe alledged confutting, enterpyfing and dewayling of pe flauchter of Patrik Erll of Orknavy; and that 30 nawis content to prrrogation of delay of pe said mater to ony viir day, nochtwithstanding of ony direction purchet or to be purchet in pe contrar heirof: For pe quhilik pe prefentis falsbe to 30w ane warrand. Subfraynit with our hand, Att Halyndhous, pe xvij of Junij, 1596.

(Sic fabscrbitur)

JAMES R.

ASSISA.

Laurence Bruce of Cultman, Sir Wm. Stewart of Houstoun, Frances Robertison, burges thair, 
Lindlie, knyght, William Tod thair,

Hew Sinclair of Burgh, Thomas Otterburne of Reidhall, Johnne Makie thair,
Alexander Lord Spynie, Patrik Chene of Efflumwyt, Johne Dik thair,
Robert Lord Snaqhar, James Ogilvie of Bailfou, Patrik Kennedy burges thair,
. . . Mr of Ogilvie, Andro Bauchop, burges of Edi,

The said Maifter of Orknavy produceit ane Declaratioun vnderwrittin, togidder with ane Instrument, quhilik thay deyrit to be infort in the proceis.—Item, the summondis is foundit vpoun thre heidis, viz., Wichcraft, Poyfoning and Murthering of his brother: As to the fyrft point, albeit the specall circumstances of the mater be nocht specillie qualifieit and fett dun in the summondis, yit he is content to abyde ane Affylfe thairof, in respect of his innocencie. And as to the Confeffioun of Alefoun Balfour, to remember the Affylfe, that the said Alefoun wes, be vehement tortour of the cacchielawis, quhairin fhe wes kepit be the space of fourtie-aucht houres, compellit to mak the said pretendit Confeffioun: Likeas hir husband callit . . . . . Tailliefeir, being ane man of xxxxj yeiris of aige, togidder with hir eldeft fone and hir dochter, wer all kepit at anis and

1 This instrument of torture is elsewhere called cæpicula. Dr Jamieson conjectures the word to signify 'the warm hose.' No doubt the application of intense heat to the limbs, during the infliction of the torture, was usual in various countries. After encircling the leg with an iron frame-work, it was put into a moveable furnace or chafTEGER, and during the progress of heating the iron, the intended questions were successively put. This exquisite pain must have induced the unhappy sufferer to confess almost any thing that might be proposed. Perhaps the instrument may, from this last circumstance, have obtained the sobriquet or nickname from an old French word, Cæse-lois.
at the same instant in ward, besyde hir, and put (to) tortouris att the same in-
stant tyme; the fader beand in the lang Innis of fittie fane weocht; the sone
callit in the buitis with fittie fewin straikis; and the dochter, being fewin yeir
auld, put in the pinnywinkies; to this effect, thathir faid husband and bainnis
beand swa tormentit bestyde hir, mycht move hir to mak ony Confeiffoun for
their relieff: Lyke as thaireftir, immediatlie eftir hir reliefe out of the faid tor-
ment, fche revoikit the faid Confeiffoun: And thaireftir, in prefens of the hall
toune, before the Affylife, and att the tyme of her executioun, fche declarit oppi-
inie, that the faid Confeiffoun wes altogider fals and extortit: The notorietie
quhairorf is referret to the Affylife. Item, the vthir twa heidis, anent the poy-
fonning and the murthering, (albeit the fame be nawyife relevant poynits of ony
tyme, because it is nocht alleligeit that their followit ony thing vpoun the faidis
pretendit confultationis, nor yet that the fame cam ad actum proximum,) the
Maitfer being altogider innocent of the faid pretendit forfeit accustationis, re-
fusis na tryell: And as to the Confeiffoun maid be Thomas Palpla, the fame
wes in lyke maner extortit of him, he being kepit in the cauchielawis ellewin
dayis and ellewin nychtis; tuyeife in the day, be the space of fourtene dayis,
callit in the buitis, he beand naikit in the meane tyme, and fkaerget with tovis,
in flic foirt, that they left naither flech nor hyde vpoun him: In the extremite
of the quhilk tortour the faid pretendit Confeiffoun wes drawin out of him:
Quhilk pretendit Confeiffoun he ewir revoikit and recantit, immediatlie as he
wes frie of the tortour; and att laft, publictlie, the tyme of his executioun, he
oppinie revokit the famin, quhilk wes referrit to the Affylife.

Folows the tennour of the instrument produceit.

DECLARATION OF ALESOUN BALFOUR, AT THE PLACE OF HER EXECUTION.

APUD KIRKWALL, VPON PE Heding-hill of pe same fextene day of December 1594. In prefens
of Thomas Swynoun Minifter at Kirkwall, Johnne Stewart Reidar pair, Mr Gyilbert Body Minifter
at Holm, Alexander Somerwall in Deirnes, Johnne M'Kenzie, Dauil Moncreif feruiour to my Lord
Erl of Orknay, and Gyilbert Pacock, with findry vtheris. The quhilk day, in prefens of me notar
publict vnderwritin and wiittellis forchaisis, ALESOUN BALFOUR, being condamnait for his alleliget
poynits of Witches, and led to pe Hill to pe place of Executioun; fche, in prefens of me and wi-
tellis forchaisis declarit and tak vpoun hir faill and confiencis, as fche wald anuer att pe day of
judgement, quhen the secreites of all hairis falbe dichtoist, that fche wes als innocent and wald die als
innocent of any point of Witches as ane barnie new borne: And als, being inqyrit vpon hir faill
and confiencis to declar 'quhat fche knew of pe Laird of Stenhou, and to quhat effect he gife to hir
pe wals pat wes fund in hir purs.' Qula jan pretentie declarit, be hir pairt of Paradyce, and as

1 See Fian's Trial, p. 219, &c. and the Trials for Witchcraft.  
2 See p. 215.  
3 This fact is 
quite inconsistent with the application of intense heat. Perhaps the instrument may have been similar, 
in its construction, to the Witches' bridle, mentioned in the notice prefixed to the Trial of Bessie Dun-
lop. See page 50.  
4 Ropes, cords.  
5 Skin. A most disgusting and frightful instance of the iniqui-
ties practised under form of law; which, indeed, would disgrace the most barbarous tribe of Indians!
Criminal Trials.

29 Jac. VI.

Sicbe wald ansuer to pe lewing Lord, that sicbe knew na thing to pe said Laird of Stenhouse bot h聃-
netis; and pat his Lady, being subject to the colick, notour to her, willit pe Laird to giff her ane peace
walk, a fowre yeir bygane fyne, to mak ane plaistier; to be imployit be her to his Lady, for remedie
of hir said disfeife, and na thirwyis, sicbe wald ansuer to pe lewing God of heavin and seith: And
said pan playnlie, sicbe wald die with the same confessioune; lykese, sicbe thane deit constanti
tpairwith. And siclyke, being inquirit and accusit be pe Peroun of Ropher, 'gif sicbe wald abide be
hir fyrft Depostioun, maid in pe Castell of Kirkwall, vpoun the . . . . day of December instant?'
Qushe ansuerit, pat pe tym of hir fyrft Depostioun sicbe wes tortourit diversie and feuerrall tymes in pe
Cafchielawis, and findrie tymis takin out of same deid,1 and out of all remembrance sp of guid or swill;
as lykewyis hir guidman being in pe stokis, hir fone tortourit in pe Buits, and hir dochrit put in pe
Filieswinkia, qhuirwicf sicbe and pay wer fwa vexit and tormentit, pat pairtilie to efchew ane great
torrent and pwnefichement, and vpoun promis of hir lyfis, and guid deid be pe said Perounne,
saffis, aganis hir faul and conffeis, sicbe maid pat Confeioun, and na thirwyis: For pe quhilk,
sicbe afsit pe Lord mercy and forgivnis; and constanti deit pairrit. Qhurairvpoun all and findrie
pe premisfis, Thomas Ballendene fear of Ewe tuik act and instrument.

(Sic subscribitur.)

Ips eft, Jacobus Nevene, notarius publicus
ac testis in premisfis rogatus et requisitus: Teste manu proprio.

After the quhilk Declarationoun, the Justice patt the said Johnne to the tryell
of the Affyfs. Qhylk perounes being choifin, sworne and admittit, and the
said Johnne Maister of Orkny, being accusit be Dittay of the saidis crymes, in
thair prefens, he denyit the famin. Eftir the producion of certane evidents
and instruments, quhair the saidis vmq Alyson Balfour and Thomas Palpla
maid revoication of thair Depostiounis and Confeiounis, alledgeit maid in pre-
judice of the said Johnne Maister of Orkny; the Affyfs tuik instruments, that
thair wes na thing produceit for vereiication of the Dittay, and that the said
Dittay wes nocht sworne.

The said peroun on pannell afsit instruments of the cheeseing of the Affyfs but
opposition.2

Verdict. The Affyfs removit altogidder furth of Court to the Counfal-hous,
quhair thay, be pluralitie of vocis, chufe Robert Lord Sanquhar Chancellar of the
said Affyfs; and thairafter reaefinit vpoun the poynnis of the Dittay, and hauff-
ing voit thairvpoun, efter voting and resolutioun, re-enterit agane in Court,
quhair thay, be the mouth of the said Chancellar, fand the said Johnne Stewart
Maister of Orkny to be Acquit and innocent of the hail crymes and poynnis
of Dittay particularlie above mentionat, quhairof he wes accusit.

[Mr James Fowlis, Justice-Depute.]

Forrible Abduction—Nabishing.

Jun. 30.—Alexander Fleming of Barrochan, Patrik Fleming and
Mr James Fleming, his sonis, &c.

1 In a swoon, or 'dead-faint.'
2 Without challenge upon his part.
Comperit Patrik Maxwell of Dargavell, and producct our fouerane lordis llettes, dewlie execute and indorsuite be the said Patrik him selff, Marioun Porterfield his spous and Rabeca Maxwell his dochter, to tak fouirtie of the said Alexander, Patrik and Mr James, and vtheris thairin contenit, that thay fouild haif comperit this day and place, and vnderlyne the law for airt and pairt of the culmination to the said Patrik Maxwellis dwellings-place of Dargavell, and Reveilching of Rabeca Maxwell his dochter furth thairof, and taking of hir away with thame to the place of Barrochane, and keping hir in frait armanie, be the space of fyftene dayis or thairby; committit upoun the thryd day of November last-bypaft, and vtheris crymis contenit in the llettes direct thairupoun.

This mater ordenit to be continewit, be the Priour of Blantyre thesaurar and the Juftice Clark, be thair Precept.—Sir Patrik Houftoun of that Ilk became pledge and fouirtie for Alexander Fleming of Barrochane, Patrik F. his sone and apperand air, Mr James F. ale his sone, Hew F., James F., James Henryfoun and Peter Cuming, fernandis to the said Alexander; Robert Fleming in Covezie, Gabriell Reid in Barrochane, William Houftoun thair, Patrik Houftoun thair, William Reid in Hilles, Patrik Fleming in Aylie, Thomas Kellocht in Craighall, Matho Patrik thair, Johnne Allane in Cruik, James Fleming in Coftie, Patrik F. att the kirk of Killiclane and Alexander Alchener in Wod, and that thay fall compeir before our fouerane lordis Juftice or his deputis, the thryd day of the nixt Juftice-air of the sherefdome of Renfrew, or foner quher or quhen it fall pleis our fouerane Lord, vpoune fyftene dayes wairning, and vnderly the law for the said crimes.

Forcie Abduction, &c.

Jul. 5.—William Bannatyne of Corhous.

Dilatit of airt and pairt of the away-taking of and reifing of Margret Hammiltoune, dochter to Johnne Hammiltoune of Auchnaglene, furth of Johnne Weiris hous of Dargavill.

Persewaris.

Johnne Hammiltoune of Auchnaglene,
Mr William Haire, advocat to our fouerane lord.

Perloquitouris for the pannell.

Mr Thomas Craig,
Mr Alexander King.

The said William Bannatyne tuik instrumentis of his compeirance. Compeirit James Reid, Constabill of the Caftell of Edinbugh, and tuik instrumentis that he had prefentit William Bannatyne of Corhous before my Lord Juftice, and enterit him on pannell, conforme to the Warrand direct be the Lordis of Counfall to that effect.—The said day comperit Mr James Hammiltoune of Caudor and William H. of Hillis and James H. of Bardowie younger, and tuik instrumentis of the production of our fouerane lordis (letteris) dewlie execute,
purcuest be Johnne Hammiltoun of Auchnaglene for summonsing of ane Aisyis to William Bannatyne of Corhou. — As alfo comperit Johnne Hammiltoun of Auchnaglene, and infisit in perfit of William Bannatyne of Corhou, and thairvpuone tuik instrumetis. — The said William Bannatyne of Corhou tuik instrumetis, that William Hammiltoun of Auchnaglene, being desyrit to sweir the Dittay gewin in aganis him, declarit, he wes sa informit, be brute, that he did the famin; bot he wald nocht tak it vpoun his conscience that the famin wes trew done be him.

The perfevar and the advocat protestit for Errour, in caufe thay Acquyte the said William Bannatyne.

**DITTAY against William Bannatyne of Corhou.**

FORSAMKILL as the said Johnne Hammiltoun bainig plaice Margret Hammiltoun his dochter, ane bairne of ten ȝeir saul or pairby, with Johnne Weir in Dargavill, his moder-brother, to haft bene educat and broucht vp be him, vntill hir lauchfull and perfyte age; lipping that nane fould haft inturrupt hir educatoune and vbringir, or attempted any violence or inuie anagis hir; nochtwitstanding quhairst, it is of vericie, that William Cwninghame tutour of Boningtoun, accompaniit with certane bretherene and feruants of William Bannatyne of Corhou, montuit vpoun the said Williams awin hons, be his speical caufing, directioune, fending and hounding out, all bodin in feir of weir, with vnauchfull and foirbidin wappians, come vpoun þe xxvij day or pairby of March last-bysaff, vnder fylence and cloud of nycht, to þe said Johnne Weiris dulling-hous of Dargavill, lyand within þe herefordome of Lanark, and violention enterit þairin; fyft, schamefullie and vnhomeftie perfevit the said Johnne Weir of his lyffe, reft his purs fra him, quhairin thair wes ane grit quantitie of gold and filuer, hurt and woundit him in divier pairris of his body, and left him lyand for deid; and thairerfuir, violentlie tuik the said Margret away with þame, fyft to þe place of þe Corhou, quhair fche wes reffuitt and kepit all that nycht, be þe knaiais, allowance and privitie of þe said William Bannatyne, and þairerfuir, be his directioune, convoyit hir away to sum pairris of þe Bordour, quhair fche wes kepit and detenit: The away-takeris of hir remaing contineswallie fenvyne in hons and cumpany with the said Laird of Corhou; quha intendis, in hir minoritie, to move hir to founde perpoffis, altogiddier to hir disadventage.

Wees putt to the knowledge of ane Aisyis, and in thair prefens, wes accruft be Dittay of the crymes aboue writtin; quha denyit the famin fraitlie.

VERDICT. Eftir the quhilk accusatoune, they paist altogiddier furth of Court (to) ane secreit place in the eird of the said Tolbuith, quhair they convenit and chufe Robert Scott of Thirlstane chanciller, and efter hir of him paist to voting vpoun the pointis of the Dittay foirfaid; and being resluit thairwith re-enterit agane in Court, quhair thay, be the mouth of the said chanciller, sfland,

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1 Fr. Brair, report, rumour. 2 This crime affords a striking picture of the times; which, by reference to the Criminal Records, will be found one of very frequent occurrence. Heiresses were forcibly carried off by some powerful Baron or Laird, who had perhaps been disappointed in effecting a marriage for themselves or sons, by fair means. A fitting opportunity was watched, and the young lady relieved of the tediousness of courtship, by getting a priest on the other side of the Border to marry them 'out of hand.' Abductions were also common on the part of relations, competing for the guardianship of the heiress.
pronunceit and declarit the said William Bannatyne of Corhous to be cleane, innocent and acquit of the crymes aboue writtin.

**Umbesetting the High way — Hurting and Wounding, &c.**

Jul. 7.—THOMAS EWING at the Myln of Ogilvie.

Dilaitit of airt and pairt of the hurting and wounding of William Broun in Nether Baddinthaith, in diuerfe pairtis of his body, to the effusioune of his blude in grit quantitie; be gewing of him of fayne blude woundis in the body, be way of murthour, vnder fylence of nycht; committit in the moneth of August laftbypaft.

**PERSEWARIS.**

William Broun in Nether Baddinthaith,
Mr Thomas Hammilton, (King's Advocate).

**PEREQUITOUR for the pannel.**

Mr John Moncreif.

The said William Broun produceit the lettres againis the said Thomas Ewing, dewlie execute and indorsit, and tuik instrumentis thairvpeoune.—The Advogat produceit his hienes Warrand, ordaining him to inffit in perfuit of Thomas Ewing.

—The perfewaris askis instrumentis that the said William akit instrumentis.

The perfewaris (pannell?) allegdis, that the lybell is irrelevent foundit; becaus that nather flauchter nor mutilationoun followit thairvpeoun; and it appertenis to the threer.—The advogat anfueris, that the allgedance aucht to be repelлит, becaus the defender is noch perfewit vpeoun ane intendit murthour, vpeoun foirthocht fellony vnder fylence of nycht, *quodquidem consilium homicidij cogi-tati, per industriam et insidias peruenit ad actum*; quhilkis qualiteis being con-joynit, makis the lybell relevant.—The perfewar (pannell?) anfueris, *non est crimen lese maiestatis, et nihil peruenit ad actum.*—The advogat allegdis, that the allgedance aucht to be repelлит, in respect of the lybell.

The Justice findis the lybell relevant.

**VERDICT.** The Assylf, for the mait pairt, Acquit the said Thomas Ewing; forfamekill as he, vpeoun the xxvij day of August laftbypaft, accompaniteit with William Ewing his brother, vnder fylence and cloud of nycht, vmbfett the hie way and passag to William Broun in Nether Baddinthaith, vnder fylence of nycht, be way of Murthour and Brigancie, vpeoun the croft of his Landis of Nether Banhaith; and thair, with swordis and quhingaris, crewaille invadit him for his flauchter and murthour, hurt and woundit him thairwith, be gewing of him of fayne bludie woundis in the heid, and diuerfe vtheris pairtis of his body, to the effusioune of his blude in grit quantitie; vpeoun fett purpois, provi- foune and foirthocht fellony; and for castig of him be the heillis in ane burne callit the Stankburne, belewand he wes deid, of purpois to haif drownit him. Pronunceit be the mouth of Nicoll Towart (in Blakfurd), Chancillar (of the said Assylf).
Hurting and Wounding—Theft, &c.

Jul. 28.—HARY AUCHINCRAW, in Fowldene.

Dilatit of airt and pairt of the thifteous flewing of ane lokit gold and filuer bag, fra Robert Gray, merchand burges of Edinburgh, togidder (with) lxxxxij fyve pound pecis, fyve four pownd pecis, thre dowbill . . . . . duikatis, thre dowbill crofe duikettis, fyve auld roif-nobillis, fyve fouerane angellis, thre dowbill myllrais, v lib. Scottis filuer; committit in Apryll 1594.

It is allegeit be the said Hary Auchincraw, that na continewatious auncht to be grantit this day, becaus all Juftice courtis ar peremptour; lykeas he being summoned to this day, be comperit personallie, offering him reddie to abyde any treyll; quhairvpoun fyftene perfonis of Inqueift ar callit, reffruit and admittit; fwa that thair being na allledgeance maid be the partie, nor na wthir lauchful impediment proponit in the contrar, this proces can nocht be delayit, seing he can nocht be obleit to find caution; and quhiddar he be acquit or fylit, he aucht nocht to find caution, seing he is present within the bar.

The Advocat allegis that the Juftice mycht continew the mater to the morn. The Juftice continonis to the morn. ' Plegio Bernardo Borthuiik de Collielaw—pena V' mark.'

Jul. 29.—[' Dilatit of setting vpoun Robert Gray, merchand burges of Edinburgh, and hurtting of him in dierelie pairtis of his body: and for the thifteous flewing fra him of certane gold and filuer.'] The said Hary Auchincraw comperand, defyrit the Affyife to be callit quha wes admittit ȝfterday; and offerit him reddie to vnderly the law, for the cryme aboue writtin, and defyrit the Juftice to put him to the said Affyife; quhairvpoun he afkit instrumentis. The partie on pannell takis instrumens of his offer to vnderly the law, and disaffenting to all continewatious: and protesfit that he be nocht continewit, (in virtue) of his oft comperance in the mater, at twa feuerall dyetts of befoir. The pannell protesfit, that in respect Robert Gray being within the bar, as als M' William Hairt, aduocat, his perfwaris being present and refusit to perfw, that na lettres be grantit in tyme cuming.

The Juftice continewis to gif anfuer the morn. ' DESSERT, in respect Robert Gray comperit nocht to perfw, nor the aduocat.'

Slaughter of a Messenger at Arms.

Jul. 29.—Patrik Barclay of Towie.

Dilatit of airt and pairt of the slaughter of vmq' William Mure, messlinger in Deir; committit in the moneth of Febuar laftbypast.

Persewaris, Janet Keyth relict, M' William Mure as fone, M' William Hairt (King's Advocate.)

Preloquitouris for the Pannell, M' John Schairp, M' James Donaldfoun.
CRIMINAL TRIALS.

A.D. 1596.

The purswaris tuik instrumentis of production of the lettres againis Patrik Barclay of Towie, and profetit for relief of their cautioneris.

The said M' Williame Mure produceit the Kingis Maiesties Warrand, ordainig the mater perchwit, againis Patrik Barclay of Towie, to be continewit to the nynt of August nihtocum.

The Justice Continewis the actioni to the morne, to be anyifit with the Counsell.

Piegio, Magiitro de Elphnintoune.'

HIS MAIESTIES WARRAND.

Rex,

Justice, Justice clerk and 3our deputis, We gret 3ow weil. Forfamekill as our vtheris lettres ar purcheit, att pe infirst of pe relicts, hairsis, kyne and freindis of vnaq William Mure, mescifeg in Deir, for calling of Patrik Barclay of Towie before 3ow, in our Tolboith of Edinburghe, the xxix day of July infast, to vnderly our lawis, flor airt and pairt of pe slauchter of pe said vnaq William Mure: As alio, our vtheris lettres ar direct for calling of diserfe personis, fervandis to pe Lady Errill, to compes before 3ow in pe Tolboith of Edinburghe, the xxix day of July infast, to vnderly our lawis flor airt and pairt of pe slauchter of pe said vnaq William Mure: As alio, our vtheris lettres ar direct for calling of diserfe personis, fervandis to pe Lady Errill, to compes before 3ow, in the Tolboith of Edinburghe, the nynt day of August nihtocum, to vnderly the law, flor pe taking of William Keyth of Ludquhairsme, and vtheris crymes contenit in pe saidis lettres: And baiing consideration, that pe slauchter of pe said William Mure bell out, ypon pe taking of pe said William Keyth, and executione of our vtheris Letteris, againis pe personis committeris pairof; for eschewing of pe trombling of ane Affyis, quha ar to be summond vponne bavth the saidis crymes, We baih thocht it gud to contynwel the dyet, for pe slauchter of pe said vnaq William Mure, to pe said nynt day of August nihtocum, to pe effect the peronis of Affyis be nochtt putt to pe dowbhill travell. Thairfoir, and for diserfe vtheris considerationis moving wes, it is our will, and We command 3ow, that incontinent eftir pe ychth hereof, 3e continew pe perfuit of pe lettres purcheit againis pe said Patrik Barclay of Towie, for pe Slauchter of pe said vnaq William Mure, to pe nynt day of August nihtocum; fwa that pe crymes contenit in ap' of pe lettres may be tryt be ane Affyis: And tak sufficient caution for pe entrie of pe said Patrik Barclay, pe said day: Quantairment thir presenteit faile to 3ow ane warrand. Subscribit with our hand, att Dunfermling, the xxix day of July, 1598.

(Sic subscribitur) JAMES R.

(Jul. 30.)—The Advocat takis instrumentis of the production of ane Warrand of the Counsell, and defyrit the famin to be ingroft. The pannell takis instrumentis, that the parteis, being oft tymes callit, compet rit nocht. The Advocat past fra the pairt of the fummondis bering Trel counselling.

ASSIS.

Andro Reid of Coliffe, 
Alex' Blakhall of that Ilk, 
Patrik Chene of Effilement, 
Alex' Wod of Colpny, 
James Chene of Straloch, 
Patrik Leask of Haddo, 
M' Alexander Inness, 
Thomas Leask of Auchindad, 
Archibald Bruce of Pitfowlis, 
Robert Drummond of Drill, 
Sir George Ogilvie of Dunlugous, 
William Forbes of Corfindae, 
William Leask of that Ilk, 
Abraham Forbes of Blakton, 
Robert Innes of Coitia.

The Affyis, be pluralitie of vocis, cheife Sir George Ogilvie of Dunlugous (Chancellor.)
VERDICT.—The Aystis, in ane voce, Acquyte Patrik Barclay of Towie of airt and pairt of the flauchter of vnq William Mure, Meffinger; committit be Patrik Cantlie, than his feruand, of the speciall cauing, hounding, sencing, directing, command, affittation and ratihabitation of the saif Patrik, in the moneth of Februar lastbypast, vpoun set purpois, prouifione and foirthocht fellony.

The quhilck day comperit Patrik Barclay of Towie and prodeuceit ane War-rand deluyerit be the Counfall, and desyrfit the Justice and the Advoucat to infring in perfiuit, according to the tennour thairof; quhilck the Advoucat desyrfit to be inbert in proce, quhairof the tennour followis.

My lordis of Privie Counfall, vnto yowr ll. humilie menis and schawis I yowr servitour, Patrik Barclay of Towie, Thait quhaire, Jonet Keyth, pe relict, with pe bairnis and freindis of vnq William Mure, meffinger, within pe threfedome of Abirdene, being slierit vp, movit and perfwadit be pe infil-gationoun of sum of my vnfreindis, hes nocht onl now, but att diners tymes offbefore, vpoun pair wrangus narratoune, purcheft Lettres and pairwith cannt charige me to vnderly pe law, for pe alldegit airt and pairt of pe flauchter of pe saif vnq William Mure, meffinger, committit be Patrik Cantlie, my alldedgit feruand, vpoun the faytene day of Februar lastbypast, 1595, the faiid vnq meffinger thame being in executionoun of his office, &c. According to pe quhilckis Lettres and chargis, I, pe faiid Patrik Barclay, being alltilerel innocent of pe faiid cryme, fand cautioune and souertis, in dew tyme, att ewerie charige, to half vnderlyne pe law for pe fainis, to diuerse dayes bypast; and att laft, to pe xxix day of Julij, instant, before the Justice (and) his deputis; and comperit perfonnelie att all pe faiid dyetis bygane, as I did this day before the saif Justice, offering me reddie to vnderly pe law for pe faiid cryme, pair being sufficient number of Inqueste summon and commerand att ewerie day to compere pairpoun : As the Justice, deputis and clarkis, with the actes takin pairpoun will teftifie: Newirjeles, the faidis perlewaris, or rai pe my inisme, quha sleitir tame vp pairto, hes att diuers tymis bygane purcheft Lettres subfcrevyit be our, fouerane lord, direct to pe Justice and his deputis, to continew pe dyetis quhairvnto I was chargeit in pe faiid mater; and namell, this day hes procureit and produceth his Malesties Letter vnder his subcriptionoun, vpoun finifter narratoune, to continew the fainen vnto pe fynct day of August nixtoucum; to pe quhilck continewnaioun I diffentin, and offerit me reddie, prefentie, as I do 31, to vnderly pe lawis for pe faiid crymes, quhairof I am innocent. Anf feing the Justice depute hes continent his Interloqvitour to be gewin pairpoun quhyll the morne, and is to tak yowr ll. aduife, quhider he fall proceid or nocht, nochtwithstanding the faid privie letter of continewnaioun; and that it is also of veriteit that I and my freindis, with the perfonne of Inquestit, hes ben put to gret turblis and espansis now and ofbefore, in keipin of all pe dyetis in pe faiid mater, alweill principall as continewnaioun, purcheft be pe perlewaris and my vnfreindis; and that their intention is to trubill me and my freindis pairbye, in cumin heir fyne fcoir of myles att ilk dyet, and in wauiting our rentis and substane in attending pairpoun : And that the faid flauchter was onl committit be pe faiid Patrick Cantlie, vpoun ane particulair quarell and feid betax him and the faid vnq William Mure, quhairof I was newir participant, airt nor pair. Heirfor I befeile yowr ll. to tak sic ordour in pe premis, that I and my freindis fall noch be trublet to keip ony forder dyetis in pe faiid mater, bot that proce may be grantit and followit out pairintill the morne, bot forder delay; and to that effect, to caus the pairtis perlewaris, being heir prentis, and oure fouerane lordis Advoucat, to summond and half reddie ane Aỳfyse to paif vpoun famkeill of pe faidis Lettres as falle fund reventant; quhairvnto I am willing to ansuer infauinteis, as I wes att all dyetis ofbefore, bot ony forder delay: And yowr ll. anfer humilie I requyre.
The famin day, Jonet Keyth the relict, and M’ William Mure as sone, with the kyn and freindis of vmq” William Mure meffinger in Deir, being oft tymis callit to insift in perffuit of the said Patrik Barclay of Towie for the said flauchter, the lauchfull tyme of day biddin and nocht comperand; the Justice ordenit Mr William Hairt Aduocat to comper and insift in perffuit, quha comperit and produce ane roll of Aslyfe of the perffonis aboue writtin.

The famin day, Patrik Barclay of Towie, being enterit on pannell, as summond be vertew of our fouerane lordis lettres, purcheft att the insfance of Jonet Keyth the relict, with the bairnis and remanent kyn and freindis of vmq” William Mure meffinger, and being perfewit be Mr William Hairt aduocat, indytit and accuit:

**DITTAY against Patrick Barclay of Towie.**

**Forsamekell** as William Keyth of Ladhquarne, Alexander Keyth his sone and M’ Samuell Keyth his brother sone and our fouerane lordis aduocatis, haisting rafet his hienes letters att pair insfance, for charging of pe said Patrick Barclay of Towie and Patrick Cantlie his servand, now rebell and att pe horne, for pe caun and cryme vnderwrittin, to haif sand fowurit, that they shold haif comperit befor pe Justice or his deputis in pe Tolbith of Edinburgh, att ane certane dyet s’peciallie contenit pairin, for certane haynous and treffonsibill crymis contenit in pe famin; thay directit pe saidis lettres to pe said vmq” Wm Mure meffinger, for puttin of pe famin to due execution; quha haizing reffuit the famin, vpoun pe xvj day of Februar laiby past, he past be vertew pairof, vpoun pe famin day, to pe place of Towie, quhair the said Patrik Barclay wes prezent for pe tyme; and becaus he could nocht apprehend his perfonall prefons, he chargeit him pairatt; and siclyke chargeit the said Patrick Cantlie rebell perfonall, foirnent pe gett of pe said place and delynierit him ane copie. Eftir pe quhilk charge, the said Patrick Cantlie past in fra pe said meffinger to pe place of Towie, to the said Patrick Barclay his maister; and eftir he had spokin with him, and had gottin direction fra him, to pe effect vnderwrittin, perffairit the said Wm Mure meffinger to be past away, he come furth vpoun the said Laird of Toweis beft hors, followit the said vmq” Wm Mure on horfbak, as he was rydand away in sobir and quyet maner, to put pe saidis lettres to foder executione vpoun vtheris pairin specifcis, dreedand na ewill, harme, inuiirie or perffui of ony perffoune, bot to haif lewit vnder Godis peaz and our fouerane lordis; in respect he wes in execution of his office, and prefentit our fouerane lordis perfoune, till pe place and landis of . . . . . . . . . , quhair he oertuik the said vmq” Wm Mure; and pair, the said Patrik Cantlie, of pe speciall cauing, bouding, fending, directing, counsailing, refettin agane with pe bludie hand, airt, pair-taking, command, affittance and ratibabitoun of pe said Patrik Barclay his maister, fett vpoun him and maist crewallie and awfullie, fryst with ane drawin sword, strak the said vmq” Wm Mure in pe bak, to the effuission of his blude in grit quantitie; and pairefuir, with ane pitoilet chargeit with bullet, fich the said vmq” Wm throw pe body, and maist schamefullie and crewallie flew him pairith: Eftir pe quhilk flauchter, he immediatlie pairefuir returnit agane to the said place of Towie, quhair the said Patrik Barclay of Towie reffauit him, with pe hett bludie hand: And
30 Jac. VI. Criminal Trials. 885

A, the said Patrik Barclay of Towie is airt and pairt of pe crewall slaughter of pe said wm Wm. Mure meffinger, committit in pe execucione of his office, vpoone fett purpoise, provisioun and forfeitch felony, in hie and manifest contempctionn of our souerane lordis authorisic and lawsis.

Verdict. The Aylefe, be mouth of the said M' George Ogilvy of Dunloogus knycht, chancillor, fand, pronuciet and declarit the said Patrik Barclay of Towie to be cleane, innocent, and acquit of airt and pairt of the slaughter of the said wm William Mure meffinger; committit in the maner foirsaid.—Quhair- vpoune he akit actis and instrumentis.

Uttering calumnnious speeches and slanders against the King.

Aug. 3.—Johnne Dikson in Lyne, Inglisiman.

Dilatit for contravening of the Actis of Parliament, in vtering of Calumnnious speichis and sklanderis agenis our souerane lord, and calling of him (ane baf- tard, &c.

The aducat (Mr Thomas Hammiltoune) produceit the Depositiounis of cer- taine witnesfis; and protestit for Wilfull Erroor, in caise thay clange.

The Aylefe tuit instrumentis, that Johnne Dikson come in his Maiestis will, for ony speich he spak agenis his hienes, quhilk wes in his drukines.

Verdict. The Aylefe, be the mouth of Robert Smyth (merchand in Edin- burgh) chancillor, fand, pronuciet and declarit Johnne Dikson, Inghifan, in Lyn, to be fyliet, culpable and convict, for contravening of our souerane lordis Actis of Parliament; and s specialised, of ane Act maid be his hienes, in anno 1584, and in anno 1585, rateifeit be ane Act maid in anno 1594; in samekill, that vpoone the xxv day of Julij laftbypaft, being the Sabbath day, Archebault Gairdenar, ane of his Maiestis canvoneiris, haiving requyrilt the said Johnne Dikson to vyre his boit to gif place to his Maiestis ordinance; he fyrit anfuerit, that ’he wald nocht vyre his boit for King or Kafard,’ and thairefter, maifit proudlie, arrogantlie, sklanderousslie and calmuniouslie callit his Maiestie (ane baflard King); and that ’he wes nocht wordie to be obeyit.’

Sentence. The Justice depute, be the mouth of William Gray dempstar, ordenit the said Johnne Dikson to be tane to ane gibet, fandand beneth the mercat croce of Edinburgh, and thairpoune to be hangit quhill he be deid, &c.

Uttering and benging base coin.

Aug. 6.—Alexander Kelman in Garuioch, and Williamie Gairdin fone to Wm G., fone to Robert G. in Culroife.

Verdict. Fand to be fyliet, culpabill and convict of the outputting of falsè
and adulterit coinage of the patren of ten-shilling-pecis, to the fimilitude of our fourerane lords trew coinzie, to findrie perfounes.

**Sentence.** The Jufite, be the mouth of Johnne Nisbet demptar, ordenit the faidis Alexander Kelman and William Gairdin to be tane to ane gybbet, vnder the mercat croce of Edinburgh, and thair hangit quhill thai be deid; and all thair guidis to be escheit.

**Horse-stealing—Theft, &c.**

Aug. 6.—**Symone Moffet** in the Ryneowelis.

Dilatit and sylit for the thifteous steling of xxx naigis (horses) and meris; and alfe of ane cloik, ane hairt of filuer owrgilt, ane wox,1 ane Camrige owrla, &c.; committit in Junij laft; and of Common Thift.

**Sentence.** To be hangit quhill he be deid, vpoun the said Gibbet; and all his movabill guidis to be escheit.

**Slaughter.**


Dilatit of airt and pairt of (the slaughtar of) vmq Hary Colville (Perfoun of Vrquhart); committit the nynt of Julij laftwas.

**Presewarais,** James Mefar as brothir, James Coluile brothir fone, Mr Thomas Hammitouna. **Presloctouris** for the pannell, Mr Rychard Spens, George Abernethie.

The presewarais produceit the Dittay aganis Gylbert Pacok, for the slaughtar of vmq Hary Coluile Perfoun of Vrquhart, and defyrit proces.

The pannell aledged, that na proces can be led agane the said Gylbert this day, be reafoun he is nather tane in flagranti crimin, quhairof he is innocent; nor yit contumax, nor denunceit for ane crime; and fwa, be the cuftum of the Court and Act of Parliament, he aucht to be summond vpoun xv days wairing. This wes decydit betuix Maidland and Crowner Prestounis breither, in this famin Jufite Court, and in all vtheris perfounes, quha wes prefentit on this forme, on pannell: In respex quhairof, na proces can be had agane the defender, vnto the tyme he be summond vpoun xv days wairing.—The Advocat anfuerit, that the aledged aucht to be repellit, because the defender in effect wes tane in flagranti crimin; insofar as he, haifing committit slaughtar contenit in his dittay, the complent thairof being maid to his Maieftie, he directit his Commissioun for taking of him; be vertew quhairof, he wes apprehendid, and now prefentit to Jufite. As to the practik aledged betuix Crowner2 Prestounis breder and Maidland, it can nawayis militat in this cais, becaus Maidland wes accusit for ane cryme committiit in Flanderis, mair nor ane yeir eftir the com-

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1 Watch.  
2 Cambrie overlay, a sort of ruff.  
3 Colonel.
the Assize of Gylbert Pacok, removit furth of Court to the Counsalhouse and votit vpoun the poynct of the Dittay, efter chiefing of James Maiftertoun (Mer-
chand in Edinburgh) chancillor, and being throwchlie auifit thairwith, fand,
pronunciet and declarit the saif Gylbert to be fflyit, culpabill and convict of airt
and pairt, red and counsall of airt and pairt of the slauchtor of vmq\textsuperscript{m} Hary Col-
uile; committit the nynit of Julii laftbypaft.

SENTENCE. To be tane to the mercat croce of Edinburgh, and thair his heid
to be strikin fra his body; and all his movables efcheate and inbrocht.

Jamesucken—Assiseging House of Ludquairne—Taking
capitve, &c.

Aug. 9.—William Mowat in Turreyf, (feruand to Alexander Hay
eldeft fone to vmq\textsuperscript{m} Andro Eril of Erroll).

Dilatit for cuming with convocation of our fouerane lordis lieges, bodin in
weirlike maner, with lang culveringis, dagis and pistrolettis, &c., contrar the ten-
nour of the Actis of Parliament, be way of Hamefuckin, to the place of Lud-
quhairne, and affeiginghe of William Keyth of Ludquharne thairin; entering
thairin be force, taking of hym captiue and prifoner:—And for maisterfull Reifing
and away-taking, furth of the saif place of Ludquhairne, of the saif Williams
haill inlych pleneiffing and writtis: And transpointing and careing of the saif
William Keyth of Ludquharne captiue and prifoner to the place of Ardmark-
horne; quhair thay detetin him, be the spae of aucht days or thairby; vfurp-
and thairby of our fouerane lordis authoritie vpoun thame; committit in the
moneth of October laftbypaft.

PERSEWARIS.

William Keyth of Ludquharne, Mr Thomas Hamiltoun of Drumcarne advocat to our fouerane lord.

The Adovcata producett ane command of the Kingis Maiestie, substavyt with
his hand, with ane vthir Warrand substavyt be the Lords of Seiffoun, com-
manding the Justice to proeced and minifter justice in the saif mater, quhairof
the tenoursis follow.

\textit{Rex,}

\textit{Justice, Justice Clerk and your deputis, We greit 30w well. It is our will, and we com-
mand 30w, pat vpoun ye fycht heirof, ye fail nocht to proeced and minifter justice, in ye crimnall
cais to be perfevit before 30w, att ye instance of ye Laird of Ludquharne and our Adovcattis for our
interest, aganis certaine personis contenit in ye Lettres raifit pairanet, for ye taking of ye saif Laird,
and vtheris crymes speciallie expressit pairin, vpoun ye nynit day of August infant; but all forder con-
tinewaytoun or delay; nochtwithstand of quhatumewir vthir command, Warrand or objectioune,
maid or to be maid, gewin or to be gewin in ye contrar; anent ye quhilkis and panis pairin, we dis-
pens. As ye will anfer to ws, vpoun ye 30ur offices and obedience: Quhairanent, thir pretentis salbe
your sufficient warrand. Substavyt with our hand, att Dunfermling, the nynit day of August, 1596.
(Sic subscritbiritur,)}

\textit{JAMES R.}
Followoys the tenour of the Supplication, and Warrand gewin be the Lordis of Suffolk.

My Lordis of Counfall, unto your ll. humility mensis et schawis, I your seruitour, William Keyth of Lodgynarme, That quhair I haif raift criminal lettres be your ll. deluyerance agais William Drykat, (Duiget or Duguid,) Harry Ramsay, Archd. Herring, Robert Croychtoun and Alex. Hay, seruantis to Dame Elizabeth Dowglas Countess of Errol, Alex. Hay eldest son to vm" Andre Eyll of Erroll, William Mowat his seruant, Patrick Con of Auchry, Alex. Hay in Ardkanhorne, Alex. Hay in Auchtoun, Patrick Cruikshank in Ardfris, James Butter in Gafk, Thomas Hay pair, Johane Hay and Patrick Cantie, seruitour for pe tym pe to Patrik Barclay to Towie,1 Gyllbert Stewinoun in Ogtoone, Thomas Craigie in Lochcow, Johane Findlater pair, Johane Stewinoun and Thomas Gybton pair, Johanne Moffle pair, Wm. Sym finyth in Mytoun of Sorvie, Patrick Sym att pe myline of Sorvie, Thomas Cruikshank fone to Patrik C. in Ardfris, Patrik Hay in Haddo, Gyllbert Gray in Bannatwthill, James Gray pair, Patrik Hay in Over Ardkanhorne; and certane uthers pair complices, seepesfet in pe faidis Lettres, for pe crymes and caulfis pairin containit: quilibis ar dewie execute and indorfat vpoun pe fornamet perfounes, and say pairby summond to compeir before the Justice generall and his deputis in pe Tolbuth of Edinburgh, the nynt day of August infinant, in pe hour of caws; lykes I am reddie to珍珠 the faidis lettres. Neuiryeles, as I am informis, Ludouirk Duik of Lennox, att pe infitigation and perlwasoun of pe fai divers, intendis to vfe and produce ane pretendit Commissioune of Lestenandrie within pe boundis of pe North, and be vertew pairof, to repledge the faidis perfonis fra the fai Justice generall and his deputis to his jurisdictioune and Court of Justiciare, to pe grit hinderance of Justice; albeit, the fai pretendit Commissioune aucht naywis to imped or fay justice, to be ministrat to all his Maiesties lieges, be pe Justic generall and his deputis; the famin being grantit cumulatius, and nocht privaluus: Lykes, I am nocht habill to perflow justice aganis the fornamet perfounes in pe North pairis of psa realme, in reflect of pe grit multyde of my myretis, and pe Laid of Balquhan, Lieutenents depute, is filter and breyio bairns with pe fai Patrik Con of Auchry, one of pe chif committeris of pe crymis containit in pe faidis Lettres. Quiklik being considerit be his Maiestie, his hienes hes directit his Warrand to pe Justice generall and his deputis, to proceed and minifter justice in pe fai mater to ws pairis, nochtwithstanding pe fai pretendit Commissioune: As pe fain, subsercruit be his Maiestie, heir present to schaw, beris. Nochtyeles, pe fai Justice generall and his deputis refusis to obey pe fain, without say be compellit. Befiakind heefore your ll., pat I may haif command to ane mafer or vhir officiar of armes, to pafs and charge pe fai Justice generall and his deputis, to proceed and minifter justice in pe fai mater to ws bayth pairis, as accords of pe law, nochtwithstanding of pe fai pretendit Commissioune of Lestenandrie or Justiciare, grantis to pe fai Duik of Lennox; or ony vhir Commissioune, Letter or prievie chaire, purchaft, or to be purchaft att his Maiesties handis, in hinderance of justice; and your ll. anfuer.

(Sic subsercruit)

H. BIKARTOUNE.

(Sic deliberatur) APUD EDINBURGH, NONO AUGUSTI, ANNO LXXVI, Fiat vi peticur.

(Sic subsercruit) BLANTRE, M. J. LYNDESAY, Clericus Regiitri.

Compeirrit M' Thomas Rollok, procurator for the Duik, and productit ane Commissioune granted to his lordship be his Maiestie, of the tenour and contentis thairin containit, of the dait, at Abirdene, the aucht day of November 1594; with ane Act of Secret Counfall ratifieing the famin, of the dait, in December I°"Vlxxxxxiiij yeiris; with lettres directit fra the Kingis Maiestie and Lordis of Secret Counfall, of the dait in March laftwes, dischargeing the Justice and Aduocat to pro-

1 Vid. Trial of Barclay of Towie, (vis. Tollie or Tolly,) Jul. 29, 1596.
ceid aganis quhatfumeur peronis duelland within the boundis contenit in the Dukis Commiffioun, within the quhilk the saidis haill peronis callit to this day, for the taking of the Laird of Ludquhairne, duel: And lykewayis tuik instrumentis, that the Justice wes dichargeit to proced in the saud mater be James Lowrie, meffinger; and that for all of the saidis partieis: And allegeit, that the Justice could nawyis proceid, in respect of the writis and discharge aboue mentionat, nochtwithstanding the Kingis Maiesties previe deleyuerance, authorifit be the Lordis of Seffion, quhilikis ar nocht of that strenth and effect as to tak away the strenth and effect of the writis aboue specifeit. The aducat anfuerit, that the saud alledgeance aucht to be repellit, nochtwithstanding the writis produceit, quhaiirvpon the famin is foundit; in respect of the Kingis Maiesties expres Warrand in the contrar, togidder with the deleyuerance of the Lordis of Counfall, alreddie produceit be the perfewaris, and of the Judgis notorietie that the Dukis Commiffioun is dichargeit and renunecit; lykees the Warrandis produceit be the perfewaris tendis to the doing of Justice, and the vtheris Warrandis, produceit be the saud Mr Thomas Rollock, to the delay and hinderance of justice; and thairfore aucht nawyis to be respectit, and the Judge aucht to proceid and minifter justice nochtwithstanding thairof.

It is forder allegeit that the Judge can nocht vnlaw the parteis nor their cautioneris this day, in respect thay ar in bona fide and mycht juftlie byde away; this, in respect of the Commiffioun and Lettres of Dicharge publictie grantit, and the previe Warrand and deleyuerance nather intimat nor declarit to thame, thare wes na neceffitie to thame to compair, nor thay can nocht be put thairby in mala fide.—The Aducat anfweris, the alledgeance aucht to be repellit, as nawyis competent to the proponer, bot onlie to the parteis abfent, quhais contumacie aucht to be pwneifit for thair nocht compierair.

The Justice findis proces, and ordisanis the cautionis fand for thair compereance this day to be vnlawit, &c.

The cautioners are accordingly amerciated as follows: for Patrik Con of Auchry, fyve hundreth markis; for Alex' Hay in Nether Ardmakhorn, ij' markis; for Alex' Hay fone to vmq' Andro Ertl of Erroll, ij' markis; and the remainder, in j' markis each.—And that ' the principall perouns nocht comperand to be denunecit rebells and put to the horne, and all thair movabill guidis to be escheit and inbrocht to our souerane lordis vfe, as fugitius fra the lawes for the crymes aboue writtin.'—Continued to the Air of ' Aberdene, tertio Itineris, xv dierum.'

Theft—Spullrie.

Aug. 12.—Henry Walker in Elrig and seven others.

Dilatit for airt and pairt of the taking of Niniane Thomfoun seruitour for
the tym to Gylbert Pennycuick, brothir to the Laird of Pennycuick; and for 
that (he) thistoufflie stall, conceit and away tuik fra him fixt hunredeth markes 
money, ane pair of reid skilk schankis, thre pair of worsfet schankis, twa pair of 
stemming fokis, aucht farkis, xij ruffis of camrige and lanie, ane pair of mawles, 
ane pair of pantounis, twa pair of marrekyne schone; committ the secunde day 
of November 1585.

The perrounis on pannell deryit the faid Gylbert Pennycuick to gif his aytth 
de calumnia, quhidder he hes guid caws to perfew the dittyay or nocht. The faid 
Gylbert anfuerit, that he had guid caws, as he wes informit. Thaireftir the faid 
Gylbert declarit ypoune his kownlidg, fo far as he kennis, they wer thair.—Thair-
eftir it wes allledged be the pannell that na partie, ypoun informatiouin, can be 
had to perfew in Criminall cauffis, and speciallie in the actiouen of Thief; seing 
Gylbert Pennycuick was nocht actuallie thair him felff, but the guidis and geir 
alledget and itollin wes tane fra his feruand, callit Nian Thomfoun, as the lybll beris; quha preffentlie thairder comperis be him felff nor his procu-
ratour to perfew.

' The Justice thaireftir defertit the matir.'

**Murder.**

Sept. 17.—JOHNNIE CAMPBELL of Arkinglas.

Dilatit of airt and part of the crewall murther and slauchtris of vmq Sir 
Johnne Campbell of Calder knycht, committit in Februar 1591; and vmq.

. . . M'interner wechon (watchman) of the place of Taneeltrie, (fertuitour to-
Duncan Campbell of Inuerlewir.)

The Justice-depute produceit ane Warrand, substentuitt be his Maiestie; quhair-
of the tennor followis.

Rex,

JUSTICE, Justice Clark and your deputis. It is our will, and We command 30w, pat ye fit and 
proceid in pe criminall Lettres raftit att our inftance and att pe inftance of our aducatiss aganis Johnne 
Campbell of Arkinglas, according to pe tennor of pe Lettres raftit ppairant; kepad pir presentis for 
your Warrand. Substentuitt with our hand, at Dunfermling, the xvij of September 1696.

(Sic subscirbitur) JAMES R.

The Aducat produceit ane vther Warrand, direct fra his Maiestie to him, 
quhairof the tennor followis.

Rex,

ADUCATTIS, or ony ane of 30w; It is our will, and We command 30w, that 3e perfew and

1 Stockings. 2 Tamins or taming, Fr. estaminus, Lat. stamen; viz. socks made from prepared flax.
3 Cambrick and lawn. 4 Slippers, usually made of velvet. 5 A sort of slipper, or more pro-
ably pattens, being a sort of clog having wooden soles, with latches to tie; they were formerly much 
worn by people of all ranks in Edinburgh. 6 Shoes made of mearkin, (Fr. marroquin,) or dress-
ed goatekin. This case is quoted, chiefly on account of this enumeration of apparel.
follow forth the lettres rait att our infaunce and youris agains Johanne Campbell of Arkinglas, and per-
sew him according to pe tenour of pe lettres, as ye will answear to us vponne your office; keapand pir prevetis for your warrand. Signature with our hand, att Dunfermling, pe xvi day of September 1596.
(Sic subscribitar)

JAMES R.

The said Laird of Arkinglas takis instrumetis of his comperance, and pro-
tefit that the Laird of Arncapill his cautioner be fred; as lykwyis proeftit for
Alexander Bishop of Brechin, Sir James Edmeftoun of Duntreith knycht,
Alex' Meinzeis of Weyme, Sir James Skrymgeour of Didvp knycht, Awla M'ca-
lay of Arncapill, Colene Campbell of Blairnerne and George Balfour of M'cor-
naoune, quha become actit cautiounaire and fourteis for the said Johnne
Campbell of Arkinglas, vnder the pane of fourtie thowland pvndis, that he fould
comper before the Juffice or his deputis, the thryd day of the nixt Juffice-air of
the Sherefdome quhair he duelitis, or foner vpon fytene dayes warinng and
vndirly the law for airt and pairt, red and counsell of the lauchter and murtheuris
of vmq" Sir Johnne Campbell of Calder knycht, and vmq" . . . . M'iturner;
that thay and ewerie ane of thame fould be frie and relevit of the said caution-
aire, in respect of the said Johnne Campbell of Arkinglas comperance this
day, being lauchfullie funmond att the infaunce of the Kingis advocattis, to vnderly
the law for the saidis lauchteris; and the lauil parteis being dewlie and lauch-
fullie warinnt to haif comperit this day and place, to haif insfit in perfuit of
him, for the saidis lauchteris.

PRESERUAR, Mr Wm. Hark, advocate. PRELUQUITOUR for Arkinglas, Mr Alex. King.

The Juffice continewis the mater to the morne that the King may be ipokin
in this mater.

(Sep. 18.)—Continued to the xxij of Sep. ' Plegio, Domino Arncapill.'
(Sep. 23.)—The saim day, comperit Johnne Campbell of Arkinglas, and
offerit him reddie to abyde the tryall of the law, for the alledgeit airt and pairt of
the lauchter of vmq" Sir Johnne Campbell, &c.; and proeftit for releif of the
Laird of M'cawley, his cautioner.

The Juffice, in respect name of the kingis advocattis comperit to perfew him,
Deferit the dyet, and ordenit the cautioner of the said Laird of Arkinglas to be
relevit.

Slaughter.

Oct. 14.—JOHNE MAISTEIR OF ORKNAV.

Comperit James Merfer as brother to vmq" Hary Colvile Parfoun of Vr-
quhart, and produceitt our fouerane lordis Lettres, dewlie execute and indorfit
and perfewing thairof, purchett be him self, to tak fouerietie of Johnne Stewart
Maifter of Orknav, that he fould haif comperit this day and place, in the hour of
caus, and vndirly the law for the alledgeit airt and pairt of the lauchter of the
said vmq Hary Colvile; quhairvpon he afkit instrumentlis, and protefit for releif, (that) Alexander Maister of Elphaintoune, cautioner for reporting and per-
sewing of the said Lettres be relewit.

The said James Merler tuik instrumentlis, that the Maister of Orknay comperit nocht; & protefit for proces aganis him & his cautioneris, feing the hour is past.

Mr Thomas Nicolsoun comperit, and allegeit na proces fould be deducit againis the Maister of Orknay and his cautioneris, feing the King and Counfal hes or-
denit the mater to be continewit; and that he offerit cautioun for the entrice of the said M' of Orknay the morn. The said Mr James Mercer allegeis, that thair wes na ordinance produceit of continewatioune; and that na cautioun aucht to be restruit, in respect the partie comperit nocht nor enterit.

The quhilik day, Hary Commendatour of Sanct-Colmes-Inch and Sir George Elphaintoun of Blythifwod knyght, oft tymes callit, as cautioneris and fourieris, conjunctlie and feuerrallie, for Johnne Stewart M' of Orknay, to haif enterit and preffentit him before our souerane Lordis Justice or his deputis, the fайдis day and place, in the houre of caus, to haif vnderlyne the law for the dewyffing and airt and pairt of the slaughter of vmq Hary Coluile servitor to Patrick Eril of Orknay; committit be Adam Gordoun, brother to the Guidman of Auchannaquhy, and di-
uerfe vtheris his complices, in the moneth of Junij laftbpaft; lauchfull time of day biddin and nocht enterand, the said Johnne Maister of Orknay, as said is, the fайдis Hary Stewart Commendatar of Sanct-Colmes-Inch and Sir George Elphin-
ftoune, as cautioneris conjunctlie and feuerrallie, wer vnlawit for his nocht enterie, in the panis contenit in the Actis of Parliament: Lyke as, the said Jo M' of Orknay wes aduigeit to be denunceit our souerane lordis rebell and put to the horne; and all his movabill guidis ordenit to be escheit and inbrocht to his hienes vse, as fugtiuie fra the lawis of the realme, for the said cryme.¹

Slaughter.

Oct. 26.—Sir Patrik Bannatyne of Stenhouse.

James Merler produceit our souerane lordis Lettres dewlie execute and indor-
sat, purchaist be him as broder, with the kyn and freindis of vmq Hary Coluile Parfoun of Vrquhart, aganis Sir Patrik Bannatyne of Stenhou.

Slaughter.


Dilatit of airt and pairt of the slaughter of vmq Mr Hary Coluile Perfoun of Vrquhart; committit in Junij laftbpaft.

¹ On the margin, opposite this last entry, ‘This Act, ordanis be his Majestie Warrant, to be extint and deleit’.
DITAY against William Bannatyne of Gairfay and James Lokie.

Foreseemill, they, having confessed one deidlie feid, rançour and malice againis pe fheid vno q Hary Coline, consulsit, defwyfit and interpritit his crewall slaunchter, with Johnne Stewart, brother german to Patrik Erle of Orkney, Adame Gordonne, and divers vtheris pair complicis: Lyke as, the said Adame, accompnaiceit with Alex Dunbar of . . . . and Thomas Tweddell servitor to the said Wm Bannatyne of Gairfay in Orkney, and divers vtheris pair complicis, to the nowmer of xxx persoones or pairbyve, all bodin in for of weir, in pe moneth of Junij lastbypast, schippit in ane fichip of Dyfart, st Muntois, and faillit to Orkney; quhair pe said Thomas Tweddell past aschoir, to the said William Bannatyne hons of Gairfay, brocht forth of pe faid hons victuallis and munitioune, with pe qhillk be furnisit pe faid fichip, and pairafter faillit to getland to Burwick and past over land to Nelp in Neffrig, quhair pe faid vno Hary was for pe tyne, doand pe said Patrik Erle of Orkney, his maistries lefll effairis and busines, traisting na ewill, barne, inuiue or perfuit of ony perfounis, but to half lewit vnder Godis paxx and our souerane lordis; and pairpounse, the teult day of Julij lastbypast, the saidis perfounis mainch Shemanfullie, crewallie and vnmercifullie flew the said vno Hary Coline; and they and ilk ane of pame were airt and pairt pairof; the famin being committit of pe speciell casuing, defwyting, counfailing, byring, conduecing, command, affistance and rathebatissoun of pe saidis William Bannatyne and James Lokie: Lykies, the said Wm Bannatyne of Gairfay, directit the said Thomas Tweddell, his servitor, to his place of Gairfay in Orkney, quha after coming to pe faid place, brocht out munitioune and victuallis to furnis his selff and remanent perfounis, committeris of pe faid slaunchter: Committit vpon fett purpous, provisioun, foorthocch fellony, in bie and manifet contemptioune of our souerane lordis authority and lawis, in ewill exempill, &c.

Persewaris.

James Merfier as brother, James Coline, brother to the Laird of Cleifich, Mr Jeremie Lyndefay.

Preloquitouris for the pannell.

Mr Thomas Bellenden, The Gudeman of Lef . . . ., Mr Johnne Nicoloune, Mr Thomas Nicoloune.

The Pannell askis instrumentis of thair compearance, and proteftit that thair cautionaris (be releuit.)

The pannell allegis, that the Lettres of Hoining ar ewill execute againis Wm Bannatyne and James Lokie, and ar null in the selff; becaus the defendantis, long before the chairge and executionis thairof, and be the spase of ane half yeir preceding the cryme committit, had thair duelling place in Edinbrough, and hes maid thair refidence thair contrevallie fenfyne; fwa that the saidis chargeis and executiounis, being maid in Orkny, and nocht cumming to thair knowledge, ar altogidder ineffectuall; as alfo the said denunciationis is null, nocht only for the caus fairfaid, bot also because the saidis defendaris had fund cautious, actit in the buikis of Adornall, before the said pretendit denunciationis: In respect quhair of, they are wrangullie denunceit for nocht finding of cautioune. The perfewar is allegis, that the letters of (are) lauchfullie execute, in respect they are execute att thair duelling hous.

The Justice finde the Letters of Hoining null, in respect the cautioune wes fund lang befoir the denunciationis, &c.

The perfewaris produceis the Depositiounis of Gylbert Pacock and William Stewart, quhair they deponit againis William Bannatyne; togidder with ane
Band, subscryuit, betuix Adam Gordoun, Wm Bannatyne and Thomas Tueddell on the one part, and James Lokie on the other.

The perfounes (on pannell) takis instrumentis, that their is na thing produceit for verificatioun of the Dittay, except the Band produceit, alledged subscryuit be the pannell, Adam Gordoun, Thomas Tueddell and the Maister of Orknay; and the alledged Depositionis of vniq William Stewart and Glylbert Pacok: And anfuerand to the pretendit Dittay, and vereficatioun thairof, produceit; alledged, that the said Dittay is na wyis of veritie, nor hit is the famin ony wyis verefit be the writis produceit; speciallie, seing the Dittay is fett doun with thir circumstances, that the pannell wes airt and pairt of the said flanche, the famin being committit to thair speciall cauing, dewayxing, consulting, hyring, conducit, command, affittance and ratihabitoun, and that the said William Bannatyne directit the said Thomas Tueddell, his seritour, to his place of Gaird in Orknay; quhilkis ar the substantiiall pointis of the Dittay, and as they ar fett doun conjunctlie in the famin; so all the saidis substantiiall pairtis and everie ane of thame aucht to be cierlie verefit and provin, speciallie in respect that in all actiouinis criminall, probationes debent esse luce meridiana clariores. L. ultima C. de Probationibus. And as to the pretendit affertioun, contenit in the lybell and in the Dittay, bering that Thomas Tueddell wes seritour to William Bannatyne, the contrar thairof is of veritie; sfor it is notourlie knawin that he wes ane officiar of armes, haising his awin hous, wyffie and familie; and the Band produceit preifs manifeitlie the affertioun of the said perfewar, in farar as it proportis, that the said Thomas Tueddell wes ane speciall contraker for him selff, alyke principall with all the rest of the perfiounis contenit in the Band; quhairas, gif he had bene the said William Bannatynes seruand, it is nocht probable that the Maister of Orknay wald haif contractit or bandit with ony of the said Williamis feruandis, the said William Bannatyne being bund to ferue him be the said Band; Iwa that quhatsumeur deid alledged to haif bene done be the said Thomas Tueddell, can naywis tuich the said William, and thairfore aucht naywis be respectit be the Inqueif: And as to the pretendit Depositionis of William Stewart and Glylbert Pacok, the famin makis na thing to the purpois, and can preif na thing, aganis of the pannell, sfor diuerfe cauffis: First, becaus thair Confessionis, maid extrajudicillie, merite na fayth; nather authoritit be the Justice (or) Justice-Clarkis subcriptioun, nor hit done in thair prefens: Secundlie, becaus thay ar extortit Confessionis be the defunctis freindis, and maid in prefens of the Eril of Orknay, quha schew him selff partie in that cause, att quhais appetite and defyre the famin wer maid; as the Depositionis beris the famin to be maid, in thair prefens: Thrydlie, the saidis Depositionis ar maid be tua perfiounes that ar guiltie of the said cryme, and wes actuall committeris
produceit, the famin can proiff na part of the Dittay; for thair is na mentioune maid of any sic interpriye in the saif Band; bot the famin is ane naikit and generall Band, of the saif William and James servuice to the Maistre of Orknay, and of his maintenance and defence; quhilk is maist lefum of the law, and contenis na kynd of probatioun nor preumpitioun anais the pannell, or ony of thame; speciallie, feing that the saif Band wes maid for ane just neceffar caus; viz. for reconfiliatioune of the deidlie feid, quhilk had continewit ane lang tyme of before, betuix the Maistre of Orknay and thame; and thairvpon, had folowit gret effusoun of thair blude, as is notour to the hail toune of Edinburgh; quhair the saif Maistre of Orknay diuerse tymes assaiffizit the saif William Bannatyne, and wes woundit, with twa or thrie of his feruandis; and the notorietie heirof is knawin to the perfewar, quha wes reddie with him, att diuerse tymis, to haif reffitit the Maistre of Orknay and his furie: In respect quhairof, the saif William, being ane meane gentleman, and haifing to do with sa potent ane aduerfar as the Maistre of Orknay, had maist juft caus to bind vp the ftrasfeit band of freindship with the saif Maistre of Orknay, 3e (yea), and (if) it wer to fell it with his awin blude, for his releif; and sic ane generall Band of freindship, can newir mak nor convict all the perfounis contenit thairin, of all the deidis and malifices that fal happen to be committit be ony ane perfoun contenit in the Band: And thairfoir, albeit all the rest of the perfounes contenit in the Band, except the pannell, had bene committeris of the deid lybellit, yit that can nawyfie mak the pannell to be gittie thairo, feing thay wer nather airt nor part of the famin.

The perfewar, for anfuer, defyrit the Aflyis to merk the Depositiounis and the Band produceit; and protefrit for wilfull errour, in caife thay acquit.

VERDICT. The Aflyis, be pluralitie of votis, chufe Andro Rychartoun (merchand), burges of Edinburgh, Chanciller, and thairefter reafonit vpoun the pointis of the Dittay; and being throwchlie awyfit thairwith, together with the Depositiounis and Band produceit, and anfueris maid thairto, &c. fand, pronunciit and declarit the saisis William Bannatyne and James Lokie to be Innocent, cleane and acquit of the hail crymes aboue writtin, contenit in Dittay: Quhairvpon thay akfit instrumentis.

Nota.—James Merfer tulk vp the Depositiounis and Band produceit be him.

Slaughter by Witchcraft and Sorcery.

Oct. 30. Alesounie Jollie, spous to Robert Rae in Fala.

Dilatit of the alledged airt and part of the slaughter of vmq" Isobell Hepburne, spous to Johnne Edmesfoun in Fala, be Witchcraft and Sorcery; committit in the monethis of Apryle and Maij, 1596.
Criminal Trials. A.D. 1596.

Persewar, Mr William Haires, aduocat. Proloquutous for the panness, Mr Thomas Craig.

Command the Aduocat, and produce Lettres of Secret Counsell, of the dait the fift of October instant; commanding the (Justice), Justice-clark and their deputies, to set ane Court to this (day), and to caus summons ane Affyle to Alefoun Jollie, for the causs of Witchcraft contenit in the lettres; commanding also, Johnne Edmeftoun and James Hepburne in Bancreif, apprehenderis and dilataris of the said Alefoun, to compier to inflict in the perfuit, conforme to their delatoun, execute be William Porteous messinger; commanding also the Aduocat, to inflict in perfuit of the said Alefoun, the said day. Be vertew quhairof, the saidis Johnne Edmeftoun and James Hepburne are lauchfullie wairnit, to comper and inflict in the perfuit of the said Alefoun. And siclyke, produce vthiris Lettres, purchest at the Aduocattis instancia, for chargeing of the saidis Johnne Edmeftoun and James Hepburne, to compier and inflict in perfuit of the said Alefoun, and for summons of ane Affyle, execute be the said William Porteous; and theirwith produce ane Dittay.

The Justice depute produce ane Warrand, subfcryuit be the King, att Lynlythg the xiiiij of October instant, commanding him to putt the said Alefoun to the tryell of ane Affyle, for the crymes contenit in the Dittay.

The Panness akis instrumentis of the productioune of the saidis Lettres, with the executiouinis thairoff, and that the said Johnne Edmeftoun and James Hepburne, being lauchfullie summond, oft tymes callit, lauchfull tymes of day biddin and compert nocht, in respect thay knew the danger of the law: And als, the said Alefoun offerit hir to the tryell of the law, but ony delay or continewatoune. —The aduocat, after accumatoune of the said Alefoun, produce ane Confession maib be vmq" Jonet Stratoune, ane Whych, of the dait, att Tranent, the tent of September laffbypast; quhairby scoo concept, that Alefoun Jollie had caufit hir bewich the said vmq" Isfobell Hepburne.


Dittay of Alefoun Jollie for Sorcery, Witchcraft, Incantation, Poisoning, &c.

Alefoun Jollie, spous to Robert Rase in Fala; 30 ar indict and accusat, Sorfamekill as, 30, haffing conflant ane deidlie haitrent, rancour and malice againis vmq" Isfobell Hepburne, spous for the tymes to Johnne Edmeftoun in Fala, for the allledged redeming of ane aker of land fra the said Robert Rase and 30w, quhairin 3e wes in posseffion be the space of twa 3eiris or thairby; 3e, accompaneit with vmq" Jonet Stratoune, ane notorious Whych, confluit, dewyfit and interpryfit, within 3our awin dwellin-bous in Fala, and within the said vmq" Jonettis dwellin-bous in Hesildane, in Landerdaill, the crewall and abominabil murthour and slaughter of the said vmq" Isfobell Hepburne; and that, in the monethis of August, September, October, November, December, Januar, Februar and March, in the 3eiris of God 15. V. Ixxv 3eiris, att the left in ane or vthir of the saidis monethis: Lyke as, 3e byrit, conduceit and seduceit the said vmq" Jonet Stratoune, to performe the said crewall murthour
and slaughter of the said vmq" Isbell; quha, in the saidis monethis and yeiris of God farisaidis, ut the leift in one or vi thir of the famin, of your airt, pair-taking, consulting and only quarrelling, be SOR-ceserie, Witchcraft, Incantation, Poysoning, or vther dwellifich or extraordinar meanis, laid ane heavie feiknes vpoun the said vmq" Isbell Hepburne, quhairof she deceifit in the moneth of Mai, the yeir of God I* V**: xxxv yeiris; and sfa, wes crewallie myrdreffit and myyne be 30 w and the said vmq" Jonet Stratoun, be Witchcraft and Sorcerie, vpoun set purpoe, provisoun and foirbocht felony.

Off the quhillk Dittay and crymes farisaidis, the Justice-depute putt the said Alefoun to the tryell of ane Affyis of the perluunes vnderwrittin; that is to say, James Veitch, in Dalkeith, &c.—The said Alefoun denyit the famin.

VERDICT. The Affyis, be the mouth of the said Chancillar, fiand, pronunceit and declarit the said Alefoun to be Innocent, acquit and clangelt of the hail crymes aboue writtin: Quhair vpoun the said Alefoun afsit instrumentis.

### Slaughter.

Nov. 4.—JOHNNEN BOYD, burges of Edinburghe.

Dilatit of the slaughter of vmq" Jonet Lyell, spous to William Stewinfoun; committit in December laft-was.

Perskwarr, William Stewinfoun mariner in Leith.

Preloquiouris, in persuit, Mr Rychard Spens, Walter Henryfoun, Comperit William Scharp, and desyrit to continew the mater, becaus that William Stewinfoun and he ar hurt; that he may haif place heirefrit to persew.

### Dittay of Johnne Boyd burges of Edinburgh.

Forsamekill as, he, haing confusat ane deidlie rancour and malice agains vmq" Jonet Lyle, spous to William Stewinfoun mariner in Leyth; in ye moneth of December laftbapst, come to ye tow of Leyth, to ye said Jonetis dwelling house pair; and efur he had intyfitt hir to pas forth of hir said houz and by (bouy) ane half barrell of inzournis to ye said Johnne Boyd, he remanit within hir said houz, paist to ye almeries, quhair she had certane meill; in ye quhillk meill, he mixt certane poysonn, of purpois to poysonz and deffroy hir; quha the famin nycht, buik the meill in bannokis (and) eis pairof; efur ye quhillk eittin quho tuik ane vehement vometing and laxatt, and ye famin nycht deceifit pairby: And sfa, he maist crewallie, treffonablie, vnaturallie and barbaroullie flew and myrdreffit the said vmq" Jonet Lyle, vpoun set purpois, provisoun and foirbocht felony.

VERDICT. The Affyis cheifs William Rae (elder, cuitlar in Edinburgh) chanciliar; and, in ane voce, Acquittis the said Johnne Boyd of the Dittay vnder (above) writtin.

### Slaughter by Witchcraft and Sorcery.

Nov. 27.—Cristian Stewart in Nokwarter.

Dilatit of airt and pairt of the slaughter of vmq" Patrik Ruthvene, be Witchcraft and Sorcerie.

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1 Onions. 2 Cupboard, she having been too poor to have a meal-ginnet. 3 Oatmeal. 4 Baked.
PERSSEWARS, Alexander Ruthvene, brother to the defunct, Mr Wm Hairt, Kingis advocate.

The quhilk day, etir accusatioun of the saif Cristian Stewart in Nokwalter, be Dittay, in prefens of Walter Robesoun and utheris persounis of Aslyife, of airt and pair of the slauchter of vmq" Patrik Ruthven be Witchesraft; the saif Alex' Ruthven, for verifieing of the saif Dittay produceit the Depositiounis of the saif Cristiane, maid att the bucht of Perth, in my Lord of Gowreis ludgeing thair, the xvij of August 1596, in prefens of Mr Patrik Galloway minister, Mr William Couper minister att Perth, Archbeaupd Moncreif minister, Mr Alexander Lyndsay and Thomas Gaw notar: Togidder with the Depositiounes of the saif Cristian, maid in the saif ludgeing, the xix of the saif moneth of August, in prefens of the saif Mr Patrik Galloway, Mr William Couper, Mr William Rynd, Johnne Rolfe and Henry Eldar notar; all subscrivit with thair hand: Togidder with ane uther Depositioun, maid in the ludgeing forisaid, the xxij day of the saif moneth of August: Togidder with ane uther Depositioun, maid be the saif Cristiane Stewart, maid att Edinburgh the xiiij of September 1596, in prefens of Mr Robert Bruce minister of Godis word in Edinburgh, Clement Con ane of the bailleis thairof, Mr Gylibert Moncreif doctor of medicine, subscrivyeit with thair handis; teftifey ing hir, to haf tane ane clout fra Isobell Stewart, to bewich the saif vmq" Patrik: Togidder with ane Declaratioun of the dait att . . . . . the . . . . . day of . . . . . 1596, subscriuyit be Sir George Hwme and William Stewart, teftifey ing that the saif Cristian Stewart deponit in September lastbypast, in Lynythgwy, in prefens of his Maistrie, that fiche bewichit the saif vmq" Patrik.

VERDICT. The Aslyis, being chochin, sworne and admittit, remowit furth of Court to the north end of the Tobbuith, quhair etir cheching of Michael Rattray in Pittindyne chancillar, reasonit vpon the poyn of the saif Dittay; and being throughlie auiffit thairwith, reenterit agane in Court, quhair thay, be the mouth of the saif Chancillar, fland the saif Cristiane Stewart to be Fylit, culpabill and convict of the bewiching of vmq" Patrick Ruthvene, be casting of Witchesraft vpoun him with ane blak clout: And for airt and pair of the slauchter of the saif vmq" Patrik; committit in Junij laft: And for commoun Witchesraft.

SENTENCE. For the quhilk crime, fiche wes ordenit to be tane to the Cafftlehill and thair to be brunt.¹

¹ On margin of the Record, 'FYLIT and BRUNT.'