



~~Mark C. 1925.~~

SES, MC 51









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MISCELLANY  
OF THE  
**MAITLAND CLUB**  
CONSISTING OF  
ORIGINAL PAPERS AND OTHER DOCUMENTS  
ILLUSTRATIVE OF THE  
**HISTORY AND LITERATURE  
OF SCOTLAND.**  
VOL. II.



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M.DCCCXL.





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JULY, MDCCCXL.

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ACTS OF THE PARLIAMENT AND OF THE PRIVY  
COUNCIL OF SCOTLAND RELATIVE TO THE  
ESTABLISHING AND MAINTAINING OF SCHOOLS  
FROM THE YEAR MCCCCXCVI TO THE YEAR  
MDCXCVI.



THE following Documents have been thrown together for the purpose of exhibiting some of the earlier measures of the Scottish Government for establishing and promoting a National System of Education. The subject is one of great interest, and well deserving a more minute and extended illustration than is afforded by the Public Records of the country; but it is hoped that even the few that have been here selected, will be deemed of importance, and may prove useful to those who are disposed to investigate with care this department of the History of Scottish civilization. Among the uses to be derived from the publication of our Episcopal and Monastic Chartularies, and of the muniments of our ancient towns and burghs, it will be found that they throw numerous, although scattered and often feeble, lights on the actual state of Letters prior to the era of our Ecclesiastical Reformation. For subsequent periods, the materials will be found much more abundant.



ESTABLISHING  
OF  
SCHOOLS IN SCOTLAND.

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IN PARLIAMENTO APUD EDINBURGH 13 JUN. 1496.

*That all Baronis and frehaldaris of substance put their eldest sonis and airis to the Sculis.\**

ITEM It is Statute and Ordinanit throw all the realme that all Barronis and frehaldaris that ar of subflstance put thair eldest

\* The following privilege by the King to Walter Chepman and Andro Millar, the first Scottish Printers, is a document of some importance in the literary History of Scotland :—“ James &c. To al and sindrj our ‘ officiaris liegis and subdittis quham it efferis to quhais knawlage thir ‘ our lettres saleum greting Wit ye that forsamekill as our lovittis ‘ servitouris Walter Chepman and Andro Millar burgessis of our burgh ‘ of Edinburgh has at our instance and request for our plesour the ‘ honour and proffit of our Realme and liegis takin on thame to furnis ‘ and bring hame ane prent with all stuff belangand tharto and expert ‘ men to use the samyne for imprenting within our Realme of the bukis

founis and airis to the Sculis fra thai be aucht or nyne geiris of age and till remane at the grammer Sculis quhill thai be competentlie foundit and have perfite latyne And thaireftir to remane thre yeris at the Sculis of Art and Jure sua that thai may have knawlege and understanding of the lawis Throw the

‘ of our Lawis actis of parliament croniclis mess bukis and portuus  
‘ efter the use of our Realme with addicions and legendis of Scottis  
‘ sanctis now gaderit to be ekit tharto and al utheris bukis that salbe  
‘ sene necessar and to sel the sammyn for competent pricis be our  
‘ avis and discreciooun thair labouris and expens being considerit  
‘ And becaus we wnderstand that this cannot be perfurnist without  
‘ rycht greit cost labour and expens we have grantit and promittit to  
‘ thame that thai sall noct be hurt nor prevenit tharon be ony utheris  
‘ to tak<sup>“</sup>copyis of ony bukis furtht of our Realme to gar imprent the  
‘ samyne in utheris cuntreis to be brocht and sauld agane within our  
‘ Realme to cause the said Walter and Androu tyne thair gret labour  
‘ and expens And alis It is divisit and thocht expedient be us and our  
‘ consall that in tyme cuming mess bukis manualis matyne bukis  
‘ and portuus bukis efter our awin scottis use and with legendis of  
‘ Scottis sanctis as is now gaderit and ekit be ane Reverend fader in  
‘ god and our traist consalour Williame Bischope of abirdene and  
‘ utheris be usit generaly within al our Realme alssone as the sammyn  
‘ may be imprentit and providit and that na maner of sic bukis of  
‘ Salusbery use be brocht to be sauld within our Realme in tym cuming  
‘ and gif ony dois in the contrar that thai sal tyne the sammyne  
‘ Quharfor we charge straitlie and commandis yow al and sindrj our  
‘ officiaris liegis and subdittis that name of yow tak apon hand to do  
‘ ony thing incontrar this our promitt devise and ordinance in tyme  
‘ cuming under the pane of escheting of the bukis and punising of thair  
‘ persons bringaris tharof within our Realme in contrar this our statut

quhilgis Justice may reigne univerſalie throw all the realme Sua that thai that ar Shereffis or Jugeis Ordinaris under the Kingis hienes may have knawlege to do Justice that the pure pepill fuld have na neid to feik our Soverane Lordis principale auditouris for ilk finall Injure And quhat Baroun or frehaldar of ſubftance that haldis nocht his fone at the ſculis as faid is haifand na lauchfull effonge bot failȝeis heirin fra knawlege may be gottin thairof he fall pay to the King the foume of xx ii.—[Acts of the Parliaments of Scotland II, 238.]

' with al rigour as efferis. Geven under our prive Sel at Edinburgh  
 ' the xv day of September and of our Regne the xx<sup>d</sup> yer.'—[*Registrum Secreti Sigilli III*, 129.]—The only publications known to have issued from the press of Millar and Chepman are a collection of pamphlets, chiefly metrical Romances and Ballads, in 1508, of which an imperfect copy is preserved in the Advocates Library, and the Scottish Service Book, including the Legends of the Scottish Saints, commonly called the Breviary of Aberdeen, in 1509, of which the copies are excessively rare.

*Appointment under the Privy Seal of Henry Henrysoun Master of the Grammar School of Edinburgh. 21st March 1529.*

Preceptum confirmationis Magistri Henrici Henrisoun super litera sibi facta per reverendum in christo patrem Georgium Dunkeldensem Episcopum abbatem Monasterii Sancte Crucis prope Edinburgh pro tempore cum consensu Conventus ejusdem sub eorum communi sigillo super officio Magistri eruditionis instructionis et principalis gubernationis Scole generalis Burgi de Edinburgh durante vita sua, &c. Apud Edinburgh xxj Martii Anno MDXXIX.—per Signetum. [Registrum Secreti Sigilli VIII, 170.]

IN PARLIAMENTO APUD EDINBURGH 17 JUL. 1525.

*Act anent the damnable opunyeouns of heresy.\**

ITEM It is statut and ordanit That forsamickle as the dampnable opungeouns of heresy ar spred in divers cuntreis be the heretick Luther and his discipillis And this realm and liegis lies fermelie perfislit in the halifaith sen the famin was first reffavit be thaim and never asȝit admittit ony opungeouns contrair the criftin faith bot ever has bene clene of all sic filth and vice Therefore that na maner of persoun strangear that hapnis to arrife with ther schippis within ony part of this realm bring with thaim ony bukis or werkis of the said Lutheris his discipillis or fervandis desputt or rehers his herefyis or opungeouns bot geif it be to the confusioune therof and that be clerkis in the feulis alanelie vnder the pane of escheting of ther schippis and gudis and putting of ther perfouns in presoun And that this aȝt be publisc and proclamit out throw this realme at all portis and burrowis of the famin Sa that thai may allege na Ignorance therof [And all vther the kingis liegis affistaris to sick opungeouns be punist in semeible wise And the effect of the said aȝt to strik apon thaim &c.] *Additio per Cancellarium et Dominos Concilii, 4 Sept. 1527. [Act. Parl. II. 295.]*

\* This Act is renewed by Parliament 12 Jun. 1535, with the addition—“ And that nane of thame have use kepe or consele ony bukis of the saidis heretekis or contenand thar doctrine and opinionis bot that thai deliver the samin to thare ordinaris within xl days under the panis forsaidis.”

## IN PARLIAMENTO APUD EDINBURGH 15 MAR. 1542.

*Anent haifing the haly write baith the new Testament and the auld in the vulgar toung.\**

Anent the writting gevin in be Robert Lord Maxwell In prefens of my Lord Governour and Lordis of Artikles to be avisit be thaim gif the famin be resonable or nocht of the quhilk the tennour followis It is statute and ordanit that it falbe lefull to all our Soverane Ladyis lieges to haif the haly write baith the new Testament and the auld in the vulgar toung in Inglis or Scottis of ane gude and trew translatioun and that thai fall Incur na crymes for the hefing or reding of the famin Providing always that na man despute or hald oppungeonis under the panis contenit in the actis of Parliament The Lordis of Artiklis beand avisit with the said writting findis the famin resonable and therfor thingis that the famin may be ufit amangis all the lieges of this realme in our vulgar toung of ane gude trew and just translatioun becaus ther was na law schewin nor producit in the contrar And that nane of our said Soverane Ladyis liegis incur ony crimes for haifing or reding of the famyn in forme as said is nor falbe accusit therfor in tyme tocum And that na perfonis despute argoun or hald oppuniounis of the famin under the saidis panis contenit in the foirfaidis actis of Parliament.

The quhilk day Ane maist Reverend fader in God Gawyne

\* The following notice occurs in the Account of the Lord High Treasurer of Scotland.—“ 1543.—Item the xxvij day of Marche gevin to Johne Rob Messinger passand to Dumfermling and Perth to proclaim twe Letteris tueching the having of the Scripture in Inglis xxij s.”

Archbischope of Glasgw chanceler for himself and in name and behalf of all the prelatis of this realme beand present in Parliament schew that ther was ane a<sup>c</sup>t instantlie red in faice of Parliament that the haly write may be usit in our vulgar toung and that na cryme sould follow therupoune throw the using therof And allegit in the said a<sup>c</sup>t that the thre estatis concludit the famin Quhilk he for himself and the remanent of the prelatis being present as ane of the thre estatis of the said Parliament Disaffentit therto simpliciter bot opponit thaim therto unto the tyme that ane provinciale confale mycht be had of all the Clarge of this realme to avise and conclude therupoun gif the famin be necessar to be had in vulgar toung to be usit amang the Quenis lieges or nocht and thereftir to schaw ther uter determinatioun quhat falbe done in that behalfe and therupoun askit Instrumentis. [Act. Parl. II. 415.]

IN PARLIAMENTO APUD EDINBURGH 4 JUN. 1563.

*Anent ane Commissioun to visie the Collegeis of Sanctandrois and utheris within this realme and to report to the next Parliament.*

Item Forsamekill as it was menit to the Quenis grace and Lords of Articlis in name of all that within this realme ar delyrous that leirning and letters floreis that they wald tak tent to the waifing of the patrimonie of sum of the fundatiounis maid in the Collegeis of the Citie of Sanctandros and utheris placis within this Realme for the interteniment of the gouth and that few sciences and speciallie thay that ar maist neceffare that is to fay the toungis and humanitie ar in ane part not

teicheit within the said Citie to the great detriment of the haill liegis of this realme thair childrene and posteritie Desyring thairfoir the Quenis Majestie and Lordis foirsaidis to avise and rypelie confidder that the rentis and fundatiounis of the saidis Collegeis mycht be employit to sic men of knawlege and understanding quha hes the toungis and humanitie for instruccioun of the youth and uther science according to the instruccioun of the saidis Collegeis and for weiffair of the haill liegis of this realme and thair posteritie Thairfoir the Quenis Grace and Estatis foirsaidis hes gevin and grantit lyke as thay be the tenour heirof gevis and grantis full commissioun and powar to James Erle of Murray Lord Abirnethy &c. ane reverend father in God Henrie Bisshop of Ros President of the College of Justice and Sessioun Williame Maitland of Leathingtoun youngar Secretar to our Soverane Lady Maister James Makgill of Rankelour nether Clerk of Register Schir Johne Bellenden of Auchinnoull Knycht Justice Clerk Maister Johne Spens of Condie Advocat to our Soverane Lady Maister George Buchquhanane Maister Johne Winrame Priour of Portmoak and Johne Erkine of Dun to cognosce vise and confidder the patrimonie and rentis of the saidis Collegeis quhat the famin extendis to geirlie and superplus thairof how and in quhat maner and be quhat rentis and geirlie proffeittis thair may men of cunning and understanding be had within the said Citie and utheris placis quhair Collegeis ar for instruccioun of the gouth in foirsaidis sciencis of the young and humanitie to the weiffair of the haill liegis of this Realme and thair posteritie And to declair thair opinioun and avise quhat ordoure salbe usit in the saidis Collegeis toward the

instruccioun of the gouth and uthers and as thay find thair-intill to reporte the famin to our Soverane Lady and thre Estatis in the nixt Parliament togidder with thair awin Juge-mentis and opiniou how and in quhat maner the famin may be esylie done and usit.—[*Act. Parl. II. 544.*]

#### ARTICLES PROPONIT TO THE PARLIAMENT.

APUD EDINBURGH 3 DEC. 1567.

*Anent the instruction of the youth sustentatioun of the pure and relief to the laboraris of the ground.*

That provisioun may be maid for instruccioun of the gowth for sustentatioun of the pure and for sum releif to the lauboraris of the ground especialie for the relief in leiding of thair teindis. *Ansueris to the first part of this article That the landis of Prebendaris of College kirks in Landwart be erectit for sustentatioun of Bursaris And referris the uther tua heidis to the Estatis in Parliament.*

*Anent reformation of Scoles and Collegis.*

Item that all Scoles alswaill to burgh as land and colleges be reformit and that nane be permittit nor admittit to have charge therof or to instruct the youth privatlie or publictlie bot lik as ar or falbe tryit be the Superintendentis and visitatouris of the kirk and admittit be thame to thair charges. *Apprevit.—[Act. Parl. III. 37, 38.]*

IN PARLIAMENTO APUD EDINBURGH 20 DEC. 1567.

*Anent thame that salbe teicheris of the youth in Sculis.*

Item Forfamekle as be all lawis and constitutiounis it is provydit That the youth be brocht up and instru<sup>c</sup>tit in the feir of God and gude maneris and gif it be utherwyse it is tinsell baith of thair bodyis and saulis gif Goddis worde be not rutit in thame Quhairfoir our Soverane Lord with avise of my Lord Regent and thre estatis of this present Parliament hes flatute and ordanit thāt all Sculis to Burgh and land and all Univerciteis and Collegis be reformat And that nane be permittit nor admittit to have charge and cure thairof in tyme cuming nor to instruct the youth privatlie or oppinlie bot sic as falbe tryit be the Superintendentis or visitouris of the Kirk.

*Anent the disposition of Provestries prebendaries and Chap-lanereis to Bursaris to be fundit in Collegeis.*

Item Forfamekle as the youth is not onlie fene to preserve the commoun weill bot also of thame man ryfe sic as efter this man serve in the kirk of God within this realme and to the commoun weill of the famin And because the povertē of mony is in sic fort that they may not hauld their children at letteris quhairby the maist pairt of the gouth of this Realme wantis the giftis and gracis of leirning requisite to that charge And for remeid heirof Our Soverane Lord with avise and consent of my Lord Regent and thre Estatis of this prefent Parliament

hes statute and ordanit that all patrounis havand prouestreis or prebendareis of Collegis Alterageis or Cheplanereis at thair giftis and difpositioun may in all tymes cuming at thair plesour present the famin to ane bursar quhome thay pleis to name to studie vertew and letteris within ane College of ony of the Univerliteis of this Realme thair to remaine for sic space as the patroun foirsaid plesis to hauld him at vertew and leirning within the foirsaid College and as falbe aggreit upon be the patrounis of the faidis prouestreis or prebendareis with the Principall and Ministeris of the College of the Universitie And efter the patroun remuise that bursar furth of the faid College to present ane uther And fwa furth fra ane to ane uther to the effect foirsaid at the patrounis plesour notwithstanding ony fundatioun or confirmatioun past be quhatfumever authoritie in ony tymes bygaine Anent the quhilc Our Soverane Lord my Lord Regent and thrie Estats of this present Parliament dispensis fwa that the faidis Patrounis may dispone thair prouestreis and prebendareis to sic bursaris as they fall think expedient als oft as neid beis Quhilc falbe na hurt nor prejudice to thair patronage notwithstanding thair fundatiounis and confirmatiounis quhatfumever or ony provisioun contenit thairintill And thairfoir our Soverane Lord my Lord Regent and thre Estatis foirsaidis hartyt requeiftis all patrounis of Collegeis prebendareis and prouestreis to graunt and dispone thair prouestreis and prebendareis to the bursaris forsaidis in maner above specfyit Swa that letteris may be authorisit and the gouth sufficientlie brocht up in vertew and leirning to the glorie of God and confort of the commoun weill of this Realme. [Act. Parl. III. 24, 25.]



# JAMES 2. King of Scotland.

At our right trust Confing James & wife  
of Morton Land of Thaffit's Agent to us ourselfes and Generall conculde  
particular Comptalre and Presidente comand, & certifying to the said  
whereas, Hys gracefull he shall tend to the advancement of the true Religion and  
the former as halfe thet expeditio[n] we ffeare, and affirme and fiftly for our dutevility  
(that by certayn paragragh before saide a Bill remayning to the said  
and that thair is ther eftectivitie and perteining to the said  
dint get the said greate and boord of ther wch great Tempurall, and may  
Landwate aduancement of ther soume of ther yere ymme vpon the said  
poundz v. viii. Dint. penaltie, and for the collecting the same for Bellalia and auge plement.  
Comfate allowing of ther said Observance, & willing to ferue our Rectorie to ther perteinances therof,  
paynuty for the Bellalia, Superintendentis, and Commisnioners, and  
and Sclentent to deuise in Alberne. Bunge of Bellalia and the ffor  
ges commandment ther. ourr Letteris to be direct to that effect.

Whereas Liffell ffor 30 yars, And to our Name and Dueutyis command, and  
ad Landwate to contrefate to collect ther said summe of ther said vndir the said  
of ther said yere, or else fatter appoynted for him to refette ther same within 30 yers  
same may be infuch with Diligence and Sclentent to ther said Superintendentis Entit and the said first day of July  
Execution and perteining of thame to our Name, And off late ffor 30 yars  
(Bellalia), and perteining to our Name, And esfert and fentering a lyea (yere) vnde  
cille vnde Name, (Ex-Officio to so we committe to 300 committis and fccafis one full yarde, Be it one  
year or currenct and nofet to the fenece. Oding and oure signet at Hallandfleſhouſe the auge day of May, 1575.

Specie<sup>z</sup> d'actu<sup>y</sup> fructi Confidi.

AT HALYRUDHOUS 8 MARCH 1575.

*Charge by the Privy Council of Scotland to contribute and collect fyve pundis in every parochin for the purchase of a Bible.*

JAMES Be the Grace of God King of Scottis To our Louittis

Messlingeris oure Schireffis In that parte coniunctlie and feueralie constituite Greting Forsamekle as oure richt traist Coufing James Erll of Mortoune Lorde of Dalkeith Regent to ws oure Realme and Leigis Nobilitie Estaittis and Lordis of oure previe Counsale presentlie convenient Vnderstanding be the Supplicatioun of the Bischoppis Superintendentis and Commisionaris of the diocyes within our Realme How greatlie it fall tend to the aduancement of the trew Religioun and Instrukcion of the people professing the same within oure Realme That In euerilk paroche kirke thair be a Byble remaning In sic forme as falbe thocht expedient be the kirke and allowit and sett furth be our Au<sup>t</sup>oritie And that thair is gude characteris and printing Irmis already within oure Realme proper and sufficient for wirkynge and Imprenting of the saide Bible And that git the charge and hafard of the wark wilbe great and fumptuous and may not well be performit without euery parochin asweill to Burgh as Landwart aduance aforehande the fowme of fyue pundis viz for the price of the saide Bible weill and sufficientlie bunde In paift or tymmer foure pundis xij £ iij penneis and for the Collectioun the vther fax shillingis and aucht penneis Thairfore our saide Regent Nobilitie Estaittis and Counsale allowing of the saide overtture and willing to extende

our Auctoritie to the furtherance thereof hes ordanit that the said fowme falbe collectit of euery parochin be the Bischoppis Superintendentis and Commissioneris or sic perfonis as thay fall appoint to the collectioun thairof, and the fame Imbrocht and deliuerit to Alexander Arbuthnet Burges of Edinburgh the furnissar off the said warke betuix and the first day of July nixt to cum And hes commandit thir oure Letteris to be direct to that effect OVRE Will Is heifore and We charge gow straitlie and commandis that Incontinent thir oure Letteris fene ge pas And in oure name and Auctoritie commande and charge the principallis and Heidifinen of euery parochin alweill to Burgh as Landwart to contribute and collect the faide fowme of fyue pundis within the parochin and deliuer the fame to the Bischop Superintendent or Commissioner of the diocy or sic as falbe appointit be him to resfaue the fame within Ten dayes nixt efter they be chargeit be gow thairto To the effect the fame may be Inbrocht with diligence and deliuerit to the faide Alexander Arbuthnet betuix and the faide first day of July vnder the pane off Rebellioun and putting of thame to oure horne And gif thay failze therein the faide Ten dayes being by-past That ge Incontinent thairefter denunce yame Rebellis and putt yame to oure horne And escheit and Imbring al thair mowable gudis to our vse for thair contempioun as ge will answer til ws thair vpone The quhilk to do we committ to gow coniunctly and feueralie our full power Be thir our Letteris delyuering thame be gow dewly execute and Indorsat agane to the berar Gevin vnder our Signet At Halyrudehous the aucht day of Marche and of our reigne the aucht geir 1575.

*Per Actum Secretj Consilij*

IN PARLIAMENTO APUD STRIVILING 25 JUL. 1578.

*Anent the Visitation of the Universiteis and Collegis.*

Forsamekill as the Univerfiteis of this realme ar appointit for the educatioun of the zouthheid quhilk fuld be feid of gude learning and maneris within this realme And that the samyn being richtlie foundit alsweill in rentis as provisiounis of Maift-eris and burferris And that notwithstanding thay ar misufit be particular personis to thair awin avantage without respect of the educatioun of the zouth in wertew and gude letteris Regarding na thing the commoun welth of this realme For remeid of the quhilk Our Soverane Lord with avise and consent of the thrie estaitis of Parliament Gevis grantis and committis full power and commissioun to the richt honorabillis reverend per-sonis efter following to pas to the Collegis and Univerfiteis efter specefeit And ther vefy and confidder the fundatiouns and erectionis of the Universiteis and Collegis within this realme with full power to thame to reform sic thingis as foundis to superftitioun ydolatrie and papistrie and to displace sic as ar unqualefit and unmeit to discharge ther office in the saidis Uni-versiteis and to plant sic qualefit and worthie personis therin-till as thai fall find gude and sufficient for the educatioun of the zouth and conform to the commoun weill of this Realme That is to say for the Universiteis of Sanctandrois the Arche-bishop thairof The Archebishop of Glasgow The Bisshop of Aberdene Robert erll of Levenox Robert erll of Buchane Maifter Andro Melvile and Maifter Peter Young For the Univerfiteis of Aberdene the said Archbifhop of Sanctandrois the

Bisshop of Aberdene the faid Robert erll of Buchane The Commendatar of Deir Maister Robert Maitland dene of Aberdene and Mr George Hay person of Rauthwen For the Universitie of Glasgow the Archbisshop thairof the faid Robert erll of Levenox Robert Lord Boyd Maister Andro Hay Maister Thomas Smetoun and Maister Andro Polwart Quhilkis personis particularlie abonewrittin appointit as faid is Sall convene and begyn at Sanctandrois the first day of November nixt tocum at Aberdene the xv day of the samyn moneth and at Glasgow the xxiiij day of the samyn moneth of November nixt tocum And thai being convenient at the particular places respective abone expremit Sall putt this present act and ordinance to dew executioun in all pointis Efter the forme and tennour thairof as they will anfuer to our Soverane Lord thairupoun And to report ther procedingis respective to the Kingis grace and Counfall the first day of Januar nixt tocum And to that effect that thai may tak forther ordour therin-till gif neid beis. [Act. Parl. III. 98.]

IN PARLIAMENTO APUD EDINBURGH 10 Nov. 1579.

*That Householdaris have bybillis and psalme buikis.\**

Item It is Statut and ordanit be our Soverane Lord and his thrie estlatis in this prefent Parliament That all gentilmen

\* In reference to the above act of Parliament, the following license appears in the Register of the Privy Seal.—At Montrose 16 June 1580.

ANE LETTER made with avise and consent of the Lordes of our Sover-

houfhaldares and utheris worth thrie hundredth merkis of geirlie  
rent or abone and all subftantious zemen or burgeffis likewife  
houfhauldaris eftemite worth fyve hundredth pundis in landis or  
guidis be haldin to have a bible and pfalme buke in vulgare  
language in thair houffis for the better inſtruictioun of thame-  
ſelfſis and thair fameliis in the knawlege of God within geir  
and day efter the dait heirof Ilk perfone undir the pane of ten  
pundis And that the Profeſt and baillies of ilk burgh and ſic  
perfone in every parochyne to landwart as falhave the Kingis  
commissioun ſearche inquire and try quha failȝeis heirin And  
they being conviȝt thairof to uptak the ſaid pane of every ane  
that failȝeis the thrid part to thame ſelfſis for their panes and  
the tua part to the help and releif of the puyr of the parochyne.  
—[Act. Parl. III. 139.]

IN PARLIAMENTO APUD EDINBURGH Nov. 11. 1579.

*For Inſtruictioun of the Youth in Musik.*

For Inſtruictioun of the zouth in the art of muſik and ſing-  
ing quhilk is almaift decayit and fall ſhortly decay without  
tymous remeid be providit Oure Soverane Lord with avife of  
his thrie eſtaitis of this preſent parliament Requeiſtiſ the pro-  
ane Lordes Secreit Counſall To Jhone Williamson burges of Edinburgh  
To vesie ſeik and ſerche all and sundrie houſſes and duelling places  
alsweill burgh as land regalitie as royltie within his hienes realme and  
dominiouſs &c. and to requyre the ſicht of thir Bybill and Psalme buik  
giſ thai ony haue to be merket with thair awin name of the ſaid John or  
his deputtiſ handwryte for eschewing of fraudfull and deceavabill dealing  
in that behalf, &c. &c.—[Regiſtrum Secreti Sigilli xlvi, 129.]

veft baillies counfale and communitie of the maift lpeciall bur-  
rowis of this realme And of the patronis and provestis of the  
Collegis quhair fang sculis ar foundat To erect and sett up  
ane fang fcuill with ane maifter sufficent and able for inftru-  
ctionoun of the gowth in the said science of musik As they will  
ansuer to his hienes upoun the perrell of their fundationis and  
in performing of his hienes requeift do unto his Majestie ac-  
ceptable and gude plesure. [Act. Parl. III, 174.]

IN PARLIAMENTO APUD EDINBURGH 11. AUG. 1607.

*Commissioun anent Grammer and teacheris thairof.*

Oure Soverane Lord and estaittis of this present Parliament  
understanding the latine towng to be greatlie diminischt within  
this realme to the heavie prejudice of the commoun weall  
of the famyn And the speciall caufe thairof to be the want of  
the uniforme teacheing of all the pairtis of grammer establischt  
be ane Law in all the pairtis of this realme wherethrow be the  
curiositie of diverse maisteris of scholis baith to burgh and land  
taking upoun them aftir thair fantefie to teache fuche grammer  
as pleafis them The gouth quha be occasioun of the peft and  
utherwayes being oft and diverse tymes changeit to diverse  
scholis and maisteris be alteratioun of the forme of teacheing ar  
haillely prejudgeit For remede quhairof it is thocht expedient  
be our Soverane Lord and Estaittis of this prefent Parliament  
That thairshall be ane fatlit forme of the best and maist commoun  
and approvin grammer and all pairtis thairof collectit esta-  
blischt and prentit to be univerfallie teacheit in all the pairtis  
of this realme be the haill maisteris and teacheres of grammer

in all tyme cuming Thairfair oure faid Soverane Lord and Estaitis of Parliament presentlie convenit hes gevin and grantit and be thir prefentis gevis and grantis full power and commissioun to Alexander erle of Dunfermeling Chancellar of this realme James Lord of Balmirrenoch Secretar to his Majestie Sir Thomas Hammiltoun of Bynnie knyght his hienes Advocat Mr John Prestoun of Pennycuk Colle<sup>c</sup>tour generall Sir John Skene of Curryhill knyght Clerk of Register Mr Thomas Craig and Mr Williame Oliphant Advocattis Mr Williame Scott of Elie Mr Patrick Sandis and Mr Johne Roy scholemaister of Edinburgh or ony fyve of thame conjunctlie To trye cognosce conclude and sett doun sic forme and ordour as they fall think maist meitt and expedient To be observit heireftir be all maisteris of grammer within this realme And our said Soverane Lord and estaitis forsaidis declairis that the procedingis of the saidis Commissionaris in the said mater shall be als effectuall as gif the famyn wer speciallie set down be act of this present Parliament And that publicatioun be maid thairof at all places neidfull with command thairin to all maisteris of scholis to obey the famyn under the pane of deprivatioun of thame from teacheing and payment of twentie pundis to the pure of the parochin quhair they duell. [Act. Parl. IV, 374.]

LETTER FROM KING JAMES THE SIXTH TO THE PRIVY  
COUNCIL OF SCOTLAND Nov. 2. 1616.

JAMES R.

Righte truftie and righte welbeloued cosen and counfel-

lour And righte trufte and welbeloued counsellouris Wee  
greett yow well Whereas it is neceſſarie for the better eſtab-  
liſhing of true religion that childeſin be catechiſed and  
educated in the knowledge of the groundes thereoſ frome  
their tender yeareſ And whereaſ manie parentes are ſo  
negliȝtful and careleſ in that point as their childeſene being  
eyther altogether ignorant or careleſlie inſtruϲted are when  
they come to age eaſily peruerted and drawen to Poperie  
It is therefor our pleafour that yee caufe make and publiſhe  
an aȝte commaunding all parentes to uſe the ordinarie meaneſ  
of inſtruϲting their young childeſene to preſente thame to their  
ordinarie paſtouſ at all uſuall times of cathechiſing and exa-  
mination and to bring thame to the biſhoppe of the dioceſe at  
euerie viſitatiouſ to be tried and conſirmed by him with certi-  
fication that ſuſh parentes as ſhall negleȝte theſe meaneſ ſhall  
pay according to their qualitie a pecuniall ſumme withoute  
anie remiſſion And this recommending to your ſpeciall care  
Wee bid yow farewel At our pallace of Whitehalle the  
ſecunde day of Nouember 1616. [Original preserved in the  
*General Register House.*]

ACT OF THE PRIVY COUNCIL OF SCOTLAND APPOINTING A  
SCOOLE TO BE IN EUERY PARROCHE DEC. 10. 1616.

Forſameikle as the Kingis Majeftie haueing a ſpeciall care  
and regaird that the trew religion be advanceit and eſtabliſheit  
in all the places of this kingdome and that all his Majefties  
ſubjeϲtis eſpecially the youth be exerciſed and trayned up in

civilitie godlines knawledge and leirning That the vulgar Inglysh young be universallie plantit and the Irische language which is one of the cheif and principall causis of the continewance of barbaritie and incivilitie amangis the inhabitantis of the Iles and heylandis may be abolisheit and removit And quhairas thair is no meane more powerfull to further this his Majestis princelie regaird and purpos than the establisshing of Scooles in the particular parocheis of this kingdome whair the youth may be taught at leaft to wreit and reid and be catechised and instruced in the groundis of religioun Thairfoir the Kingis Majestie with aduise of the Lordis of his secreit Counsell hes thocht it necessar and expedient that in euerie parroche of this kingdome whair convenient meanes may be had for interteyning a scoole That a scoole falbe estableishit and a fitt perfone appointit to teach the same upoun the expensis of the parochinalis according to the quantitie and qualitie of the parroche at the ficht and be the aduise of the Bishop of the diocie in his visitatioun Commanding heirby all the Bishoppis within this kingdome That they and everie ane of thame within thair feveralld dioceis deale and travell with the parochinalis of the particular parocheis within thair saidis dioceis to condescend and agree uponne some certane folide and sure courfe how and by quhat meanes the said Scoole may be enterteyned And gif ony difficulteis arryse amongis thame concerning this mater That the said Bishop reporte the same to the saidis Lordis to the effect they may take fuche ordour heiranent as they fall think expedient And that letteris be direct to mak publicatioun heirof quhairthrow nane pretend ignorance of the same.

ACT OF THE PRIVY COUNCIL OF SCOTLAND ANENT THE  
CATECHESINE OF CHILDRENE DEC. 10. 1616.

Forfameikle as the Kingis Majestie with the aduise of the Lordis of his Secret Council heis found it verie necessar and expedient for the better establischeing of the trew religionn that childrene be catechesed and educate in the knowledge of the groundis therof from their tender yeiris And seeing mony parentis ar fo careles and negligent in that point as thair childrene being aither altogidder ignorant or cairlefflie instructed ar quhen they come to aige easilie pervertit and drawne to Poperie Thairfore his Majestie with aduise foirfaid heis commandit and ordanit and be thir presentis straitlie commandis chairges and ordanes all and findrie parentes to use the ordinar meanes of instructing thair young childrene to present them to thair ordinar pastour at all usuall tymes of catechising and examination and to bring thame to the Bisshop of the dyocie at everie visitatioun within the parroche to be tryed and confirmed be him under the paynes particularlie underwrittin to be incurrit toties quoties be euerie persone failinge to present thair children to the Bisshop at his visitatioun as faid is That is to say be euerie nobilman fourtie pundis be euerie Barone fourty merkis and be euery inferiour persone twenty merkis or lesse according to the meanes of ilk persone And that letteris be direct to mak publicatioun heirof that nane pretend ignorance of the same.

LETTER FROM KING CHARLES I. TO THE ARCHBISHOPS AND  
BISHOPS FOR SCHOOLES TO BE IN EVERIE PAROCHIIN—  
WINDSOR 25 AUG. 1626.

Right Reverend &c. We are informed that it was Provided that English schooles shoulde be establisched in all the Parochins within that our Kingdome for better instructing of childeeren and of the vulgar sort in the knowledge of the treue religion And for the better civilising and removing of the Irish language and barbaritie out of the heigh landes there And that all Bishops within the said kingdome in the visitation of their Dioceſes ſhould ſee the fame accordinglie performed at ſuch Places as ſhould be thought moft fitting for the eafe of the ſaid childeeren ſetting down a competent meaneſ for the enterainment of the Scholemaifters which courſe (as wee are likewife informed) hath not been by yow putt in execution with ſuch exact diligence as was requiſite in a matter of ſuch importance Therefor our Pleaſure is that yow cauſe eſteabliſh the ſaid Scholes in ſuch pairts as ſhalbe found moft requiſite And where the Scholemaifters can be beſt provyded with competent maintenance according to anie good a&t and order heretofor prefcreyyed for this purpoſe And that you weeklie in your feuerall dioceſes be carefull in ſeing that euerie Minister in his particular paroch Catechife his Parochners in the groundes of Religion which as a cheefe poyn̄t of his Ministerie is requiſite to be duely obſerued. Thus expeſting your readie perſformance of the Premiffis We bid yow fairwell Windſore the 25 of Auguft 1626.

## IN PARLIAMENTO APUD EDINBURGH 28 JUN. 1633.

*Ratification of the Act of Secretit Counsall Auent plantatione of Schooles.*

Oure Soverane Lord with the advyse of the estates Ratifies the act of secreit counfall daited at Edinburgh the tent day of December ane thousand fax hundred and faxteine geirs maid anent the planting of schooles With this additione That the Bischops in thair fevall visitationunes fall have power with consent of the heritors and most pairet of the parischioners And if the heritor being lawfullie wairnit resuiffis to appear then twih consent of the most pairet of the parischioners To set downe ane stent upon everie plough or husbandland according to the worth for maintenance and establisching of the saids schooles And if any perfone fall find himself greived it fall be lawfull to him to have recourse to the lords of secreit counfall for redres of any prejudice he may or doeth fustaine And ordaines letters to be direc<sup>t</sup> for chairging of the possellors for the tyme to answere and obey the schoolmaisters of the dewties that fall be appointed in maner forfaid. [Act. Parl. V, 21.]

## IN PARLIAMENTO APUD EDINBURGH 10 SEPT. 1639.

[Minutes done in the Articles.]

The article for plantatione of Schoolis Remitted to the Commissione to be granted for plantatione of Kirks, &c. [Act. Parl. V, 259.]

## IN PARLIAMENTO APUD EDINBURGH 20 AUG. 1641.

Overturis from the Generall Affemblie for Universties and Schoollis red in Parliament Item some Overturis anent Ministeris And appointis everie Estate to haif the dowble thairof that they may be advyfed therwith and gif any of thame concerne his Majestie moir particularlie that the note thairof be delyvered to the Kingis Advocat.

[*Overtours for Schooles.*

1. Everie parish would have a reider and a schooll wherein childrene ar to be bred in reading wryting and grundis of religioun according to the lawdable acts both of Kirk and Parliament maid befoire.

And where Grammer Schooles may be had as in Burghes and in other considerable places (among which all presbyteriall Seats ar to be reputed) that they may be erected and held hand to.

2. Anent these Schooles everie Minister with his elders fall give accompt to the Presbyteries at the visitatioun of the kirk The Presbyteries ar to mak report to the Sinod and the Sinod to the Generall Affemblie that Schooles ar planted as abowefaid and how they ar provyded both in men and meanes.

3. And becaus this hath bene most neglected in the Hielandis Ilandis and border Thairfoire the minister of everie parishe ar to instruct by thair Commissionaris to the next Generall Assemblie that this course is begune betuix and then and they ar further to certifie from one Generall Assemblie to another whither this course is continued without ommislioun or not.

4. And becaus the meanes hitherto named or appointed for Schoolis of all fortis hath bene both litle and ill payed Thairfoir besyd former appointmentis (the execution quhairof it is humblie defyred and to be petitioned for at the handis of his Majestie and the Parliament) The Assemblie wold farther supplicat the Parliament that they in their wisdome would find out how meanis falbe had for fo good ane use especialiie the childrene of poore men (being very capable of learning and of good engynes) may be trained up according as the exigence and necessitie of everie place fall requyre and that the Commissionaris who falbe named by this Assemblie to wait upon the Parliament may be appointit to reprezent this to his Majestie and the Parliament feing his facred Majestie by his gratioues letter hath put us in the hop heirof quhair-with we have bene much refreshed.

5. The Assemblie wold supplicat the Parliament that for youthes of the fynd and best spiritis of the Hielandis and borderis maintenance may be allowed as to Burfars to be bred in Univerfities.

6. For the tyme and maner of visitatioun of Schooles and contryeing the best and moft compendious and orderly cours of teaching Grammer we humblie defyre the Affemblie to appoint a Committee for that effect who may report thair diligence to the nixt Generall Affemblie.] [Act. Parl. V, 367.]

IN PARLIAMENTO APUD EDINBURGH 2 FEB. 1646.

*Act for founding Schooles in everie paroche.*

The Estates of Parliament Consideringe how prejudicall the want of Schooles in manie Congregations hathe bene and how beneficiall the founding therof in everie Congregation wilbe to this kirk and kingdome Doe thairfore Statute and Ordane That there be a Schooll founded and a scholemaster appointed in everie paroche not alreadie provydit by advyse of the Presbiterie And to this purpose that the heretouris in everie congregation meet amongst themselfis and provyde a commodious hous for the Schoole and modifie a stipend for the Schoolemaiter whiche fall not be under ane hundereth merkis nor above twa hundereth merkis to be payit geirlie at tuo termes And to this effect that they fett doun a stent upon everie ones rent of stock and teind in the paroche proportionallie to the worth therof for mantenance of the Schoole and payment of the Schoolmasteris stipend Whiche stipend is declared to be dew to the Scolemasteris by and attoure the casnalities whiche formarlie belonged to reidaris and clerkis of Kirk Seslions And if the heretouris fall not conveene or being conveened fall not aggrie amongst themselfis Than and in that caife the Presbi-

trie fall nominat tuell honest men within the boundis of the presbitrie who fall have power to establishe a Schoole modifie a stipend for the Schoolemaster with the latitude before exprest and set doun a stent for payment thairof upoun the heritouris whilk falbe alse valide and effectuall as if the famen had bene done be the heritouris themselfis And becaus the proportions imposid wilbe verie small Thairfore for the better and more readie payment therof It is further ordained That if two termes proportions run in the thrid unpayit Then these that so faill in payment falbe lyable in the double of thair proportions than restyng and in the double of everie termes proportion that falbe restyng thereafter ay and quhill the Schoolemaster be compleitlie payit and that without anie defalcatioune And that letteris of horning and all uther executorialis necessar be directed at the instance of the Schoolemaster for payment of the double of the proportions in maner foresaid Dischargeing heirby anie suspencion to pas against the Schoolemasteris without consignacioune And it is declared that lyverenteris during ther lyiftyme falbe lyable in payment of the proportion imposid upon the landis lyfrented and execution in the maner before exprest shall pas aganis them for that effect And the heritouris falbe alwayes frie of the same during the lyfrentaris lyftyme And if anie persones find themselfis wronged be inequalitie of the proportions imposid It falbe laufull for them to feik redres thairof before the Lordis of Secrette Counsall or Session within geir and day efter the imposing of the stent and no otherwyfe. [Act. Parl. VI, 216.]

IN PARLIAMENTO APUD EDINBURGH JUL. 4. 1690.

*Act for visitation of Universities Colledges and Schoolls.*

Our Soveraigne Lord and Lady the King and Queens Majesties and the three Estatis of Parliament confidering how necessarie it is for the advancement of Religion and Learneing and for the good of the Church and peace of the Kingdome that the Universities Colledges and Schools be provided and served with pious able and qualified Professors Principalls Regents Masters and others bearing office therein well affected to their Majesties and the establisched government of Church and State Therefore their Majesties with advyce of the saids Three Estatis of Parliament doe Statute Ordaine and Enact that from this time forth no Professors Principalls Regents Masters or others beareing office in any Univerfity Colledge or School within this kingdome be either admitted or allowed to continue in the exercize of thair saids functiions but such as doe acknowledge and profes and shall subfcryve to the confellion of faith ratified and approven by this prefent Parliament and alsoe fweare and subfcryve the oath of allegiance to their Majesties And withall shall be found to bee of a pious loyal and peaceable converfation and of good and sufficient literature and abilities for their reſpective Imployments and ſubmitting to the government of the Church now ſettled by law And albeit it be their Majefteis undoubtedt right and prerogative to name vifitors and caufe vifite the foirſaid Universities Colleges and Schoolls yet at this tyme their Majesties are pleafed to nominate and appoint with advyce and

confent forfaid the perfons undernamed viz. The Duke of Hamilton Earle of Argyle Earle Craufurd Earle Marshall Earle Morton Earle Cassills Earle Lothian Earle Kintore Vifcount of Arbuthnet Vifcount Stair Lord Raith Lord Ellphingfon Lord Cardrofs Lord Carmichael Lord Ruthven Master of Burghley Master of Stair Lord Advocate Sir George Campbell Jufice Clerk The Master of Forbes Mr Alexander Swinton of Mersingtoun Mr David Home of Croffrig Mr John Hamilton of Halcraig Senators of the Colledge of Jufice Sir Patrick Hume of Pollwart Sir John Maxwell of Pollock Sir Thomas Burnet of Lies Sir Robert Sinclair of Stevinsone Sir George Monro of Cullren Mr Francis Montgumrie of Giffins Mr James Melvill of Hallhill Broadie of that Ilk Grant of that Ilk      Dunbar of Grainge Mr Robert Learmont of Ballcomey Peter Hay of Naughton elder      Cunning-hame of Craigens John Dempster of Pitliver      Drummond of Meggins George Moncreife of Ready elder Sir John Hall of Dunglass Sir William Hamilton Alexander Spittell of Leuchat John Anderfon of Douhill Mr James Smallat Mr James Rymer minister Mr William Tullidaffe Mr Gabriel Cunningham Mr Edward Jameson Mr Alexander Pitcairne Mr Hugh Anderfone Mr Gilbert Rule Mr Hugh Kennedy Mr John Law Mr James Kirktonn Mr David Blair Mr George Campbell Mr George Meldrum Mr Alexander Forbes Mr William Violand Mr William Mitchell Mr Robert Wyllie Mr James McGill Mr Henry Rymer and Master John Oliphant to be visitors to the effect under written viz With full power and Commission to them or major part of them hereby declared to be their quorum To meet and visite all Universities Colledges

and Schoolls within this kingdome and to take tryall of the  
present Professors Principalls Regents Masters and others  
beareing office therein according to the qualifications and rules  
above mentioned and such as shall be found to be erroneous  
scandalous negligent insufficient or disaffected to their Majesties  
Government or who shall not subscryve the Confession of faith  
fweare and subscribe the oath of allegiance and submitt to the  
Government of the Church now fettled by law to purge out  
andremove As alfoe to consider the foundations of the faids  
Universities Colledges and Schoolls with the rents and reve-  
nues thereof and how the same have been administred and  
manadged and to sett down such rules and methods for the good  
manadgement thereof for hereafter As likewife for ordering the  
faids Universities Colledges and Schoolls and the professions and  
manner of teaching therein and all things else relateing thereto  
as they shall thinke most meet and convenient according to  
the foundations thereof and consistent with the present esta-  
blished government of Church and State And to the effect  
that these presents may be more surely execute Their Majesties  
with advyce forsaid doe farther Impower the forsaids persons  
vilitors or their quorum to appoint Committies of such num-  
bers of their own members as they shall thinke fitt to visite the  
several Universities and Colledges within this kingdom with  
the Schoolls within the bounds to be designed to them and that  
according to such instructions and injunctions as they shall  
thinke fitt to give them And to the effect that upon report  
made be the said Committee to the aforesaid vilitors or their  
quorum they may procede and conclude thereupon as they  
shall see cause And their Majesties appoints the forsaids vilitors

to meet at Edinburgh upon the twenty third day of July instant for the first dyet of their meeting with power to them to adjourne and appoint their own meetings to such dayes and places as for thereafter they shall judge convenient And this Commission to endure ay and while their Majesties recall and discharge the same. [Act. Parl. IX, 163.]

IN PARLIAMENTO APUD EDINBURGH JUN. 15. 1693.

*Act altering the Quorum of the Commission for Visitation of Universities Colleges and Schools.*

The King and Queens Majesties considering that in the Commission granted in the fecond fession of the current Parliament for visitation of Universities Colledges and Schools the major part of the visiters is appointed to be a Quorum and seing there may be difficultie to get fo great a number as the major part of them to meet and that thereby the prosecution of the faid Commission may be frnstrate Therefore their Majesties with advice and consent of the Eftatis of Parliament doe ordaine Eleven of the persons nominate by that Commission to be a Quorum in place of the major part formerly appointed by the faid Commission. [Act. Parl. IX, 329.]

IN PARLIAMENTO APUD EDINBURGH OCTOBER 9. 1696.

*Act in favors of Universities Schools and Hospitalls.*

Our Soveraign Lord and Estates of Parliament being resolved to give all encouragement to Universtities Schools and Hospi-

talls Do therfor extend the Acts and Lawes made in favors of Ministers of the Gofpell for their more easy and speedy ingathering of their Stipend viz That there be no suspension except on Confignation and as to allowance of Expences and summar proces to Universities Schools and Hospitalls to the effect they may have the same benefite therof for uplifting and ingathering their rents and debts that the forfaid Ministers have for their flipends. [Act. Parl. X, 58.]

*Act for Settling of Schools.*

Our Sovereign Lord considering how prejudicall the want of Schools in many places have been and how beneficiall the establisching and settleing therof in every paroch will be to this Church and Kingdom Therfor His Majestie with the advice and cousent of the Estates of Parliament Statutes and Ordains that there be a School fettled and Eftablished & a Schoolmaster appointed in every paroch not already provided by advice of the Heritors and Minister of the paroch And for that effect that the Heritors in every paroch meet and provide a commodious houfe for a fchool and settle and modifie a fallary to a Schoolmaster which shall not be under one Hundred merks nor above two Hundred merks to be payed yearly at two terms Whitsunday and Martinmas by equall portions and that they flent and lay on the said fallary conform to every Heritors valued rent within the paroch allowing each Heritor relief from his tennents of the half of his proportion for fettling and maintaining of a School and payment of the Schoolmasters fallary which fallary is declared to be by and attour the

casualities which formerly belonged to the Readers and Clerks of the kirk session: And if the Heritors or major part of them shall not conveen or being conveened shall not agree among themselves then and in that case the Presbitrie shall apply to the Commissioners of the Supply of the shire who or any five of them shall have power to establish a school and fettle and modifie a fallary for a Schoolmaster not being under one hundred merks nor above two hundred merks yearly as said is and to stent and lay on the famen upon the Heritors conform to their valued rent which shall be alſe valid and effectuall as if it had been done by the Heritors themselves And becaufe the proportion imposed upon every heritor will be but ſmall Therfor for the better and more ready payment therof It is Statute and Ordained that if two terms proportions run in the third unpayed then theſe that ſo fail in payment ſhall be lyable in the double of their proportions then refing and in the double of every terms proportion that ſhall be refing thereafter ay and while the Schoolmaster be compleatly payed and that without any defalcation And that Letters of Horning and all other Executorialls neceſſar be directed at the inſtance of the Schoolmaster for payment of the faid ſtipend and double of the proportions in manner forſaid And diſcharges all Suspensions to paſs againſt Schoolmaſters of the fallaries except upon conſignation or a valid diſcharge And if any fuſpension be paſt that the Lords diſcuſſ the famen ſummarily without abideing the courfe of the roll And it is hereby Declared that Liferenters dureing their lifetime ſhall be lyable in payment of the proportion imposed on the Lands liferented and Execution in manner forſaid ſhall paſs againſt

them for that effect and the Heritors shall be alwayes free of the same dureing the Liferenters lifetime and if any perlon find themselves wronged by the inequality of the proportions imposed it shall be lawfull for them to feek redref's thereof befor the Commissioners of Supply Sherriff of the shyre or other Judge competent within the space of year and day after the imposinge of the stent and no otherwayes As alfo it is declared that the provideing of the said Schools and Schoolmasters is a pious use within the paroch to which it shall be lawfull and leisum to Patrons to employ the vacant stipends as they shall see cause excepting from this aet the Bounds of the Synod of Argyle in respe&t that by a former Aet of Parliament in the year one thousand six Hundred and ninety the vacant stipends within the said bounds are destined for the setting up and maintaining of Schools in manner therein mentioned And the said vacant stipends are hereby exprefly appointed to be thereto applyed at the sight of the Sheriff of the bounds forfaid And laftly his Majestie with advice and consent forfaid Ratifies and Approves all former Lawes Customs and Constitutions made for establishing and maintaining of Schools within the Kingdom in fo far as the same are not altered nor innovat by this present Aet. [Act. Parl. X, 63.]

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## APPENDIX.

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EXTRACTS FROM THE ACCOUNTS OF THE COMMON GOOD OF VARIOUS BURGHS IN SCOTLAND, RELATIVE TO PAYMENTS FOR SCHOOLS AND SCHOOL-MASTERS, BETWEEN THE YEARS 1557 AND 1634.\*

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### ABERDEEN.

1574, 5—Item to the Maister of the Grammer Schoill for his fee of the twa termis	-	-	xxxijj £ vj s iiij d
Item to the Maister of the Sang Schoill	-	xvijj £ xiij s iiij d	
1633, 1634—Item to the Maister of the Grammer Shole			j <sup>c</sup> xxxijj £ vj s vijj d

These Accounts are preserved in a pretty considerable number in the General Register House. They seem to have been rendered annually in Exchequer, in consequence of the Act of Parliament, 12 Jun. 1535, entitled,—“ *Off chesing of Officariis in Burgh and bringing of thare Comptis of thare commun gudis yerelie to the Chekker.* ” ITEM Becaus all our Soverane Lordis Burrowis are putt to povertie waistit and destroyit in thare gudis and polecy and alnaist ruynous throw falt of using of merchandice And that throw being of Outlandis men Provest ballies and aldermen within burgh for thare awine particular wele In consumyng of the commun gudis of burrowis grantit to thame be our Soverane Lord and his predecessouris Kingis of Scotland

## ABERBROTHOCK.

1621, 1622—Item to Mr James Philp Schoolmaister	lxvj	ti	xij	s	iiij	d
Item to James Hill his Doctor	-	-	-		four	pundis
1633, 1634—Item to the Skoolmaister for his fie	-		-		xl	ti
Item to his Doctor	-	-	-	xij	ti	vj

## ANNAND.

1628—Imprimis to our Scoilmaister	-	-	-	xl	ti
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## ANSTRUTHER-EISTER.

1634—Item the Maister of the Grammer Skule	-	-	-	xl	ti
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## AYR.

1627—Item to the Maister of the Grammer Scule his stipend	je	ti
Item for his hous maill	-	xij
The Scule hous maill	-	xx
To the Doctour of the Grammer Scule quha teichis under the Maister		ti

vj bollis victuall and vj ti xij s iiij d of silver.

for the uphald of honeste and polecy within burgh &c. &c. &c. And that all Provestis baillies and aldermen of burrowis bring yerelie to the Chekkir at the day sett for geving of thare comptis thare compt bukis of thare commoun gudis To be sene and considerit be the Lordis Auditouris gif the samin be spendit for the commoun wele of the burgh or noct under the panis forsadis And that the saidis Provest bailleis and aldermen of every burgh warne yerelie xv dais befor thare euming to the Chekker all thai quha likis to cum for examyning of the saidis comptis That thai may argwne and Impugne the samin as thai plesis sua that all murmour may ceise in that behalf."—*Act. Parl. II, 349.*

Item to the Maister of the Musik Scule for teaching of the Musik Seule and taking vp of the psalmes in the kirk x bollis victuall and xijj £ vj s viij d of silver.

Item the maill of the Musick Schole - - - viij £

1633, 1634—The same as in the year 1627-8.

## BANFF.

1612—Item to the Maister of Scole for his fie - - xl merkis

Item to his Chalmer maill and Scoule - - xx merkis

1622—Imprimis to our Maister of our Scholl - - lxxx merkis

1628—Imprimis to the Maister of the Grammer Schooll liij £ vj s viij d

Item for reiding of the prayeris and uptaking of the psalme xx £

## BURNTISLAND.

1612—Item to the Readare for Reading of the prayeris

xxxijj £ vj s viij d

Item for the Scholhous maill - - - ix £

1621—The same as in the year 1612.

1627—Item to the Reidar for his stipend xxxijj £ vj s viij d

Item to the Scholmaister for his fie - - xxxijj £ vj s viij d

1633—Item to the Reidar for his stipend - - xxxijj £ vj s iiiij d

Item to the Scholmaister for his fie - - lxvj £ xijj s iiiij d

## CUPAR.

1575—Item to the Maister of the Grammer Scuill - - xl £

1579—Item to the Maister of the Grammer Scoule his fie and Chalmer maill - - - - - xxvj £ xijj s iiiij d

Item the Doctors fie - - - - - xijj £ vj s viij d

1581—Item the Master of the Grammer Scoule for ane chalmer maill - - - - - xxvj £ xijj s iiiij d

Item the Doctors fie	-	-	xijj ti vj s vijj d
Item to the Maister of the Sing Scole fie	-	vj ti xijj s iiij d	
1627, 1628—Item to Mr Robert Williamson Maister of the Grammer Scoill of the said Burgh his yeiris stipend	-	j <sup>e</sup> ti	
Item to Mr Johne Moreise Doctour at the said Scooll his yeiris stipend	-	liij ti vj s vijj d	
Item to Mr Alexander Tyllideaphe Maister of the Musick Scool	j <sup>e</sup> ti		
Item to Johne Mitchell Doctour thairof	-	xxvj ti xijj s iiij d	

## CRAILL.

1574—Item payit to the Maister of Scoole quhilke wes of auld payit to the chaiplane of the rude altar	-	-	xl s
Item payit for the Maister of the Scolis hous maill	-	vj ti xvij s	
1576—The same as in 1574 with this addition.			
Item of the sowme of vijj li gevin to ane messoun for bigging of the Scoll	-	-	Summa vijj ti
1579, 1581, 1582—Item payit to the Seule Maister prebender of the Halie ruid service	-	-	iiij ti
1583, 1584—Item of the sowme of four pundis payit to the Seule Maister of the said burgh	-	-	iiij ti
1622—To the Maister of the Skoill	-	ij <sup>xx</sup> vj ti xijj s iiij d	
To the vptaker of the Psalme	-	-	xx ti
1628—To the Master of the School	-		j <sup>e</sup> ti

## CULLEN.

1628—Item to the Maister of Scoole	-	ijj scoir ti
1634—Item to the Maister of Schoole	-	lxvj ti xijj s iiij d

## DUMBARTON.

1577—Item to the Scholemaister of the said Burgh in augmentation		
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of the auld stipend becaus all things ar dar nor in tymes of auld and  
that he could noct be better schape conductit - x ſib

## DUMFRIES.

1590, 1591—Item to the Scholemaister	-	xx merkis
To the reaser of the psalmis	-	1 ſ
1627, 1628—Item to the Scoolemaister for his feall and chalmer maill	-	lx ſib
1633, 1634—Item to the Schoole Maister for his feall and chalmer maill	-	iij <sup>xx</sup> ſib
To the readar and Maister of the Sang Schoole	-	iij <sup>xx</sup> ſib

## DUNBAR.

1581—Item for the Minister and Skuillhouse maill in the yeir	-	xvij merkis
1599—Imprimis to the Schulmaister	-	sex scoir pundis
1621—Item to Mr Alexander Home Scholemaister for his feall and hous maill	-	iiij <sup>c</sup> lxvj ſi xij ſi iiij d
Item to the teicher of the Inglyshe Schoole and musick	-	j <sup>c</sup> ſi
1627, & 1633—Imprimis to Mr Alexander Home Scholemaister for his stipend	-	iij <sup>c</sup> ſib
Item for his hous maill	-	xl ſib
Item to the teicher of the Englische Schoole	-	xx ſib

## DUNDEE.

1577—Item for the Seule maill to the bairnis	-	vj ſi
1582, 3—Item for ane part of the Maister of the Gramer Scholis stepand	-	xxx ſib
1602—Item to the Maister of the Grammer Scole	-	ij merkis
Item to the Maister of the Sang Seule	-	lxxx ſib

1621, 1622—Item to Mr James Glyg maister of the Grammare Schoole for his hous maill	- - - - -	iij <sup>c</sup> f <sup>b</sup>
Item to Mr John Mow Maister of the Music Schoole for his fie and hous maill	- - - - -	ij <sup>c</sup> f <sup>b</sup>
1628—Item to Mr James Gleg Maister of the Gramer Schole for his fie and hous maill	- - - - -	iij <sup>c</sup> f <sup>b</sup>
Item to Mr John Mow Maister of the Music Seule for his fie and hous maill	- - - - -	ij <sup>c</sup> lxvj li xijj s iijj d
1634—The same as in 1628.		

## ELGIN.

1622—First to the Maister of the Gramer Scole	lxvj li xijj s iijj d
To the Master of the Music Scole	- - - j <sup>c</sup> li
1632, 1633, & 1634—To the Maister of the Grammare and Musick Schuillis	ij <sup>c</sup> and xxx li

## FORFAR.

1576—Item for kenning of ane skwill to the Maister	x merkis
Item for the Skwill house maill	- - - iijj merkis
1577—Maister of the Seule	- - - viij f <sup>b</sup>
1622—Item to our Seoul Maister	- - - xl f <sup>b</sup>
Item the Schoull Maister hous	- - - xx merkis

## FORRES.

1627—Item to our Maister of Schoole for teatcheing of the samyn lxxx li	
Item to ane reider for reiding of the prayeris daylie in the kirk	xx li

## HADDINGTON.

1557—Item to the Seule Maister of fee	- - - xx merkis
Item for Seule hous maill	- - - xl s

Item to the Belman for praying for all cristyne saullis	xijj ſ iijj d
1576—Item to Mr James Carmichaell for his Scule hous fie and his hous maill	- - - - xl ſt̄
Item to Maister James Carmichaell of the first termis payment betuix the toun and him of the ourgevin of the Scule	- xl ſi
Item to ane boy to beir ane bill to the Minister of Lithqw, to try the condicoun and ordour of the Scule Maister	- x ſ
1633—Item to the Master of the Grammer Schoole in feyall	ijc ſi

## INVERKEITHING.

1628—Item to the Reider for reiding of the prayeris and attending on the Scooll	- - - - xxxijj ſi xijj ſ iijj d
1634—Item to the Reader and Schoolmaister yeirly	xxxvj ſi xijj ſ iijj d

## INVERNESS.

1576—Item to the Master of the Grammer Seule	xxvj ſi xijj ſ iijj d
1628—Item to the Master of the Grammer Schoil	- iiij <sup>xx</sup> ſi
Item giffin to the Master of the Music Seuil	- xxxvj ſi
1634—Item giffin to the Master of the Grammer Scoil	iiijs <sup>xx</sup> ſi

## INVERURIE.

1633—Item for helping ane Scooll	- xx ſt̄
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## IRVING.

1628—Item to our Scholemaister	- - - liij ſt̄
Item to our Doctour and Musiciner	- - - . . .
1633—Our Schoolmaister	- lxxx merkis
Our Doctour and Musiciner	- jc ſt̄

## JEDBURGH.

1591—Item the Seulmaister	-	xxx fib
1592—Item the Maister of the Seules fie	-	xx fib

## KINGHORN.

1575—Item to the Redar and Maister of Scule	xij	ti	vj	s	vijj	d		
1576, 1577—To the redar	-	-	xij	ti	vj	s	vijj	d
1581—Item to the schoilmaster and commoun clerk	-	-	xx	fib				
1621—Item to Mr Thomas Biggar reidar for his fie	lijj	ti	vj	s	vijj	d		
1627, 1628—Imprimis to Mr Thomas Biggar reidar for his reidar fie in reiding the prayeris at the kirk of the said burgh	lijj	ti	vj	s	vijj	d		
Item to William Wells doctor of the scuill of the said burgh for guyding and keeping of the clock	-	-	v	ti	xij	s		
1633, 1634—Item to Mr Thomas Biggar reidar at the Kirk of the said Burgh for his ordinar stipend	-	-	lijj	ti	vj	s	vijj	d
Item to the doctor of the schole of the said brugh for his fies	-	-	xlix	fib				

## KIRKCUDBRYCHT.

1634—Item to our Schoolmaister the said yeir for teiching in our Schuill and reiding in the kirk	-	-	j	fib
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## LANARK.

1576—Item to our seulemaister	-	iij	ti	vj	s	vijj	d	
Item for mending of the Sculehous	-	-	-	-	-	l	s	
1599, 1600—Item to our scuillmaster for techinge the youith	-	lijj	ti	vj	s	vijj	d	
1621, 1622—Item to the Scholmaister	-	iij*	vj	ti	xij	s	iijj	d

1627, 1628—Item to the Scholemaister of the said bruche that teiches the grammer for the saidis twa termes - jc ſib

Item to ane uther Scholemaister that teichis the musick

iij<sup>xx</sup> vj ſi xij ſ ſ iij d

1633, 1634—In the first gevin to the schoolemaister - jc ſib

Item to the mwsichioner of the burgh - jc merkis

#### LAUDER.

1594—Item to the Schoolmaster for his fey - xvij ſib

1621, 1622, 1633—In the first to Mr George Ewein Scholmaister of the said Burgh for his fey conforme to ane contract maid betuix him and us - lx ſib

#### LINLITHGOW.

1575—Item deliuerit to the maister of the skull of the termes of Lammas and ahalowmes in anno lxxv geiris - xxvj ſib xij ſ ſ iij d

1620, 1621—Item I discharge me with the ordinar expensis of the said Burghe debursit be me the said termes and qubilkis ar in use to be payit yearlie To the Reidar Skuillmaster and utheris officeris within Burgh and pensioneris conform to the Guid tounes auld rental therof extending in the haill to - iiiij<sup>c</sup> l ſi xij ſ ſ iij d

#### NORTH BERWICK.

1628, 1633—Item to our Scoolmaister - xx ſib

#### PEEBLES.

1608—Item to Mr John Young Skwilmaister for his yeirlie fie and chamber maill - - - jc ix ſi

Item gevin to the Doctowr of the Skuill - xvij ſi

1628—1634—Item gevin to our Scholmaister and doctour for their feyis  
ij<sup>c</sup> 1 merkis

1634—In the first gevin to our Schoolmaister and Doctor for their  
yeirlie fies - - - - - ij<sup>c</sup> tib

## PERTH.

1575, 1576—Item to the Maister of the Grammer Skuill for learneing  
of the youth - - - - xxvj ti xijj s iiijj d

Item for deillis geistis and werkmanship to the lofting of the Grammer  
Skuill - - - - xl tib

1577, 1578—Item the Maister of Schoule xxvj ti xijj s iiijj d

Item the Redaris fe - - - - xvj tib

1627—Item to Mr Henrie Adamsone reidar thair iiijj<sup>c</sup> iiij<sup>xx</sup> merkis

Item to Mr Johne Durward Maister of the Grammer Schoole  
ij<sup>c</sup> 1 merkis

1633—Item to Mr Henrie Adamsoun reidar thair iiijj<sup>c</sup> iiij<sup>xx</sup> merkis

Item to Maister Johne Row Maister of the Grammer Seooll thair  
ij<sup>c</sup> 1 merkis

## RENFREW.

1633, 1634—Item in the first gevin to the Skuill Maister of the  
Grammer Skuill - - - - j<sup>c</sup> tib

## ROTHESAY.

1619—Item gevin for the maill of ane Scoull hous vj ti xijj s iiijj d

Item gevin out of the commoun purs to help to sustene ane Scoul-

maister - - - - xx ti

1628—Item geawin for the maill of ane Schoolhous and of feall to our  
Schoolmaister - - - - xxvj ti xijj s iiijj d

1634—Item geavin to thair Scholmaister - - - - xx ti

Item for a Schoolhous maill - - - - vijj ti

## RUTHERGLEN.

1628—Item to the Schoolmaster of the said burgh for his feall	xx ſib
1633—In the first debursit to our Seuilmaster and redare	
	xxxijj ſi ſvj viij d

## ST ANDREWS.

1626, 1627—Item to the publief reader	-	je ſib
Item to the Maister of the Musik Seholl and for taking up of the psalme at preacheing and prayeris of fie	-	ijc ſib
Item to the Maister of the Gramar Scholl for his fie	jc lxvj ſi xiiij ſi iiiij d	
1632, 1633—The same as in 1626, 1627.		

## SELKIRK.

1606—Item to the Maister of the Seule and vnder Doctour	-	l ſi
Item for the Seule maill	-	x ſi
1627—Item to Mr Thomas Wilkie Schollmaister for his fie	jc merkes	
Item for the maill of the Seholl hous	-	x ſib

## STIRLING.

1576—Item to the Master of the Grammer Seuil fee		
	xxxijj ſi vj ſi viij d	
1617, 1618—Item the Maister of the Schole	-	ijc merkis
Item the Doetour of the Schole	-	xx ſib
Item for mending of the Schole	-	xxiiij ſib
1628—Item to our reeder at the kirke in feall	-	ijc ſib
Item to our Maister of Schole	-	jc ſib
Item to our Doctors in the Grammer Seuile	-	lx ſib

## TAYNE.

- 1620—Item payit to thair Reidar and Schoolmaister the said yeir  
   iiij<sup>xx</sup> £i
- 1622—Item payit to thair Redar and Schoolmaister the said zeir  
   iiij<sup>xx</sup> £i
- 1628—Item to Mr Thomas Ross Master of the Gramour Schooll j<sup>c</sup> £ib  
 Item to Mr Johne Tullideff Reider and Master of the Musiek Schooll  
   j<sup>c</sup> £ib

## WIGTON.

- 1577—Item to the Seule Maister for techeing and upholding doctryne  
 to the yowth Summa thairof extendis to -    vj £i xij £i iij d
- 1620—Item to the Scholmaister of the said burghe .                                      iiij<sup>xx</sup> £ib
- 1628—First to the Schoolmaister -    iiij<sup>xx</sup> £ib
- Mair to him for reiding of the prayeris in the kirk xxxij £ib vj £i viij d  
 Item to ane Selatter for upholding the kirk Tolbuith and Seooll yeirlie  
   xij £i vj £i viij d
- 1633—Imprimis gevin to ane Schoolmaister for teiching the Grammer  
 Schoole reiding and raising the psalmes in the kirk yeirlie    ij<sup>c</sup> merkis

EXTRACTS FROM ORIGINAL LETTERS OF GEORGE  
EARL OF MORTON TO HIS SON JAMES LORD  
ABERDOUR, AS TO PROCEEDINGS IN PARLIA-  
MENT RELATIVE TO THE PORTEOUS MOB.

M.DCCXXXVII.



THE riot and murder, known by the name of THE PORTEOUS MOB, furnish one of the most recent instances in our history, of the “*perfervidum ingenium Scotorum*,” being publicly displayed in acts at once of daring resistance to law, and of atrocious cruelty to an individual. The particulars of that occurrence, with many of the events which preceded and followed it, have, in THE HEART OF MID-LOTHIAN, and the Notes to that tale, been collected with accurate care, and recorded by an unrivalled pen. And this renders any narrative introductory to the following Extracts quite unnecessary.

The unusual magnitude of the crime, the skill with which it appeared to have been planned, the determination with which it was persevered in, and the shocking fate of the unhappy victim, all contributed to raise the strongest feelings of horror in the minds of well-disposed persons. The interval which had elapsed since the rebellion of 1715 was not so great as to prevent apprehensions on the part of the Government of a general disaffection, or at least of ulterior violence being

manifested by the populace of Scotland. Hence extraordinary pains were taken to sift the affair to the bottom ; and a great excitement with regard to it prevailed, not only throughout Scotland, but also in the metropolis of the empire.

This the following Letters will in some measure illustrate. They contain an account of the proceedings in both Houses of Parliament, which followed these events ; and this, though brief, is valuable for its very plainness and simplicity. It was communicated by a Nobleman in high estimation for his integrity and abilities, to his son, who afterwards succeeded him as Earl of Morton, at a time when the system of full Reports, by which the proceedings of Parliament are now so voluminously recorded, was totally unknown. To the kindness of the present Earl the Club is indebted for the use of the original letters ; as it has been on former occasions for other interesting papers.

The petition to the Queen in favour of Porteous, which is printed from the original in the possession of the Society of Antiquaries of Scotland, is given, both as being in itself a curious document, and as embodying some palliating circumstances which led to the extension of the royal mercy to that unfortunate man.

## LETTERS RELATIVE TO THE PORTEOUS MOB.

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LONDON, 10th February 1736-7.

JAMES,

This day being appointed to take the Kings Speech under consideration, the Lord Carthret moved that the house might be adjourned and turn'd into a Committee of the whole house, and then he made a long speech upon the ryots and mobs that had been committed at sundry turnpyiks in the West and at Spittlefields ; and then his Lordship expatiated upon the horrid mob and murder that was committed at Edinburgh, and even said that it might take away the priviledges of the City, and proposed that the Provost and Majestrates that were in place at that time should be ordered to appear at the barr of the House of Lords to give an account of their behaviour on that occasion. He was answered by the Duke of Newcastle, who spoke as modestly as that horrid subject could bear, and the Lord Batters spoke and seconded Lord Carthret's ; then the Earl of Ilay (who has not as yet recovered his late ilness) spoke in a very hansom manner, and tho' he condemned the

horridness of that mob and the cruelty which they had committed, yet he spoke very strongly against taking away the priviledges of the City, or removing the Court of Justice to another place, which was propos'd by the Lord that opened the debate ; and then Lord Carthret made the motion that the Provost and Majestrates that were in office at that time, and the officer that commanded the Town Guaird, should be ordered to appear at the barr of the House of Lords to answer such questions as shall be ask'd at them, and that General Miles should be ordered to appear at the same time, and a true copy of Captain Porteous's tryal, and the orders that were fent down after that mob should be laid before the house, which was seconded by Lord Batters, and was carryed, and they are appointed to appear this day moneth. By this you'll fee what a dilemma that vilanous mob has brought upon our nation, and the City of Edinburgh in particular, and God knows what length it will be carryed. I wish to God the Majestrates may be able to make a discovery of the ringleaders, which I perceive will be the only thing that can obtain them and that ancient City favour. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

JAMES,

LONDON, 15th February 1736-7.

I believe before this time that the warrand for ordering the Provost, Baillies, and Captain of the Town Guard of Edinburgh, (to appear at the bar of the House of Lords) will be arrived,

which I suppose will lay the courage of your mob vindicators and encouragers, for the Peers are resolved to be at the bottom of it.

I am sorry to have it to tell you that yesterday's morning my Lord Chanceller dyed, of five days illness, of an inflammation in his stomach, which is as great a loss to this nation as could come by the death of any subject, for there is not a man in England that can supply his place for a learned, upright, honest, and just Judge, and who is lamented by every body. The King is much better this day, and the Duke of Newcastle, Sir Robert Walpole, my Lord Herrington, and his Secretary of War, were with him this forenoon. \* \* \* \*

I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 5th March 1736-7.

JAMES,

I had yours of the 26th ultimo, and hear that Captain Linn came to town two or three days agoe, and Mr Irvin and some others came since, but the Majestates were not come this afternoon, but am told they will be here to-morrow; and I suppose the ministers will forgive them for traveling on Sunday, being a case of necessity, but how they will manage their matters it's more than I know; but you may believe that a sett speech will not do their busines, for there are some Lords designs to have them examined very strictly, but I hop that nothing will appear that can hurt the priviledge of the City,

and I realy believe it will not appear that the Majestrates have been anywife concerned in encourageing the mob, and that their only crime is being deficient in their duty, in not exerting themselves in time to suprefs that mob, which I realy think was occasioned from ignorance and fear ; as for Linn, I doubt not but he will vindicat himself, tho' it is not doubted but he must certainly know some of thofe that were active among the mob, but a litle time will clear us of this. \* \*

\* \* \* I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 8th March 1736-7.

JAMES,

I have yours of the 1st by yesterday's poft, with an account of the Maſter of Rofs's ilneſs, which I am heartily forry for, and wiſh him a good recovery, for I have reaſon to believe that one will ſucceſſ him that will not fill his place. \* \*

\* \* \* I ſuppoſe you have heard that Lord Bute is to ſtand for the 16 Peer in room of the Earl of Orkney. Yeſterday the house of Peers were upon the Duke of Athole's claim, to the tytle of Lord Barron Strange, as the next heir to it, which he carried unaniouſly ; ſo that he and his ſucceſſors will ſit as a Peer for England in the Houſe of Lords for ever.

\* \* \* I hear our Majeftrates are all come to town, and muſt make their appearance on Thurſday next.

\* \* \* I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 10th March 1736-7.

JAMES,

Yesterday I received yours of the 3d, &c. \* \* \*

This day the Majestates of Edinburgh, and others that were sent for, were called to the bar of the House of Lords, and swore, and afterwards were ordered to withdraw, and the house went into a Committee of the whole house; the Provost was called to the bar and examined upon several queries given in by the Lord Carthret, and several questions asked him by other Peers; the examination continued till near 7 o'clock, and really he behaved very well, and much better than was expected; the debate is adjourn'd till Wednesday next, and then the rest will be taken to task, and I doubt not but they will behave as well as the Provost did, so I hope they will come much better off than was expected; but there was a motion made that Lieut.-General Wade, and Provost Linlithgow, should ask leave from the House of Commons to be examined: I reckon it will be a pretty tedious business before we end it.

\* \* \* \* \*

I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 17th March 1736-7.

JAMES,

\* \* \* I have been laid up with the gout since Saturday last, and was not able to goe and hear the Majestates examined yesterday, but this day (tho' very lame) I went in

my clok to the houfe, and heard Captain Lind examined, who anfwered very distin&tly and very pointedly, but differed in feveral questions from the Provost ; and I am affraid that the poor Provost does not stand in fo good a light as he did ; others are to be examined to-morrow, and if I am able I'll venture out. \* \* \* I give you all my blefling, and am

Your affectionate Father,

MORTON.

LONDON, 19th March 1736-7.

JAMES,

Yesterday Provost Lindsfay was examined at the bar, who gave very distin&t answers, which were as favourable for the conduct of the Magiftrates and himself as the nature of the thing would bear, but it still appeared they were very negligent and diffficient in their duty in not fuppreffing that vile mob. General Miles was examined nixt, who faid very much for his own vindication, and bleamed the Majeftrates and Mr Lindfay for not bringing a written order to him, and certainly they were to bleam, feeing he had all the fogers about the town in readyneſs at the Canongate Guard to march, before Mr Lindfay came to him, but theſe two differed in ſome reſpe&ts : General Wade is not yet examined, but will on Tuesday firſt, but I think it feems to be agreed on all hands, that the Majeftrates have been very deficient, and I am affraid the Provost will not come off fo well as I would wiſh him. A little after the Committee was up and the house refumed, to our great

surprize Lord Lovel moved, that the Lord Justice Clerk should be sent for, which occasioned long debates, it being an unprecedented thing to send for a Judge without giving a reason, and the Lord Chancellor himself spoke against it, and shew'd the unreasonableness of it; then it was proposed to delay it at that time, and that it might be taken up afterwards, but this they would not yield to; and severals of the Court party dissented us, but at the division we carryed it, but I believe that it will be moved again to send for him. I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 22d March 1736-7.

JAMES,

I have yours of the 15th. I cannot tell you what to think of the Duke of Athol's being made an English Peer, seeing I don't hear of any Scots Peer being to be elected in his room at this time, but I cannot give you the reasons, I not having heard as yet what they are that are given for it. I have been pretty much out of order of late by a fit of the gout, and pains in my shoulders, tho' I was obliged to goe to the House of Peers this day, where I heard Colonel Durure, Major Pool, and General Wade examined, which continued near five hours; they do not make for the Magistrates: I suppose you'll soon hear that Lord Milton, Lord Royston, and Lord Dun are ordered to attend the house, which motion was made yesterday

by the Duke of Newcastle, which if it had not, I believe the other party wou'd have moved this day to have brought Lord Milton by himself; and as the house was riseing it was moved to send for Mr James Graham, Jun., which was occasioned by something that Major Pool told of a discourse that happened betwixt him and Mr Graham, upon Captain Porteous's wryting a letter to the Major, to stay 'till his tryal was over, which Mr Graham said he would speak to the Advocat about, and that the Advocat told him he might goe, and that he would allow the evidence he gave to be admitted in the tryal, which I can hardly believe; and upon this Mr Graham is ordered to attend Monday comes three weeks, which I think is very hard upon him. \* \* \* \* I give you all my blessing; Is all I have time to say to-night, but am

Your affectionate Father,

MORTON.

LONDON, 24th March 1737.

JAMES,

I have yours of the 17th. \* \* I fancy by this time the Jury has brought in their verdick against M'Lauchline, tho' he is indicted for high Treasfin, as well as other crimes: To-morrow all the evidence that was given at the bar is to be read to the house, and then the consideration will be adjourned for some time, and I believe till the Lords of Juficiary come up. \* \* \* I give you all my bleffing, and am

Your affectionate Father,

MORTON.

JAMES,

LONDON, 26th March 1737.

I have no news to write you to-night, but that on Thurſday laſt the depositions of the Maſtrates of Edinburgh, Colonel Durure, Major Pool, and General Wade, were read before the houſe, and the conſideration of them is to be taken upon Thurſday next, which reaſly comes out pretty ſtrong; and it was moved by a Lord, that the Provost ſhould be fent to Newgate, for prevaricating in his examination, but the conſideration of the whole having been put off till Thurſday, it was let drop 'till the whole was before them, and then I am affraid they will be heavy on his Lordſhip and ſome of the Maſtrates: I heartily wiſh we may have the account of M'Laſcline's being condemned before that day come; otherways, we ſhall be all affronted, and make good the paragraph of General Miles's letter, wherein he afferts to the Duke of Newcastle that no Jury will condemn any of Porteous's muſterers, that are tryed in Scotland; I shall bring you down a coppy of the heall affidavats, which I have been at the expence to caufe write out.      \*      \*      \*

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

JAMES,

LONDON, 29th March 1737.

\*      \*      \*      That unhappy affair of Porteous's is like to keep us long together: It was indeed furprizing to every

body to hear that M'Lauchlean has got off for want of evidence against him, and I am afraid it will be of ill consequence to the Majeftrates, whose affair is to be before the House of Lords Thurday next ; I admire they ſhould have tryed this fellow without haveing clear evidence againſt him, for it has brought a scandall upon the whole nation, and God knows what the confeſſion may be ; it has made good what General Wade and Miles wrote to the Duke of Newcastle, that no Jury in Scotland would condemn any that were concerned in the murder of Porteous, and I now make no doubt but all England believes it.      \*      \*      \*

I give you all my bleffing, and tell Sholto that I hear he is a very good child. I am

Your affectionate Father,

MORTON.

LONDON, 2d April 1737.

JAMES,

Yesterday the Edinburgh affair came before the Houfe of Lords, and I herewith fend you a coppie, (which I had from one of the Clerks of Parliament) of the motions and refolves which paſt yesterday, which occaſioned long debates and ſpeeches ; and M'Lauchlan's being affoilzied has occaſioned a great ſpight againſt the provoſt. It ſeems ſome days agoe it was refolved to puniſh the Provоſt, and not to medle with the reſt of the Magiftrates, and it was agreed by the whole houſe that he ſhould be puniſhed, but they diſſered in the method of doing of it : The Duke of Argile ſpoke twice ex-

traordinary well, and exprest his indignation against the horrid mob, and the neglect of the Provost for not using proper means to prevent it, but was not for having the punishment by a bill, he thinking bills of that nature might be of ill consequence to the priviledges of the House of Peers, but said, he thought it might be done after another manner, but as a bill was thought the best method, it was carryed as you'l see by the inclosed ; and the Duke of Argile voted against that method, as did the Duke of Athole ; Earl Ilay withdrew, Earl Selkirk was absent, Earls Crawfoord, Findlater, Dunmore, Bredalbean, Laudan, Cathcart, and myself were for the bill. The Duke of Buckleuch and Portmore were in the country. All those that voted against the bill, except the two Scots Peers, seem'd to be for having the punishment higher, and Earl Straford propos'd to have the Provost sent to Newgate : This will occasion the Parliament to sit a long time, for it must be all tryed of new, and witneses examined, and its probable the House of Commons may desire to have witneses examined before them, so the Provost may have a chance, for the Lords will not allow the Commons to make the punishment greater, as some Lords would have been at. I understand John Drummond writes to his brother William, but I doubt if he will get a coppie of this which I send you, therefore may shew it to him, or any other of your friends you please ; and if Willy Martin fall in your way, may shew it to him likeways, if you find that he has not seen any other of them. I give you all my bleffing, and am

Your affectionate Father,

MORTON.

LONDON, 5th April 1737.

JAMES,

Last night I had yours of the 29th ultimo, and likewise yours of the 22d, wherein you mention something of M<sup>r</sup> Lauchlan's being acquitted, which came safe to hand; and I don't doubt but Pitcur may have likewise received his letter before this time, for letters will fall by sometimes for a post, and yet come by the next. \* \* \* This day the Provost's bill was read the first time, and is appointed to be read the seconde time on the 3d of May, when the tryal will begin of new; the Provost is allowed to summon witneses, and will also be allowed council, and it's possible that the Commons may either reject it, or make some amendments, which the House of Peers won't agree to.

I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 16th April 1737.

JAMES,

\* \* \* Yesterday I was visiting our three Judges, who have made a safe journey, and seems to be in very good health and spirit. I don't see how the House of Peers can trouble them, but am affraid the House of Commons will be very hard on poor Lord Milton, on account of imprisoning some of the Majistrates of Haddington at the last election. \* \* \* I give you all my blessing, and am

Your affectionate Father,

MORTON.

*LONDON, 19th April 1737.*

JAMES,

\* \* \* I am afraid it will be the midle of June before I reach Edinburgh. Our three Scots Judges are to make their appearance in the Houfe of Lords upon Thursday 7 night, and I am told they are to do it by a write from the King, and will sit upon the Wool-Sacks with the English Judges, which will be the most honourable way of bringing them there, and I suppose they will appear in their gowns; I wish they may come off with as much honour at laft, as I hop they will. Upon Thursday next Porteous's tryal (which is printed) is ordered to be read to the house, and is to be taken to confideration upon this day 7 night, where it will be debateed; this day our Lord Provost was admitted to beal, and Mr Blackwood and Mr Claud Johnston are his two beals, each of them is bound in £1000, and the Provost himself is bound for £2000. \* \* \* \* I give you all my blefling, and am

Your affectionate Father,

MORTON.

*LONDON, 26th April 1737.*

JAMES,

I have yours of the 19th, with one incloſed for Colonel Charles, which I ſent to him. I am ſtill troubled with the pain at my ſtomack, tho' I am eaſier than when I wrote you laſt; and likeways I am troubled with rheumatiſk pains in my ſhoulders and arms, which I have had leſs or more ſince before I came from Scotland, which I was in hopes to have

got carried off by drinking goat-whey, but I have now given over hopes of it, it being thought that the Parliament wont rise till the latter end of June, or beginning of July, and all this is owing to your cursed mob. This day the House of Peers was upon the consideration of Porteous's tryal, which occasioned many and long debates, and continued till 8 at night, and then the furder consideration of it was adjourned to Friday: Our Judges have not as yet been called to appear before the house, nor do I hear that it is as yet determined in what manner they are to appear. I am very fatigued, and can say no more, but my blessing to you all. I am

Your affectionate Father,

MORTON.

JAMES,

LONDON, 3d May 1737.

\* \* \* Yesterday we had a long debate about the manner our Judges shoud appear, and it being found by the Records of Parliament that never any Judges that were called by the Peers had been alowed to sit among English Judges, but one singe instance of two that had been Judges who were called by the Convention at the Revolution, and afterwards were dismissed, and never allowed to come to the house again; but it appeared upon many occasions that the Keepers of the Great Seall, the Chancellor of Exchequer, always appeared at the bar, and even the great Lord Chief Justice Holt being once called appeared likeways at the bar; so it was put to the vote, and it carryed that they

should come to the bar, 48 against 37, so they were ushered in by the Keeper of the black rod, and chairs set for them, tho' they had no occasion to sit down, and every question that was asked at them were put in writing, and joining their heads together. Lord Dun, who was appointed to answer first as being youngest, gave his answer, and next Lord Royton, and then the Justice Clerk, and they all answered very exactly to every question as they were put to them ; so they were ordered to withdraw, upon Lord Carthret's moving that some of our laws might be altered, and further proposed that English Judges and our Judges should conferr together, and prepare a bill against next year, to be brought in for that purpose, and I don't hear that they will be called again. This day being appointed to read the Provoft's bill a secon<sup>d</sup> time, he was brought to the bar of the house, and the council for the King opened the case against him, and proposed to call witnesses, but it being late the house adjourn'd 'till to-morrow at 11 of the clock, and then we shall have a pretty long day of it : The Duke of Argyle moved three different questions in relation to what part the officers of the army were to act upon being commanded with a party to see the sentence of the law put in execution when a criminal was ordered to be hanged at Stockfimercat, or any other town in England, in case a mob attacked them, and likeways how they were to behave in case a mob drew themselves up in a narrow place to stop them from getting forward to the place of execution ; and the third question was much to the same purpose, and the Judges were ordered to give their opinion ; and then it was moved by some English Peer, that the Scots Judges that are here should give their opinion how

the laws of Scotland stood in relation to these questions that were moved by Duke of Argile, but Earl Ilay moved that the Judges should goe first to Scotland, that they might consult their law books, and discourse their brother Judges upon it, and then to return their opinion in writing; so with a good deall of debate this was yielded to, and I hop you'l get our Judges soone home. \* \* \*

I send you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 10th May 1737.

JAMES,

\* \* \*

The Provoft's bill was read a second time yesterday, which Lord Craford made a speech against, and it is to be in the Committee to-morrow, and you may depend it will pass our house in spite of us all; but that which concerns me most is, that we cannot prevent the guards being taken away, and the Natherbow ports pull'd down, and I am affraid it will likeways pass the House of Commons, tho' some people will have, that they will through it out. I give you all my blessing, and am

Your affectionate Father,

MORTON.

LONDON, 12th May 1737.

JAMES,

\* \* \*

Yesterday the Provoft's bill passed the Committee, and is to be read a third time to-morrow, where

we will have a full division, and I doubt if there will be any body against it but the Scots. I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 24th May 1737.

JAMES,

\* \* \* The Provost's bill (as they call it) is appointed to be read a ſecond time to-morrow, and then the fate of it will be knownen, 'tho I make no manner of doubt but it will paſſ, and I am told they deſign to lay a fine on the town or the Provost for the behoof of Porteous's widow: At preſent it feems to be very uncertain when the Parliament riſes, for the midle of June is reckon'd to be the fooneſt, ſo I don't expeſt to have the pleaſure of drinking goat-whey this year.

I give you all my bleſſing, and am

Your affectionate Father,

MORTON.

LONDON, 26th May 1737.

JAMES,

Last night I had yours of the 19th. Yeſterday being ap- pointed for reading of the Provost's bill a ſecond time in the Houſe of Commons, after ſome debate, it carried to be read by 146 againſt 99, and the houſe is to goe into a Committee upon it next week; ſo you need make no doubt but it will

pafs the houfe; and I believe with fome more claufes added to it than it had when it paffed the Houfe of Lords: I believe there will be a provision made for appointing a method to keep the peace of the town, 'tho not by a guard of fouldiers with red coats and guns.     \*     \*     \*     \*

I think of nothing else to fay at preſent, but my bleſſing to you all. I am

Your affectionate Father,

MORTON.

P. S.     \*     \*     I almost forgot to tell you that all the Scots Members voted againſt the reading the bill a ſecond time, except Brigadier Anſtruther, and Brigadier Robert Murray, who repreſents an English Burgh.

TO THE QUEENS MOST EXCELLENT MAJESTY,  
*The Humble Supplication of the Noblemen and others  
underwritten,*

SHEWETH,

That Wee, his Majeftys moft dutyfull and loyall Subjects hereto ſubſcribing, doe with the moft profound reverence and ſubmiſſion beg leave in humble manner to lay before your Maſteſty,

That John Porteous, late Captain Lieutenant of the City Guard of Edinburgh, was indited by His Maſteſty's Advocate Generall, for having, while he the ſaid John Porteous was

attending the execution of Andrew Wilson, with a detachment of the guard of the said City under his command, fired himself, and given orders to the men of the guard to fire upon the multitude assembled at the said execution, whereby severall persons were killed and wounded.

That the Jury sett upon him, after evidence adduced, did find speciall in manner following, viz. FOUND IT PROVEN that the said John Porteous fired a gun among the people assembled at the place of execution and time libelled, As also that he gave orders to the soldiers under his command to fire, and upon his and their so fireing, the persons mentioned in the Inditement were killed and wounded. AND FOUND it proven, That the pannell, *i. e.* John Porteous and his guard, were ATTACKED AND BEAT with severall stones of considerable bigness, whereby severalls of the soldiers were bruised and wounded.

That upon the return of this verdict the High Court of Justiciary did condemn the said John Porteous to be hanged upon the eight day of September nixt.

That Wee doe with the utmost humility and reverence beg leave to submitt it to your Royall wisdom, whither there are not some circumstances attending the case of the said John Porteous that may plead our excuse for thus presenting him to your Majesty, as a proper object of the Royal Clemency ; and whither, if the sentence aforesaid shall be executed to the rigour, it may not encourage wicked and evill disposed persons to adventure upon resisting the just execution of the laws. And THEREFORE, if in respect of the attack upon the guard so found proven by the Jury, the said John Porteous may not

merit some mitigation or commutation of the sentence pronounced against him.

MAY IT THEREFORE please your Majesty to take the premises under your Royall consideration, and to give such relief as to your Majesty in your Royal wisdom may seem meet.

SALTOUN.

Hew Dalrymple of Drummore.

Cha. Frafer of Inveralachie.

Alexander Frafer, Master of Saltoun.

Geo. Skene of that Ilk.

Alexander Udny of Udny.

A. Burnett of Leyes.

Tho. Forbes of Echt.

Arch. Grant of Monymuske.

Rot. Burnett of Sauchen.

Geo. Burnett of Kemnay.

Jo. Arbuthnott of Fordoun.

Phil. Foulerton of Philphal.

A. Frafer of Powis.

John Irvine of Drnm.

J. Foulerton of Cowie.

Arthur Forbes of Craigievar.

Al. Gordon of Pitlurg.

Will. Forbes of Delfblair.

ACTS STATUTES AND OTHER PROCEEDINGS OF  
THE PROVOST BAILLIES AND COUNCIL OF  
THE BURGH OF EDINBURGH.

M.DXXIX—M.DXXXI.



LIBER STATUTORUM BURGI DE EDINBURGH DE  
MANDATO MAGISTRI ADE OTTIRBURNE PREPOSITI  
BALLIVORUM ET CONSULUM EJUSDEM OCTAVO DIE  
MENSIS OCTOBRIS ANNO DOMINI MILLESIMO QUIN-  
GENTESIMO VICESIMO NONO.\*

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*Broustarris.*—IT IS STATUTE and Ordanit be the Provest Ballies and Counsall That na brouster na dry tapstar in this burgh tak apone hand to sell ony derrar aill fra Monunday furth at nixt cummys na xvi d the galloune and at it be gud and sufficient aill of the price forsaid commonlie tilbe sauld till all the Kingis liges vnder the pane of viij ſ for the first falt the secund falt deling of thair aill and the thrid falt to bring thar caldrone or kettellis to the crose and ding thame throw with ane puncione and spane thame fra the operatione for yer and day.

\* This Book of the Statutes of the Burgh of Edinburgh composes the second part of a Volume lately discovered. It contains many curious Acts relative to the regulation of weights and measures, to the sickness of pestilence, and other matters regarding the general police of the Burgh, beginning October 8, 1529, and ending July 7, 1531. Their general importance have made them to be thought worthy of a place in this Miscellany. The first part of the Volume, termed on the margin the “Nichtbourheid buik,” is entitled, “*Liber Actorum et decretorum Decani Gilde burgi de Edinburgh super linitiones terrarum infra dictum burgum confect. in tempore Joannis Adamsoun decani Gilde dieti burgi In anno domini Millesimo quingentesimo vicesimo nono.*” It begins April 29, 1529, and ends June 29, 1557.

*Baxtaris.*—Item it is statute and ordanit be the prouest ballies and counsall that all baxtaris within this burgh baik thar braid gud and sufficient stuff weill bakin and dryit and at the ij d laif wey xvij vncis and the browne breid efferand tharto wnder the pane of ane wnlaw the first falt and fra thine furth deling of thar breid And that na Hukstar within this toune tap nor sell ony quhite breid in for bathis fra Monnnday furth vnder the pane of eschaecting of the breid and bannasing of thaim the toune and at ilk baxtar haif bot ane bath to sell his breid in allanerlie and his awin merk apone his breid.

*Candilmakaris.*—Item it is statute and ordanit be the prouest ballies and counsall that all maner of parsonis Candilmakaris within this burgh that thai mak thair candill that thai sell till our Souerane Lordis legis of gud and sufficient stuff baith weyk and tallone and sufficient werk-manschip and at thai sell the pund thairof commonlie for vj d the rag weyk and v d the lit the hardis weik and at thai haif thair ballandis and wechtis baith les and mar and be redy till sell the samyne in pundis and half pundis in houssis and vtouth gif thai pas apone the hie gait vnder the pane of viij s for the first falt and the secund falt eschaet of thair stuff and the thrid falt spanyng of thar operatione and quhen thai pas thron the tovne that thai be honestlie tursit vnder the panis forsaid and at na candilmaker melt thair tallone on the foirgait vnder the said panis.

*Stabillaris.*—Item it is statute and ordanit be the prouest ballies and counsall that all maner of Stabillar within this burgh haif thair stabilis weill and sufficient furnest with hek and mangear with sufficient lokis for the durris for sure keiping of the horsis that stabillis with thame and sall sell thar best corne that wilbe mell till all our Souerane Lordis legis for vj d the pek and the secundar for v d the pek and at thai sell the stane of hay for iiiij d the stane under the pane of viij s for the first falt the secund falt eschaet of the stuff and the thrid falt spanyng fra

thair operatione and that thai tak na stabill fee fra the personis that lugis with thame thai byand thar corn and hay fra the said stabillaris and at na maner of personis except stabillaris by nor sell ony aittis or hay to sell and regrait to the Kingis liegis vnder the pane of eschaeting of the stuff and bannasing of the toune.

*Pultre and wyld fōude.*—Item It is statute and ordanit be the prouest ballies and counsall for the commonne weill of this burgh and all our Souerane Lordis liegis reparand tharto that all maner of personis that sellis pultrye duelland within this burgh or vtouth reparand tharto with syk stuff to sell in tyme cummyn that thai bring thar stuff forsaid pultre and wylde meit opinlie to sell at the merkat corse and nocht to be haldin in covert under cloikis or gounis nor yit in thar houses bot commonlie tilbe sauld till all thair Souerane Lordis liegis and euery day heirfor to be ane merkate day at the merkat corse and nane vther place and at thai begin thar merket betuix viij and ix houris befor none and sa continew quhill xij houris and at twa howris eternone and to continew quhill v houris at evin in winter and quhill viij houris in somer and the strangeris bringand syk stuff to the merkat and out duellaris till haif the merkat dalie siklyke and at na nychebowr man or woman by fra the strangeris priualie or oppinlie to sell or regrait agane ony maner of wyld foul or tayme nor at nane pas out of the toune to by ony wyld foul or tayme to regrait agane be the space of vj milis vnder the pane of bannasing of the toune and eschaet of thar stuff that beis fund with thame and at nane of the saidis registratoris be sene in the merkat amangis byaris and sellaris of wylde or tayme foule vnder the saidis paynes.

*Fische.*—Item It is statute and ordanit be the prouest ballies and counsall that na maner of persone man nor woman regrait nor by ony fische to tap nor sell agane to the nychebouris of the toune nor to our Souerane Lordis liegis quhill xij houris be struikin and fra ane hour

efter none quhill vj houris at evin vnder the pane of bannasing of the toune and at na syk personis pas out of the tonne to the portis or vther placis to by ony fische to regrat agane vnder the said Payne.

*Regratouris.*—Item that na maner of parson man nor woman regratouris of fische eggis butter cheise frute or vther syk stuff hald ony maner of burdis or cramis to sell syklke stuff apone the hie gait nor vnder staris bot in thar awin house fra this tyme furth vnder the pane of bannasing of the tovne and at name of the saidis regratouris be sene in the merkat amangis byaris or sellaris on to the tyme of the saidis houris of xij at none and quhill vj houris at evin be past vnder the pane of bannasing and at na regratour by ony butter or cheise bot on the merkat day and noct quhill xij hours be strakin at none vnder the pane of bannasing.

*The statute to haue wappenis redy in buthis.*—Item because in tymes past thar has bene slauchteris and murthoraris committit within the tovne in defalt of the officiaris and nichbouris that rysis noct to resist and pynise the samyne to the gret selander and diffamatioun of the toune makand it to be fre to all syk mischeiffis.

Heirfor it is statute and ordanit that every merchand and craftsman haiffand thair foir buthis that thai haif in thair said buthis ane ax or twa or thre after as thai haue seruandis and to cum incontinent to the provest or ballies reddy to fortefy and manteine thar our men and justice and quha that has noct the said wappannis fra Monunday furth nixt to cum and is noct reddy to cum to thair oure men incontinent as said is to pay to the commone werkis of the tovne xl ſ for the first falt and for the secund falt gif he be ane man of substans to pay x ſi to the commone werkis of the tovne and for the thrid falt tyne his fredome And gif he be ane man that has noct substans and may noct pay the said

wnlawis to tyne his fredome for yeir and day and farther induring the townis will.

*That na broustaris nor regratouris be tholit.*—Item It is statut and ordanit be the prouest ballies and counsall that na maner of broustaris nor regratouris be tholit within this tovne bot thai that ar kend honest and substancialis personis fra Monunday furth nixt to cum bot thai that sall be admittit be the prouest ballies and counsall vnder the pane of bannasing of the tounie.

*The Meill Market.*—Item It is statute and ordanit be the prouest ballies and counsall that na maner of personis man nor woman that bringis ony meill to this market within this tovne stryk vp the samyne quhill ix houris befor none and at na persone house the samyne within housis quhill iijj efter none be strykin ilk day vnder the pane of eschaet tharof and at na metteris of meill mak ony metting tharof within this toune bot at the awnaris of the said meill met the samyne thar self till all our Souerane Lordis liges vnder the pane of bannasing and at na personis man nor woman regrait nor by meill to sell the samyne agane in smallis vnder the said panis of bannasing.

*Decima Octobris nno V<sup>c</sup> xxix<sup>no</sup>.*

*Bikkyrringis betuix Barnis.*—It is statut and ordainit be the prouest ballies and counsall Forsamekle as thar has bene gret bikkyrringis betuix barnis and followis in tymes past and diuerse thar throw hurt in perrell of thar lyffis and gif sik thingis be usit thar man diuerse barnis and innocentis be slane and diuisione ryse amangis nychtbouris tharthrow Heirfor We charge straitlie and commandis in our Souerane Lord the Kingis name the prouest and ballies of this burgh that na sic bykkyrrandis be usit in tymes to cum certifing that and ony persone be fund bykkyrrand that

thar faderis and masteris sall ansuer and be accusit for thar deidis and gif thai be vagabondis thai to be scurgit and bannist the toune.

*Regrariteris.*—It is statute and ordainit be the prouest ballies and counsall of this toune Forsamekle as it wes statut that na maner of persone man nor woman regrate nor by ony fysche to tap nor sell agane to the nyghtbouris of this toune nor name vthir our Souerane Lordis liegis quhill xij houris be strikin and fra ane hour efter none quhill vj houris at evin vnder the pane of bannasing Nochtwithstanding Margret Clapane has contempnandlie brokin the said statute and cost osteris this day to regrait agane in contrar the said statutis maid tharapone Quharfor the prouest ballies and counsall bannasis the saidis Margret Clapane this toune indurand thar willis and noct to cum tharin till in the mein quhill vnder the pane of bannasing for all the dayes of hir lyff and till removf within xxiiij houris vnder the said pane.

*Aganis bying of wyld foule.*—The quhilke day It was statut and ordanit be the prouest ballies and counsall of this tovne that na maner of persone man nor woman duelland within this toune by fra ony stranglearis priuatlie or oppinlie to sell or regrat agane ony maner of wyld foule or tayme vnder the pane of bannasing of the tovne and eschaite of thar stufe that beys fundin with thame nochtwithstanding William Cawder has contempnandlie brokin the said statutis and cost certane pluveris and vther wild meit incontrare the said statutis quharfor the saidis prouest and ballies banisis the said William this toune enduring thar willis and noct to cum tharin till vnder the pane of bannasing for all the dayes of his lyff and till remouf within xxiiij houris.

*Jonet Broune banist for euer.*—Jonet Broune for hir demeritis is bannist this toune for all the dayes of hir lyf and neuer to cum tharin till wnder the pane of deid and to remouf incontinent vnder the said pane.

*Relaxatione Agnes Turnour.*—The quhilk day in presens of the prouest Robert Henrysone is becuming souirte for Agnis Turnour that scho sall obserf and keip the statuttis of the toune and at scho sall by na aittis to tap nor regrat agane till our Souerane Lordis liegis in tyme to cum efter the forme of the said statutis vnder the pane of xx li.

.xv Octobris Anno Domini I<sup>o</sup> V<sup>e</sup> rxi.

*Agnes Turnour Alison Home Janet Bell Male Persone and Cristan Reynaldsone bannist.*—The quhilk day forsamekle as it wes statut and ordanit be the prouest ballies and counsall that na maner of personis man nor woman suld by aittis or hay to sell and regrait agane to the Kingis liegis bot allanerlye stabillaris vnder the Payne of eschaet of the stuff and bannasing of the tovne as the statutis maid tharapone proportis quhilkis war opinly proclamit at the merket corse Neuertheles Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsoun has contempnandlie brokin the said statutis and coft corn and aittis in greit to regrait agane Quharfor the saidis provest ballies and counsall bannesis the saidis Agnes Turnour Alisone Home Jonet Bell Male Peirsone and Cristane Reynaldsone this tovne Indurand the provest ballies and counsallis will and noct to cum in the tovne in the meyntyme vnder the Payne of bannasing for euer quhill thai obtene licens and to devoyd within xxiiij houris.

*Gelis Murray and Christiane Blacater spanit fra bying of aittis.*—The quhilk day the provest ballies and counsall ordanis that Gelis Murray and Christiane Blacater decist and ceisse fra all maner of bying or selling of aittis or halding of stabillis to regrait the samyne in tyme to cum bot

spanis thame fra the said occupatione for all the dayis of thar lyf vnder the pain of bannasyng.

*Allane Blair convict.*—The quhilke day Forsamekle as it was statute and ordainit that na personne suld cum furth of Sanct Androis nor na vther suspect placis to this toyne vnder the pain of deid Nochtwithstanding Alane Blair has contempnandly disobeyit the samyne and cummyn to this toune furth of the said toune of Sanct Androis and has incurrit the said panis Quharfor the prouest ballies and counsall has dispensis with his lyf and has bannist him this toune for all the dayis of his lyf and nocht to cum within the samyne in the meyntyme vnder the pain of deid.

*xvij Octobris Anno xxix.*

*Anent the Pestelens.*—It is statut and ordanit Forsamekill as the prouest ballies and counsall of this toyne ar swirlie advertiste that the pestelens is spred in diuerse tonis and pairtis beyond the Wattir quharthrow it is gret dangeir to resaif ony personis duelland in ony pairtis beyond the wattir of Forth That tharfor We command and charge in our Souerane Lordis behalfe the prouest ballies and counsall of this toune that na maner of parsonie duelland beyond the said wattir bring ony merchandice or repair within this burgh nor that nane maner of parsonie duelland in this toune resset ony sik personis or thar guidis vnder the pane of pvnisione of thar personis and bannysing of this toyne for euer Certifying all thame of Dunde Sanct Johnstoune Cowper and all vther the tovnis of the northt syde that we will nocht that thai cum to this nixt fair of Hellomess nor that thai bruk the fredome tharfor for this yeir excepand alwayis the fair of nolt and scheip.

*Relaxatione Margret Clapane.*—The quhilke day Forsamekill as Mar-

gret Clapane was banist this toune of befor for the breking of the statutis in the bying of fische to regrait agane and remanit furtht of the toune at the tounis wyll quharfor the prouest ballies and counsall relaxsis the said Margret and admittis her till cum till hir awand house within this toune and scho obleisis hir to obsarf and keip the statutis of the toune and noct to faill tharin till wnder the pane of bannasing for euer.

*Oblis Besse Peny.*—The quhilk day Besse Penne obassis hir neuer to by buttir nor cheise nor othir stuff to regrait agane in tyme to cum and to obserf and keip the statutis of the tovne wnder the pane of bannasing for euer.

*xxi Octobris Anno domini I<sup>o</sup> V<sup>c</sup> xxix.*

*Relaxatione Alisone Home.*—The quhilk day in presens of the prouest and ballies Thomas Schort is becuming souirte for Alisone Home his moder that scho sall keip the statutis of the toune and noct to by aittis to sell agane wnder the pane of xx li<sup>b</sup> quharfor scho wes relaxt till the fredome of this toune efter scho wes bennest the samyne for breking of the said statutis.

*Relaxatione Gilbert Skeillis wife.*—The quhilk day in presens of the prouest Gilbert Skeill is becummyn souirte and cautione for his wif that scho sall obey and vnderly the statutis of the toune and noct to intromet nor by aittis nor hay till sell and regrait agane to the Kingis lieges vnder the Payne of xx li<sup>b</sup> Quharfor the said Gilbertis wif was relaxit agane to the fredom of the toune as scho was obefor or scho was bannist the samyn for the brekin of the saidis statutis.

*Curia vicecomitatus burgi de Edinburgh tenta coram  
balliis ejusdem In pretorio dicti burgi xx<sup>mo</sup> Octobris  
Anno I<sup>o</sup> V<sup>c</sup> xxix<sup>o</sup>.*

## ASSISA.

John Henrison	George Bird	Willame Richmond
Robert Cuming	David Lausone	Roule Donaldsone
Henry Russaule	Robert Henrison	George Crag
George Yettis	Henry Heriot	

Johnne Dougall indytit and accusit for the airt and pairt of the thiftuis steling and conceleg fra Walter Scot furth of his maling in the Dene in harvist at last wes of xxij schavis of bere for the quhilk cause he was bannist this toun induring the provest and ballies will and noct to cum tharintill quhill he optene licence vnder the pane of bannesing for euer quit of the twa stowkis of aitis quhar thai war standand on the felde and for the thifte fra the said Waltir of ane stouk of peise and ane vther of aitis and for the thift fra Thome Home and his nichbouris of ane boll of heir and for the thift of ane furlot of aitis quhilk was dicht in Riche Persone barne.

The quhilk day forsamekle as Cristane Reynaldsone was bannist the toune for bying and regratione of aitis and breking of the statutis of the toune And now the provest and ballies movit of pite haue relaxit the said Cristiane to the fredome of the toune and William Elphinstone is becummyn souirte and cautione that scho sall obserf and keip the statutis and noct to fall in tyme to cum vnder the pane of xx<sup>ti</sup> lib.

*Mettis and messouris to sell aittis or meill.—It is statute and ordanit  
be the provest ballies and counsall that na maner of personis stabillaris*

and sellaris of meill man or woman within this burgh tap or sell aittis or meill bot with ane sufficient lele mesour pek and ferlot and at the samyn be brynt with the commoun merkyn irne of the toune vnder the Payne of breking of the lvme and ane vnlaw of viij ſ for the first falt and the secund falt spanyng and at thai cum to the tolbuth with thar pekkis and furlottis to merk the samyn.

*The market for aittis and horse corn.*—It is statute and ordanit be the provest ballies and counsall that in tyme to cum thar be ane dalie market of aittis haldin apone the hill vnder the wall forment Alexander Andersonis land And tharfor chargis that na stabillar nor vther tak apone hand till by aittis quhill thai be present and sett doyne in the said market vnder the pain of ane vnlaw to be tane of thaim that dois in the contrar but faouris And all personis that bringis ony aittis to this toune to sell that thai present and sell the samyn in the said merket and nane vther place within this toune.

*xxij<sup>o</sup> die mensis Octobris Anno I<sup>o</sup> V<sup>c</sup> xxix<sup>o</sup>.*

*Relaxatione Male Peirson.*—The quhilk day in presens of the prouest baillie Mongo Tennent and counsale James Cadder seruitour till our Souerane Lord is becummung souirte for Male Peirson that scho sall obserue and kep the statutis in tyme to cum that scho sall noct by aittis or hay till regrait the samyn till our Souerane Lordis legis efter the forme of the statutis maid tharapone vnder the pane of x li quharfor the said Provest ballie and counsall relaxis hir fra the said bannessing and admittis hir till hir preuilege and to cum till hir avne house as abefore.

*Seiknes of Pestilens.*—The quhilk day Forsamekle as this contagius seiknes of pestilens is spred in sindry pairtis beyond the watter and

diuerse personis men women and boys reparis and ar ressett within this toune to the greit apper and perell and scaith Quharfor We charge straitlie and commandis in our souerane Lord the Kingis naim prouest and ballies of this burgle that na maner of person man nor woman in-duellar of this toune tak apone hand to house harbery or ressett ony maner of personis within thar houssis quhat pairt that euer thai cum fra bot at thai cum and revele the samyn to the officiaris of the tovne vnder the pain of bannasing of the samyn.

*Spaneing William Bartovne.*—The quhilk day fforsamekle as it wes clerlie wnderstand that William Bartone had brokin the statutis of the toune byand wyld foulis till regrant agane to the Kingis liegis Quhar-for the Prouest ballies and counsall dischargis the said William and spanis him his wyf and seruandis fra all maner of selling of wyld foulis or tayme cwynyngis or vther syk lyk stuff in tyme to cum and at he vse na syk selling vnder the pane of bannasing for euer.

*Command the officiaris till bring the pekis to burne.*—The quhilk day the prouest and ballies ordanis the officiaris till pas ilk ane of thame throw thar awin quarter and charge all parsonis that usis mettis pek for-lot that thai bring thar mettis to the tolbutht the morne tilbe brynt wnder the pane of breking of thar messouris and ane wnlaw tilbe tane of thame that falis.

James Foster	Alisone Yong	Anne Yeid	Jonot Smyth
Jane Reid	Wm Andersone	Male Malnf	Margret Cwnyghame
Besse Kar	Dem Coieeren	Dem Wilk	

*Spaning meill sellaris.*—The prouest ballies and counsall commandis and chargis that nane of thir parsonis abone writtin by ony maner of meill in tyme to cum in the markat nothir efter none no forrow none

nor na tyme of the day nor nyght to regrait agane wnder the pane of bannasing of the toune for yeir and day but favouris.

Margeret Scheid als Jamiesone  
Johne Coppair alias Morsone

{ ar banist this tovne for thar demeritis and noct to cum heirintill vnder the pane of burning of thar cheikis and bannasing thame for euer.

*xij Nouembris Anno domini I<sup>o</sup> V<sup>e</sup> xxix.*

*Statute anent the regratouris of fische.*—The quhilk day the Provest ballies and Counsall statutis and ordanis that na maner of regratour of fysche man nor woman by ony fische to sell agane apone Wednisdai quhill efter none And dischargis thame of ony bying of fysche apone Fryday nothir forow none nor efter nor yit apone Satterday quhill efter none under the pane of bannasing And at nane of the said regratouris sell thar hering nor fischie neir the outlandis men that bringis the fische to the toune bot on the tothir syde of the gait forment And at the said regratouris be noct fund in the merket amangis byaris and sellaris vnder the panis forsaid.

*David Cristeson banist.*—Dauid Cristeson is banist this tovne because he is ane young stark fallow and beggis and will noct wirk for his leving.

*Richman that singis with the las banist.*—The quhilk day Richman that singis with the las and beggis throu the toune is banist this toune because he is ane sterke young fallow and will noct werk under the pane of burning of his cheik.

*Jonet Heriot.*—Jonet Heriot is ordanit be the prouest ballies and

counsall till decis and ces fra all baging in tyme to cum bot that scho werk for hir leving vnder the pane of banasing.

*xxijij Novembris Anno domini I<sup>o</sup> V<sup>e</sup> xxix<sup>o</sup>.*

*Anne Broune.*—The quhilke day the Provest ballies and counsall dischargis Anne Broune that scho cum noct in the meill market nor met meill tharintill in tyme to cum vnder the Payne of bannasing of the toune.

*Andro Gilson banist.*—The quhilke day the Provest ballies and Counsall has bannist Andro Gibsone this tovne for euer for his bying of the Kingis money apone ane hyear prysen na it is strykin for and sell-ing and regrating agane of the samyn rasing the derth of money.

*Pate Lorne and his wif discharget.*—The quhilke day Pate Lorne and his wif is discharget be the provest ballies and counsall fra all maner of bying or selling of buttir fresche or salt in tyme to cum vnder the Payne of bannasing of the tovne.

*Anent bringing aill from Leith.*—It is statute and ordanit be the prouest ballies and counsall that na maner of persone induellar within this burgh man nor woman bring ony aill furth of Leith till tap sell or drink in thar houssis fra Monunday furth nixt tocum quhill twa monethis be gane tharefter vnder the pain of eschaet of the aill that cummys in the contrar but fauouris.

*Luk Jameson banist.*—The quhilke day Forsamekill as Luk Jamesone has brokin the statutis of the tovne in bying of herring in the merkat to sell and regrait agane ffor the quhilke cause he is banist this toune indur-ing the tounis will.

*David Scot banist for yeir and day.*—The quhilk day Dauid Scot is banist this tovne for his demeriteis for yeir and day and breking of the statutis and nocth to cum tharintill quhill he optent lyicense.

*William Lyndesay souirte for Issobell Marroche.*—The quhilk day floramekill as it is vnderstand be the prouest that Issobell Marroche has brokin the statutis of the toune in bying of aittis and selling of thame agane in contrar the said statutis for the quhilk scho hes incurit the panis of bannasing of the tovne nochtwithstanding because it wes the first falt the prouest has dispensit with hir at this tyme and has tane William Lyndesay souirte that scho sall keip the statutis of the toune in tyme to cum vnder the pane of x £ but fauoris.

*Statuta pro Infirmitate.*—The quhilk day fforsamekill as it wes vnderstand that the seiknes of pestilens is richt vehement and perseueris still in Sanctandrois and the spredin tharof was maist be conuersatione of nichtbouris trastand it had bene the het seiknes and in defalt that the personis that war infekkit wald nocth releif the samyn Quharfor We charge stratlie and commandis in our Souerane Lord the Kingis name Prouest ballies of this burgh that all maner of persones within this burgh that has ony persone man woman or barne seik within thar houssis that thai hald thame be tharselv and reweill the samyne to the prouest and officiaris of the tovne vnder the pane of bannasing of thame the toune for euer.

*David Scot banist for all the dayes of his lyf.*—The quhilk day fforsamekill as Dauid Scot bennest twyse off befor for breking of the statutis of the toune and contempnlie disobait the samyn and come within the toune without licens for the quhill cause he wes curgit and he is new banist for all the dayes of his lyf and nocth to cum tharin in the meyn-tyme wnder the pane of deid.

*Robert Andersone curgit and banist for euer.*—The quhilk day Forsamekill as Robert Andersone grantit with his awin confessione that he staw x ſ̄ fra Andro Lausone fleschour for the quhilk cause he was curgit and banist this toune for all the dayes of his lyf and noct to cum tharintill in the meynetyme under the pane of deid.

*That nane pas beyond the water of Forth without licence.*—The quhilk day the Prouest ballies and counsall statutis and ordanis in our Souerane lord the Kingis name and tharis that na maner of persone induellar of this burgh pas beyond the watter of Forthe without speciall licence of the prouest vnder the pane of bannasing for yeir and day. And als that na maner of persone Induellar within this burgh nor utheris by ony maner of clath wou nor lyning nor yarne wther siklik stuk beyond the watter of Forthe to bring to this tovne wnder the said pane of bannasing. And inlykywse that na maner of persone man nor woman duelland within this burgh resset house nor harbery onymaner of persone duelland beyond the watter of Forthe without leif of the Prouest of the toune vnder the said pane of bannasing.

*xv Decembris.*

*Statuta anent the Huxtouris.*—The quhilk day the Prouest ballies and counsall statutis and ordanis that na maner of wxtar man nor woman within this burgh tap nor sell buttir nor sches nor eggis in thar housis nor vthout fra this tyme furth bot thai that cummis to the prouest and gettis leif fra him tharto and to find souerte that thai sall keip the statutis of the toune in tyme to cum wnder the pane of bannasing.

*Baxtaris.*—The quhilk day the Provest ballies and counsall statutis and ordanis that the lang fage of quheat breid sauld be unfriemen on the merket dais be guid and sufficient stuf weill bakin and dryit and at thai

keip the wecht and pais of the ij d laif and iiiij penny laif of quheit breid of the wecht of Leith And als ordanis that the fowattis of Mussilburgh and vtheris sauld be unfriemen apone the merket dayis be weill bakin and dryit gude and sufficient stuf and at thai keip the pais of the ij d laif and iiiij d laif of quheit breid of the wecht of Leith under the pane of eschaet of the samyne And at na hukstar sell nor tap ony of the saidis fagis nor fowattis within thar housis in tyme to cum under the said Payne And als ordanis that quhat persone that baikis ony aitt laiffis that thai be gude stuff and fresche and at the penny laif tharof wey the penny laif wecht and thrid part wecht of quheit breid vnder the said pane And at the dekin and masteris of the baxtaris tak Thome Arnot officiar or ony uthir officiar thai pleise with thaim dalie quhane thai lyk to put this act till execunton.

*xxiij<sup>o</sup> Decembris Anno V<sup>c</sup> xxix<sup>o</sup>.*

*Plegis of the wxtaris.*—The quhilk day in presens of the Prouest Johne M'Gichane is becuming souertie his land and guidis that he sall obserue and keip the statut maid apone wxtaris anent the bying and selling of buttir cheise and eggis and all vther sicklik stuf efter the forme of the said statut and nocht to falze tharin till vnder the pane of xx ti.

The samyn day Mastir Thomas Marjoribank is becuming inlikwise souertie for Besse Yallowleys that scho sall obserue and keip the said statut in all thingis efter the forme of the samyn vnder the pane of xx ti.

*xv Decembris Anno Domini I<sup>m</sup> V<sup>c</sup> xxix<sup>o</sup>.*

*The desyre of Thome Mercleys.*—The quhilk day the Prouest ballies and counsall has considerit the desyre of Thome Mureleis till cum in to his awin house of the Mure with his self wyf and barnis and guddis

unclengeit The prouest ballies and counsall has consentit tharto he beand oblist apone his lyf heretage and gudis that na scaith nor infectione sall cum within his house nor throw the unclengeing of his gudis in tyme to cum and to remane be himself xv dayis after his hame cummyne.

*Statute of the aill.*—The quhilke day It is statute and ordanit Forsamekill as the prouest ballies and counsall of this toun ar aduertist that the statutis of the aill is nocth kept bot the samyn sauld for xx d and ij s the gallone quharfor We command and charge in our Souerane Lord the Kingis name prouest and ballies of this burgh that na maner of persone tap nor sell ony derrar aill fra this hour furth na for xvij d the gallone according to the first statute maid therapone certifying thaim that the prouest will pas with the ballies in propir persone and quhar he findis ony breking of the said statute thai salbe spanit and put fra ony brewing or tapping of aill quhill the nixt terme of Michaelmes and banist the toun gif thai failye.

*xij die mensis Februarii Anno Domini I<sup>o</sup> V<sup>e</sup> xxix<sup>o</sup>*

*Statuta pro Infirmitate.*—We do yow to wit Forsamekle as the nychtbouris of Sanct Androis ar reparand to thar toun and yit pairt of the houssis infekit in the samyn quharthrow mair dangeir apperis now in the spreng in the yeir than in the sesion of winter Quharfor We charge yow straitlie and commandis in our Souerane Lord the Kingis name prouest and ballies of this burgh that na maner of persone induellar within this burgh house nor harbery ony persone of Sanct Andros within thar housis under the pane of deid And als chargis that na maner of persone man nor woman within this burgh repar to Sanct Andros nor intromet with ony persone of Sanct Andross vnder the said pane And als that nan of Sanct Andros cum to this vnder the said pane.

*xv die mensis Februarii Anno Domini I<sup>o</sup> V<sup>e</sup> xxxi<sup>o</sup>.*

*Banist induring the tounis will.*—We do yow to wit Forsamekill as Johne Geichane and Done Patersone has brokin the statutis of the toune in the bying of butter in the gret in the merkat to regrait agane till our Souerane Lordis legis before the hour lymit tharto Quharfor the prouest ballies and counsall has bannist the said Johne and Done this toune induring thar willis and to dewoid within xxiiij houris.

*Katryne Wrycht banist induring the tounis will.*—The quhilk day Forsamekill as Katryne Wrycht hes resset now laitlie certane stollin taffetiis stollin fra Edward Kyncaid be Thomas Brunne now justyfijt for that sam and vther stoll geir committit be him Quharfor the prouest ballies and counsall banisis the said Katreyne this toune and the fredome tharof induring thar willis.

*vij Februarii Anno Domini I<sup>o</sup> V<sup>e</sup> xxxi<sup>o</sup>.*

*Banist for euer.*—Margaret Borthik is bannist this for commone pikere and vther hir demeritis for all the dayes of hir lyf and nocht to cum tharintill in the meyne quhill vnder the pane of deid.

Thir ar the namis of the broustaris in Edward Kyncaidis quarter the ballie of the south est part of the toune quhilk has oblist thame till keip the statutis and sell na darrar aill na the statut ordanis vnder the pane of bannasing of the tovne In the first

Kate Hutoune Male Kerse Kate Gibsone Issobell Lang Margret Drummond Deme Seytoune Male Karse Marione Spense Mege Thome

Besse Derumpill Dem Siluer vnder the pane of x li<sup>b</sup> Robert Symson  
for his madyn vnder the pane of x li<sup>b</sup> but fauouris.

*Curia vicecomitatus burgi de Edinburgh tenta coram pre-  
posito et balliuis decimo octauo die mensis Februarii  
Anno domini I<sup>m</sup> V<sup>c</sup> xxix<sup>o</sup>.*

ASSISA.

James Hill	John Tennet	John Scot
John Hay	Henry Gow	Arche Steuart.
John Cranstovne	John Smyth	Henry Tollous
William Wilkye	John Young	
Thomas Schor	John Crowane	

*Margret Cok banist for euer.*—Margret Cok convict be ane assise for the breking of the Kingis proclamatione and statutis of the toune maid apone the contagius seiknes of pestilence in the cuming furth of Sanct Androiss with geir quhilke wes infekit with the said seiknes quhar scho wes continualie this quarter of this yeir bygane. And als for the thiftuis resset of ane kirtill quhilke was stolling furth of Sanders Spensis house ffor the quhilke caassis scho wes adiugit to be birnt of bayth the chekis and hir elaiis to be birnt and her self bannist the toune for all the dayes of hir lyf and noct to cum tharintill in the meynquhill vnder the pane of deid.

*xx Februarii Anno Domini I<sup>m</sup> V<sup>c</sup> xxix.*

*Statuta pro infirmitate.*—We do yow to wit Forsamekill that ther is now ane fair to be held on that vther syd of the watter that is to say in Sanct Manounis quhar that repair of infeckit personis is habill to repair with infeckit geir Quharfor We command and charge in our Souerane Lord

the Kingis name prouest and ballies of this burgh that na maner of persone inhabytant of this toune or within Leith or vther placis adiacent repair to the said fair or by ony geir ther to be brocht to this toune to be sauld vnder the pane of bannasing this toune for yeir and day and escheit of the geir thai bring to this toune to be sauld and forther punising of ther personis.

*xxvij Februarii Anno Domini I<sup>o</sup> V<sup>e</sup> xxix.*

*Statuta of the Aill.*—It is statute and ordanit be the prouest ballies and counsall that all maner of brouster dry tapstar and vtheris duelland within this toune quhilke ar delaittit for the breking of the statutis of the samyn that in tyme to cum thai and ilk ane of them obserue and keip the said statutis of the toune maid tharapone vnder the pane of xl s fra this hour furth and find souirte therapone and thai that can noct fynd the said souerte that thai be actit in the common bukis to obserue and keip the said statutis vnder the pane of bannasing.

Jok Thomsone and Johne Broune banist	vagaboundis haffand na master nor craft til wait apone ar banist this toune for thar deme- ritis and noct to cum tharin till but licence vnder the pane of bannesing for all the dais of thar liffis.
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*Ultimo Februarii Anno Domini I<sup>o</sup> V<sup>e</sup> xxix<sup>o</sup>.*

*Statut the meill merkat.*—We do yow to wit Forsamekill as it is vnderstand that wesland cadgearis and wtland men byis the meill in gret and turses the samyn out of this toune throw the quhilke the derth of vittalis is abill to ryse Quharfor We charge straitlie and commandis that na syk

vtlandis men nor cadgearis by ony meill in the market to turse out of the toune in gret vnder the pane of escheit of the samyn quhareuer it can be apprehendit.

*Curia burgi de Edinburgh tenta coram preposito et balliuis ejusdem in pretorio dicti burgi primo die mensis Aprilis Anno Domini I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>*

Pate Layng	Johne Bayne	Henry Scot
Johne Cvnynghame	Arche Rowll	Edward Thomson
Alexander Forster	Johne Hoip	George Cuthbertson
Thom Johnestoune	Thom Schort	William Tod
Archibald Donaldsone	James Stevinson	William Lyndesay

*Persons convict for breking of the Statutis.*—The quhilke day all the personis vnder writtin ar convict be ane assiss for the breking of the statutis of the toune in the breuing and tapping of xx d aile and selling of the samyn agane contrar the statutis of the toune maid therapone Quharfor a pairt of thame quhilke fand souerte of befor to obserue and keip the said statutis vnder the pane of xl s and is conviet of the new hes fund souerte to obserue and keip the said statutis vnder the pane of v ti and ane vther pairt quhilke wes convict in lykwyse till obserue and keip the said statutis and coulnt find na souerte that thai soll obserue and keip the said statutis vnder the pane of spaning fra the opperatione and has fe seruitrice that browis apone thar awin awentur and gyfis ane certane of ilk broust to thar hussy that thai obserue and keip the statutis vnder the pane of bannasing of the toune.

Mr Johne Schevin is becumin souerte for Deme Leithame and Deuie Barbouris wyf till obserue the statutis of the toune quhill Michelmes

nixt to cum vnder the pane of payment for ilk ane of the said personis  
of v ti &c &c.

Johne Andersone kepar of the tolbuith has oblist him till obserue and  
keip the statutis of the toune in tyme cuming vnder the pane of daling  
of ane barell of ale till gif utheris exempill till brek the said statutis in  
tyme cuming.

*Secundo Aprilis Anno Domini I<sup>m</sup> V<sup>c</sup> xxx zeris.*

ASSISE.

Johnne Mvdy	Walter Hay	Archibald Woddaill
James Johnstone	William Wilkie	Johne Gray
Archibald Wilson	Johne Tennent	Pate Johne
Andro Symsone	Thom Anguss	Pat Wrre
Johnne Symmeir	Pat Scot	Andro Mitchell
David Scot	Wille Johnston	George Broune

*Souerteis for brousteris.*—Robert Glene is becumin souirte for his  
brouster that scho sall keip the statutis of the toune in tyme to cum  
quhill Michelmes nixt to cum under the pane of v ti &c &c &c.

*xxvi die mensis Aprilis Anno Domini I<sup>m</sup> V<sup>c</sup> xxx.*

*The statute anent the Leper folk.*—It is statut and ordanit be the  
prouest ballies and counsall of this burgh that na maner of lipper persone  
man nor woman fra this tyme furth cum amangis uther cleine personis  
nor be nocht fund in the kirk fische merket nor flesche merket nor na  
vther merket within this burgh under the pane of burnyng of ther cheik  
and bannasing off the toune.

*The statute anent the Eggis.*—It is statut and ordanit be the prouest ballies and counsall that na maner of hukstar tap nor sell ony eggis fra this tyme furth for the space of ane moneth to cum vnder the pane of bannasing of the toune.

*Aganis Regratouris and Hukstaris.*—It is statute and ordanit be the prouest ballies and counsall that forsamekill as this greit derth rasit apone our Souerane Lordis legis of all kynd of meit ordanit for sustentatione of man throw inordinat nomer of regratouris and hukstaris That therfor na regratour or hukstar of wyld foulis tame foulis buttir hegis cheise aittis or hey or ony vther stuff be tholit to be within this toune fra Furisday nixt to cum without thai get speciall licence and be admittit be the prouest wnder the pane of bannasing of the toune quhill Michellmes nixt to cum.

*Anent Seruandis.*—Item that because thar is na seruand woman or nurys that gettis in ane gud manis house throw hir seruice v or vj merkis bot scho will tak ane house of hir awin and be ane broustar or hukstar quharthro the nyghtbouris of the toune ar hevelie hurt and the meit and drink rasit darer throw the bying of the samyn at the secund or thrid hand that tharfor na seruand woman pas fra hir seruice and tak ane house without scho be mariit or pas to the bordall except scho haif licence of the prouest for gud rationabill causis vnder the pane of bannasing and that na man set sik lik personis howsis vnder the pane of xl s and to be apliet to the cassa.

*Brousteris.*—Item that na broster be in this toune tak in hyrgang ony brewing lums bot that scho haif thame of hir awin fre vnder the pane of bannasing.

*Ultimo die mensis Aprilis Anno I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>*

*Jonet Andersoun.*—The quhilc day the prouest and ballies deceernis and ordanis Jonet Andersone the spouse of Bell fra this tyme furth that scho say na displesour nor injuriouse language till Thomas Wauhope nor his spouse nother oppinlie nor priuatlie vnder the pane of bannesing of the toune als sone as the samyn beis notorlie knawin.

*Quinto die mensis Maij Anno Domini I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>*

*Willame Kar.*—William Kar obllissis him that he sall noct be sene into the fische merkat nother byand nor selland fische vnder the pane of cutting of his lug and bannasing of the toune bot gif he haif ane horse of his aune till bring fische to the merket till sell vniuersale as vther strangearis dois till our Souerane Lordis legis.

*Memorandum* That Margrat Thomsone the spouse of Robert Hog is delatit for ane schitt of grene weluos.

*xij Maii Anno Domini I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>*

*Brokkaris of woll hyd and skynnis.*—The quhilc day the prouest ballies and counsall statutis and ordanis and als commandis and chargis that na maner of brokkaris nor forstallaris of woll hydis nor skynis man nor woman be fund nor sene on the merket day in the place quhar ony woll hyd or skynnis ar to sell nother spekand standand nor commonand with the sellaris tharof in na tyme to cum vnder the pain of

*William Bertoune fined.*—The quhilc day fforsamekill as it is cleirlie



kend and vndirstandin be the provest ballies and counsall that William Bertone had oft and diuerse tymes brokin the statutis of the toune in the bying and regrating of wild foulis and tayme for the quhilke he wes spanit the occupation therof for all the dais of his lyf under the pain of bannasing of the toune as the actis maid therapone propertis Nochtwithstanding he hes sensyne coft syklyk stuf to regrait quhilke war fund in his house be the provest and officiaris and als the said William had contempnandlie drawyne his knyf till ane Craik at the market corse for his slauchter because he warnit the provest that the said William had coft wyld foulis in the merket With the quhilke faltis the provest ballies and counsall beand riplie ausit decernit and ordanit the said Williame till content and pay for the saidis faltis and crimes the sovme of v li*b*s to be applyit to the kirk werk or commoun werkis of the toune.

*xvij Maii Anno Domini I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>.*

Adam Robertsons is banist this toune for the stelling of ane pot.

*xxv Maij Anno Domini I<sup>o</sup> V<sup>c</sup> xxx<sup>o</sup>.*

*Statuta pro Infirmitate.*—Forsamekle as thar is sum pairt of the infectione of pestilens rissin within this toune quhilke be the grace of God and gud gouernans may be weill stanchit That tharfor We command and charge in our Souerane Lordis name provest and ballies of this burgh that all maner of personis within the samyn that ony seiknes happenis in thar houssis that thai revele the samyn till thar nerest nyctbour incontinent and command thame till schaw the samyn till the officeris of the toune and at thai hald thame self seuerall fra all vther parsonis and tholl nane cum to thaim vnder the pane gif thai be pure folkis of byrning of thar cheikis and bannising of the toune for all the

dayes of ther lyf and neuer to cum therintill vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame selffis for all the dayes of thar lyffis as said is.

Item that na maner of parsonis man nor woman tak ony clais in wedd fra vtheris or by ony auld claise wou or lynnyn vnder the pane of burning of thar chekis and bannasing of the toune for all the dayes of thar lyffis.

Item that na maner of personis ressett ony personis cummand furth of Sanct Andros or ony insight or gudis clething claih wou nor lynnyn vnder the pane of deid and at na parsonis of this toune repair thar under the said pane.

Item that na maner of personis that has ony swyne within this toune that thai keip thame in band within thar housis fra this tyme furth With certificacione to thame and ony of ther swyne be fund on the hie gait or in vinellis out of houssis that it salbe lefull till Andro Fentoune officiar of the toune till eschaet the samyn till his awin use.

Item that forsamekle as thar is gret fylth within this toune baith on the hie gait and in closis and als the gutteris of the toune ar full of filith Quharthrow infectioune may spreid and ryse That tharfor every man and woman dicht and mak clene befor ther durris and closis and clenge away the filith tharfra vnder the pane of punising of thar personis and gudis at the prouest will.

*Anent the setting of housis.*—It is statute and ordanit be the prouest ballies and counsall that na maner of personis man nor woman that has ony land or houssis till set within this toune that thai sett the samyn till sufficient tenentis that ar honest men and laborius personis abill to wyne thar liffig and nocht to sett thar houssis till trumpouris or vagabundis vnder the pane of xl s to be tane fra thaim that dois in the contrar but faouris to be applyit to the commoun werkis of the toune.

*Statuta pro Infirmitate.*—It is statute and ordanit that all maner of personis within this towne man nor woman that has bene in Gladois house the smyth or ony vther housses that ar now suspect of this contagius seiknes or that hes intromettit with thame ony maner of way other befor or seynsyne That thai cum and reveile the samyn incontinent to the officiaris of the toune vnder the pane of deid.

*Margaret Smyth.*—In presens of the ballies in jugment Margairet Smyth of hir avne fre will oblist hir that fra this tyme furth scho sall nocht use na injurious wordis blasfeme nor schame Dene Alexander Creichtane vicar of Sanct Cuthbartis Kirk nothir in word nor deid vnder the pament of x ti tilbe gevin till Sanet Gelis werk.

*Anent the seruandis that wesches clais.*—We do you to wit Forsamekill that thar is diuers seruandis that hes thar masteris and hussis claithis to the wattir and be the gait takis this womanis coller and that womanis eurche and wescheis thame amangis thar maisteris quharthrou It is vnpossible to keip the toune clene gif sik thingis be usit That therfor na seruandis wemen tak vther claithis than thar masteris and hussis and thar houshaldis claithis to wesche vnder the pane of burning of ther cheik and bannasing of the toune and that thar master or hussy pas and convoy ther seruandis or send ane auctentik persone to convoy thame out of the toune for escheuing of sic dangeir vnder the pane of bannasing of the toune for yeir and day.

*Issobell Forsyth byrnt and bannist for euer.*—We do you to wit that Forsamekill as it was statute and ordanit that all maner of personis quihilk had bene in suspect houssis or intromettit with ony personis suspect and als all maner of personis man nor woman that happinit to be sek suld inlikwise reuele the samyn to the officiaris of the toune Neuertheless Issobell Forsyth that hes standis has intromettit with infekkit

folk and being in ther houssis and nocth reuelt the samyn and als is now infekit sek and wald nocth reuele the samyn quharfor scho salbe brint on the cheik and bannist this toune for all the dayis of hir lyf and to remane on the mure quhill scho be haill vnder the pane of deid.

*Quarto Junii Anno xxx°.*

*Issobell Cattall baüst for evir.*—The quhilk day Forsamekle as Issobel Cattall the spouse of William Tod has brokin the statutis of the toune haldand hir dochtir seik within hir house thir iij dayes bygane and wald nocth reweile the samyn to the officiaris of the toune quhill now scho is deid in this contagius seknes Quharfor It is ordanit be the prouest and ballies that hir self be brynt and seho and all hir barnis bannist this toune for all the dayes of thar lyffis vnder the pane of deid And at thai remane still on the muire quhill thai be clengit and nocth to scatter in the cuntry vnder the pane of deid.

*xvij<sup>e</sup> Junii.*

*Helen Adamsone banist for euer.*—Helene Adamsone for hir demeritis yit as abefor scho is bannist this toune and nocth till cum tharintill in the meyntyme vnder the pane of deid and till remov incontinent.

*xxv Junii.*

*George Mutrich and others to be brynt on the cheik and bannist.*—The quhilk day Forsamekle as George Mutrich and Male Mudy his spouse Marione Suddirland and Alisone Bird has brokin the statutis of the toune havand a barne seik in thar house thir iij dais bigane in this contagius seknes and wald nocth reuele the samyn to the officiaris quhill it was deid Quharfor the ballies and counsall ordanis that thai be all brynt

on the cheik And because Marione Suddirland brocht the said seiknes in the house and wald noctt tell the laif scho to be bannist all the dais of hir lyf vnder the pane of deid and the laif bannist induring the tounis will.

*Primo Julii Anno Domini &c. xxx°.*

*Patrick Gowanlok bannyst.*—The quhilke day Forsamekle as it wes cleirlie vnderstandin that Patrik Gowanlok fleschour duelland in the Abbot of Melrosis lugyng within this toune has had ane woman infekkit with the pestilens thir x dais in his house and revelit noctt the samyn to the officiaris of the toune as was ordanit be the statutis of befor maid therapone and als had ressauit strangelaris in his lugyng he being inclusit obefor and suspiciois Tharfor It is diuisit and ordanit be the prouest ballies and counsall that the said Patrik Gowanlok sall tynt all freidome and priuilege of this toune and he and all his successione bannist this toune for euer vnder the pane of dede And at the half of his moveable gudis be applyit to the commoun workis of this toune for his defalt And als that his seruand woman callit Jonet Cowane quhilke is infekkit for hir conceeling the said seiknes and passand in pilgrimage scho haiffand the pestilens apone hir that scho salbe brynt on baith the cheikis and bannist this toune for euer vnder the pane of deid And quha that lykis till see justice execute in this mater that thai cum to the Grayfrier port incontinent quhar thai sall se the samyn put till executioun.

*Secundo Augusti Anno Domini I<sup>o</sup> V<sup>e</sup> xxx<sup>o</sup>.*

Maister Adam Otterburne Provest	James Johnstone
Eduard Kincaid } Ballies	Thom Mitchelstone
Symon Prestone }	William Raa
Maister James Lausone	Thom Mireleyis
Nicholl Carnorse Dene of Gild	William Smeithberd
Robert Henrison Thesaurer	George Foulis
William Sym	Johnne Berclay
Johnne Purvess	Johnne Wauche
William Elphinstoun	

*Dauid Duly to be hangit.*—The quhilk day Forsamekle as it wes perfytlie vnderstand and kend that Dauid Duly tailyour has haldin his wif seyk in the contagius seiknes of pestilens ij dayis in his house and wald nocht revele the samyn to the officiaris of the toune quhill scho wes deid in the said seiknes And in the meyn tyme the said Dauid past to Sanct Gelis kirk quhilk was Sonday and thair said mess amangis the cleyne pepill his wif beand *in extremis* in the said seiknes doand at was in him till haif infekkit all the toune For the quhilk causis he was adiugit to be hangit on ane gebat befor his awin durr and that wes gevin for dome.

*Wille Myllar to be brynt on the cheik.*—The quhilk day Forsamekle as it was cleirly vnderstandin that Wille Myllar tailyour has brokin the statutis of the toune puttand a woman furth of his house beand seik in the contagius seiknes of pestilens at his awin hand nocht schawand the samyn to the officiaris of the toune For the quhilk cause he was ordanit to be brynt on the cheik and bannist this toune indurand the provest ballies and counsallis willis.

*Duly banist and nocthangit becaus the raip broke.*—The quhilk day fforsamekle as Dauid Duly was decernit this day befor none for his demeritis to be hangit on ane gebbat befor his dure quhar he duellis Nochtwithstanding because at the will of God he hes eschapit and the raip brokin and fallin of the gibbat and is ane pure man with small barnis and for pete of him the prouest ballies and counsall bannasis the said Dauid this toune for all the dais of his lyf and noct to cum tharintill in the meyntyme vnder the pain of deid.

*Wille Myllar bannist.*—The quhilk day Forsamekle as Wille Myllar was decernit this day befor none to be brynt and bannist this toune for his demeritis And because it is nocth vndirstandin quhether he be foule or clein man thro the quhilk he may be handillit and executione of byrnyng maid apone him Tharfor the Prouest ballies and counsall dispensis with the byrnyng of the said William unto the tyme that he be clengit Nochtwithstanding the Prouest ballies and counsall bannasit him this toune indurand thar willis And nocth to cum tharintill quhill he optene licens.

*3° Augusti.—Per prepositum balliuos et consules prescriptos.*

We do yow to wit Forsamekle as that is mony and sindry nichtbouris of this toune men wyffis and barnis that ar past to landwart till eschew the danger of the seiknes of pestilens And now we ar informit and als greit murmur rissin that the said seiknes brekis and spreddis vrowth the toune in diuerse placis quharthrow greit apperand danger may cum be the saidis personis that ar fled in thar incumbyn agane to this toune Quharfor We charge straitlie and commandis in our Soucrane Lord the Kingis name prouest ballies and counsall of his burgh that nane of the saidis personnes that ar past out of the toune in syk kynd return nor cum within the samyn agane vnto the tyme thai byd at the port and aduerteis

the officiaris of thar ineummyn vnder the pane of thame that ar folkis of substance of xx<sup>ii</sup> pundis to be tane of thame and applyit to the pure folkis and eommoun werkis of the toune And gif thai be pure and may noeht pay the said vnlaw to be bannisit indurand the townis will.

*Anent the maner of clengyng of houssis that was nocth put to the mure 3° Augusti Anno xxx°.*

*Statuta anent the clengyng.—*The quhilk day the pronest ballies and counsall hes deuisit statut and ordanit Forsamekle as thar is diuers personis within this toune quhilkis has had infectioun within thar housis and thar selfis vnremouit of the toune to the mure bot clengit and deuidit thameself amangis vther housis quharthrow gude prouisioun suld be maid for the clengyng of thar geir reparyng and vsing of thar housis and buthis Quharfor it is diuisit and ordanit That all syk personis that will tak on thame and thar lyffis that thar geir is eleyne That thai soll bring all thar haill houshald wyf barnis and seruandis till thar duelling housis and thar handill all thar gudis and remane with thar geir xv dayis and sa far as possible is that the offieiaris of the toune be sekjr that thai handill thar said geir in this maner that is to say that thai stand befor thar durris and se the saidis personis and thar barnis bring thar saidis geir in thar armys and handill the samyn And at the saidis personis mak faith that thai haif na vther geir na thai sehaw to the saidis officiaris And als that thai handill syklyke all the geir being in thar buthis with thar houshald and barnis and outhier remane with thar geir a certane tyme in thar buthis or ellis to bring thar said geir to thar duelling house and thar intromett and handill the samyn as is abone wryttin.

*xvij Augusti Anno Domini I<sup>o</sup> V<sup>e</sup> xxx.*

*Anent the clengyng.*—The quhilk day it is deuisit and ordanit anent the clengyng of all thame that has bene infekkit in this contagius seiknes of pestilens That all maner of personis that has bene on the muire infekkit in the said seiknes or thai that hes bene amangis it and will nocht tak the samyn and has clengit thar geir on the mure be thaimself and nocht sene be the officiaris sua that the officiaris may haf na experiens quhither thar geir be ordourly and perfytly clengit or nocht Tharfor it is ordanit that the ballie of ilk quarter pas and visy all thai personis and thar geir and se that thai be now clengit perfytlie swa that the toune may be sekry tharof in tyme to cum.

Niniane Johnnesone in Sancte Mary Wynd is clengit and past his way in the contray till wyn his leving at the command of the Provest and hes oblist himself that thar sall na danger cum throw him vnder the pane of deid.

Matho Windiyettis duelland in ane hous at the vuir bow hes oblist him siclike quhilk is clengit.

*Penultimo Augusti Anno Domino I<sup>o</sup> V<sup>e</sup> xxx.*

*Statuta anent the clenging.*—The quhilk day It is statut and ordanit that all the personis that ar clengit and has na barnis till tak the sey of thar geir efter the forme of the first actis That the ballie of the quarter tak thai personis and thar geir furth agane to Drummysheuch and clenge all thar geir agane of new And that als weill to the personis that ar ellis within the tovne as thai that ar to cum within the samyn And quhar thar is barnis to tak the sey of thar geir till proceid efter the forme of the first act maid tharapone And als quhar thar is ony pure vyle personis duelland within thar quarter that the lard of that land

quhar thai duell sall fynd souirte to the ballies that thai sall remoif at the nixt terme or ellis that the toune salbe skaithles of thame in tyme to cum.

*2° Septembris.*

Sandi Murray duelland in Murray Robert Boid duelland in Cunyga-hame ar bannist this toune for thar demeritis vnder the pane of cutting of thar luggis.

*Ultimo Septembris Anno Domini I<sup>o</sup> V<sup>e</sup> xxx<sup>o</sup>.*

*The Statute that landislardis remoif husseis and vile personis out of thar houssis.*—It is statute and ordanit be the prouest ballies and counsall that all maner of personis that hes land or housis within this toune quhar ony husseis vile personis or vagabundis duellis in that wantis husbandis to wyn thar liffing that the saidis personis landis lardis discharge syk hnsseis and put thame furth of thar houssis within xv dais nixtocum vnder the pain of xl s to be tane of ilk landis lard that falis heirintill And als ordanis the saidis wemen and vagabundis that thai remoif furth of the toune within the said space of xv dais vnder the pain of bannasing of the toune for all the dais of thar lyf And als that all yong fallowis that ar vagabundis remoif thaim out of this toune within x dais vnder the pain of bannasing for euer.

*That nane gif woll till card nor spyne.*—Item it is statut and ordanit that na maner of persoun within this burgh gif ony woll to card or spyn out of thar awin houssis to na persone bot gif it be till honest wedowis or honest falit personis houshaldaris vnder the pane of xl s to be tane of ilk persoun that giffis furth the said woll but faouris.

*Anent the parsonis that sall brew aill.*—Item it is statut and ordanit

that na maner of persone brew nor tap all within this toune hot fremen or fremennis wiffis wedowis except honest personis that salbe admittit be the provest and ballies vnder the pane of bannasing of the toune.

*Auent Hukstaris.*—Item it is statut and ordanit that thar be na hukstar man nor woman tholit within this toune nothir to sell wyld foule tayme foulis butter eggis cheise fische aittis or hay or ony vther stuf fra xv dayis furth next to cum except thame that ar admittit be the provest vnder the pane of bannasing of the toune.

*Penes infirmitatem and cuming in Sanct Gelis kirk.*—Item it is statut and ordanit that na maner of persone man nor woman that has bene put furth to the mure in this contagius seiknes and clengit that nane of thame cum within Sanct Gelis kirk amangis the vther cleyne folk quhill thai optene licens of the prouest and ballies of the toune vnder the pane of banasing of the toune.

*Statuta penes infirmitatem.*—It is statut and ordanit be the prouest ballies and counsall Forsamekle as thar has bene diuerse personis infekkit within this toune with this contagius seiknes and wald nocth revele the samyn to the prouest and ballies of this burgh in dew tyme after the forme of the statutis of the tovne maid tharapone and for pite thai war nocth pvnist after the forme of the saidis statutis Quharfor yit as obefor We command and charge in our Souerane Lord the Kingis name provest and ballies of this burgh That na maner of personis within the samyn that gif ony seiknes happinnis in thar houssis in tyme to cum that thai reueil the samyn till thar narrest nichtbouris incontinent and command thaim till schaw the samyn till the officiaris of the toune and at thai hald thaim be thameself seuerall fra all vther personis and thoill nane cum to thame vnder the pane gif thai be pure folkis of byrnyn of thar cheikis and bannasing of the toune for all the dayis of thar lyf and never

to cum tharin till vnder the pane of deid And gif thai be folkis of substans vnder the pane of eschaet of all thar gudis to the commoun werkis of the toune and bannasing of thame self for all the dais of thar lyf And at thai put na seik folkis furth of thar houssis till na vthir place without avyse of the prouest ballies and officiaris vnder the saidis panis And als that na maner of personis maister nor seruand pas furth of thar housses fra viij houris at evin furth in the wynter sesoun without bowet or vthir licht to convoy tham vnder the pane of xl ſ to be takin of the maister als oft as he falyeis and viij ſ of the seruand And that na maner of persone tak vpon hand to by or tak in wed ony maner of claih nothir lynnynge nor wowne auld or new quhill this seiknes be reppressit vnder the pane of byrnyng of thar cheik and bannasing of the toune for euer.

*Quarto Octobris Anno Domini I<sup>o</sup> V<sup>e</sup> xxx.*

*Patrick Gowanlok.*—The prouest ballies and counsall remittis and consentis that Patrik Gowanlok cum and duell within this toune as he wes wont till do and admittis him till vse and bruik all fredomes and preuilegis that he had obefor And ordanis that he tak all his gudis furth of the luigeing he duelt in and haif the samyn to the place quhar he purposis to duell in to be handillit and intromittit with be himself barnis and seruandis continuallie efter the forme of the actis of the toune.

*Sexto die mensis Octobris Anno Domini I<sup>o</sup> V<sup>e</sup> xxx.*

*Katryne Heriot to be drownit in the Quarell hollis.*—The quhilk day Katryne Heriot is convict be ane assise for the thiftus steling and conseleging of twa stekis of bukrum within this tovne and als of commoun theft and als for the bringin of this contagius seiknes furth of Leith to this toune and brekin of the statutis maid tharapone For the quhilk

causes scho is adiugit to be drounit in the Quarell hollis at the Gray frere port now incontinent and that wes gevin for dome.

*Margret Baxter banist.*—The quhilke day Margret Baxter put hir in the prouest and ballies will for resetting of Katryne Heriot that comoun thef for the quhilke cause scho is banist this toune for all the dayes of hir lyff induring the prouest and ballies will and till devoid incontinent.

*vij Octobris Anno xxx.*

*Issobell Bowy Kate Boyd Besse Andirsone bannist.*—The quhilke day Forsamekle as Issobell Bowy and Kate Boyd being inclusit within thar houssis for suspition of this contagius seiknes oppinnit ane fedder bed and tuke furth of the samyn fedderis to the quantite of half a staine and send thame till Besse Andirsone to sell doand at wes in thaim till infect the haill toune For the quhilke caus thai ar bannist this toune for all the dais of thar lyf indurand the provestis will.

And syklyk the said Besse Andirsone for the ressetting of the said fedderis is bannist this toune indurand the said provestis will.

*Selling of aill.*—It is statut and ordanit that na maner of brouster nor dry tapstar within this burgh tap nor sell ony aill fra this tyme furth bot for xvi d the galloune vnder the pane of spanyng fra the operacione for yeir and day.

*Anent the Seiknes.*—We dow yow to wit Forsamekle as God of his speciall grace has prouidit swa for this gud toune that all danger is past and na apperans of ony infectione nor has bene thir viij dayes past Nochtwithstanding it is thocht verray profitable that the auld reule be obseruit and keipit continually for all the sesioune of this yeir to cum swa that we be nocht dissauit That every persone quhen ony seiknes

happinnis in thar housis revele the samyn incontinent to the officiaris of the toune according to the auld actis and statutis maid therapone vnder the panis of byrnyng and bannasing of the toune for euer.

*Curia Burgi de Edinburgh tenta coram Willielmo Sym et Alexandro Belschis balliis vicesimo sexto die mensis Octobris Anno Domini I<sup>o</sup> V<sup>e</sup> xxx.*

ASSISA.

John Grahame	Thom Craufurd	Thom Hunter
James Darroch	William Dalgleiss	James Raa
Robert Cady	Quintin Wauchop	Thom Robisone
Gawane Wallace	Andro Quhite	Pat Layng
Thom Bertrame	Alexander Myll	Johne Wilsone

*Marione Clerk to be drounit in the Quarell hollis.*—Marione Clerk convict be ane assisse for the concealing of this contagius seiknes scho haiffand the samyne apone hir rynnand thir x or xij dayes bigane scho past amangis the nychtbouris of this toune to the chapell of Sanct Mary Wynd on Sonday to the mess and to hir sisteris house and vther placis quhar scho lykit the pestylens and seiknes beand apone hir scho doand at was in hir till haif infekit the haill toune For the quhilk cause scho wes adiugit to be had to the quarell hollis and thair to be drounit quhill scho be deid.

*x Nouembris Anno Domini I<sup>o</sup> V<sup>e</sup> xxx.*

THIR AR THE SOURTEIS of the broustaris that thai sall obserue and keip the statutis of the toune quhill Michelmes nixt to cum on the south est quarter viz fra the Loply stane till Lord Borthiks cloiss quhilk William Sym is baillie of.

James Wr souirte for Robert Henrysonis wiff and Gele Hunter that thai sall obserue and keip the statutis of the toune quhill Michelmes mixt to cum vnder the pane of xl s.

IN THE NORTH WEST QUARTER fra Lord Borthikis cloise to the castill hill quhilk Johne Mauchane is baillie of xij Novembris Anno I<sup>m</sup> v<sup>e</sup> xxx.

James Mathesone souirte for his wiff vnder the pane of xl s.

THIR AR THE SOUIRTEIS of the broustaris in the north west quarter fra Alexander Cantis cloise to the Castill hill quhilk William Adamsone is ballie of.

George Alane souirte for his wiff vnder the pane of xl s.

THIR AR THE SOUIRTEIS for the broustaris in the north est quarter fra the Nethir boll to Alexander Cantis cloise quhilk Alexander Belschis is baillie off xij Nouembris Auno Domini I<sup>m</sup> v<sup>e</sup> xxx.

Henry Lorymer is becummyn souirte for his wif vnder the pane of xl s.

*xv Decembris Anno Domini I<sup>m</sup> V<sup>e</sup> xxx.*

*Statuta pro Infirmitate.*—We do yow to wit that Forsamekle as this contagius seiknes is rissin and spreid in Leith Quharfor We charge straitlie and commandis in our Souerane Lord the Kingis name provest and ballies of this burgh that na maner of personis of Leith that ar suspect of this contagius seiknes or that hes bene in suspect place cum or repair to this toune or intromett with ony persone of this toune under

the pane of deid And als chargis that na maner of persone man nor woman of this toune to repair to ony suspect place in Leith and that nane send thar seruandis about malt bot at the principall of the house outhir the wif or the man pas thame self for thar malt vnder the pane of bannasing of this toune for euer And als chargis straitly and commandis that na maner of persone man nor woman tak in wed or by ony elaise lynnyn or wollin fra ony of Leith or vther placis vnder the pane of bannasing And that nane seruand woman within this toune tak ony maner of clais to wesche fra ony persone quhen thai pass to the wattir bot thar awin masteris clathis vnder the pane of bannassing of the toune for euer.

*Foule folk on the mure.*—We do yow to wit Forsamekle as James Barbour master and gouernour of the foule folk on the mure is to be clenkit and hes intromettit with sindry folkis gudis and clais quhilkis ar lyand in Sanct Rokis chapell Tharfor all maner of personis that has ony clame to the said gudis that thai cum on Tysday nixt to cum to the officiaris and thar clais to be clenkit Certyfyand thaim and thai do nocht that all the said clais gif thai be of litill availl salbe brynt and the laif to be gevin to the pure folkis.

*Quarto Januarii Anno Domini I<sup>o</sup> V<sup>c</sup> xx.x.*

*The Souirteis of the broustaris that has falit to be poyndit.*—The quhilk day the prouest ballies and counsall decernis and ordanis that all the souirteis of the broustaris that has falit and brokin the statutis of the toune sen thai fand the said souirte that the souirteis be poyndit for xl s and that the said poynd be delyuerit to the ballie of the quarter to be kepit be him apone the broustaris gude bering And gif thai keip the statutis and falis nocht the plegis to be deliuering to thaim agane And quhilk of thaim that brekis to be spanit the occupatione.

The quhilke day the prouest ballies and counsall ordanis Johne Blak-stok as souirte for his wif till deliuer ane plege in the ballies handis of xl s for breking of the statutis of the toune and that his wif forbere in tym to cum and keip the statutis vnder the pain of spanyng fra the operatione.

The quhilke day the prouest ballies and counsall ordanis Patrik Flemyn souirte for his dochtr to be poyndit for xl s because scho brak the statutis and chargis hir that scho brek nocht in tyme to cum vnder the pane of spanyng the operation for yeir and day.

The prouest ballies and counsall ordanis maister Robert Galbraith as souirte for Heline Naper to be poyndit for xl s because scho brak the statutis of the toune and chargis hir that scho brek nocht in tyme to cum vnder the pain of spanyng the operatione for yeir and day.

*Selling of Leith aill.*—The quhilke day the prouest ballies and counsall ordanis Johne Andersone till deceas and cess fra all maner of selling and tapping of ony Leith aill in tyme to cum.

THIR AR THE NAMIS of the brostaris of this toune in William Symmis quarter viz fra the vplie stane till Lord Borthikis cloise quhilke has brokin the statutis of the toune in brewing and tapping off xx d ale the gallone sene thai fand thar souirteis abefore.

William Symsonis wyff.

THIR AR THE NAMES of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes next to cum.

Robert Wilsone is becumin souirte for Majory Falconer vnder the pane of xl s.

THIR AR THE PERSONIS that hes brokin the statutis of the toune in the bying of Leith aill and selling of the samyn agane for xx d the gallone.

Johne Archibaldis wif. Thom Stenhouses wif.

THIR AR THE NAMIS of the broustaris of this toune in Johne Mauchane quarter viz fra the west port till the Lord Borthikis cloise quhilkis has brokin the statutis of the toune in brewing and tapping of xx d ale the gallone sene thai fand ther souirteis of befor.

Johne Brodderstanis wif. William Cowtis wif.

THIR AR THE NAMIS of the brostaris that fand na souirte of befor that hes fund souirte now till keip the statutis of the toune quhill Michelmes next to cum vnder the pane of xl s.

Litill James Johnestone souerte for Sanderis Andersonis wife under the pane of xl s.

*Septimo die mensis Julii Anno Domini I<sup>o</sup> V<sup>e</sup> xxxi zeiris.*

It is statute and ordanit be the prouest ballies and counsall for the eise and commoun weill of our Souerane Lordis liegis and eschewin of expensis in tyme to cum that qubat persone man or woman that is warnit be ane officiar of the toune till compeir befor thame at the instans of ony party and thai compeir nocth the first warnyng at the officiar makis thai personis sall pay ane vnlaw of viij s vnforgevin and the nixt warning salbe with certificacione and thai compeir nocth the Prouest ballies and counsall sall proceid and minister justice to the pairtie complener without ony langer delay in peyne of thar contumatione.



LETTER FROM MR ZACHARY BOYD TO MR  
PATRICK LINDSAY ARCHBISHOP OF GLASGOW  
XXVIII JAN. M.DC.XXXVII.



## LETTER FROM MR ZACHARY BOYD.\*

MY VERY HONOURABLE GOOD LORD,

My humble seruice remembered to your Lordship, it hath pleased God at this time to deliuere me from the graue, wherein most willingly I could have lyen downe as in a bed, if it had pleased my Master Christ to haue faid Returne thou Sonne of Adam, as Mofes speaketh in the psalme of his Lamentations: but now seeing it hath beene his will yet to say to me *Pasce oues meas*, it is my part to staine to feede them in the integrarie of mine heart; yea and to be carefull that after me the place be so provided that worthie men may be preferred unto it for the well of so good a people which lye heere in a place the most eminent in the west.

\* ZACHARY BOYD studied at the University of St Andrews from the year 1603 to 1607, when he took the degree of Master of Arts. He became Minister of the Barony Parish, near Glasgow, in 1623, and frequently held offices in that University. Thus in 1625 he was

It is your Lordships part before God and honour before men to fee this done with all haift ; for a sudden change of your Lordship remoueing from thisfeat may come, so it shall not be called your Lordships doeing what shall be done afterward by another ; Let me haue an answer to these who after your Lordships remoueing from us shall interrogate and say *Quid boni inter vos egit Archiepiscopus Lindesius?* If it shall please your Lordship at this Session to doe as was commoned, I will stand yet be the bargaine, but if this Session arise I resolute to serue God carefully in my calling, and to keepe till the little portion which I had in your Lordships predecessors time untill God find out a waye for the augmentation

one of the assessors of the Rector ; in 1634 and in 1645 he was Rector ; and in 1651 and 1652 he was Vice-Chancellor. He was one of the greatest benefactors of the College of Glasgow, having in 1630 given 500 merks towards the restoration of the buildings, and a few years afterwards 4500 merks for the support of three Bursars, and having left in his will, in 1652 and 1653, a very large sum, which, added to former benefactions, amounted in all to about 30,000 merks. In 1637 he doted to the College of Glasgow a valuable collection of books : and in 1648 he assigned 4000 merks to the College for the printing of his works, at the sight of the Faculty. In 1654 he was succeeded by Donald Cargill as Minister of the Barony Parish. Soon after his death, his widow, Margaret Mure, married Mr James Durham, then Minister of the Blackfriars Church, to whom the College found

of that flipend which is now the meaneſt of all the Presbytrie confidering in what a deare place I dwell, haueing neither glebe nor manſe concerneſt, which alſo I hope your Lordſhip will be carefull at this time that they may be deſigned for that Kirk.

So recommending your Lordlihip and honourable familie to the mercie and protecſion of God I humbly take my leauē, and ſo reſtis

Your Lordſhips

Moſt humble and obedient Seruant,

M. ZACHARIE BOYD.

From GLASGOWE the 28

of Januar 1637.

it neceſſary in 1655 to diſpone 7000 merks for their life-rent, before any operations for the reparation of the College could be commenced.

The works by which Zachary Boyd is best known are, “The last Battle of the Soule in Death,” printed at Edinburgh in 1629, and a translation of the Psalms into English verſe, of which four editions were printed at Glasgow prior to 1649. His other metrical writings are ſtill paſerved in the Library of the College of Glasgow, and are generally repreſented to be wretched doggrel. Their demerits, however, have been greatly exaggerated.

The above Letter is printed from the original, paſerved in the General Register House.

I tak the boldnesse as to remember heere the most  
humble seruice I am able to mak to my Lord  
Chancellor my Lord Hadintoune and my Lord  
Lauderdaile whom I remembered unto your Lord-  
ship *dum essem in faucibus mortis.* So long as I liue  
you all shall haue a dayly Oratour for your prosperitie.

[*Addressed*]

TO THE RIGHT REUEREND FATHER IN GOD MY  
VERY HONOURABLE GOOD LORDE AND PATRON THE  
ARCH-BISHOP OF GLASGOWE.

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BANDS OF FRIENDSHIP BY SCOTT OF BALWERY,  
ORROK OF THAT ILK, AND BOSWELL OF GLAS-  
MONT, TO THE LAIRD OF RAITH, ETC.

M.D.IX.—M.D.LVI.



## BANDS OF MANRENT, ETC.

1. ANE BAND OF FRINDSHIP AND KYNDNES BY WILYEAM SCOT  
OF BALWERI KNYCHT TO JHONE MALUYLL OF TIE RAITH  
KNYCHT. 6 FEB. 1509.\*

I WILYEAM SCOT of Balweri knyght bindis and oblis me be  
the faitht and trewith in my body to ane honorabyll man and  
my trast eyme Jhon Maluyll of the Raith knyght that forsa-  
mekill as the said Jhon is bwnd to me in the fowme of twa  
hundreth merkis wffwell mone of the realme lyik as at mayr  
linht is contenit in the said band maid thairapon Nevyrtheles  
I will that gyve I falye in my part keping of fauor and kynd-  
nes in tym to cum to the said Jhon that the forsaide obligacion  
of twa hundreth merkis be of nayn awaill forse nor effec and  
be me to be discharget and adnullit for evyr In wytnes of the  
quhilk thing I have affixit my feill to this obligatioun wyth the  
subscriptioun of my hand at Edinburght the faxt day of Februuer

\* These very curious Documents have been printed here by permission of the Earl of Leven and Melville, who obligingly communicated the Originals for that purpose. A facsimile of the beginning and end of the Protection to Kirkealdy of Grange and Mr Henry Balnaves of Halkhill, beautifully written on a fair sheet of Vellum, is given at page 134.

the yeir of God ane thoufand V<sup>c</sup> and nyne yeris befoir thir wytnes Dauid Wemis of that Ilk knycht Jhon Multra of Merkinch Wilyeam Brown of Kowftown Jhon Multra Alexander Scot of Fingask Jhon Boner of Roffy Wilyeam Kyrcaldy of the Grange wyth wderis diuerse.

WILLIAUME SCOTTE off Balwery Knycght *manu propria.*

2. BAND OF MANRIE BY YOUNG ORROK TO THE LAIRD OF RAYTH. 2 JAN. 1519.

BE IT KENDE till all men be thir prefent letteris me Robart Orrok sonne to ane honorable man Jamis Orrok of that Ilk byndis and oblis me be the saytlt in my body to stande for all the dayis of my lyeff trowe mane and ferwande to ane honorable mane Jhone Mailuill of the Raytht knycht aganis all owderis the Kingis grace my Lorde Governour my Lorde of Sanctandrois now present the Abbotis and Convent of Demfermeling and [focfefforis?] exceppit And fall tak his affawld part with my perfoune frendis and ferwandis And atour I fall nocht heyr his schayth dishonour bot I fall aduertise hym of the famin And I fall gyff hym my confell in all materis to his weill and honour as to my salff And gyf this manrent be nocht sufficient It fall be extendit as the said Jhone knycht thenkis expedient and the faid Robert in the best forme At the Raytht subscrivit with my hand the secund day of Januar in the yere of God M<sup>o</sup> V<sup>c</sup> and xix yeris befor thir witnes Wellyem Scheuez Jorge Bawlfowr Wellyem Mailuill with owderis diverse.

ROBART ORROK sone to wmquhyll James  
Orrok of that Ilk with my hand.

3. BAND OF MANRIE OF DAUID BOSWELL OF GLASMONT TO  
THE LAIRD OF REATH. AUG. 30, 1520.

BE IT KEND tyll all men be thir present letteris me Dauid Boiswell of Glasmont byndis and oblis me be the faitht and treuth in my body to ane honnorabyll man and my weilbelouit eme Jhone Meiluil of the Raitht knicht that for kyndnes and ald kynreit that hes ben betwyx my forbearis and his in tymis bygane that I fall leillile and trewly tak the saidis fchir Jhonis part in all his acciounis and quarellis mowit or to be mowit baitht with my body freindis and gudis contrar all men lewand the Kyngis grace my Lord Gouernour and my ouer Lord excep and fall gyf hym the best consell I kane and fall keip his consell secreit and auertice hym of his schaitht efter my power and this my band to be obseruit and kept I bynd me as said is subscryuit with my hand at Balmowto the threty day of Awgust the yeir of God ane thowsand V<sup>e</sup> and xx<sup>v</sup> yeris befor thir witnes Maister Dauid Meiluill Gelyem Hay and Alexender Orok of Syllebabbe.

DAVID BOSSWELL of Glasmont with my hand.

4. ANE BAND OF MANRIE BE ALEXANDER OROK OF SILLE-BABBE TO JOHN MAILUILL OF THE RAITHT KNYCHT. 9 JUL.  
1522.

BE IT KEND tyll all men be thir present letteris me Alexander Orok of Syllebabbe grantis me to be bund and oblist and be the faitht and treuth in my body leillelle and trewly

to be bund and oblyft to ane honorabill man Jhon Mailuill of the Raitht knycht that I fall tak his afald and trew part in all his acchiounis and querelis contrar all men lewand quhatsum-euer baitht with my persone gudis and frendis and fall giff him the best confell I kane and fall keip his confell secreit and falbe reidy quhenever I am chargit to tak the faidis schir Jhonis part agane all wderis as faid is excep the Kingis graice my Lord Gouernour and the Abbotis of Dunfermlyn and the Laird of Balmowto excep and spe-schailli to tak the said schir Jhonis part contrar the Lard of Balwery and his bairnis And this I oblis me to keep this faid band and gyf it be nocht sufficient maid I am content that the said fehir Jhone mak it sycrar be the awyce of dyscreit men subscruift with my hand and wnder my feall the ix day of Julij the yeir of God ane M<sup>o</sup> V<sup>e</sup> xx<sup>ij</sup> ij yeris befor thir wytnes Maister Dauid Mailuill the Lard of Kardowne Jhone Aitoun.

ALEX<sup>a</sup> ORROK with my hand.

5. LETTER KING JAMES V. TO CERTAIN COMPOSITORS TO SETTLE ANE CAUSE BETUIX THE LAIRD OF RAITH AND JHON MULTRAY OF MARKINCH. 29 JAN. 1533.

REX.

Traist consalouris chofin in the cause of asyftment making betuix Jhon Mailuile of Raytht knycht and Jhon Multray of Merkyne We gret *gou* wele and prays *gou* to dress that mater to ane gude end and se quhair the occasioun of dispelefour

hes begun betuix the faidis parteis / and as ge fynd caufe wey  
 the famyn to nothir of ther gret hurtis bot quhair the falt is  
 gretaft modefyne als fer conforme thereto and that ge failge nocht  
 to mak ane gud end therintyll that thay may apperandly stand  
 in concord eftyrwart Subscriuit be ws and under our signet At  
 Cowper the xxix day of Januar and of our ring the xxij yer.

JAMES R.

TO OUR TRAIST COUNSALOURIS COMPOSITOURIS  
 BETUIX THE LAIRDIS OF RAITH AND SYFEILD.

6. LETTER FROM KING JAMES V. TO THE LAIRD OF REATH,  
 RELATIVE TO THE MARRIAGE OF HIS SON WITH THE LAIRD  
 OF LOCHLEVENS SISTER. 3 APR. 1541.

REX.

Raith We ar informit be our Thesaurer and Maister of  
 houfhald that the Larde of Lochleven defyris your aldaft sonne  
 in mariage to his syftryr And as thay hane schawin ws ge wil  
 nocht end with hym without ge knew our mynd therintill We  
 ar weill content that ge contract with hym rathar nor ony  
 otheris And that for diverse caufis mowing ws Tharsfor our  
 will Is that ge end the fammyn subscriuit with our hand At  
 our cite of Sanctandrois the thryd day of Aprill and of our  
 Ringne the xxvij yer.

JAMES R.

7. PROTECTION BY MARY QUEEN OF SCOTS TO JAMES KIRKCALDY OF GRANGE AND MR HENRY BALNAVES OF HALHILL. PARIS 17 FEB. 1556.

MARIA DEI GRATIA SCOTORUM REGINA Vice-comitibus nostris Edinburgi Stirlingi Fife Perthæ

Et eorum deputatis ac vicengenteribus Necnon dilectis nostris Leoni armorum Regi Roffæ Butæ hæraldis

Nunciis Vicecomitibus nostris in hac parte coniunctim et divisim specialiter constitutis salutem Quatenus nos ex speciali gratia et favore nostraque autoritate reginali et rogante ac requirente charissimo patre nostro christianissimo Galliarum rege condonauimus ac remisimus delectis nostris Jacobo Kyrkcaldy a Grange et Magistro Henrico Balnaues a Halhill omnia prodicionis et leſie majeſtatis crimina unaque quæuiscumque alia crimina per eos aut eorum quemuis quovis tempore anteaſto ante datam presentium maxime autem turbulentio tempore nostræ minoritatis et infantiae facta et commissa eosque in nostram pacem favorem misericordiam et gratiam tamquam nostros fideles et obedientes subditos recipimus veluti in nostris remissionis et indulgentiarum literis eiusdem defuper datis et concessis fusius ac latius continetur et exprimitur Veruntamen si nos tolerare contingat eos aut eorum quemlibet citari aut in ius vocari coram Judice quovis aut Judicibus spiritualibus aut temporalibus intra fines nostros quovis de criminie antedicto ad instantiam cujusvis partis particularis ciuiliter aut criminaliter veluti nostrarum legum rigor exigit (maxime autem circa ea quæ commiserunt tempore obſidionis

VV

omitis nris Edm<sup>t</sup>burgi, Stirling, fifæ, perthæ

Nuncius vicecomitibus nris in hac parte coniunctum & d<sup>r</sup>ansum [specialiter constitutis  
donum] ac tecumfris d[omi]n[u]s n[ost]r[u]s Iacobi Kyk[e]ladd a grange & mag[is]t[ro] Henrico Balnaues ab balill  
turballio tempore m[er]itæ minoratis & misantias facta & commissa c[on]f[er]ta & auferordam

2. ab his p[ro]p[ri]etatis consensu licentia & m[anu]do nro aut Charissime matris nre Mariæ Regiae videtur  
ve quousque ad colorem ut sp[iritu]alitatem est sibi omnia pena & maledicta in qua redere possit contra malitiam late  
buic nre plenarie & maturitate felicitationi & voluntati bac in parte . Datum Lutetiar[um] parisiioru[m] sibi nris  
mo decimo quinto .

6  
manuscript



arcis Sanctiandreae) quae nostra est misericordia et gratia magis illis obsuiffe quam profuisse videretur favore et gratia versis in odium ac rigorem eadem poena proposita nocenti atque innoxio dum versa vice quae in illos grata et misericors extiteramus atrox et seuera facta videbimus atque fiet ut gratiam et misericordiam nostram nullus consequatur effectus Cum quae ab illis commissa et perpetrata sunt crimina ac illis praecipue imputanda veniunt facta et commissa sunt tempore obsidionis arcis Sanctiandreae dum per nostram authoritatem et copias illorum vita et sanguis oppugnabatur et adjuvantibus copiis charissimi patris nostri galliarum regis christianissimi armorum vi atque potentia ejecti atque expugnati sunt: Itaque quae ab eis commissa sunt crimina atque maleficia in vitae capitisque discrimen ne caderent (quae unicuique lege naturae tueri licet) facta et perpetrata censentur Nos igitur premisorum rationem exacte ponderantes et diversis aliis rationibus motae praedictos Jacobum Kyrkcaldy a Grange et Magistrum Henricum Balnaues a Halhill authoritate nostra supradieta eos et eorum quemlibet sub nostra protectione saluagardia et defensione suscepimus eosque eximimus et eorum quemlibet tenore presentium suscipimus et eximimus ab omnibus Judicibus tam spiritualibus quam temporalibus intra terminos regni nostri quauiscunque de causa aut crimen quod illis imputari poterit ante datam presentium tam civiliter quam criminaliter maxime vero et praecipue a tempore quo praedictam arcem ingressi sunt usque ad diem concessionis ac datae presentium / hancque nostram exemptionem protectionem saluagardiam et super sedere volumus inviolatam servari et custodiri pro spacio et tempore duorum Annorum proxime et immediate sequentium datam presentium Volumus

igitur et stricte præcipiendo mandamus vobis et vestrum cuilibet quatenus vilis præsentibus nostris literis nostro nomine et authoritate requiratis imperetis et precipiatis Cancellario nostro Dominis confilii et sellionis Justiciae Justiciariæ clerico et advocate nostro Necnon omnibus aliis Judicibus et officiariis tam spiritualibus quam temporalibus generaliter et specialiter intra fines nostros ne quis illorum præfummat concedere aut dare cedulas aut literas ad instantiam cujusvis personæ aut partis constitutæ intra terminos regni nostri contra et adversus prædictos aut eorum quemvis quavis cumque de causa actione aut criminis factis aut commissis per eos aut eorum quemlibet durante tempore præscripto absque speciali consensu licentia et mandato nostro aut charissimæ matris nostræ Mariae Reginæ viduae regni nostri protectricis gubernatricis et vices nostras in eodem gerentis Quinimo desinant atque desistant illos quovis modo citare aut in jus vocare aut contra et adversus eos procedere quovis quæfito colore ut supradictum est sub omni poena et mulcta in quam cedere possunt contra maiestatem nostram reginalem et autoritatem hac in parte deponendo eos et eorum singulos suis officiis ea ex parte si ipsi aut ipsorum aliqui presumant aut intendant obstare et contravenire huic nostræ plenariae et maturæ deliberationi et voluntati hac in parte Datum Lutetie Parisiorum sub nostris manuali subscriptione et signeto die xvij<sup>o</sup> mensis februarii Anno domini millesimo quingentesimo quinquagesimo sexto Et regni nostri Anno decimo quinto.

MARIA

*Per Reginam*

DEGRANTRYE.

ACTS AND STATUTES OF  
THE LAWTING SHERIFF AND JUSTICE COURTS  
WITHIN ORKNEY AND ZETLAND.

M.DC.II—M.DC.XLIV.



## ORKNEY AND ZETLAND.

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THE early history of the Orkney and Zetland Islands is involved in darkness. Whether, at a remote period, either district had been subject to the Crown of Scotland, seems very doubtful; but it is certain that in the year 1266, both groups of islands were acknowledged to belong to the Kingdom of Norway.

In 1266, a treaty was entered into between Alexander III. of Scotland, and Magnus IV. King of Norway, by which the Isle of Man, and the other islands on the coast of Scotland, were ceded to the Scottish Monarch, but the Orkney and Zetland Islands were expressly reserved by the King of Norway, “*exceptis Insulis Oreadie et Yhetlandie quas idem Rex Norwagie cum dominis homagis et redditibus serviciis et omnibus juribus et pertinentiis suis infra easdem contingentibus dominio suo specialiter reservavit.*”\* This treaty was subsequently confirmed by Robert Bruce, and Haco V. King of Norway, on the 19th of October 1312.†

\* *Torf. Hist. Norweg.* Vol. IV. Par. IV., lib. 6. cap. 3. *Fordun*, Ed. T. Hearne, p. 1353–5.

† *Acts of the Parliaments of Scotland*, Vol. I. p. 101.

From their vicinity to Scotland, however, as well as from the shelter which they afforded to Pirates, and other depredators who molested the adjoining coasts, these islands must always have formed a desirable acquisition for the Scottish Monarchs; and the attainment of this object was probably accelerated by the circumstance of the ancient Norwegian Earldom of Orkney having come to be vested in the noble Scottish family of St. Clair.

Accordingly, it appears that in 1460, when an attempt was made to arrange the disputes which had arisen between the Crowns of Norway and Scotland regarding the arrears of the "Annual of Norway," and which had been referred to the arbitration of Charles VII. King of France, on a suggestion by that Monarch, that the differences of the parties should be settled by the marriage of the Prince of Scotland with the daughter of the King of Norway, one of the first terms proposed by the Scottish Ambassadors was, that the Orkney and Zetland Islands should be given up to the King of Scotland,—"*concedetur Regi Scotiae omne jus in Hiatlandiam et Orcades.*"\*

At length, in 1468, on the marriage of James III. with the Princess Margaret, daughter of Christian, King of Denmark and Norway, a transaction took place, in consequence of which the Orkney and Zetland Islands came ultimately to be transferred to the Crown of Scotland. It would seem that the Estates of Parliament, having thought it expedient that the marriage of the youthful Sovereign should no longer be

\* *Torf. Orcad. Lib. II. ad Ann. 1460.*

delayed, had resolved “to send ane ambassate in all gudely hast in Den-  
“ mark and uthir places sene spedeful, with full commission to avise  
“ and conclude upon the mariage of our Sovereign Lord, in gude and  
“ gaynand place, with a convenient person of nobile blude, and to have  
“ full power to mary and bring hame a Quene.”\* An alliance with  
Denmark being chiefly desired, (as is plain from the terms of the resolu-  
tion of Parliament,) the matrimonial Ambassadors proceeded at once to  
Copenhagen, where they appear to have conducted themselves with  
great prudence and discretion. One great object was, if possible, to  
obtain the cession of Orkney and Zetland; it would seem, however,  
that the Danish Sovereign had hesitated in at once parting with these  
islands, but he agreed to pledge them in security of a large part of the  
stipulated marriage portion. This proposal was acceded to by the  
Scottish Ambassadors; but when, or in what manner, the right  
of redemption came afterwards to be foreclosed, and the dominion of  
the Orkney and Zetland Islands transferred to this country, is a matter  
involved in much obscurity. This, however, is certain, that from that  
period they have remained attached to the Crown of Scotland.†

\* Acts of the Parliaments of Scotland, Vol. II. p. 90. It is a singular circumstance, but which indicates the connection that then subsisted between Scotland and the Orkneys, that the Bishop of Orkney was one of the ambassadors on the part of Scotland to the Court of Denmark.

† Whatever may have been in the contemplation of the King of Denmark, as to subsequently redeeming Orkney and Zetland, it seems very evident that the Scottish Monarch had no intention of speedily parting with this newly acquired territory, and lost no time in endeavouring to incorporate it with the rest of his dominions. James III. was married to Margaret of Denmark on the 10th of July 1469, and on

During the period that Orkney and Zetland were subject to Norway, there is no doubt that, like its other dependencies, they were governed by the laws of that kingdom. It appears that there was a regular digest, known by the name of the “*BUIK OF THE LAW*,” and which formed the ruling authority in the Courts of Justice.\* That this code was similar to that of Norway, (modified, perhaps, by some local usages suited to the particular nature of the district,) seems certain, from various documents still extant, which shew that the tenures of land, the rights of succession and inheritance, the modes of transferring property, and the forms of judicial procedure, were nearly, if not entirely, identical with those of the dominant kingdom.

When the islands were transferred to Scotland, it appears to have been understood that their former laws and usages were to be preserved. There is, indeed, no stipulation to that effect in the Treaty 1468, as has erroneously been supposed; but the nature of the transaction would itself seem to imply, that so long, at least, as the right of redemption

the 21st of November of that year, the Bishop of Orkney appears as a constituent member of the Parliament of Scotland. On the 11th of May 1471, an Act of Parliament was passed to ratify a prior contract of excambion, entered into by the King and William Earl of Orkney and Caithness, by which the Castle of Ravynniscrag, and certain lands belonging to the Crown, were exchanged with the Earl for the Earldom of Orkney, “*pro jure suo Comitatus Orchadie;*” and on the 20th February thereafter, the Earldom of Orkney, and Lordship of Zetland, are “annext to ye ‘Croune, nocht to be gevin away in tym to cum, except allanerly till ane ye Kings ‘sonis of lachfull bed;” and on 31st March 1486, the Town of Kirkwall was erected into a Royal Burgh, with power to elect a Commissioner to Parliament.

\* *Torf. Oread. ad Ann. 1423.* Reg. Scrr. Con. Feb. 9. 1575. Reg. Sheriff Court of Orkney and Zetland, August 23, 1602.

subsisted, the laws and usages of the district should continue unchanged.

The ancient Provincial Assembly, called the **LAWTING**, appears to have existed from an early period in both districts. It would be out of place at present to enter into any lengthened discussion as to the peculiar constitution and authority of this Assembly, which was presided over by the principal local magistrate, and unquestionably possessed considerable powers both of a judicial and legislative description.

The judicial powers of the **LAWTING**, both civil and criminal, seem to have been extensive; in the former, acting as a Court of Original Jurisdiction, for deciding all cases of importance, and as a Court of Appeal, for reviewing the judgments of subordinate magistrates in questions of a minor description. The criminal jurisdiction of this Assembly extended to cases involving the punishment of death.

The legislative powers of the **LAWTING** were apparently of a more limited nature. It appears not to have possessed the power of altering any of the laws contained in the **BOOK OF THE LAW**, and accordingly its enactments seem to have been confined to provisions of the nature of police regulations, suited to the peculiar circumstances and situation of the district.

No record of the proceedings of the **LAWTINGS**, held prior to the commencement of the 17th century, has been preserved. The earliest record extant is that of the Court of Patrick Earl of Orkney, (on whom the most ample civil and criminal jurisdiction had been conferred,) from 1602 to 1604, which contains various enactments of the **LAWTING** of

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Zetland during that period. No contemporaneous record for Orkney has been found; the earliest record of that district commencing in 1612.

From the subsequent Records of the Sheriff Court of Orkney and Zetland, it would appear that the Sheriff had, along with the judicial powers conferred on him, assumed also the legislative functions possessed by the chief magistrate in the LAWTING. From 1612, down at least to the middle of that century, various regulations appear to have been enacted from time to time by the Sheriff. These regulations are made "*with advice and consent of the Gentlemen, Suitors of Court, and Commons,*" or "*of the Gentlemen, Suitors of Court, and Baillies of Parochines;*" an imitation, it would seem, of the form of the ancient LAWTING, where the inferior magistrates and proprietors of the district invariably attended, and where the proceedings, whether judicial or legislative, were either in the name or with the advice of the assize.\*

These "Country Acts," as they were called, throw some light on the condition of the remote district to which they relate, during the early part of the 17th century. They were published in the Appendix to Dr Barry's History of the Orkney Islands, but apparently from an imperfect and incorrect transcript. They are now printed from the Records of the Sheriff Court of Orkney and Zetland, preserved in the General Register House.

\* It does not appear in what manner the Assize were chosen; their numbers seem to have varied from 15 to 28.

THE LATING COURT OF ZEITLAND HALDIN BE  
ANE NOBILL AND POTENT LORD PATRIK ERLE OF ORKNAY  
LORD ZEITLAND AND MR JOHNE DISCHINGTOUN HIS DEPUT  
AT THE CASTELL OF SKALLOWAY BANKIS THE xxvij<sup>th</sup> DAY  
OF AUGUST 1602.

*Anent Dutche Merchandis.*—The quhilke day It is heawilie complenit  
be the gentilmen and haill commonis within the contrie of Zeitland  
That quhair the Dutche merchandis and utheris straingeris repairing  
within the contrie hawing thair cowp's sett and ther toillis ressawit for  
keiping of ane lawfull tred of merchandrice according to use and custome  
keipit of auld Nochttheles thai and ewerie ane of thame bringis to the  
contrie and sellis thair wairis with unlawfull mettis kannis bwsmeris and  
wechtis quhairbe thai ar greitlie inritchit And the haill inhabitantis  
depauperat and hurt therby Thairfoir It is statut and ordanit that na  
Dutche merchant stranger or wther present or sell ony barrell meile  
contening les nor ten leispundeis And that the rest of ther kannis  
bwsmeris and wechtein cuttellis be usit according to the auld accustomit  
forme of the contrie to be sichtit and conformit yeirlie be the foldis and  
sax newtrall men of ilk parrochin and yle within the contrie the saidis  
merchandis wnder the pane of confiscation of ther schippis and guidis  
and the said foldis incaice of failzie of ther tryall ilk persoun under the  
paine of j<sup>e</sup> ti and tinsall of ther office and the brekaris of this yeirlie to  
be giffin up in dittay under the paines of perjurie.

*Actis anent Foirstallaris &c. to be observit.*—The quhilke day anent  
the compleint giffin in be the haill gentilmen and commonis of the

contrie That quher thir hes bene dyverse and sindrie lowable actis lawis and conswetutionis maid hiddertillis for mentening and authorising of the commun veile of the contrie specialie anent foirstallaris theiffis murthoraris burding of schippis stellaris and mellaris with the wrek guidis therof beitting and bigging of necessar briggis besydis diuerse and sindrie actis and conswetutionis maid anent the commun weile of the land quhilk hiddertillis hes beine overseine to have beine put to executioun to the greit hurt of the inhabitantis of the contrie Thairfoir it is statut and ordanit that the haill actis and ordinanceis maid of befoir thairenant salbe obserwit and keipit in tyme euming under the panis and penalteis therin contenit And ordanis the foldis of ilk parochin and yle to seik and extract the haill dowbillis of the saidis actis to be publeist and exponit to the commonis and the brekaris and violateris therof to be giffin vp in dittay yeirlie to hawe incurrit the penalteis mentionat therin ilk fold wnder the pane of j*e* li and tinsall of ther offices.

*Procedis upoun the xv day of August 1602.*

*That nane lie nor traduce ane uther.—*It is statut and ordanit be the adwyse of the essyse that nane lie nor traduce ane uther within the cuntrie of Zeitland to my Lord in ony poynt to the hurt of his nyechtbour without sufficient probatioun led And in cais he beis fundin to haif done in the contrair for the first lie to tyne his ryght hand and sword and for the nxxt lie to tyne his mowablis and to be baneist the cuntrie And this to be extractit be foldis ilkane of thame under the pane of xl li and publist to the haill commonis of the contrie that nane pretend na ignorance heirof And siclyk that nane lie raile or traduce the Lord or Maiestrat of the coyntrie ether within the coyntrie or without fra this furthe ilk persoun under the pane foirsaid.

*That nane intend actioun befoir the Lordis of Counsale &c.—*It is complenit be a grete number of the gentill men and commonis of the

coyntrie of Zeitland That they ar hevelie hurt and preiugit be dyverse and sindrie craftie malicious and invyous personis within the contrie quha craftelie beginnis and intendis ther actionis aganes utheris befoir the Lordis of Sessioun and utheris Jugis out of the coyntrie quharbe the haile commonis ar liklie to be wrekit without tymous and speidfull remaid be put thereto Thairfair for remaid of this it is statut and ordanit that nane begin or intend actioun aganis uther within this coyntrie ather affoir the Lordis of Counsale or Sessioun or ony uther Juge temporall or spirituall or rais letteris in ony sort vtow the coyntrie fra this furthe vnles it be tryit that they ar refusit of justice within the coyntrie it selfe With certificatioun in cais they do that they and everie ane of thame quha contravenis thir presentis sall tyne the benefit of the lawis of the coyntrie and newer to be hard in ony caus thereftir And ordanis thir presentis to be extractit out of the buik be the foldis of the coyntrie and yles and publeist throwche the haill lande ilk persone under the pane of xl £.

*Anent servandis passing afe the contrie.*—Annent the compleint giffin in be ane greit number of the gentilmen and utheris the commonis of the contrie That quhair the foldis and wtheris giffis licence and testimonialis to a great number of servandis and utheris indwellaris within the land to pas afe the contrie to wther partis quharbe a great part of the landis of the contrie are likelie to ly ley without tymous and speidfull remeid be putt thereto Thairfair it is statut and ordanit that na skippair merchand or awner carie away or transport afe the contrie ony persoun or personis in ther schipis bottis great or small without my Lordis licence or his deputis fra this furthe ilk skippar merchand or awner under the pane of j<sup>c</sup> £ als oft as they contravene this ordinance And siclyke that na fold nor uther grant ony licence or testimonialis to ony fra this furthe wnder the pane to be accuseit as ussurparis of the Kingis auctoritic.

*The Court of Dunrosnes haldin be Mr John Dischingtoun at Sowndbrughe the viij day of Julij 1603. The Suitis callit the Court laufullie fensit the essyse chosin sworne and admittit.*

## THE NAMIS OF THE ESSYSE.

William Bruce of Simbuster	Malecum in Culbeinsgarthe.
Jhone Neveine of Scowsbrughe	Magnus in Troswik.
William Fermour fold	Androw Smyth in Sand
Hew Halero	Magnus in Channerwik
Maleum Halero	Magnus Grige
	William Yewnson in Rearwik.
	William Sinclair in Vwtwo
	Grigerous in Lie.
	Robert Rattray
	William Crewkschank.
	Thomas Sinclair in Myre.
	Lowrence Leisk

*Anent leiding peitis to my Lordis hous in Soundbrughe.—It is statut and ordanit be the adwyce of the haill essyse and speciallis of the parochin of Dunrosnes that the haill parochin salbe subject and astrickit yeirlie to leid and carie to my Lordis hous in Soundbrughe the quantitie of twentic four faddome peitis of Zeiland fadomis to be inbrocht uswalie fra this furthe in dew tyme of yeir And to be placeit and stakit at sik part as the fold sall appoynt And that the fold salbe answerabill thairfoir And that name of thaim be stollin or spendit by my Lordis use incaine ony be the fold to be answerabill therfoir And in the meintyme appoynis the fold to cheis sax newtrall men to stent the parochin for*

leading of ther peitis And that ilk persoun according to thair laboring  
leid alyk And this to be done ilk persoun wnder the paine of ane angell  
nobill quha failyeis.

*David Leslie to mak repentance for misusing the kirk of Cunnisbrughe.*

—It is tryit that Dauid Leslie hes maist schamefullie misnit the kirk  
of Cunnisbrughe and placeit his guidis therinto making the samen ane  
kow byre for the quhilk he is decernit to mak his repentance in presence  
of the Minister and haill congregatioun on Sonday nixt in sacklayth  
And forder to pay xl ſ to the King for his offence And forder ordanis  
the haill commonis to upmak thair kirk dykis lawfull within the space  
of ane moneth ilk persoun under the paine of xl £i.

*That nane frequent the yle of Musa.*—It is statut and ordanit that  
nane frequent the yle of Musa nor travell therinto with boitis or doing  
ony thing therin by the advyce and companie of Dauid Ked becaus he is  
appoyntit be my Lord to have the keping and handling of his haill  
holmis togidder with the haile guidis being therinto For the quhilk he  
is answerabill to my Lord And thairfoir ordanis that nane frequent the  
saidis holmis under the paine to be accusit for stowth As siclyk ordanis  
that nane frequent ony of my Lordis holmis with ony selchie netis  
without leife wnder the paine foirsaid.

*Procedis at Soundbrughe the ix of Julij 1603 yeiris.*

*Anent Ale Sellaris.*—Forsameikill as the haile browstaris and wentaris  
of ale at the nes of Dunrosnes hes contravenit the actis and conswetutionis  
maid be Arthour Sinclair Shiref for the tyme in sa far as thay  
have sauld thair ale darrer nor auchtene penneis the pynt and the baik

ane pennie a wantage over ther bying And therfoir ilk ane of them ar decernit to pay x li wnder the paine of poynding And ordanis all the browstaris in tyme cuming to sell ther ale for auchtene penneis the pynt and ilk baik to be sauld for ane pennie in wantage over ther bying onlie according to the auld act forsaid ilk persoun under the paine foirsaid And that the ale be sufficient and owklie to be cunnit be Jhone Sinclair Larycht man and Lowrence Leisk Robert Rattray Grigerous in Lie Thomas Sinclair owklie ilk ane of them wnder the paine of xl li to the effect that the sufficient ale may be sauld according to the price forsaid And the insufficient ale delt to the poore.

*The Nes callit Seatsnes.*—It is statut and ordanit that the Nes callit Seatsnes with the haill fredomes girse and liberteis therof salbe equalie dewydit amangis the awneris of the landis of Seatsnes ilkane according to ther portionis And the profeitis therof to be dewydit amangis them all according to ther partis.

*The Lating Court of the contrie of Zeitland haldin be Mr Johne Dischingtoun Shiref and Justice deput of the contrie of Zeitland At the Castell of Skalloway bankis the xxv day of Julij 1603 yeris.*

*Anent the boitis of Burray.*—It is statut and ordanit that the haill inhabitantis of Burray sall mak ther boitis to ly upoun the eist syde of the yle to serve flitt and fwir in my Lordis serwice and that ilk last land serve alyk or than that the haill commonnis furneis ane boit amangis thameselfis for fletting ony of my Lordis adois and seruicis heirefter in all tyme cuming ilk persoun under the pane of xl li.

It is statut and ordanit that na boitis fra this furthe sall resort in the

nycht for making of ony merchandice bot in the fair day lycht swa that the nychtbouris be frie of wtheris skayth ilk persoun under the payn of xl £i.

*At Soundbruche the xxij day of Junij 1604.*

*Anent the price of aile.*—It is statute and ordanit in respect the wictuallis ar guid scheape in the contrie praisit be God that the haill brousteris within the parochin of Dunrosnes sall sell na darrer aile nor twelf penneis the pynt fra this furth And to this effect appoyntit and electis Jhone Sinclair officiar Thomas Sinclair in Myre Robert Rattray and Lowrence Leisk to be ewnstaris to try quhiddin thair aile be sufficient or nocht and to do thair dewoir faithfullie therein ilk persoun wnder the pain of x £i with speciall derection to them incaice of the saidis broustaris ailis be insufficient to escheit and daile the same to the pwir And that the haile broustaris obserwe and keipe this ordinance fra this furth ilk persoun under the pain of x £i besydis the escheting of ther brewing lumes And ordanis the ewnstaris abonewretin to gife vpe the brekaris and contravenaris of this act yeirlie in dittay.

*The Court of Burray haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Hous the xxv day of Junij 1604.*

*Anent the boitis of Burray.*—It is statut and ordanit be adwyee of my Lordis selff that the haile boitis of Burray on the woist syd remaine to serve on the eist syd induring my Lord and his deputtis residence within the contrie bayth be summer and winter quhill thai compleit ther service ilk persoun wnder the pane of xl £is fra this furth als oft as tha contraveine And in my Lord and his deputtis absence to serwe the straingeris and passingeris upoun ther awin expenssis That is to say

ilk four earing boit to Meawik or Skalloway for ane flitting ane half merk and ilk sax earing ten Schillingis without thai produce my Lorde or his deputis warrand to be friet And siclyk that the haile commonis of Burray contribut amangis them selffis to by ane ferrie boit for serwing of all straingeris and passingeris to Meawik or Scalloway out of Burray vpoun thair awin expensis in maner forsaide ilk persoun under the pane of ten £ And that men be furneschit to serwe this boit be croce and the commoditie to be collectit and furth cummand qubill the boitis price be maid owt.

*Anent casting of peitis within the yle of Burray &c.—Compeirit Alexander Bruce Procurator for ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland and dwmlawit with Dauid Sinclair fold of Burray as for himself and in name and behalff of the haile inhabitantis of the yle of Burray Brassay Gulberwik and Querff that thai and ewerie ane of thame sould cast and win ther peitis yeirlie in tyme of yeir according to the ordinance set down in my Lordis precept direct theranent wnder the paine of ane dwmra and siclyk wnder the panis contenit in the said precept And siclyk dwmlawit with him anent the payment of my Lordis wodderis this yeir and yeiris preceeding the samin and in all tyme cuming And that thai sould pay the samin at Midsomer yeirlie ilk persoun under the paine forsaide that is to say Burray Gulberwik and Querff twelff wodderis and Brassay aucht sufficient guid wodderis.*

*Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growthe of the wole of that yeir and nocht of the nixt zeir And that na wole be bocht or careit out of the contrie ay and qubill the wodmell be payit ilk persoun to pay ½ £ to the sellar and the escheting of the wole to the byar and the wodmell to be maid and brocht in Midsomer yeirlie according to use and wount wnder the paine forsaid.*

*Anent payment of Syse herring.*—It is dwmlawit be Alexander Bruce in name of my Lord with Dauid Sinclair in name and behalff of the inhabitantis of the yle of Burray Gulberwikk and Querff quha winis ony hering within the yle within quhat day thai and euerie ane of them sould pay ther syse hering to the said Alexander in my Lordis name and mak him payment therof according to my Lordis preceptis direct theranent alreddie Quhilk is ordanit to be done within ane moneth ilk persoun under the paine of ane dwmra.

*The Shirefe and Justice Court of Quhitsnes and Weisdale haldin be ane nobill and potent Lord Patrik erle of Orknay Lord of Zeitland at Tsenes the 3 day of Julij 1604. The Suittis callit The Court lawfully fensit The essys chosin sworne and admittit.*

*Anent the Eirnis and the Corbeis.*—It is statut and ordanit in respect that the eirnis and the corbeis continewallie sleais and destroyis the haile lambes and yung bestiall of the contrie be ressoun that nane waitis on them to slay them according to the auld actis of the contrie Thairfoir ordanis the haile houshalderis within the parochin and sa mony therof as hes gwnis to follow and slea the saidis eirnis and corbeis And to haif for his panis according to the auld lawis ane lamb for sa mony eirnis or corbeis quhilk he sleais fra the personis quha desyris to schuit hir And incame he refuse the lamb offeirit the gwnner to pay xl ſ And ordanis that nane schuit or slay ony cunningis uther with gwne net or ony uther ingyne in ony mannis linkis without leife ilk persoun wnder the pane of x li according to the actis.

*Anent the Wodmell &c.*—The haile essyse ratefeis and appreifis the

haile ordinances maid at Burray anent the Wodmell syce hering peitis and the ordinance maid theranent to be keipit within the boundis Quhytnes and Weisdaile wnder the pane contenit in the actis.

*That my Lord haif his accustomit wodderis &c.—* It is statut and ordanit that my Lord haife twelf accustomet wodderis and ane ox according as the rest of the contrie payis And that the samin be send in to the Lating this yeir under the paine of poynding And ordanis the fold poil in houff accompanecit with sax honest men to skance and stent the samin throche the parochin nocth onlie for this yeir bot also for the haile byrunis in tyme cuming as he will answer therupoun.

*The inhabitantis of Quhytnes and Weisdale to pay yeirlie.—* It is statut and ordanit at my Lordis command that the haile inhabitantis within the parochine of Quhytnes and Weisdale alsweile haifeing land as mowable pay ane schewnd ox quhilk is callit the sesing ox or at the leist the best grip according to the auld use And this to be payit to my Lord and his chamberlanis yeirlie wnder the paine of poynding.

*The uther dyk of Quhytnes to be biggit.—* It is statut and ordanit that the uterdyk of Quhytnes salbe biggit up be the tennentis therof And siclyk William Sinclair of Ustanes is ordanit with his nyctbouris to put up the Innerdykis to the effect that ather nyctbour may be frie of wther skayth bayth of ther guidis and bestiali ilk persoun according to his garaman And wnder the paine of x ii.

*The Shirefe and Justice Court of Wais Aithsting and Sandsting haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland At Sand the v day of July 1604, the suittis callit, the Court lawfullie fensit, the essyse chosin sworne and admittit.*

*The act anent the hyring oxin out of the parochin.—It is statut and ordanit that nane within the parochin hyre ther oxin out of the parochin or sell ony of ther oxin to Dutchemen strainger or utheris out of the contrie fra this furth ilk persoun quha hyris ony out of the parochin wnder the pane of x li according to the auld actis als oft as thai contravene And that nane sell ony of ther oxin in maner forsaid ilk persoun wnder the pane of xl li toties quoties.*

*The Lating Court of the contrie of Zeitland callit the principall and heid Court therof haldin be ane nobill and potent Lord Patrik Erle of Orknay Lord Zeitland Justice Generall and Shireffe Principall of the regaliteis therof according to his infestmentis giffin to him therof be the Kingis Majestie At the Castell of Skalloway bankis the xxij day of August 1604.*

*Anent the Wodmell of the contrie.—It is statut and ordanit that the wodmell of the contrie be maid yeirlie of the awin growth of the wole of that yeir and nocht of the yeir following And that na wole be bocht or careit out of the contrie ay and quhill the wodmell be first payit ilk seller under the paine of jc li and escheting of the wole to the buyar*

And that the wodmell be maid and brocht in yeirlie at Midsomer according to use and wount ilk persoun under the paine forsaid.

*Act anent the bying and selling of landis within the contrie.*—Taking consideratioun of the great confusioune usit within the contrie of Zeiland anent the buying and selling of Landis therinto continewalie rememberit be the complentis and supplicatiounis of the commonis of the contrie to the greit hurt and commowne weile therof Thairfoir it is statut and ordanit that na persoun or personis fra this furth ather by or sell ony sort of landis with wtheris without the samin be first offerit to the narrest of the sellaris kin according to the use and constitutioun of the contrie And incaice of ther refusall that the samin be offerit nixt to my Lord himselff quha is Magistrat and superiour of the contrie affoir ony uther he payand therfoir as the awneris and he can agrie With certificatioun incaice of failze and contrawenning of this present act That the tyllis and securiteis maid or to be maid upoun the saidis landis with all that followit or may follow therupoun salbe null and of na awaile in all tyme thereafter.

*Anent fisching &c.*—It is statut and ordanit lykwyse for the weile of the contrie that na persoun or personis sall fische ley or schwit ony lynis within ony wo of the contrie fra Beltane to Alhallowmes yeirlie according to the auld actis of the land ilk persoun under the pane of x £i.

• • • • •

*30 Julij 1612.*

*Curia Tenta apud Urbem de Kirkwall in Orknay in Templo Sancti Magni penultimo die Mensis Julij Anno domini Millesimo Sercentesimo duodecimo per venerabilem in Christo patrem Jacobum episcopum Orchadensem.*

*Sectis vocatis et curia affirmata.*

*Bailleis.*—THE QUHILK DAY ane reverend father in God James Bishop of Orknay his Maiesteis Commissioner Shirref and Justice within the bowndis of Orknay and Zetland sittand in judgement Ane certane number being gevin in in lytis be the inhabitantis of Kirkwall to be Magistrattis did elect nominat and swair William Carmichaell Dauid Moncreiff Robert Chalmer and James Futhie indwelleris in the said bruch baileis to governe and beir rewll within the said toun for keiping and reteining the haill inhabitantis within the samen under his Maiesteis firme peace and obedience in that civile societie amongis thame selffis that becummis peciable and guid subiects with power to thame to creat clerks officers Dempsteris and vtheris memberis of court neidfull for administratioun of justice.

*Counsellouris.*—The quhilk day ar nominat electit and sworne Alexander Tailzeour Thomas Mayn Michaell Chalmer Arthur Sinclair William Covintrie Nicoll Sinclair Magnus Cragie and William Robeson Counsellors and Assissors for voiting geving ane a fald counsell and concurring with the saids Magistrattis in all materis concerning thair estait as effeiris.

*Ministeris.*—The quhilk day It is statut and ordanit that the saids Magistrattis and Counsell sall assist and fortifie the minister and ses-

sioun of Kirk for putting to execuicoun of all actis and statutis made be thame for mentenance of Godis glorie the edificatioun of the kirk and pwnisching of vyee within thair jurisdicition.

*Mercat day.*—The quhilk day it is statut and ordanit That Satterday sallbe a mercat day ouklie in tyme cumming within the said town and that the baillies and cownsell of the said town sall gif ordour for fleschouris fischeris brousteris baikeris cordineris and vtheris craftsmen and lairdis within the said town for keiping of ane civile societie and gwid ordour and repressing of all enormiteis and extortiounis in all tyme cumming.

*Drunkin men.*—The quhilk day It is statut and ordanit that the saidis baillies and magistrattis sall exact of everie persone fund drunk of whatsumever rank qualitie or degrie the sowme of fourtie schillingis money *toties quoties* as they sall happen to be fund and mair according to the habilitie of the persone and discretioun of the magistrat And gif they haue no geir pwnisch thame in their persones.

18 *Augusti* 1612.

*Curia Vicecomitatus de Orknay et Zeiland tenta apud Castellum de Skalloway In aula ejusdem per venerabilem in Christo patrem Jacobum episcopum Orchadensem Commissionarium S. D. N. Regis Vicecomitem dicti Vicecomitatus die xvij<sup>o</sup> mensis Augusti 1612.*

*Sectis vocatis et curia legitime affirmata.*

*Memberis of Court.*—The quhilk day ar chosen Mr Harie Aitkin clerk Thomas Yong officer and Gilbert Cantlie adjudicator and Robert Coltart procurator fiscall.

The quhilke day the said reverend father in God produceit his commissioun Quhilke wes red in face of court and maid faith *de fideli administratione*.

The quhilke day the foirsaid memberis of Court chosin electit and sworne the Court fensit suittis callit wes continewit to the morne.

*Die decimo nono Augusti.*

*Beggeris and Vagaboundis.*—The quhilke day Forsamekill as thar is monie baith outland and inland beggeris of woll fisch and cornis of honest rank that repairis and sornis thruch the cowntrey and overlayis the same begging woll fisch and cornis and will not be refusised bot in effect vrges the indwelleris to give thame that hes no necessitie of the same It is thairfair Statut and Ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentilmen and comounis that in cais ony sik personis that ar not auld decrepit and misterfull sall be fund heireftir that it sall be lesum to the finder to tak the plaidis from thame or vther thair vpmaist claihit and delyver thame selffis to the baillie of the parochin to be pwnischit in the stockis and jogis as idill and vagabound personnes And gif the bailye refus to pwnisch thame conform to the premisis he sall pay to the Shirref or his deput sex punds.

*Act contra Chapmen and Foirstalleris.*—Item forsamekill as thair is diveris and sindrie Chapmen quha be way of foirstalling at all occasiounis attendis the cumming of schippis and preventis the inhabitantis of the cowntrey in bwying all soirt of merchandice and selling the same agane to the cowntrey pepill at ane far heicher rait to thair great preuidice and hurt Thairfair it is statut be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and

comounis That it sall not be lesun at na tyme heirefter to na chapmen to bwy ony merchandice from ony stranger or merchant of schip vnder the pain of escheiting of the said merchandice and gwidis vnto the tyme the inbringer mak intimation to the baillie of the parochin wher he landis and the baillie of the parochin to the parochineris the Sabbath mixt thereafter that they being maid forsene may have the first loff of sick thingis as may be maist necessair for thair vse and within thrie dayis mixt after the secund sabbath of the arryall of the said schip or schippis it to be lesun to the said chapmen to have place to mak merchandice as ony vther cwntreyman.

*Act for Servandis.*—Item Forsamekill as thair is monie serviable personnes that mareyis and takis up housis nocti haveing whervpone to live wherby the inhabitantis and induelleris in the cwntrey ar damnefeit and hurt for laick of servandis Thairfoir it is Statut and Ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis of the cwntrey That it sall not be lesun to servile personnes not worth thrieskoir gulyeonis quhilk is lxxij li Scottis to tak vp housis nor no man to set to thame housis or land And gif they doe in the contrair the baillie of the parochin with thrie or four honest nichtbouris quha sall be haldin to go with him at his desyre sall dimolisch and cast doun thair housis and put thame to service and sall caus the setter pay the sowme of xx li And incais the baillie refusis to do the same he sall be deposit of his office and pwnischit at the discretioune of the Shirref and his deput.

*Act for Thift Rowing and pulling of Scheip.*—Item forsamekill as the abhominable cryme of Thift is so comoun in this cwntrey and rowing and pulling of scheip quhilk can hardlie be tryed in respect of the wydnes of the bowndis to the great preuidice of the inhabitantis of the Land For remeid quherof It is statut and ordanit be the said reverend

father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comounis that it sall not be lesun at ony tyme of day bot speciallie befoir the sun rysing and after the sun setting to go thruch his nichtbouris scattell or comontie with ane scheip dog except his nichtbour within quhais scattell he travellis be maid foirsene and desyre him self or ane of his houshold to accompanie him And gif he be fund contrair to the tenor heirof sall pay for the first fault the sowme of vj £ib and his dog hangit and not to be lesun to him to have a scheip dog thairefter under the pane of four angellis And gif he be fund the secund tyme not being accompaneit as said is sall pay sex angellis And gif he be fund the thrid tyme sall be haldin and pwnischit as a Theif And gif it sall happen ony man to be fund day or nicht in ane uther manis holme upone quhatsumever pretence without licence of the awner and speciallie in the holmis now belanging to the Kingis Maiestie without licence of the keiper thairof he sall be reput haldin and pwnischit as a commoun theif conforme to the lawis and practique of this realme.

*Act for Sclander.*—Item forsamekill as it is havelie complenit that thair is diveris and sindrie personnes quha out of thair evell humouris and bad dispositiounis detractis slanderis and defames thair nichtbouris calling thame hwir theif and sicklyke slanderous wordis quher they ar hurt in thair name and fame far contrair to all cristiane dewtie equitie and ressoun For remeid quherof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and comownis That it sall not be lesun to ony man or woman of whatsumever rank or qualitie at ony tyme heirefter to detract slander or defame utheris quherby thair name or fame may be hurt or imparit And gif they doe in the contrair the partie contravenar or breker sall pay to the Kingis Maiestie or his deput liij s iij d And to the partie offendit according to the discretioun of the Judge befoir quhom he sall be citat quha thairefter sall tak cawtioun of the offender

that he sall the nixt Sabbath day thairefter compeir befoir the Minister and parochinariis within quhais boundis they sall happen offend and publiclie in presens of the congregatioun convenit for the tyme confes his fault and crave the partie grevit and offendit forgivenes.

*Act for Swyne.*—Item forsamekill as it is havielie complenit be the inhabitantis of the cowntrey that they ar havielie damnefeit and hurt anent hirding and keiping of swyne quha castis vp eittis and destrois thair nichtbouris cornis and girs within dyke in forbiddin tyme Quhair-foir it is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid that gif heirefter ony nichtbours swyne sall cast up eatt or destroy his nichtbouris cornis or girs foirsaid in forbiddin tyme that the partie interest hurt and damnefeit for the first fault sall adverteis the awner of the swyne of his skaith onlie And gif they sall be fund the secund tyme for the secund fault sall poind the said swyne and wairne the awner thairof And incails of his absens his wyff or bairnis being of perfyte age and sall wairne thaime to cum and sie the skaith comprysit quhilk they sall be haldin to pay within twentie four hours Quhairfoir it sall be lesum to the baillie to poind And for the thrid fault gif ther sall happen to be fund the thrid tyme it sall be lesum to the partie finder or challenger in maner foirsaid quha sall happen thrie tymes to be damnefeit and hurt in maner abouewrittin to slay the said swyne but dainger of pryece spuilye or uther dainger of law quhatsumever.

*Act for Thift.*—Item for remeid of thift quhilk aboundis greatumlie to the preuidice and hurt of monie within this cowntrey It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the gentillmen and communis That all pedderis chapmen or buyeris of hydis skinis or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin within quhais boundis he sall happen to bwy the same and schaw him the hydis skin or woll with

the mark thairof and fra quhome he coft the same And sall not conseill fraudfullie nor say deceitfullie that he coft from ane persone quheras of verriti he coft the gwid from another bot sall tell the treuth vpon his great aithe vnder the pain of confiscacioun of his pack.

*Act for Ryding uther mens horsis and stowing of thair taillis.*—Item it is statut be the said reverend father in God with advyse and conseil foirsaid for remeid of ryding uther mens horsis that quhasoever sall be apprehendit ryding ane uther manis hors without licence and leave of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the Kingis Shirref or deput four merks and to the partie awner  $\text{iiiij}$  merks And gif he be fund and apprehendit ryding ane uther mans hors outwith the parochin quhair the awner of the hors duellis he sall pay  $\text{vijj}$  merks to his Maiesties deput and  $\text{vijj}$  merks to the partie And gif it sall be tryed and fund that the ryder and taker of the hors hes overridin ma parochins for everie parochin according to the distance of the place of the parochin out of the quhilk the said hors wes takin sall triple quadruple or augment according to the severall parochins quhairthrow it sall happen him or thame to ryde And gif the ryder have na moyen to satisfie the foirsaidis penaltes proportionallie as is abouewrittin he to be pwnischit in his persone effirand to the offence and deid at the discretionoun of the Judge And quhasoever sall be tryet or fund to stow or cut ane uther mans hors taill the doer thairof sall be pwnischit as a theif at all rigour in exemplis of utheris to commit the lyke.

*Publication of these Acts to be made at everie Paroch Kirk.*—Item for the better fulfilling of the foirsaidis actis and putting the same to dew executioun in the haill heidis and clausis thairof It is statut and ordanit be the reverend father in God Commissioner Shirref and Justice foirsaid with consent of the Gentillmen and Comouns that the baileis of ilk parochin sall mak publicatioun thairof at thair paroch kirk quhairby nane pretend

ignorance upone the first lauchfull Sonday nixt heirefter following And sall put the saidis actis and everie ane of thame to dew executiouin in the haill heidis articklis and clausses thairof and sall be comptabill for the discharge of thair offices quhairby his Maiesteis lieges or ony within thair jurisdicition and severall bailliareis hes bene delayit or frustrat of justice and dew executiouin thairof Or incails that ony of thame sall be tryet or fund to oppres or wrang ony persone or personnes within thair bailliareis by the exacting of services or ony vther thing quhilk is not dew to thame or to ressave buddis or brybbis for perverting of justice Than and in that cais or ony vther of the lyke nature or qualite they sall be haldin baith to repair the wrangis at the sicht and discretiouin of the Shirref quhilk they have done As also they sall be estimat infamous or unworthie ever to bruik office or credite in ony tyme thairefter.

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*Curia Vicecomitatus de Orknay et Zetland tenta apud  
Castellum de Skalloway bankis per venerabilem in Christo  
patrem Jacobum episcopum Orchadensem Commissionarium  
S. D. N. Regis et Vicecomitem dicti vicecomitatus die  
vigesimali primo Augusti 1612.*

*Curia tenta et legitime affirmata.*

*Dittay contra the Egiptianis for slaunchter.—The quhilk day Johne Faw elder callit mekill Johne Faw younger callit Littill Johne Faw Katherin Faw spous to umquhill Murdo Brown Agnes Faw sister to the said Litill Johne wer indicted and accusit for airt and pairt of the cruell and unmercifull slaunchter of umquhill Murdo Brown egipitian committit be thame upone the grund of the landis of Garth within the parochin of Delting Lordship of Zetland and Sherifdome of Orknay upone the last day of July last bypast And als the said Johne Faw*

younger wes indytit and accusit for geving his bodie to the abhominable vice of incest with Barbara Faw his wyffis sister and with Helen Faw his wyffis sister dochter And for geving the use of his bodie to the abhominable vice of Adulterie with Katherin Faw spous to the said umquhill Murdo And last they and everie ane of thame wer indytit and accusit for commoun theft and commoun pyckrie and for geving of thame selffis furth for Sorereris givearis of weirdis declareis of fortownis And that they can help or hinder in the profeitt of the milk of bestiali Quha denyit the same Compeirit Robert Coltart procuratour fiscall and desyrit the foirnamed persones to be put to the knawledge of an assyse and justice to be ministrat conforme to the dittay Compeirit Waltir Ritchie notar procuratour for the foirnamed persones indytit Quha alledgedit that they awcht not to be put to the knawledge of an assyse becaus it is of verriti conforme to the practique of this realme Egiptianis have never bene adjudget to the death for slaunchter amongis thame selffis And so giveand and not grantant that they had committit slaunchter yet being Egiptianis and amangis thameselfis they sould not be put to the knawledge of an assyse nor adjudgit unto the death To the quhilk it wes answerit be the said Procuratour Fiscall That the foirsaid allegdiance awcht to be repellit Beacaus conforme to the commoun practique quher slaunchter is committit within ony Jurisdiction they awcht to be pwnischit conforme thairto within the samen Bot so it is that they have committit slaunchter within this Jurisdiction Ergo Secundlie It wes alledgedit that if ony slaunchter wes it wes in thair defence Lykeas he offeris him to preiff that the said umquhill Murdo drew the first sword To the quhilk it wes answerit that it awcht to be repellit in respect of the slaunchter and dittay Thridlie it wes alledgedit be the said Walter that the haill foirnamed persones indytit as said is except the said Katherene Faw aucht to be assoilyeit Beacaus the said Katheren slew hir said umquhill husband with hir awin hand with a lang braig knyff and cravit hir declaratioun thairupone quha confest the fact Quherupone the said Walter for the

part of the rest of the foirnamed personnes askit instrumentis and act of Court And Robert Coltart procuratour fiscall protestit in the contrair The Judge repellit the foirsaidis twa alledgedances And ordanit the foirsaidis personnes to be put to the knawledge of ane assyse.

## ASSISA.

Nicoll Selaitter in Skallowaybankis	Magnus Cogill in Papastour
William Magnusone of Neip	Chan <sup>r</sup> Berard Mowat in Collafirthie
Magnus Olasone of Ilsbruch	David Foster of Lunay
David Kaid in Skallowaybankis	Jerome Nicolsone in Caldcliff
Malcolme Mowat ther	Magnus Olasone in Aithsnes
	John Magnusone in Garmantwat
	Magnus Bult fowd of Brassay
	Magnns Smith in Brassay
	Henrie Wischart in Burraland
	Thomas Lentroun skipper in Leith.

Quha being sworne and admittit The said Robert Coltart procuratour fiscall foirsaid askit instrumentis and protestit for wilfull error in cais of not delyverance affirmative Past altogether furth of court ryplie advysit and enterit agane Fand delyverit be the mouth of Berald Mowat chanecelar the said Katheren convict of the slawchter of hir said umquhill husband the tyme foirsaid and fand the remanent personnes quyt and frie thairof Efter quhais declaratioun The Judge decernis and ordanis the said Katherene to be tane to the Bulwark and cassen over the same in the sey to be drownit to the death and dome given thairupone And decernis the remanent personnes to be quyt of the crymis abonewrittin.

*Curia Capitalis Vicecomitatus de Orknay et Zetland tenta  
in Kirkwall per honorabiles viros Henricum Stewart de  
Carlongyie et Magistrum Wilielnum Levingstoun Vice-  
comites deputatos dicti Vicecomitatus die vij Junij 1615.*

*Jonet Drever and Katherene Bigland tried for Witchcraft.—The quuhilk day Jonet Drever and Katherene Bigland alias Grewik being pannald indytit and accusit for airt part vseing committing and practizing of the abhominable and divelishe cryme of witchcraft contened in the particular and severall pointis or dittays gevin in aganes thame Compeirit Robert Coltart procuratour fiscall and desyrit personnes to be put to the knawledge of ane assyse of the personnes following viz &c &c*

The said personnes being receavit sworne and admittit past al togidder furth of court and ryplie advysit inenterit agane fand and delyverit all in ane voice for the most part the said Jonet Drever be the mouth of Robert Menteth chancelar To be convict and giltie of the fostering of ane bairne in the hill of Westray to the fary folk callit of hir our guid nichbouris And in haveing carnall deall with hir And haveing conversation with the fary xxvj zeiris bygane In respect of hir awin confesioun And sicklyk fand and delyverit for the maist part be the mouth of the said chancelar the said Katherene Bigland To be convict and giltie of witchcraft for standing in the style or the kirkzaird of the croce kirk of Westray with drawin knyffis in hir hand quhill Marioun Tailzeour hir mother and vtheris that wes in hir companie cam furth of the said kirk the most part of ane nicht Item convictis and fyles the said Katherene for laying of ane duyning and quotidean seiknes upon William Bigland in Swartmiln hir master Item fylit the said Katherene for

practizeing of the said divellische cryme of witchcraft In going furth under clud of nicht about Candelmes last and bringing in to the said William his hous of wattir as apperit And wesching of the said William his back therwith And laying him doun saying he wald gitt guid rest and lying doun betuix him and the dor having refusised to ly in any uther place And the said William haveing walknit with fear and crying and feilling a thing lyke a ruche scheip abone him In saying to him be not affrayit for it is the evill spreit that trublit yow that is going away And in taking of the said William upone the morne at nicht efter sun setting under the bankis and wesching of him with salt wattir at that tyme And fyve or six vthir nichtis thereafter quhill he receavit healthe be hir unlauffull and divelische airt of witchcraft Item fylit the said Katherene in laying of the seiknes the said William had upone Robert Broun his servand quba continewit therin almost mad tuo dayis quhill schoe cam and graippit his pulses and brow and straikit his hair backwards and saying he wald be weill And casting of the same seiknes immediatlie upon the said William Bigland And the said Katherene being challengit within the said Ile therfor for taking of the said seiknes af the said Robert and casting the same agane upon the said William In saying if William Bigland livid schoe wald die And thairfor God forbid he leive Efter quhais deliverance the Judges decernis and ordanes the said Jonet Drever to be tane upon the morne betuix 3 and 4 houris efter nine and seurdgit fra the end of the said toun to the uther And thaireftir to be banisched the cuntry And nevir to returne under the pane of death And siclyke decernis and ordanes the said Katherene Bigland to be tane to the heid of the lone the morne at tua eternune And thair to be bund to a staik and hangit to the death and brint to asches And dome gevin heirupone.

*1 Augusti 1615.*

*Curia Vicecomitatus de Zetland tenta apud Castrum de Scalloway bankis In aula ejusdem Per honorabilem virum Magistrum Willielmum Levingstoun Vicecomitem Deputatum dicti vicecomitatus die Primo mensis Augusti Anno Domini Millesimo sexcentesimo decimo quinto.*

*Sectis vocatis et Curia legitime affirmata.*

*Memberis of Court.—THE QUHILK DAY ar chosen Robert Raa In Procurator Fiscall Robert and George Blakis and Gilbert Cantlie Officeris sworne and admittit and Magnus Cromertie in Dempster And all actiouunes continewit to the thrid day of this instant.*

*Tertio Augusti anno 1615.*

THE QUHILK DAY Forsamekle as sin and iniquitie is and hes bein the caus of Goddis havie plagues and judgementis And that partition wall quhilk devydit the people frome the presence of God and the caus of gryt dissolatioun in kirk and policie within this countrey for laik of disciplein And putting of the actis of the kirk (quhilk has bein grytumlie contempnit in tymes past) to dew exectionoun And sicklyke that ther hes bein gryt ignorance of his most sacred Majesties royall and supreme auctoritie In practiseing of forren and uncouth lawis contrair to the tenour of the Actis of Parliament and secreit counsell maid theranent And Lykwayis That ther hes bein gryt dissolatioun in the comone weill trouble and dissorder injuries and wrangis amongis the Inhabitantis of the land for laik of governement administratioun of justice and putting of the samen to dew executioun THAIRFOIR It is

Statute and Ordainit be the said Sheriff deput with advyse and consent of the gentlemen sutteris of court and commounes all with ane advyse consent and assent as efter followis.

*For punischment of sin and vice.*—IN THE FIRST It is Statut and Ordanit For punischemet of sin and vice That the actis of the kirk maid and to be maid be the Ministrie and thair Sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk Be stocking joging and gowing of the saidis Malefactouris and be putting of thame in brankis douking in the sey and in useing of all uther publict punischemet answerable to the qualitie of the falt And to this effect that the baillie of ilk parochin and his officer concurr and assist thair ministeris elderis and thair officeris in putting all sick statutis maid or to be maid in thair said sessioun of kirk to dew executioun as said is for maintenance of Goddis worship keiping of the sondayis suppressing of all Idolatrie speciallie of walkis and pilgrimadges And all utheris vyces and punisheing persones refractarie and disobedient to thair disciplein under the panes of deprivation and payment of fourtie pundis to be employed *ad pios usus*.

*That all persones honour the Kingis Majestie.*—Item It is Statut and Ordanit That all maner of persones of quhatsumever rank qualitie and degrie sall honour thair dread Soveraing the Kingis Majestie and submitt thameselves with all reverence to his auctoritie and obey his law disclame and renunce all forren lawis actis statutis and constitutiounes quhatsumeuer observcit heirtofori under the panes contenit in the actis of Parliament and most honorabill Privie Counsell maid thairanent And that all men according to thair rank and degrie provyde thame-selves of sufficient armour according to thair estait And be in reddines at all occasiounes to serve his Majestie and Deputis present or that sall

be for the tyme ffor suppressing and withstanding the incursiounes of Pirottis and utheris tumultous personnes as they wilbe answerable upoun thair hyest perrell.

3. *Anent directing of the corse.*—Item It is statut and ordanit to the effect forsaid That ilk hous and familie shall cairfullie and diligentlie direct the corse to his nixt nychtbouris with ane sufficient berar ffor admonishing the people to convein aither to kirk to preichins or prayeris or for his Majesties service and sick uther necessar causis as salbe thought expedient be the Minister Shireffis and Justiciaris or thair Bailyeis and shall not stay nor lay doun the same bot direct it with all diligence upoun the recept therof under the pane of vj li money *toties quoties*.

4. *Anent false wechtis.*—Item It is statut and ordanit ffor eshewing of false wechtis and measouris That all Bwsmeris be merkit with his Majesties mark and all cannes be answerable conforme to the scottis pynt and quart And that the Dutche Merchandis barrellis and all utheris traffeccaris be of sufficient bind And that thair ry maill barrellis be weill packit contening aucht lispund and ane half lispund maill And the contravenaris heirof to pay ten pundis for the first falt and double the said paine sa oft as they shall happen to contravein therafter And that by and attour the paines contenit in the actis of Parliament maid theranent And punishment to be inflictit upoun thame conforme thereto. -

5. *Anent vagabondis and beggaris of woll.*—Item It is statut and ordanit that na outland nor inland beggeris of woll fishe and cornes of honest rank shall repair throw the contrey nor ourlay the samen begging steilling rowing and pulling of scheip under pretext therof And incalis ony sick personnes that ar nocth auld decriptit and misterfull salbe fund

heirefter begging in maner forsaid That it salbe lesum to the finder and apprehendar to delyver thame to the Bailie of the parochin to be punisheit as idle vagabound persones in the jogis or stockis And gif the bailyie soll refuis to punishe thame conforme to the premisis or utherwayis to present thame to the shiref or his deputtis he soll pay to the Shireff or his deputtis the sowme of tuentie pundis.

6. *Anent the payment of the lating oxin and scheip.*—Item It is statut and ordanit That all sick landis as hes bein in use and custome of payement yeirlie of ye lating oxin and scheip at ony tyme sen ye first impositione soll pro rata pay the samen for releiff of the comones and pure anis notwithstanding of ony immunite or oursicht they have haid in tyme bygane.

7. *Anent quhytred eraw corbie and carne.*—Item It is statut and ordanit be the advyse foirsaid with consent of the ministrie that everie bound bailyie minister and gentilman soll present this nixt yeir allanerlie to the heid court the first tysday of August aither the heid of ane quhytred craw corbie or earn or ony of the fowlis egis in maner efter devydit, viz. ilk bound ane heid or ege or the soume of xij s money Ilk minister thrie heidis or thre egis or the soume of xxxvj s money Ilk gentlemane four heidis or four egis or the soume of xlviij s money And ilk bailie sax heidis or sax egis or the soume of iij fi xij s money And that the names of the parochineris be inrollit be the baillies and the heidis or egis to be inbrocht be thame conforme to this present act.

8. *Contra Repaireris to Brassay.*—Item It is statut and ordanit that in all tyme cuming no persones or persone soll repair to the sound nor Isle of Brassay for furnishing of beir viveris and uther necessaris to the Hollanderis and utheris fairrennaris committing thairby villanie fornicatione and adultrie under the paine of tuentie pundis *toties quoties* as

they sall happen to be challengeit And that the awneris of the ground  
sall dimolishe all houssis bigit nor sall suffer nane to be bigit nor mak  
recidence thair to the effect foirsaid under the lyk paine of xx lib.

9. *Anent the Holmes.*—Item It is statut and ordanit that gif it sal-  
happin ony man to be tryit or fund in ane uther manis holme be day or  
nycht upoun quhatsumever pretext without licence of the owner and  
speciallie in the holmes now pertening to the Kingis Majestie without  
licence of the keipers therof he salbe haldin for the first falt to pay the  
soume of x li and for the secund the soume of xx li and for the thrid he  
salbe haldin reput and punishit as a commounetheiff.

10. *Anent gude nyghtbourheid.*—It is statut and ordanit that gude  
nyghtbourheid be keipit amangis nyghtbouris in ilk parochin in all tyme  
cuming in bigging of ther dykis yeirlie and putting of the swyne to the  
hill before the fystein day of Aprile keiping and hirding of the sheip  
befoir the said day And in keiping of the nolt horse and uther bestiall  
afoir the first day of Maij under the paine of xl s money to be payit to  
the Shiref or his deputis And incalis of contravening and breking heirof  
sa that nyghtbouris be dampnyfyit and hurt be utheris in noct tymous  
dyking keiping and hirding as is abonewrittin In that eais the contra-  
venaris to pay to the partie interest and skaythit as followis To wit  
befoir Lambas sall pay for ilk sheip tua s for ilk suyne x s and for ilk  
hors meir or nolt four s *toties quoties* And efter Lambas sall pay the  
double of ilk pane *toties quoties* as they or ony of thame sall happen to  
be within dykis and lawfullie tryit before the baillie of the parochin to  
have bein in thair nyghtbouris skayth the dykis always being maid  
lawfull and sufficient Lykas immediatlie efter the tryell of the said baillie  
It salbe lesun to him to poynd and uplift the saidis paines And that by  
and attour the comprysing of the said skaith and payment of the samen  
conforme to the daylie pratique observit in sick caisis.

11. *Anent sheip doggis.*—Item It is statut and ordanit that it sall nocht be lesum to ony man to keip sheip doggis bot sick persones as salbe approven and allowit be the bailye and parochinalis quhais names ar tain up in ilk parochin alreddie And for the quhilk doggis thay salbe haldin to answer under the paine of x li by the payment of the loissis and to be done be thame conforme to the law and practique.

12. *Anent grindis and yettis.*—Item It is statut and ordanit that all grindis and yettis in all hie wayis salbe cloisit be all passingeris that enteris therby in sick sort as they opin the saidis grindis and yettis Thay salbe haldin incontinentlie to cloise the same agane under the paine of xl ȝ *totes quoties* And that no comone grindis nor yettis be stopit or cloisit up that hes bein of auld and yit necessar and neidfull to be under the paine of x lib.

13. *Anent going through thair nyctbouris scattell.*—Item It is statut and ordanit that it sall not be lesum to ony persone or personnes at ony tyme of day bot especiallie afoir the sune rysing and efter the sune setting to go through his nyctbouris scattell or comontie with ane scheip dog Except he be accompanied with ane or twa nyctbouris famous honest men And gif he be fund contrar to the tenour heirof he salbe haldin to pay for the first falt the sowme of vj lib money and the dog to be hangit And it nocht to be lesum to him to have ane scheip dog thairefter under the paine of four angellis And gif he be fund the secund tyme nocht accompanyit as said is he sall pay sax angellis And gif the thrid tyme or gif he salbe fund under cloud of nycht beand ony wayis suspect the samen beand proven he salbe reput and haldin ane and punishit as ane comone theiff.

14. *Anent ranselling.*—Item It is statut and ordaneit for eschewing and tryell of theft in tyme cuming that it salbe lesum to the partie

interest with the baillie or officiar of the parochin or tua or thrie honest men to be chosen be thame to ransell seik and searche all houssis and suspect places within the samen And incrais of noct finding or suspiciooun to pas to the nixt parochin or beyound the same And ordanes the bailie of ilk parochin or officiar to concur with the partie interest in maner foirsaid for apprehending thairof as they will eschew to be reput and haldin partakeris of the said cryme.

15. *Anent rowing of sheip.*—Item It is statut and ordanit that it sall noct be lesum to no maner of persone nor persones to rowing ony scheip unto the tyme they be lawfullie warnit be the bailie of the parochin to ane competent day as they will eschew to be reput and haldin as theiffis and punishit conforme thereto.

16. *Anent Peddereris.*—Item It is statut and ordanit that all pedderis chapmen or utheris byaris of hyddis skinnes or woll fra quhatsumever persone or persones sall cum to the baillie of the parochin or to tua famous and honest nyctbouris within the boundis quhair they sal happen to buy the same and shaw to him or thame the hydys skines or woll And fra quhome they coft the samen Lykas the seller salbe haldin to do the samen Or incrais aither the buyer or seller refusie to give thair aithis of veritie to the bailyie of the parochin being requyrit be him to that effect It salbe lesum to the said bailyie to confiscat the saidis guidis to the shireffis use.

17. *Anent Flescheouris.*—Item It sall noct be lesum to no fleshouris nor na utheris byaris nor slayeris of fleshe to sell to na inhabitant within the contrie nor outwith the samen the saidis fleshis unto the tyme they cum to the Bailie or tua honest nyctbouris and shaw thame the beast the merk And the manes name fra quhome they coft the samen quha salbe haldin to comitt the byaris name in wryt together with the

beast and merk therof And fra quhom and at quhat tyme the samen wes bocht as the slayeris and sellaris of the bestiall will eshew to be reput and haldin as stellaris therof and punished thairfor as accordis.

18. *Anent transporting of Servandis.*—Item It is statut and ordanit In respect of the scarcitie of servandis to labour the ground and the punishment of theiffis and utheris malefactouris That na maister skiper nor ony of the acquippadge of ony bark boat crear or ship sall transport ony bound manes servant or boy furth of the contrey without licence of the schireff or in his absens without ane sufficient testimoniel of the minister and bailie and thrie or four honest famous men of the parochin within the quhilke he or they sall happen to duell for the tyme under the paine of j<sup>c</sup> lib.

19. *Anent hyring of Servandis.*—Item It is statut and ordanit that nane fie hyre nor conduce ane utheris manis servand except they be dischraigit be the maister or that they have dischraigit ther maisteris lawfullie fourtie dayis befoir ane lawfull terme Nor that nather gentlemenis boundis man nor na uther receave ony sick persones nor give thame hospitalitie nor intertenement nor yit set to thame housis nor receave support nor suplie ony vagaboundis idle men nor unlawfull wemen wnder the pane of x li *toties quoties*.

20. *That na man by nor sell with ane uther manis servand.*—Item It is statut and ordanit that na man seduce by bargane nor sell with ane uther manes servand by the knawledge of his maister as they will eshew to be punishit as receptaris of thift And it being tryit the geir to be restorit to the ryght awner but repayment of the prices therof.

21. *Anent ryding of uther menis horsis &c.*—Item It is statut and ordanit that quhatsumevir persone salbe apprehendit or tryit to have

riddin ane uther manes hors without licence within the parochin quhair the awner of the horse duellis sall pay to the scheriff four merkis scottis money And to the partie interest the soume of uther four merkis And if he be fund and apprehendit ryding ane uther manes horse outwith the parochin quhair the awner of the horse duellis salbe haldin to pay the double of the said paine And forder according to the distance of place from the parochin out of the quhill the said horse salbe takin sall triple quadruple and augment the said paine effirand to the seuall parochines quherthrow they sall happen to ryd the said horse And Lykwayis it sall nocht be lesun to ony man to cut or steill ane uther manes horsis taill under the paine of x £ And gif the rydearis cuttaris or steillaris forsaid sall have no moyane to satisfie the saidis penalties proportionallie as abonewrittin they to be punishit in ther persone effirand to the deid and offence at the discretioune of the Judge.

22. *Anent boitis hyris.*—Item It is statut and ordanit with advyse and consent foirsaid That all men be sufficientlie provydit in boitis for serveing of his Majesteis leiges in ther lawfull and necessar adois upoun thair resonabill chairgis for payment of sick competent fraucht as efter followis under the paine of x £ To wit at Bruna sound ij s From Vnst of Gudshyre in Zell or Fetlar or ather of thame 4 s From Vnst to Reafirth in Zell sex s Frome Reafirth to Setlar four s Fra Lunafirth aucht s For Zell sound to Biga four s Zell sound to Northmavin aucht s Fra Glus to Calback fyve s Fra Brae to Aith aucht s Papa sound ij s Fra Bigsetter to Skalloway xij s the ferrie at the kirk of Wiesdaill tuelf pennyes Fra Skalloway bankis to Mawick tuelf s Fra Mawick or fra Skalloway to Hous sex s Brassasound tua s Quhailsay sound sex s And fra Wassie to Glames to Laxfurde thrie s Lykas it salbe lesun to all sick persones as hes boitis and nocht servandis to serve the liegis To charge sick nyghtbouris as may convenientlie to serve upoun resonabill daill of fraucht under the pane of xl s And In cais of wilfull re-

fusall of the boitsman It salbe lesum to the passinger or passengeris to tak the boitis for the transporting but danger of spulzie The passengeris alwayis at thair landing placeing the boit saiflie And this but prejudice of that service dew to Schireff Commisser or ther servandis and utheris his Majesteis Commissioneris And but prejudice of dew and thankful service in transporting of the Ministerie ouer the foirsaidis ferries and vtheris necessar sound or vois for serveing of the cures conforme to the lovable custome observeit in tymes bygane.

23. *Aganes concilling of thift &c.*—Item It is statut and ordanit that na persone nor persones of no rank qualtie nor degrie shall hyde nor conceill ony kynd of thift sorcerie nor witchcraft bluid wrang injurie roberrie nor oppressioun wrak or ony kynd of waith Bot shall impart shaw and delait the same to thar Bailies or to the Sheriff deput as they will eshew to be reput and haldin as partakeris therof and punishit therfor conforme to the lawis and practique of this realme.

24. *Contra Bailies oppressoris.*—And finallie It is statut and ordanit be the said Sheriff that the bailyis of ilk parochin shall mak publicatioun heirof in ther paroche kirkis quherby nane pretend ignorance of the premissis And that they shall put the saidis actis and euerie ane of thame to dew executioun In the haill heidis articles and claussis therof ffor mantenance of Goddis worship the reverend obedience of his Majesteis most royall and supreme auctoritie and lawis And for the peax and guid of the Inhabitantis of the land And incails it shall happen the saidis baillies or ony of thame to be tryit and fund to have oppressit or wrangit ony persone or persones within thair bailyarie by exacting of unlawfull services feastis or bankquettis or be taking of buddis or brybis for perverting of justice Or in ony sort in oppressing the pure or doing of ony uther deid of the lyk nature and qualitie contrar to equitie and reassoun In that caise he salbe haldin to repair the wrangis at the sicht and

discretioune of the Shireff deput and salbe estimat unworthie to bear office or credite in tyme cuming And that by and attour the dew punishment to be inflictit upon thame according to the demerite of the fact.

7 November 1615.<sup>o</sup>

*Curia Capitalis vicecomitatus de Orknay et Zetland tenta  
apud Kirkwall in nova domo prope palatium de Yeardis  
ibidem per honorabiles viros viz Henricum Stewart de  
Carlougie et Magistrum Colinum Levingstoun vicecomi-  
tes deputatos dicti vicecomitatus septimo die mensis Novem-  
bris anno domini Millesimo sexcentesimo decimo quinto.*

*Curia tenta et legittime affirmata.*

*Anent the preamble and caus of the Actis following.—The quhilke day Forsameikle as sinne and iniquitie is and hes bein the caus of Godis heawie plaiges and judgments and the caus of great desolatioun in kirk and policie within this cuntrey for laik of discipline and putting of the actis of the kirk quhilke hes bein meikle compleinit in tymes past to dew executioun And siclyk that thair hes bein great ignorans of his sacred Maiesties royll and supreme authoritie in practising of forren and uncouth lawis contrair to the Actis of parliament and secreit counsall maid thairanent And likewayes that thair hes bein great desolatioun in the commoun weill truble dissordour injuries and wrangis amongst the inhabitantis of the land for laik of government administratioun of justice and putting of the samen to dew execution THAIRFOIR it is statut and ordanit be the saidis shirref deputis with advys and consent of the gentilmen suiters of court and commounis All with ane advys consent and assent as efter followis.*

*1. Anent the putting of the Actis of the kirk to executioune.*—In the first It is statut and ordanit for punishing of sinne and vyce that the actis of the kirk maid and to be maid be the Ministerie and thair sessioun of kirk aganes transgressouris and sinneris be put to dew executioun with all rigour in example of utheris to do the lyk And to this effect that the baillie of ilk parochin and his officar concur and assist thair Ministeris elderis and thair officaris in putting of all such actis and statutes maid or to be maid in thair sessioun of kirk to dew executioun as said is for manteinance of Godis worship keeping of the Sondayis suppressing of all idolatrie speciallie of walkis and pilgramages and all vtheris vyces and punishing of personnes refractarie and disobedient to thair discipline under the pain of depriuation and payment of fourtie punds to be employed *ad pios usus*.

*2. Auent the obedience to his Majestie and lawis and provision for Armour.*—Item It is statut and ordanit that all manner of personnes of quhatsumever rank qualitie and degrie sall honor thair dreid Souerane the Kingis Majestie and submit thame selfis with all reverence to his authortie in obeying his lawis disclameing and renunceing all forren lawis actis statutis and constitutiounis quhatsumever observit heirofoir under the panis conteinit in the actis of parliament and most honorabill privie counsall maid thairanent And that all men according to thair rank and degrie provyd thameselfis of sufficient armour according to thair estait and be in redines to serve his Majestie and deputis present or that salbe for the tyme for suppressing and withstanding the incursiounes of pirrotis and utheris tumultuous personnes as they wilbe answerable upon thair hiest perrell.

*3. Anent the cairfull directing of the Corse.*—Item it is statut and ordanit to the effect foirsaid that ilk hous and familie sall carefullie and diligentlie direct the corse according to the order and custome to his nixt nichtbour

with ane sufficient bearer for admonishing the people ather to convein to kirk to preaching and prayeris or for his Majesties service and sick uther necessar causis as salbe thocht expedient be the Minister shirreffis and justiciaris or thair baillies and sall not stay nor lay doun the samen bot direct it with all diligence upon the recept thairoff under the pain of sax pundis money *toties quoties*.

4. *Anent the marking of Pundleris and Bismeris.*—Item it is statute and ordainit that all pundleris and bismeris be markit with his Maiesties mark betwix and the      day of      mixtocum under the pain of ten punds for the first fault and doubling of the said pain sa oft as they sall happin to transgres thairefter and that by and attour the act of parliament maid thairanent and paines conteinit thairintill and punishment to be inflictit upon the contraveineris thairof conforme thairto.

5. *Anent the weicht of Caschies.*—Item it is statut and ordainit that na caschies be hevier than ane half setting weicht conforme to the old statutes maid thairanent under the pain of flourtie shillingis for the first fault and doubling thairof for the second fault and confiscatioun of the victuall conteinit thairintill for the thrid fault And that by and attour the punishment of thair personnes at the will of the Judge.

6. *Anent guid Nichtbourhead.*—Item it is statute and ordanit that guid nichtbourhead be keipit amongst nichtbouris in ilk parochin in all tyme cumming in bigging of thair dykis geirlie and putting of thair swyne to the hill befoir the fyftein day of Apryle keiping and hirding of thair sheip befoir the said day and keiping of thair horsis nolt and vther bestiall befoir the first day of May under the pain of fourtie shillingis monie to be payit to the Shirreff or his deputis And incails of contraveining and breking heirof so that nichtbouris be dampnyfied and hurt be utheris in not tymous dyking and hirding as is abonewretin In that

eais the contraveineris to pay to the partie interest and skaithit as fol-  
lowis To wit befoir Lambes sall pay for ilk sheip tua shillingis for ilk  
swyne ten shillingis for ilk horse meir and nolt four shillingis *toties quoties*  
and efter Lambes sall pay the double of ilk pain *toties quoties* as they or  
ony of them salhappin to be fundin within dykis and laufullie tryit be the  
baillie of the parochin to have bein in thair nichtbouris skaith the dykis  
alwayes being maid lawfull and sufficient Lykas immediatlie efter the  
tryell of the said baillie it sall be lesun to him to poynd and uplift  
the saids pains and that by and attour the comprysing of the skaith and  
payment of the samen conforme to the daylie pratique observit in sick  
caisis.

7. *Anent commoun Grinds and Cloising thairof.*—Item it is statute and  
ordanit that all grinds and yettis on all wayes salbe cloiset be all passin-  
geris that enteris thairby in sik soirt as they opin the saids grinds and  
yetts they salbe haldin incontinentlie to cloise the samen agane vnder  
the pain of fourtie shillingis *toties quoties* And no commoun grindis nor  
yetts to be stopped nor cloisit vp that hes bein of auld and yit necessar  
and neidfull to be under the pain of ten pundis.

8. *Anent ficing of uther menis Servandis.*—Item it is statute and ordanit  
that it sall not be lesun to ony persone or persones to fie hyir nor con-  
duce ane other manis servand except that they be discharget be thair  
Maister or that they dischairge thair masteris lauchfullie fourtie dayis  
befoir ane laufull terme And that nayther gentilmen boundmen nor na  
uther resave ony sik personnes nor give thame hospitalitie nor inter-  
teneing nor yit set to thame housis nor resave suppoirt nor supplie ony  
vagaboundis idle men or vnlauffull weemen vnder the pain of ten punds  
*toties quoties.*

9. *Anent rancelling for Thift.*—Item it is statute and ordanit for eschew-

ing and tryell of thift in tyme cumming that it salbe lesum to the pairtie interest with the baillie or officiar of thair parochin or tua or thrie honest men to be chosin be him to raneall search and seik all housis and suspeict places within the samen And if neid be incails of suspiciooun to pas to the nixt parochin beyond the samen And to this effect ordanes the baillie of ilk parochin or officiar to concur with the pairtie interest in maner foirsaid for apprehending thairof as they will eschew to be reputt and haldin as partakeris of the said cryme.

10. *Anent the Ryderis of uther mens horssis and cutting of the taillis thairof.*—Item it is statute and ordanit that quhatsumevir persone salbe apprehendit or tryit to have riddin ane uther manis hors without licence of the awner inwith the parochin quhair the awner of the hors duellis sall pay to the shirreff or his deput the sowme of sax punds and to the pairtie interest the sowme of uther sex pundis And if he be fund outwith the parochin quhair the awner duellis sall pay the double of the said pain And forder according to the distance from the parochin ont of the quhilk the said hors salbe takin sall triple quadruple and augment the said pain effeirand to the seuerall parochines quairthrow they sall happen to ryd the said hors Lykwayis it sall not be lesum to ony person to cut or steall ane uther manis horstaill vnder the pain of ten punds And if the rydaris stellaris and cuttaris foirsaid sall haue na moyen to satisfie the said penalties proportiounallie as is abonewrittin they to be punishit in thair persone effeirand to the deid and offence at the discretionoun of the Judge.

11. *Anent buying and selling with uther menis Servandis.*—Item it is statutit and ordanit that na man seduce by bargane nor sell with ane uther manis servand by the knawledge of his master as they will eshew to be punishit as resetteris of thift And it beand tryit the geir to be restorit to the richt awner but repayment of the prye of the thairof or thingis resaueit for the samen.

12. *Anent slaying and selling of Flesche.*—Item it is statut and ordanit that na fleshers nor utheris buyeris and slayeris of flesh sall sell to na inhabitant within the toun nor outwith the samen the said fleshis untill the tyme they cum to the baillie of the quarter and shew him the beist the mark and the manis name fra quham they coft the samen quha salbe haldin to give up the buyaris name in wreit together with the beast and mark thairof and fra quhom and at what tyme the samen wes coft as the slayeris and selleris of the said bestiall will eshew to be reput haldin and punishit as steilleris thairof.

13. *Anent sluggish and idle persones quha under collar of merchandice committis thief.*—Item fforsameikle as thair is many inconstant sluggish and idle persones quha leaveing service gives themselfis to traffik and play the merchand and attends the repairing of shipps and straingeris to reidis and usuall places and resortis and gois on shipbuard under cloud of nicht or priuatlie vnder culour of buying and selling of merchandice or guids under the pretext quhairof they pyk and steallis baith fra the cuntrey people to sell to thame and fra thame to sell to the cuntrey people For remeid quhairof it is statut and ordanit that na sik persone nor personnes sall hant traffique or repair on shipbuard of ony strainger or dogger for buying or selling of merchandice or guids under whatsumeuer culor or pretext bot sik as salbe allowit and approvin of the baillie of the parochin quhairin they duell And for quhom the said baillie or ane or tua speciall honest men of the parochin salbe answerable under the pain of fourtie shillingis and warding of thair personnes for the first fault and doubling of the said pain for the second fault And sa furth tripling and quadrupling the said pain and punishment sa oft as they sall happen to cum in the contrair heirof.

14. *Anent the resoirt of Beggaris and Forreneris to Zetland &c.*—Item fforsameikle as it is hevilie compleinit by the inhabitantis of Zetland of

the great resoirt and repair pairtie of sturdie beggeris and pairtie of puir vagabounds from Orkney Caithnes and uther forren places quha sorns beggis and overlayis the cuntrey begging pyking steilling and oppressing the inhabitantis thairof Thairfair it is statute and ordanit that na master of ship bark boatt nor crear transport ony sik persones nor na utheris quha under cullor and pretext to pley the merchand intends to resoirt to the said centre to buy the commodities thairof in prejudice of the payment of his Majesties rentis but ane sufficient testimoniall or warrand of the Shirreff or his deputtis grantit and haid to that effect vnder the pain of tuentie pundis money.

15. *Anent the disponing of the commodities of the Cuntry.*—Item fforsameikle as his Majesties Chalmerlanes ar meikle interest and prejudgit yeirlie be the tennentis takismen and utheris addebitit in the yeirlie payment of the fruittis rentis and dewties dew to be payit be thame be selling of thair bestiali butter vlie and victuall befoir the saids chalmerlanes be satisfiet and payit Thairfair it is statute and ordanit that na sik persone nor persones sall sell annalie dispone nor put away [any bestiali butter or vlie before S<sup>t</sup> Androis day] yeirlie nor ony victuall beir malt or meall quhill the feast of Lambes yeirlie that his Maiesties rentis be satisfyit and payit vnder the pain of xl lib and that by and attour the deirest prices and hiest fier that can be exactit of thame be law (except the toun of Kirkwall) or that ane licence be grantit vpon resonabill cause.

16. *Anent the resoirt of uncouth Beggaris.*—Item fforsameikle as thair is great repair of puir straingeris idle and vagabound persones that overlayis the cuntrey quha hes not bein borne nor brocht vp within the cuntrey contrain to the tenor of the lovable lawis maid thairanent Thairfair it is statute and ordanit that na man suppoirt supplie nor interteine the saids persones nor grant hospitalitie vnto thame vnder the pain of

fourtie shillingis And siclyk that na man transpoirt nor bring in the cuntrye ony sik personnes in tyme cumming under the lyk pain of fourtie shillingis And that conforme to the saids actis the saids personnes and euerie ane of thame may repair to thair awin cuntrey and parochines And that euerie parochin interteine supplie and sustein thair awin puir according to the will and meaning thairof in all poyntis And incalis ony sik persone salbe fund in going heirefter outwith thair saidis parochines that it salbe lesum to the finder and apprehender to present thame to the baillie of the parochin to be punishit as idle vagabounds in the joggis or stokis And gif the baillie sall absent himself or refuse to caus punish thame conforme to the premisis or to present him to the Shirreff or his deputtis present or that sall happen to be for the tyme he salbe haldin to pay to the Shirreff or his deputtis the soum of tuentie pundis.

17. *Anent the concelling of sinne.*—Item it is statute and ordanit that na persone or personnes of na rank qualitie nor degrie sall hyd nor conceill ony kynd of thift sorcerie nor witeheraft bluid wrang injurie roberie nor oppressioun wraik or wraith bot sall impairt shaw and delait the samen to thair baillies or to the shirreff deput as they will eshew to be haldin and reput as pertaikeris thairof and punishit thairfoir conforme to the lawis and pratique of this realme.

18. *Anent the putting of the foirsaidis actis to executioun.*—And finallie it is statute and ordaneit be the said shirreff deputtis that the baillie of ilk parochin sall mak publicatioun heirop at thair paroch kirk quhairby nane pretend ignorance of the premisis And that they sall put the saids actis and euerie ane of thame to dew executioun in the haill articles and clausis thairof for manteinance of Goddis worship the reverend obedience of his Majesties most royall and supreime authoritie and lawis and for the peace and guid of the inhabitantis of the land And incalis it salhappin the saids baillies or ony of thame to be tryit or found to have oppressit.

or wrangit ony persone or persones within thair baillierie be exaeting of unlawfull service or be taking of buddes or brybes for perverting of justice or in ony soirt in oppressing the puir or doing of ony uther deid of the lyk nature and qualitie contrair to equitie and resoun In that cais they salbe haldin to repair the wrangis at the sicht of the Shirref deput and salbe estemite to be unworthie to beir office or credit in tyme cuming and that by and attour the dew punishment to be inflictit to thame according to the demerit of the fault.

*Curia Justiciarie Vicecomitatus de Orknay tenta apud Kirkwall in nova domo prope Palatium de Yeardis ibidem per honorabilem virum Henricum Stewart de Carlungie Justiciarum ac Vicecomitem deputatum dicti Vicecomitatus die duodecimo Martii 1616.*

*Curia tenta et legitime affirmata.*

*Elspeth Reoch tried for Witchcraft.*—The quhill day anent the dittay criminall gevin in and persewit at the instance of Robert Colart procurator fiseal of the said sheriffdom Aganes Elspeth Reoch doehter to unquhill Donald Reoch sumtyme pyper to the Earle of Cathnes ffor certane poyntis of dittay of witchcraft underwritten That is to say In the first for airt part using committing and practising of the abominable and divilesch cryme of witchcraft in giveing ear and credite to the Illusiones of the Devell Quharby scho fenyeit hirselff dumb And illudit and deceaveit his Majesteis subjectis in maner underwritten viz In the first for that sho confess that quhen shoe wes ane young las of tuelf yeiris of age or therby and haid wandereit out of Cathnes quher shoe wes borne to Lochquhaber ye cam to Allane M<sup>c</sup>Keldowies wyfe

quha wes your ant And haveing remaneit with her be the space of aucht weekes quho duelt with her husband in a Loch That she upon ane day being out of the loch in the contrey and returning and being at the Loch syd awaiting quhen the boit sould fetch her in That thair cam tua men to her ane cled in blak and the uther with ane grein tartane plaid about him And that the man with the plaid said to her she wes ane prettie And he wald lerne her to ken and sie ony thing she wald desyre The uther man said she wald nocht keep counsell and fairbaid him He answerit he wald warrand her And she being desyrous to knaw said how could she ken that And he said Tak ane eg and rost it And tak the sweit of it thre Sondayis And with onwashin handis wash her eyes quhairby she sould sie and knaw ony thing she desyrit And to persuade her he directit her to ane auntis hous of hir awin quha wes ane widow that haid ane oy that wes with chyld to ane uther wyffis husband onknawen to ony And quhen she cam she sould luik in hir face and tell hir she is with bairne to ane uther wifes husband And sa within a short space thereafter going to hir Auntis hous how sone she saw the young woman she said she wes with bairne as the man had said to hir And shoe denying said to hir she wald repent it within a short space Thairefter the young woman considering that she knew hir estait desyrit sum cure at hir that she micht part with bairne Quha answerit she could give her nane Bot remembering that she wes cum in to Allane McKeldowies hous that day that the tua men came to hir That he haveing speirit at her quhat men thois wer that wer with hir at the Loch syd And quhat they haid said to her And she denying he foirbaid you to fear For they wer freindis of his quha wald do hir no hurt And that he knew quhat they said to hir So she remembryng that Allane had skill she said to the young woman that he wald help hir Quherupoun she and she gaid together to the Loch And spak with him quha refusit to give hir ony thing to slay the bairne And thairefter within tua yeir she bure her first bairne quhilk wes gottin be ane James

Mitchaell at the kirk of Murthlie upoun Spey within Balveny And being delyverit in hir sisteris hous the blak man cam to her that first came to hir at Lochquhaber And callit him selff ane farie man quha wes sumtyme her kinsman callit Johne Stewart quha wes slane be McKy at the doun going of the soone And therfor nather deid nor leiving bot wald ever go betuix the heaven and the earth quha delt with you tua nyctis and wald never let her sleip persuading hir to let him ly with hir wald give yow a guidly fe And to be dum for haveing teacheit hir to sie and ken ony thing she desyrith He said that gif she spak gentlemen wald trouble hir and gar hir give reassounes for hir doings Quhair-upoun she mycht be challengeit and hurt And upoun the thrid nycht that he com to hir she being asleip and laid his hand upoun hir breist and walknit her And thairefter semeit to ly with her And upoun the morrow she haid na power of hir young nor could noct speik quhair-throw hir brother dang hir with ane branks quhill she bled becaus she wald noct speik and pat ane bow string about hir head to gar her speik And thairefter tuik her three severall tymes Sondayis to the kirk and prayit for hir Fra the quhilke tyme she still continewit dumb going about and deceaveing the people Synding telling and foir shawing thame quhat they had done and quhat theyould do And that be the secund sicht grantit to hir in maner foirsaid She saw Robert Stewart sone naturall to umquhill Patrik sumtyme earl of Orkney with Patrik Traill to quhom she was with bairne and certane utheris with towis about thair craigs in Edmond Callendaris hous at ther afternoones drink befoir the Earl of Caithnes cuming to the countrey And that be plucking of the herb callit Merefow quhilke causis the nose bleid He haid taucht hir to tell quhatsoeverould be speirit at hir Be sitting on hir ryeht knie and pulling and pilling it betuix hir mid finger and thumb And saying of *In nomine patris filii et spiritus sancti* be vertue quherof sche hawoit ane bairne to Magnus Sinclair in Sorne at the desyre of his wyf At quhilke tyme on yule day she confess the devell

quihilk she callis the farie man lay withir At quihilk tyme he bade  
 hir leave Orkney and go home to her awin contrey becaus this country  
 wes Priestgone quihilk he exponit that ther wes our mony Ministeris in  
 it And gif she taryit she wald be hurt AND forder for airt part useing  
 hanting and conversing with the Devell at diverse and sindrie tymes  
 and at severall partis &c &c as at mair length is contenit in the saidis  
 dittayis The said procurator fiscall being personally present and the  
 said defendant being lykwayis personalie present quha enterit on pannall  
 haveing no lawfull caus quhy she sould noct pas to the knowledge of  
 ane assyse Quhairupoun the procurator fiscall desyring the dittayis  
 to be put to the knowledge of ane assyse and the paunall to be accusit  
 therupoun Efter accusatioun the said Elspeth confess the haill poynis  
 of dittay abonewrittin And therfor the Judge remittit the dittayis to  
 the knowledge of ane assyse quham he ordanit to be callit.

## NOMINA ASSISE.

Mr Robert Henderson of Holland	Patrik Vans merchand
Mitchaell Balfour of Garth	Magnus Craigie merchand
James Hendersone	John Sinclair merchand
Thomas Knychtsone	Jerome Chalmeris skiper
David Moncreiff merchand	William Carmichaell merchand
	William Baunatyne of Gairsay
	Robert Sinclair merchand
	Mitchaell Chalmeris merchand
	Danid Ker Kirknes cordiner
	James Deldall merchand
	Patrik Cromertie meriner

Quihilk personnes of assyse being receaveit admittit and sworne but lawfull objectioun of the pannall and removeit out of Judgement nominat

and electit William Bannatyne of Gairsay chancellar And efter dew deliberatioun haid anent the dittayis produceit and haill poyntis therof And reentering on judgement agane the haill assyse be the mouth of the said chancellar fyllit the said Elspeth of the haill poyntis of dittay abonespecifeit And remittit sentence to the Judge and dome to the Dempster Quhilk deliberatioun the Judge than present acceptit And decernit and ordanit the said Elspeth Reoch to be tane be the lockmane to the place of executioun betuix and thrie efter none and to be wirryet at ane staik quhill she be deid And thereafter to be burnt in assis Quhilk the Dempster gave for dome.

*Apud castrum de Scallaway bankis Penultimo Julij 1616.*

*Act anent the tyme of the Heid Court.*—The quhilk day The said Shiref deput with consent of the haill gentlemen sutteris of Court comountie and balyeis Ordaines the heid court to be and begin In all tyme cuming vpoun the last Tysday of July.

*Ultimo Julij 1616.*

*Act anent payment of the Wedmell.*—The quhilk day It is statut and ordanit that the wedmell sal be payit yeirlie In tyme cuming The first day of July.

*Anent slaying of the Earne.*—Item It is statut and Ordanit with consent foirsaid that quhatsumeuer persone or personnes sal happen to slay ane Earne and delyuer the samen to the bailzie of the parochin within the quhilk sho sal be slain The said Bailzie sall caus the personnes

Indwelleris within the seattell quharin she beis slaine To give the slayer therof ane sheip or pryce therof.

*Apud Burrostow in Wallis 27 Junij 1617.*

*Act anent wyld horsis.*—The quhilke day It is statute and ordanit be the said sherif deput with consent of the haill comounes convenit at the said court that ther sal be na wyld horsis keipit conforme to ane act maid of befoir and that na man sall put thair horsis without dykis uncloggit In tyme cuming fra the last day of Maij to the tyme the cornes be put in the yeard under the paine of xl ȝ *toties quoties* as thay sal be apprehendit or takin in the contrar.

*Act anent poundit guidis.*—Item it is statut and Ordanit that na man refus to louse thair guidis being poyndit and lawfullie adverteised therof within sex houris thereafter thaj be aduerteised And the skaith being comprysit That thay give satisfacioun And that thay suffer nocht thair guidis being adverteised as said is to stand xxijij houris thereafter under paine of v ȝ *toties quoties* And if it sal happen the saidis guidis poyndit to befall ony skayth the poynder therof to incur na danger therby.

*Act contra takeris away of poundit guidis.*—Item it is statut and ordanit that na man sall tak away thair guidis furth of ony manes pound the samen being lawfullie poundit privatlie or publiclie be nycht or day without leive of the pounder therof under the paine of x ȝ.

*Apud Scalloway bankis penultimo Julij 1617.*

*Act anent Drunkards.*—The quhilke day It is statut and ordanit be the said sherefdeput with consent of the haill gentlemen sutteris of court

and comones convenit for the tyme That quhatsumever persone or persones beis fund drunk outwith his ludgeing In tyme of lawting sall pay the soume of vj li money *toties quoties* as they sal happen to be fund so to be imployit *ad pios usus* conforme to ane act maid of befoir Quhairounpon the procurator fiscall askis actis.

*Act anent the Wedmell.*—The quhilk day the said sherefdeput Ratifies with consent foirsaid the act maid of befoir in the month of August 1616 yeiris anent the payment of the wedmell yeirlie the first day of July under the paine of xij li money for ilk pack therof.

*Anent chapmen and pedderis.*—The quhilk day forsamekle as ther is diuers and sindrie personnes strangeris quha oppressis his Majesties leidis behaiving thame selues as chapmen and pedderis accompanied with thrie or four at thair backis with swordis and wappounes invasive boasting and minaceing the people and compelling thame to serve thame our ferries and exacting hospitalitie of thame per force Thairfoir it is statut and ordanit In all tyme cuming that no sik personnes travell throuchout the countrey nor na part therof unto the tyme thay come to the sherefdeput for the tyme and find cautioune of thair guid behaviour towardis the leiges under the paine of xl li And that nane of the Inhabitantis of the said contrey ressaue ony sick personnes in thair houssis nor give thame hospitalitie nor seruice for money nor uther wayis without the shereffis testifcat under the paine of x li.

*Anent poundit guidis.*—Item that na man refuis to lous thair guidis being lawfullie poundet and lawfullie aduerteised thairof within sex houris after the said aduerteisement Bot that thay aggrie and gif satisfacioun to the partie and receave thair guidis within the said space under the paine of xl s And if ony man sall deny the guidis lawfulie poundit to be thairis And thairefter the contravener be tryit sall pay the soume

of vj £ the ane halff to the shereff and the uther to the partie And gif ony persone or persones quhais guidis sal happen to be lawfullie poundit soll brek the said pound and privilie be day or nycht steill the saidis guidis away furth thairof without licence of the pounder In that cais the breker soll pay the soume of x £ the ane halff to the partie and the uther to the Judge And that by and attour the sattisfactionoun of the skayth done be the guidis the samen being apprysit Quharupoun the Procurator fiscall askit actis of court.

*In castro de Scalloway bankis 26 Julij 1620.*

*Ratification of the actis anent the Earne &c.*—The quhilke day the said sherefdeput with consent of the haill gentlemen and sutteris of court Rattifies the actis maid anent the ernes corbies quhittrettis and crawis and ordanes the same to stand for this yeir nixt.

*Apud Kirkwall Vigesimo quarto Januarij 1623.*

*Act anent the Pennylandis.*—The quhilke day the Shiref gentilmen and baileis of the earldome being present for the tyme efter ane exact enumeratioun of the pennylandis within the said earldome of Orknay and collectioun of fyve schillingis for ilk penny land of the sam Fand that the fyve schillingis upliftit wald not amount the soume dew to be payit to his Majestie conforme to the actis of Parliament And thairfore all in ane voce consentit and aggreet that sex schillingis shold be upliftit of ilk penny land for this mertimes terme last bypast for supplie and satisfacioun of the first and secund termes payment And be Inbrought and deliverit to Walter Ritchie quhill the nixt terme That ane mair strict stent be maid.

*Apud Kirkwall Decimo Junii 1623.*

*Act anent Forstalling and Regrating.—*The quhilk day the said Shireff deputtis with consent of the Provest and baileis of this Burgh haweing consideratioun of the great povertie and necessitie of the pure anes the skairtie and want of viveris for thair intertenement And for the great abuse of foirstalling and regrating of fisches Hes statut and ordanit That no Inhabitant to brugh or land sall repair to Deirnes St Androis parochine of Holme or Paplay for buying of fisches for this present yeir under the pane of x li *toties quoties* And that the saidis parochineris of Deirnes and St Androis that takis slayis and sellis fisches Sall with convenient diligens efter thay cum of the sea repair to the toun with the saidis fisches and sell thame in the mercat under the pane of x li And siclyk nather pack nor peill at home under the pane of x li And that thay sell nane to merchandis bot in the toun under the lyke paine Ilk persone *toties quoties* that sall happen to contravene the premissis or ony poynt abonewrittin.

*Curia Capitalis vicecomitatus de Orknay et Zetland tenta apud Kirkwall in Insula vocata lie Walhous In templo Sancti Magni ibidem &c septimo et undecimo diebus mensis Novembris 1623.*

*Curia tenta et legittime affirmata.*

*Anent setting of victuall butter bear and meall and heary Cassies.—*The quhilk day the said sheriff principall with advyce and consent of the gentlemen bailyeis of parochines and suitars of court efter long delibera-

tione and good consideracione had be thame for redresse of certane enor-miteis and wrongs cruppin in this countrie be iniquitie of tyme to the great prejudice of the samyne and commounweill theroff Ratifeis the generall actis maid of befoir And wills and ordanis the samyne to be putt to dew executione in all tyme comeing And in speciaill ratifeis that act maid of before that nae man shall sell butter oill nor marts befoir S<sup>t</sup> Androis day nor bear malt nor meall before Lambes day yeirely except to the towne of Kirkwall under the paines therintill contained Item the act maid anent Cassies that nae Cassies be heavier then half a sett in weight under the paines contained in the actis maid theranent.

*Anent the selling of wyne.*—Item it is statut and ordanit be the Shereff with advyce and consent forsaidis that in tyme coming no sort of wyne shall be sold of ane greater pryece nor they sell the samyn in the brugh of Ediburgh under the pane of xl lib *toties quoties*.

*Anent selling of Ale.*—Item it is statut and ordanit with advyce and consent forsaid that nae ale be sold to ane higher pryece then vj d the pynt of xl ſ malt viij d the pynt of iiij lib malt and 10 d the pynt of iiiij lib malt xii d the pynt of v lib malt xiiiij d the pynt of yj lib malt and sua furth accordinglie under the paine of xl ſ *toties quoties*.

*Anent hunting in uther mens lynkis and holms.*—Item Forsamekle as ther is ane gret abuse in hunting shooting and delving in uther mens lynks and holms contraire to the acts of Parliament and divers loveable lawis maid of before Therfor it is statut and ordanit be the said shereff with advyce and consent forsaid that nae man hunt with doggis nor nettis nor shutt in uther mens links nor holmes in tyme coming under the paine of xl lib nor delve in the saids links nor holms nor repair to the saids holmis without leave of the owner under the paine of xl ſ *toties quoties*.

*Anent the selling of fishes.*—Item it is statut and ordanit be the said shereff with advyce and consent forsaid That nae man sall sell fishes to strangers or pakers or peillers of fisches within this countrie or outwith the samen to be sold againe fra the first of Februar to the last day of May yearlie under the paine of x tib and frae that furth that they prefferre ther nighbouris and sell thair saids fishes to the countrie people for that necessitié and Intertainment before strangers give they require the same under the lyk paine.

*Anent selling of butter and utheris be way of regrattting.*—Item it is statut and ordanit be the shereff with advice and consent forsaid for restraining of regrattting that nane buy martis fishes oill butter victuall nor noe sort of vivers at the toun reod nor towne head of Kirkwall nor upon the shore theroff nor within the toun to sell again for ther privie gaine unbrought be any man to be sauld within the toun but bring the samen to the mercatt as they will eschew to be challenged as regrators and punisshed therfor conforme to the lawis daylie practised and actis of Parliament maid theranent.

*Anent the cutting of bent and slos.*—Item it is statut and ordanit be the Shereff with advyce and consent forsaid that nae persone nor persones sall cutt bent nor pull slos in tyme cuming before the feist of Lambemes yeirlie under the paine of x tib.

*Anent setting of land.*—Item it is statut and ordainit be the Shereff with consent and advyce forsaid that nae landed man nor boundman sall sett land frae this tyme to anie persone or persones unles they be able with thair oun goods and gear to labour in the main land and South ylles ane farthing land and in the Northyles ane penny land under the paine of xx tib.

*Anent Sheep doggis.*—Item it is statut and ordanit that it sall not be leisum to keip sheip doggis but sik personnes as are chosen be the bailyies and parishoners whose names ar taken up in ilk parochine already and for the quhilk they salbe holden to answer under the paine of x £ib.

*Anent the goeing to the hill.*—Item it is statut and ordanit that it sall not be leisum to any man at any tyme of day but speciallie efter sunsetting and before sunriseing to goe through his neighbours ologange or comountie with ane sheep dogge except he be accompanied with tua neighbouris famous witnesses And if he be found contrair to the tennor heirof he sall be holdin to pay for his first fault xj £ib and if the secund tyme xij £ib and if the thrid tyme or under the cloud of night being ony way suspect he sall be reputt holden and punishit as a common theife.

*Anent the rowing of sheip.*—Item it is statut and ordanit that it sall not be lesun to noe maner of persone to row sheip urto the tyme they be lawfullie warnit be the baillie to a competent day as they will eschew to be reput and holdin as theiffs and punishit conforme thereto.

*Ultimo Maij 1625.*

*Anent the foul horsis in Deirnes.*—The quhilk day the said Sheref depute Ratefeit the act maid be the baillie of Deirnes with consent of the parochinariis therof Anent the casting of the foul horsis of Deirnes in the . . . tyme over the craig And ordanit the sam to be put to executioun with this provisioun that It be weil knawin and tryit that the horse is foul.

*Act anent the horsis of Deirnes.*—Item It is statute and ordanit be the said shiref depute the said day with consent of the suitteris of court

present for the tyme that no man within the said parochin of Deirnes soould sell ony of thair horsis outwith ther parochin to ony uther man for yeir and day to cum under the pane of jc merk In eais ony man will transport thame to the mercat or ony uthir part of the cuntrie unknawin to the byare.

*Act anent the Claneane.*—Item It is statute and ordanit be the said sherif depute of consent of the gentlemen and sutteris of court present for the tyme In consideratioun of the Clanane quha ar turnit piratis and suspect to cum in this cuntrie to burne slay and spoill the sam And for preventing of thair Invasioun That Ilk baillie within ilk parochine soll convine thair parochineris for thair better Information anent the said Claneane and proclamatioune maid thairanent And soll give ordour for bigging up of all warthis and watching therat baith day and nyeht quha salhaue fewall for fyre to warne the cuntrie And that ilk bound within thair severall parochines salbe in reddines convenientlie provydit in armes and soll ryse with thair said baillie for resisting the said Clanean thair complices and confederatis quhen occasioun soll offer under the paine of ten pund And that Ilk baillie appoint ane chalk watche for attending the ordinarie watche quha incails of sleiping or absens soll pay the lyk paine.

*Apud Skallowaybankis in castro ibidem*  
*Septimo Novembris 1625.*

*Act anent the demolishing of the houssis of Lerwick.*—The quhilk day S<sup>r</sup> Johne Buchannane of Scottisraig knycht justice and shereff principlall of Orknay and Zetland being informit of the great abominationoun and wickednes committit yeirlie be the Hollendaris and cuntrie people godles and propane persones repairing to thame at the houssis of Lerwick quhilk is a desert place To the venteris of heir thair quha as ap-

peiris voyd of all feir of God and misregarding all ciuell and ecclesiasti-  
call governement in thair drunkenes and utherwayis committis manifest  
bludshed In hurting wounding and sumtyme slaying utheris and mony  
tymes hurting wounding trubling and abusing the cuntrie people And  
also in committing manifold adultrie and fornicatioun with women ven-  
teris of the said beir and utheris women evill Inclyned quha resortis  
thither under pretext of selling of sokis and utheris necessaris to thame  
And in the meantyme committis manifest theft in stealling off purssis from  
the Hollenderis and sic utheris thingis as thay can lay thair hand on  
Quhairby enszewis great prophanes and blasphemie of the name of God  
by leing banning and swearing to eullour thair wickednes and falshead  
And In consideratioun that the brethren of the presbiterie hes meanit  
this great abuse prophanatioun and wickednes to him Thairfor the said  
shereff principall efter gud deliberatioun knawing that the houssis of  
Lerwick ar the retreat of thais propane persones and the caus of thais  
abominable sines and wickednes and that thay ar buldit and haldun for  
gaine at thais evill Inclynit persones handis with consent of the maist  
part of the awineris of the said houssis Ordaines the said houssis to be  
utterlie dimolished and downe cassin to the ground be the haill awineris  
thairof Att the sight off Laurons Sinclair of Hous baillie at Buray and  
Gilberwick James Sinclair of Skalloway baillie of Tingwall James Kin-  
tore baillie of Quhytnes and Wysdaill and Laurens Gifhart baillie of  
Brassay betuix and the secund day of Februar nixtocum Ilk awiner  
under the paine of xx lib And siclyk ratifeis and approwis the generall  
act maid of befoir be Mr William Levingstoun lait sheref deput of Ork-  
ney and Zetland haill gentlemen and sutteris of court present for the  
tyme of the dait the thrid day of August 1615 yeiris Quhairby It was  
statute and ordanit that no persone nor persones sould resort to Brassay  
Sound for furnishing and wenting of beir to the Hollendaris under the  
paine of xx £ *toties quoties* and that the awineris of the houssis sould  
demolish thame and sould suffer nane to big nor mak residence thair

at ony tyme thairefter under the lyke paine with this speciaill addition that no women of quhatsumeuer rank or qualitie sall repair to the said Sound syd for selling of sockis to the said Hollendaris or bying of necessaris from thame Bot sall caus thair husband thair sones or servandis sell and buy fra thame As thay will eschew to be repute and haldin commoun and prophane adultereris and punischet thairfoir at all rigour.

*Apud Kirkwall Decimo tertio Decembris 1625.*

*General Act anent the resisting of the Enimie.*—The quhilk day the Bishop Shirreff baillies and sundrie gentlemen being convenit for setting downe ordour how the enimie salbe resistit incrais of ony Invasioun It is concludit and aggreet upon That all maner of man sall convine with all possible diligence at Kirkwall in thair best array immediatlie efter as thay sall sie the warth of Weitfurdhill in fyre And thairfra to follow directioun to that pairt quhair ony Invasioun salbe And for the better effectuatting thairof It is ordanit that all maner of man that hes boittis sall haue the same in redlines sufficientlie provydit and water tight for transporting of men armes and utheris necessaris And that ilk baillie sall sie the samen done within his awin boundis And that the said baillies with all diligens sall appoint ane place within ilk ane of thair bailliereis quhair the people sall convine that thairfra thay may resort to Kirkwall as said is And that it may be the better persawoit be the haill cuntrie quhen the warth of Weitfurdhill salbe on fyre It is ordanit that ilk baillie within his awin boundis sall appoint ane competent watche to attend thairupoun And immediatlie upon the sycht of the fyre of Weitfurdhill to put thair warth in fyre that warneing may be gevin to the rest of the cuntrie As also it is concludit that all the baillies salbe advertised that they inroll all maner of personnes quhat waponis thay haue and be the

advyse of some of the most discreet men of his baillerie mak ane note quhat wapponis eny man is hable to use and carie and quhat he is hable to buy.

*Apud Kirkwall Octavo Novembris 1626.*

*Audent slaying of the earn.—*The quhilc day It is statute and ordanit be the said shiref depute with consent of the gentlemen and suitteris of court being present for the tyme That quhatsunever persone or persones sall slay ane earne sall have of the baillie of the parochine quhairin It salhappin him to slay the earne viij d for everie reik within the parochine Except cottaris that hes no scheip And xx s to Ilk persone for Ilk earnis nest It salhappin thame to herrie And thay sall present thame to the baillie And the baillie salbe haldin to present the head of the said earne at Ilk head court.

*Sexto Februarij 1628.*

*Ratification of the Act anent sheip doggis.—*The quhilc day in presence of Mr John Dick and Robert Monteith of Egilshay Shireff deputis of Orknay with conseut of the haill gentillmen and suitteris of Court and commonalitie present for the tyme Ratefeis the haill actis maid of befoir be Harie Stewart and Mr William Levingstoun Shereff deputis for the tyme &c And in speciall that act anent keiping of sheip doggis That no man sould keip sheip doggis except thoise quha wer or sould be nominat be the Shereff or baillies of the severall parochines of the cuntrie With this additioun that no man sall keip running doggis that runnes fra hous to hous or throw the cuntrie slacing thair nychtbouris sheip under the lyk pain contenit in the said act.

*That nane row or tak sheip on Sonday.*—Item it is statut and ordanit be the said Shereff deputtis with consent forsaid That no maner of persone shall row or tak sheip on Sonday under quhatsumever culour under the pain of x *£*i.

*Anent transporting of tannit ledder.*—Item Forsamekill as it is complit be the Inhabitantis of the cuntrie That the hydis barkit ledder and talloun ar transportit furth of the cuntrie quhairby thay cannot have shoone to serve thame thairnes and servandis necessities nor talloun for geveing thame lycht Thairfoir and after gude and mature deliberatioun It is statut and ordanit be the saidis shereff deputtis with consent forsaid but ony oppositioun in the contrair That no maner of persone in na tyme cuming shall transport ony barkit or tannit ledder or talloun furth of the cuntrie unto the tyme it be offerit to the shoomakeris of the toun or gif within ony parochin to the baillie quherby the cuntrie may be servit under the pane of x *£*i and confiscaition of the transportit gudis.

*Apud Kirkwall Septimo Februarii 1628.*

*Act anent Commissionaris for Parliament.*—The quhilke day In ane head court haldin at Kirkwall and continewit to this day Compeirit Robert Monteith of Egilshay Shiref deput of Orknay and Zetland And conforme to the eustombe observit within shirefdomes desyrit Commissionaris to be chosin for Parliament and Conventiouns for that yeir The baill gentilmen and switteris of court for the maist part being personalie present Efter gud advyse and mature deliberatioun had be thame theranent Declairit that they wer not sick persones as sould compear in Parliament or Conventioun Seing thair was nather barroun nor burges within the said shirefdome nor men of that qualite to chuse or mak choise of for comperance in Parliament or Conventioun And that in

respect of thair estait and Inabilitie being bot meane gentilmen and fermoraris Quhairupoun the said Robert Monteith of Egilschay askit actis of court and Instrumentis.

*Anent Pundlaris and Bissmers.*—The quhilke day the said Shereff deputis with consent forsaide Ratefeis the act maid of befoir That all pundleris and Bissmers salbe markit with the mark eallit the Kingis mark under the panis contenit therintill With this additioun That everie pundlar salbe justit and maid equall with the Kingis pundlar And that nane have Bissmers nor pundlaris of greater weight under the paine of xl £ nor have tua stausis to ane pundlar under the lyke paine.

*Apud Skallowaybankis 3 Septembris 1628.*

*Act anent the Ministrie of the directing of thair sentcnces to the Baileis.*—The quhilke day The said sheref deput with consent of the Ministrie gentilmen and sutteris of court Ratefeis the act maid the thrid day of August 1617 yeiris with this aditioun that the Ministrie direct thair sentences to the baileis Quha soll caus the samen be put to executioun under the paine of deprivatioun And In cais of refusall the kirk officer be thair directioun to put the samen to executioun.

*Act anent Justing of bissmeris and utheris missouris.*—The quhilke day Ratefeis the act of the dait forsaide anent Bissmeris and fals wechtis with this aditioun That William Dempster soll just the bissmeris at the baillie of the parochines sight and seal the samen ffor the quhilke the auner salbe haldin to give him the soume of tua schillingis And ane being set the baillies tak ordour with the Justing of thame yeirlie And that the saidis baillies tak ordour yeirlie within thair seuerall parochines

with stowpis canes and utheris missouris under the paines contenit in the actis of Parliament.

*Act anent corbies and earnis.*—Ratefeis the act maid anent Corbeis and Earns for the space of thrie yeiris.

*Act anent rowing of sheip on Sonday.*—Item It is statut That name tak . . . . . nor row sheip on Sonday under the pane of x ti.

*Act anent going to uther mens holmes.*—Ratefeis the act maid anent going to uther mens holmes with this aditioun That the ane halff of the penaltie salbe to the delaitter and auner And the uther halff to the Shereff The said Shereff always haueing the modificacion in his will.

*Act anent ryding of marchis.*—It is statut That the baillie of Ilk parochin accompaniet with twelff of the honestist of the parochin sall ryd the merchis of the parochin yeirlie betuix the ffirst of October and last of Aprill And if ony wrong salbe fund that the samen salbe debeatte at the heid court quhairby ordour may be takin as effeiris under the paine of deprivation.

*Act anent ryding and cutting of uther mens horsis taillis.*—Ratefeis the act maid anent ryding of uther mens horssis and cutting of their taillis with this aditioun That baith the ryder and cutter of the taill salbe punished as Theiffis.

*Apud Kirkwall Vigesimo primo Januarij 1629.*

*Act anent the Increasing of Thift and Wobsteris.*—The quhilk day Forsamekill as the cryme of thift daylie Incessis and hardlie can be

tryit and speciallie on the particularis following viz In the first In rowing and pulling of utheris mens shcip and stealling of ther woll Thairfoir It is statut and ordanit be the said shireff deput with consent of the haill gentilmen and snitteris of court present for the tyme that all Wobsteris both in toun and land sall twyse in the yeir To wit the first lawfull day of November and the first lawfull day of May yeirlie giff up Inventer uponn ther greit aith and conscience of all wobbis gevin in to thame and woven be thame be ony persone or persones be quhome it is gevin in And of the lenth and breid therof To the baillie of the quarter within the towne and to the baillie of the parochin outwith the toun under the paine of v li *toties quoties* That Inventar being gevin up The saidis baileis at the first court thairefter may acquaint thair parochineris therwith And giff ony suspiciooun or just cans of challenge be fund in ony persone In that eace that thay may be delaittit to the Sheref that ordour may be takin theranent as accordis of the law.

*Act anent Smythis.*—It is statut and ordanit be the said Shiref deput with consent forsaid That no smyth nather within the toun nor parochines sall buy ony maid wark sick as kees pleuch irones Tuskardis spaidis nor uther maid wark nor ony thing that hes bene maid work unles the seller find burch for the samen quhilk they salbe haldin to geve up in Inventar the first laufull day of November and the first laufull day of Maij yeirlie to the baillie of the quarter within the toun and to the baillie of ilk parochin within ther seuerall ylis and parochines under the pane of x li *toties quoties* That Inventar being gevin up be thame upon ther greit aith and conscience to the saidis baileis at the first court thairefter may acquaint thair parochineris therwith And if ony suspiciooun or just caus of challenge be fund in ony persone In that eace that they may be delaittit to the Sheref that ordour may be taken theranent as accords of the law.

*Vigesimo tertio Januarij 1629.*

*Act anent electing of Commissioneris.*—The quhilk day the gentilmen and suitteris of court efter lang deliberatioun haid be thame conforme to the former act acceptit upoun thame to mak chois of ane Commissioner bot becaus of the intemperancie of the wedder and greit haiszard to trawell be sea quhairthrow ane great number of the gentilmen wer absent Desyrit that the electioun mycht continew to the second day of Marche at quhilke tyme they wald convene and warne the absensis to be present for electing of ane Commissioner to pled for exemptioun.

*Penultimo Januarij 1629.*

*Anent Members of Court.*—The quhilk day Abrahame Stevensone is electit In procurator fiscall and George Anderson In Dempstar Quha acceptit the office upoun thame and maid faith and Oliver Smyth In Lockman.

*Anent the ignorant contempt of Dempsteris.*—The quhilk day Beacaus of the ignorant contempt of Dempsteris and of ther office Thairfair It is statut and ordanit that quhatsumever he is that reprovis or reproaches George Andersone now electit In Dempster sall pey the soume of x ti tolies quolies.

*Sexto Novembris 1632.*

*Anent gripping of landis and guidis.*—That nane grip his nighbouris landis under the paine of ten pund Item that nane grip his nighbouris

guidis under the paine of vj ti by the restitutioun of the guidis and the profeit.

*Anent clenissing of houssis.*—It is statut and ordanit be Mr Harie Aitken Shereff deput of Orknay with consent of the gentlemen and suittaris of court present for the tyme That no removars from housis soll dimolisch the same in haill or in pairt nor tak tymmer door windois furth thairof althogh biggit be thameselfis under the paine of twentie pundis the ane halff to the Shereff and the uther to the pairtie interest And that by and attour the reedifying of the houssis under the lyk paines.

*Anent corne yairds.*—Item that all men mak thair corne yaird dykis sufficient And that no corne . . . be maid for cornes aittin within yaird except to nighbouris for unmarkis dwelling in the same toun.

*Anent fieing of servands.*—Item Ratifies the act maid anent feing of servandis and that nane ressave nor keip ane uther mans servand contenit thairintill under the paines contenit in the said act With this additioun That no man ressave ane servant out of ane uther parochine but ane testimoniall of the Minister or baillie under the lyk paine And incails servandis be fund fugitives fra thair maisteris In that caise the baillie of the parochine quhair out of he is fled soll caus him to be joggit at the kirk door upon Sunday fra aucht houris in the morning quhill twelff houris at noon And incails it soll happen sick vagabondis servandis to fie thameselfis to twa maisteris In that cais the first maister to have the service or to except the fie at his optioune And in cais it soll happen ony servand to fie thameselfis with ane new maister and not to enter to his service In that cais the detener soll pay the fie to thame quha fied him.

*Apud Kirkwall undecimo Novembris 1636.*

*For restraneing of servantis from going out of the cuntry.—* The quhilk day Anent the supplicatioun gevin be Dauid McClelland Chalmerlane deput of Orknay To the saidis schiref deputis Quheroff the tennour followis Unto your Lordships the Shireffis and gentilmen Suittaris of court present I Dauid McClellane In name and behalff of the haill bodie of this cuntry Schewis that thair is ane great abuse thairin be reassoun of a custome too common of servantis leaving the cuntry and flieing away uppon schippis frequenting the coast Quherby the land is liklie to becum desolat and unmanurit throw want of servantis (sik as ther are presuming upoun thair sea trade as they call it) ar becum so Insolent that unles they haue sik conditionis as thay require thair is no keiping nor having of thame So that it is not possibill to have the countrie againe labourit as it was of beffoir nor his Majesties dewties satisfied as they anght to doe Unles your Lordshipis and gentilmen present provyde sum tymous remeid thairto Heirfoir I in name forsayd earnestlie besikis your Lordshipis to tal this in Consideration and to acquent his hienes Counsall thairwith that thay may meane the samyn to his Majestie Quherby this flieing away of servantis may be restrained ffor labouring up of the cuntry that his Majesties dewties may be the better satisfied in tyme cumming and your Lordshipis answer as the said supplicatioun at mair lenth bearis The saidis shiref deputis findis the supplicatioun releiffand and with consent of the gentillmen present Ordaines that warrand sall be direct to the baillie of ilk paroch ffor restraineing of servantis from goeing out of the cuntry without the testimoniall of the baillie and minister with twa or thrie eldaris under the paine of ten pundis to be poyndit of thair readiest goodis they leife behind thame or utherwayis at thair retурne giff they want gudis they to be sent in to the shireff to be punisht in thair bodies And ordaines that ane suppli-

cation be maid and direct to the Counsall for procureing ane power to restrain the shippis to intak the saidis servantis.

*Act anent goeing ashipboard.*—The quhilk day The Act anent going aschipboard is ratified with this additioun That be reassoun of the rumour of the plague abroid in uther cuntreyis That no man sall goe aschipboard of quhatsoever schippis frequentis the coast under the pane of cloasing up thair houssis for xx dayis and thairefter of the soume of xx ti to be dewlie exacted And ordaines the samen to be published at the paroche kirkis both of the Yles and Mainland &c.

*Apud Kirkwall Quarto Novembris 1640.*

*Act anent Servantis.*—The Qubilk Day In presens of Thomas Buchanane and Maister Harie Aitkin Shiref deputis of Orkney haill gentrie and baillies of the severall parochines convenit for the tyme It is statut and ordanit In respect of the multitude of servandis that ar gone of the cuntrey That ilk parochin salbe servit be the servandis that ar within thameselfis ffor the space of ane yeir And that nane leave the parochins quhair thay presentlie dwell till the samen be sufficientlie servit at the sight of the Baillies and elderis thairof And that na servand leive thair parochinis without ane Testimoniall of the said Baillie and elderis under the paine of ten pundis to be peyit alsweill be the servand as resetter Lykas it is ordainit That the said Baillie of ilk parochin with the particular personis efter namit sall tak tryall and cognitioun within thair severall boundis how the Inhabitantis ar provydit of servandis and to tak from those that have mae nor is necessar ather thair sonnes dochteris servandis cottaris Inmen Inwemen or boyis that may be spared until all be als equallie servit as may be The personis nominat in ilk parochin with thair Baillie ar these viz Harie Spence John Ewinsone and

David Halero for the parochin of Sanct Olaw Edward Sinclair of Es-sinquoy James Baillie David Kineaid younger and David Langskail for St Androis parochin The said Essinquo being present Gilbert Irwing and William Paplay for Dearnies Robert Stewart of Brugh John Mowat of Burwik John Grott John Cromartie younger and John Mowat in Marsetter for the yle of Southronaldschay Thomas Sklatter James Corregill and John Tailyeour for Firth William Sklatter and Gilbert Knarstoun James Loutit James Linklatter Robert Hey and Andro Germestoun for Harray and Stanehous David McClellane Chalmerlane Alexander Kircum Alexander Philp John Ingsay in Bea William Johnstoun and Robert Laneskaill for the parochin of Birsay Adam Bellenden younger of Stanehous Patrick Murray Magnus Hourstoun and Edward Sinclair in Vingar for Evie Adam Bewis James Corrigill and Henrie Linklatter for Rendell Gilbert Sinclair Jarves Traill Magnus Craigie James Hamiltoun for Rowsay Patrik Balfour Walter Sinclair John Rendell and Andro Beinstoun for Westray Thomas Traill Magnus and Oliver Hwysone for Papa Westray Edward Stewart of Brugh James and Oliver Cokis Edward Scolay Thomas Henrysone William Burgar James and John Scottis and Jerhome Fothringhame for the yle of Sanday James Maxwell of Mariekirk Malcolme Mowatt Oliver and Malcolme Feais and Oliver Rowsay for Stronsay Patrik Smyth of Braco William Sinclair of Greinwall Magnus Gareoch in Braquoy Bernard Kirkbrek in Kirkbrek and Andro Langskail in Dewero for the parochin of Holme Hew Sinclair of Damesay Andro Murray of Butha James Robertsone and Robert Flett for the parochin of Orphair with thair baillie James Mudie of Melsetter James Mowat in Thurso Ronald Bernardsone and Gilbert Chalmer for the yle of Wallis Hew Halero of that Ilk Edward and Hew Mowattis for the yle of Hoy Jerhome Turlloch of Whome Edward Sinclair of Nes John Beatoun of Clouk and Magnus Broun for the parochin of Stromnes Edward Sinclair of Clumlie Patrik Miller Magnus Irwing Alexander

Linkletter of Linklatter and Hew Hourstoun for the parochin of Sandwik William Irwing of Garstae James Haddell James Irwing and Walter Haddell in Lintoun for the yle of Schapinschae Quhilkis personis with thair severall Baillies ar appoynitit to tak sik course within thair severall boundis for ordaineing fies of servandis according to the qualitie of the persoun that servis and that they exced not use and wount within thair severall parochines or yles And the refusar of his sone dochter servand woman or man appoyntit to serve ane uther for thair necessitie ar ordanit to pey ten pundis to the shireff and xij £ iiij d ilk night besyd to the partie interest quhill they be servit And ordanis the said Baillie and elderis to rigithe the complaintis of the servantis complaineing for want of payment within the space of ane yeir The Baillies present have maid faith for doing thair dewtie in the premissis and ar appoyntit to tak the aithis of thair elderis at thair meitingis As also ordaines these to be published at the paroche kirkis.

*Act contra Cordinaris.*—The quhilke day The saidis shereff deputis being judiciale convenit with the gentlemen and suitaris of Court present for the tyme And having consideratioun of the exorbitance of the pryce of Cordinaris and the dewlie complaintis and outcryis maid thairanent have for the good and profit of the Commonwealth Statut and Ordanit That In tyme cuming the saidis Cordinaris shall mak good and sufficient work for twentie penneyis the Insche of dowbill solit shone and for xij d the Insch of sufficient single solit shone And quhair bairnis dowbill solit shone have but ane seame they shall exact no more but xij d for the Insch thairof under the paine of xl £ to be peyt *toties quoties* to the Shereff be the Contravenar And giff the saidis Cordinaris shall happen to be negligent of thair callingis and becum ydle so oft as they shall be so tryet they shall pey iij £ And for the working of ilk hyd In the awneris hous they ar dischraigit to exact any moir nor xx £ with thair Intertainment Lykas all personis ar Inhibit and dischraigit

to sell any ledder out of the Cuntrey under the paine of ten pundis to be peyit *toties quoties* be the seller therof And confiscaicoun of the ledder boght be the buyar to the shirreff And this is ordanit to be Intimat at all the paroch kirkis within this shirefdome.

*Act contra Ferrieris.*—The quhilke day It is statut and ordanit be the saidis shirefdeputis with consent of the gentlemen and suitaris of Court present for the tyme That the fraught ower Pentland firth in tyme comeing shall be no moir nor xlviij s In ane greit boit And xxx s In ane small boit ower Wattersound xij d over Holme sound iiij s over Rowsay sound ij s Fra Rowsay to Westray xij s Fra that to Papa ij s Fra Westray to Eday vj s Fra that to Sanday vj s Fra Halknes to Houp iiij s Fra Haloys to Strynie vj s Fra Rothisholme to Schapinscha xijj s iiiij d Fra Schapinscha to Work iiij s Fra Kirkwall to Elwik vj s to Gairsay vj s to Rendell vj s to Evie x s to Rowsay xij s to Egilscha xij s to Rapnes xl s to Towquoy in a greit boit l s to Spurnes in Sanday in ane greit boit l s In ane small boit xxxvj s To Stronsay in ane greit boit xl s To Ethay xxiiij s Item fra Seapa to Wallis xxiiij s To St Margaretshoip xvij s Fra that to Holme viij s Et e contra throw all saidis ferries And the exacter of any mair shall pay the triple worth of the fraught *toties quoties*.

*Apud Kirkwall vigesimo sexto Maij 1641.*

*Act for repairing the Brig of Waith.*—The quhilke day It is statut and ordanit that for reparatioun of the brig of Waith the parochines of Stromnes Sandwik Harray Orpher and Stanehoups shall be thair haill Inhabitants day about work at the said Brig and the Inhabitantis of Stromnes to enter the acht day of Junij nixt And the rest of the saidis Inhabitantis of the uther parochines day about thereftir ilk housholder under the paine of ten schillingis And ordaines John Grahame of Breknes

and Edward Sinclair of Nes to attend the work Sandwik to work the nynt day Harry the tent Orpher the elevint and Stanehous the twelf.

*Act for repairing the Brig of Scapa.*—Lykas It is Statut and Ordanit that the Inhabitantis of the parochin of Sanctolla soll enter to win stanes for bigging a pend to the brig of Scapa upoun the nynt day of Junij nixtocum Ilk hous under the paine of ten Schillingis.

*That warthis be furnisit.*—It is ordanit that ilk bailyie soll furnis that warthis with all diligence of all necessaris.

*Act for selling of wyne.*—It is statute and ordanit That all wynis soll be sauld at the pryces for the quhilkis it is sauld in Edinburgh viz ane merk for French wyne and the sek for twa merkis under the paine of twentie pundis *toties quoties*.

*Apud Kirkwall Primo Junii 1642.*

*Act in favouris of the Procurator Fiscall.*—The quhilk day the Sheref deputis ordaines Robert Tulloch Chalmerlane of the lait Bishoprik of Orkney to pay to Abraham Stevinson Procurator fiscall of the said Sherifdome the diewtie accusmat to be payit for his service in the said office furth of the said Bishoprick quhilk is ane meill of meall yeirlie.

*Apud Kirkwall de Yairds die sexto mensis Augusti 1644.*

*Anent conservatorie of all the precciding acts.*—The quhilk day the said shereff principall remembiring that the certaine tyme of the thrie yeirly head courtis not designit be ane act herto for albeit be ordinarye custome yeirly observed and considering the weill of his Majesties vas-

sellis quho are tyed to give suitt and presence at the saids head courtis if the saids meatings be particularlie enacted without alteration or change upon occasione or at pleasure of succeeding of sherreffs Thairfor it is statut and ordainit be the sherreff with consent of gentlmen and utheris of this court that the thrie yeirly head courts sall be constantly upon the thrid Thursday of January the secound Teusday of Junii and the secound Teusday of November And that thair meitings be advertisit in tyme comeing.

*Anent the publication of the actis.*—Item forsameikle as this present court considering the vertew and power of the generall bygone acts and statuts of this country to be most necessare and able in themselves to remend all discords injuries and wrongs that may arryse within the country and disturb the peaceable government thairoff yett conseaveing that the seldome publicatione of the samyne at heid current and bailye courts in the severall ylles and parochs hath occasioned excuses of pretendit ignorance be the transgressors thairoff and that the neglect and slouth in the executione of the saids Actis may mak them unprofitable to the country as if the samyn had never bein maid Thairfor it is statut and ordainet be the said sherreff with consent of the gentlmen and suittars of court present for the tyme that the wholl saids generall acts sall be publickly read in a solemne way be the sherreff clerk att everie head and current court yearly and imediately efter the fensing thairoff and that every bailye in his parochine cause quarterly reid the samyne be his clerk imediately efter the fensing of his bailye court And to this effect its ordainit that heirwith thair be receavit be every bailye ane authentick double of the saids generall actis subscribit be the sherreff clerk and quhilkis are heirby ratifiet in the haill heids articles and clauses of the samyne.

*Anent examinatione of Ranselleris.*—Item that the severall ransellers in every paroch solemnly sworne upon thair great oath and putting thair

hand to the bible and strictly examined be the sherreff and his deputt in thair current courts nixt and immediatly efter the fensing thairof and of publicatione of the saids actis and at thair declaratione of all thifts bloods ryatts witchcrafts and others transgressors of the saids actis that sall happin to be committit and knawin to thame fra the current courts immediatly preceding.

*Anent tryall of Bailyies.*—Item that the paroch being convenit in the current court befor the sherreff and his deputs be tryitt and examinet outwith the presence of thar bailye and in presence of thair minister if need bees anent the behaviour and cairage of the bailye in his office and uplifting of his services and day woorcks That accordingly his just commendatione in administratione of justice may be knawne without declaracione or calumnie in the contraire or that in caice of malversatione in his place be injustice or of oppressione of the poore be exactione of unlauffull service such order may be taken thairwith according to the tennor of severall of the saids generall actis maid thairanent.

*Anent the common gadge of peatts.*—Item it is statut and ordanit that all peatts sold or bought within the toune of Kirkwall sall be measured be ane comon gadge of tenn foott allwayes ilk foot containing twelve inches And this becaus of frequent stryffs and debates that does fall out in the said towne betuixt the buyar and sellars thairoff.

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LIST AND CERTIFICATE  
OF THE NUMBER OF EXAMINABLE PERSONS  
IN ORKNEY AND ZETLAND.

MDCCXLVIII.



LIST of the PARISHES and ISLANDS within the EARLDOM of ORKNEY and LORDSHIP of ZETLAND (exclusive of the BISHOPRICK of ORKNEY) and of the Examinable Persons in each Parish and Island, Heads of Familys, Days Services (being three yearly out of each Family due to the Baillies) and their Perquisits of Wattle and Custall Penny besides their Emoluments.

ORKNEY.

PAROCHS.	No. of Examin- able Per- sons.	Heads of Family's.	Days Services.	Value of the Wattle and Custall Penny.	STERLING.		
					£	SH.	D.
Birsay and Harray	1600	400	1200	10 0 0			
Firth and Stennes	750	187	561	4 13 6			
Evie and Randall	1200	300	900	7 10 0			
Saint Olla	400	100	300	2 10 0			
S <sup>t</sup> Andrews and Deerneſſ . .	1200	300	900	7 10 0			
South Ronaldshay	1800	325	975	8 2 6			
Stronsay and Eday	1000	250	750	6 5 0			
Sunday . .	1300	325	975	8 2 6			
Westray and Papa							
Westray . .	1200	300	900	7 10 0			
Rouſay and Egilshay	700	175	525	4 7 6			
	10650	2662	7986	66 11 0			
7986 Days Services converted at a half a Merk Scots each is . . . . .					221	16	8
Perquisits of Wattle besides Emoluments of Court					66	11	0

## ZETLAND.

PAROCHS.	No. of Examin- able Per- sons.	Heads of Familys.	Days Services.	Value of the Wattle and Cus- tall Penny.	STERLING.					
					£	SH.	D.	£	SH.	D.
Dunroffness Sand- wick and Coningf- burgh . .	1600	400	1200	10 0 0						
Lerwick and Gul- berwick . .	1300	325	975	0 2 6						
Nefting Luna Sting										
Whalfay and Sker- ries . .	700	175	525	4 7 6						
Fettlar . .	500	125	375	3 2 6						
Unft . .	600	150	450	3 15 0						
Yell . .	800	200	600	10 0 0						
North Mavin . .	600	150	450	3 15 0						
Delting . .	600	150	450	3 15 0						
Aithfting and Sand- fting . .	700	175	525	4 7 6						
Whiteness and Wif- dal . .	500	125	375	3 2 6						
Tingwall . .	600	150	450	3 15 0						
Bressay and Burray	600	150	450	3 15 0						
	9100	2275	6825	61 17 6						
Services converted as above	.	.	.	.	189	11	8			
Custall Penny . .	.	.	.	.	61	17	6			
					£	539	16 10			

WE Mr Hugh Mowat Minister of the Gospel in Evie and Randal Mr John Yule Minister of Kirkwall and S<sup>t</sup> Olla and Mr Matthew Cleghorn Minister of Rousay and Eaglelay Do hereby Declare that we believe the computation within mentioned of Ten thousand six hundred and fifty examinable persons for the different parishes and Islands within the Earldom of Orkney to be reallie below than above the real number which is particularly the case as to the parishes whereof we are respectively Ministers Subscribed at Kirkwall the twenty-fifth day of February 1748.

HUGH MOUAT

JO. YULE

MA. CLEGHORN

WE George Traill of Hobister late Chamberlain of the Earldom and Donald Groat of Newhall late Chamberlain of the Bishoprick of Orkney Do hereby Declare that the within List of examinable persons in the different parishes and Islands of the said Earldom amounting to Ten thousand six hundred and fifty is according to the best of our belief and knowledge below the real number of examinable persons within these parishes and Islands And We further declare that it consists with our knowledge that in several of these parishes and Islands there are certain days services and duties of Wattle &c. payable to the Baillies who commonly exact one Shilling Sterling for the deficiency of one years service in a family And we likewise declare that we believe the like services and duties may be due and payable in the other parishes and Islands wherein we are not so particularly acquainted Subscribed at Kirkwall the twenty-fifth day of February 1748.

GEO. TRAILL

DO. GROAT

J O U R N A L  
FROM KIRKWALL TO EDINBURGH.

---

		Miles.
From Kirkwall to Holm	- - - -	6
Over the ferrie of Holmsound horse boat is 2 ½ Ster.	- -	4
From Holmsound to Waterfound	- - - -	1
Over the ferrie of Waterfound horse boat is 1 ½ Ster.	- -	1
From Waterfound to Piętland firth	- - - -	7
Sir Ja. Sinclair at Kerse	Over Piętland firth fraught is 4 lib Scots	- - 12
Sir Ja. Dunbar at Acringill	From Piętland firth or Duncansbay to Wick	- - 12
Olbister at Claith	To Claith	- - 8
	To the Boarg	- - 10
	To Aufindail	- - 3
	To Helmsdail	- - 3
	To Loth	- - 4
My Lord Stranaver	To the brig of Brora	- - 5
	To Dinrobin	- - 3
	To Ferrie unes wher fraught is 2 ½ Scots for man and horse	3
Sir Will. Gordon of Delfolie at Innerbreckie	To Dornoch	- - 3
	To Ferrie Portincoulter wher fraught is 4 ½ Scots for man and horse	- - 3
	To Tain	- - 3
	To ferrie Innerbreckie wher fraught is 4 ½ Scots for man and horse	- - 6
Mr Ja. Broady of Whithill	To Rosmarkny	- - 6
	To ferrie Ardershire and over fraught is 6 ½ Scots	- - 2

		Miles.
Laird of Broady	To Nairn	6
	To Forres	6
	To Elgin	6
<i>Note.—If you go to Cullen you must go by the boat of Boge</i>	To the boat of Boig fraught is 1 ½ Scots man and horſe	7
	To Milbain	2
	To the milns of Towy	3
	To Divron watter	5
	To Whitlums	4
	To the kirk of Clett	3
	To Scots milns	3
	To the Brigend of Knokendo	4
	To Lemphanan	3
	To Kinkern of Nile (Kincardine O'Neil)	2
	To Die	1
	To Cutifillick	4
	To Fetterkairn	10
E. of Paumure	To Brichan	7
	To the 8 mile house	8
	To Broughtie ferrie	8
	Over the ferrie fraught is 6 ½ Scots for man and horſe	2
	To Couper	6
	To Kennua	6
	To Kircaldie	6
	To Kingorn	2
	Over the Watter to Leith fraught is 12 ½ Scots for man and horſe	7
	To Edinburgh	1



DOCUMENTS RELATIVE TO THE  
PRINTERS OF SOME EARLY SCOTTISH  
NEWSPAPERS, ETC.  
MDCLXXXVI—MDCCV.



## SCOTTISH PRINTING.

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[The following Papers will serve to illustrate the censorship of the Press, at one time established in this country, and the history of some early Newspapers, “Prognostications” or Almanacks, and other minor specimens of Scottish typography, from “*one wounded heart sacrificed in tears,*” to “*the decencie and ornament of a border of skeletons, mort-heads, and other emblems of mortality.*” They seem to stand in need of no explanation; but it is right to record, that they have been collected, and carefully transcribed for insertion in this place, from the Registers and original Warrants of the Privy Council of Scotland, by the care of a gentleman, to whom the Club has on many other occasions been indebted for ready and valuable assistance, Mr Macdonald, of the General Register House.]

*Act in favour of Mr. Robert Blaw for printing a Manual—*  
4 MAR. 1686.

TO THE RIGHT HONORABLE THE LORDS OF HIS MAJESTIES  
PRIVY COUNCILL The humble Petition of MR ROBERT  
BLAW, Doctor of the Grammar Schooll of Portsburgh,

*Sheweth,*

That wher the petitioner having compiled from many  
Authors a little Book intituled *Syntaxis Vernacula, vel Nova*

*et facilis methodus Compositionis*, which will not only be vfe-  
full towards the erudition of youth, bot alſe for reviveing the  
memory of the elder in that which they have read on the ſub-  
ject, and which is approven by the Masters of this University  
under their hands; And ſince your Lordſhips have alwife bein  
in vſe to give encouradgement to fuch undertakings,

It is therfor humble desired your Lordſhips wold be  
pleased to grant allowance to the Petitioner or his  
order, for the foie printing, reprinting, vending or  
felling of the ſaid Little Manuall for fuch a ſpace  
as is ordinar and you ſhall think fitt; And wold  
diſcharge all other perſones from ſo doeing during  
that ſpace, under the pain of conſiſcation of the  
fame to his or their uſe, beſids what other puniſh-  
ments your Lordſhips ſhall inſliſt for contempt in  
caife of contravention.

And your Petitioner shall ever pray.

*Edinburgh the fourth day of March 1686.*

The Lords of his Majesties Privy Councill haveing heard  
and confidered the within writtine petition, Doe hereby grant  
the defyre thereof for the ſpace of Nyne yeirs after the date of  
theſe preſents, and ordaines ane A ct to be extended in the  
petitioner's favors accordingly.

*Act prohibiteing the printing or reprinting of any New Books or Pamphletts without License from the Lord High Chancellour.* SEPT. 7. 1686.

THE Lords of his Majesties Privy Councill Doe hereby Prohibite and Discharge all persons whatsomever from granting any license for printing or reprinting any new Books or Pamphletts, untill the same be first seen and perused by the Lord High Chancellor, as they will be answerable; And Ordaines Intimatione hereof to be made by one of the Macers of Councill to the Printers and Stationers in and about Edinburgh, that they may not pretend ignorance.

PERTH *Cancell.*

*I. P. D.*

*Act in favour of Mr Robert Blaw for printing a Vocabulary.*  
16 SEPT. 1686.

FORASMUCH as there being ane humble addresse made to the Right Honorable the Lords of his Majesties most honorable privy Councill, by Mr Robert Blaw, one of the Doctors of the Grammar School of St Cuthberts, Reprefenting that he hath by indefatigable paines, and scrutiny in the most approven and modern Dictionaries, from thence compiled a vocabulary entitled *Fraus Elusa or Tenebrae Repulsæ*, which, as to the designe there-

of, both as to the signification as well as to the pronunciation and syllabication of words seeming to be the same but yet different, will be most usefull to extricat and explain both to all personnes especially thoise of the younger sort ; And humbly craveing that order and warrant might be granted to the effect underwritne ; The faids Lords of his Majesties Privy Councill having heard and considered the forfaid addreffe, Doe for the said Mr Robert Blaw's encouradgement not only give and grant unto him or his affignayes full power and license for the sole printing reprinting vending or felling not only of the said vocabulary, but also of his *Syntaxis Vernacula &c.* formerlie printed, And that for the space of nintein yeiris after the date hereof, Discharging hereby all vther personnes from printing reprinting vending or felling the same dureing that space, under the pain of confiscaction thereof to his or their use and behoove, besyds what other punishment the Councill shall think fitt to inflict, in caife of contravention.

PERTH *Cancell.*

*I. P. D.*

*Act in favours of James Watsone, Printer to His Majesties family for Prognostications. SEPT. 16. 1686.*

FORASMUCH as It has pleased the Kings most Excellent Majesty, By a letter dire<sup>t</sup> under his Royall hand to the Privy Councill of this his ancient Kingdome, To signify That it is his Royall will and pleasure That James Watson, Printer to his

family within this Kingdome, shold have the sole and only  
priviledge of printing all Prognostications within the same, and  
benefite thereof So as all others may be therefrom discharged  
in manner underwritten; THEREFORE The saids Lords, In  
pursuance of His Majestie's Commands aforesaid, Doe hereby  
Give and Grant unto the said James Watson The sole and  
only priveledge of Printing Reprinting vending Selling or  
Importing any Prognostications unto this Kingdome after the  
date of these presents without the speciall allowance and ap-  
probation of the said James Watson, Printer, aforesaid, As they  
will answere the contrair at their perrill; Extending hereby not  
only these presents As to what Prognostications may hereafter  
come forth for the ensuing year, Bot also as to what have  
already come forth; Which are hereby expressly discharged,  
Unles License and approbation be granted in manner and  
under the Certification aforesaid. And that his Majesties plea-  
sure and these presents may be known in the prenisses, And  
all Printers Stationers and others certiorat thereof, That exact  
obedience may be given thereto, The saids Lords of Councill  
Doe ordaine the same to be Intimate printed and affixt at the  
severall Mercat Croces of the Head Burghs of the Shires of  
this Kingdome, and the severall Paroch Churches of the same  
and other places needfull, That none pretend Ignorance.

PERTH *Cancell.*

*I. P. D.*

*Act in favors of Charles Chalmers for printing a Book.*

23. JUL. 1695.

THE Lords of his Majesties Privy Councill having considered a Petition given in to them by Charles Chalmers written in Edinburgh, Shewing, That the Viscount Tarbat Lord Register having from the authentick Records of the kingdome wrot a Vindication of ROBERT the thrid King of Scotland from the Imputation of Bastardy &c. And given the benefite of printing the same to the Petitioner, which the Petitioner has caused doe weell but at a considerable expence, And Therfore humbly Craving to the effect underwritten As the said petition bears, The saids Lords of his Majesties Privy Council Doe heirby Discharge any to print the said Book within this kingdome, or to Import or vend the same for the space of twentie one years after the date heirof without the Petitioners licence, under the penalty of confiscating the books so printed, Imported, or vended, to the Petitioner's use and behoove.

*Act in favors of James Donaldson for printing the Gazette.*

MAR. 10. 1699.

ANENT the petition given in to the Lords of his Majesties Privy Councill by James Donaldson merchant in Edinburgh, Shewing, That the petitioner doeth humbly conceive the publishing of ane Gazett in this place containeing ane abridgment

of ffraigne newes togither with the occurrences at home may be both usefull and satisfieing to the leidges, and actully hath published one or two to see how it may be liked, and so farr as he could understand the project was approven of by very many, And therfore Humbly supplicating the saids Lords to the effect after mentioned ; The Lords of his Majesties Privy Councill haveing considered this petition given in to them by the above James Donaldson, They doe hereby Grant full warrand and authority to the petitioner for publishing the above Gazette, and Discharges any other persones whatsoever to pen or publish the like, under the penaltie of forfaulting all the copies to the petitioner, and farder payment to him of the soume of ane hundred pounds Scots money, by and attour the forfaid confiscatioun and forsfaulture, and Recommends to the Lord high Chancellor to nominat and appoint a particular perlone to be Supervisor of the saids Gazetts before they be expoed to publict view, printed, or sold. .

*Act in favors of James Donaldson, Gazetteer, to print  
Buriall Letters. MAR. 10. 1699.*

ANENT the petition given in to the Lords of his Majesties Privy Councill be James Donaldson merchant in Edinburgh, Shewing, That the petitioner hath fallen upon a device for printing or stamping in a fine wryt character after another maner then is commonly used on Copper plates, by raiſeing the said Character on ingotts of braſs much after the fashion

of Printing types, By which means words may be changed according as the subiect doeth requyre, and does humbly conceive to cause ingrave and employ so much of the said character as may serve for buriall letters, may be profitable and convenient for the leidges severall wayes ; for the diverse compellationes, Titular words, names of persons, and places from whence and to which the corpses are to be transported, may be changed to the Employers their satissafction ; By this device the leidges may be both cheiper and sooner served then ordinary, Buriall Letters being oft times in haste ; besides the decencie and ornament of a border of skeletons, mortheads, and other emblems of mortality, which the Petitioner hath so contrived that it may be added or abstracted at pleasure ; These, and severall other advantadges to the leidges, without doubt may be found in the use of the said device, which was humbly offered to the saids Lords consideration, who have allwayes given suitable encouradgment to what the saids Lords had seen convenient to the leidges, as it was hoped this would be found ; And Therfore humbly supplicating to the effect after mentioned ; The Lords of his Majesties Privy Councill haveing considered this petition given in to them by the above James Donaldson, They hereby allow the petitioner and his heirs and affigneys to make use of the above device for printing or stamping, And Discharges any other persones to make use of the same for the space of nynetein years, commenceing from the day and date hereof, without speciall warrand from the Petitioner or his heirs affigneys or Reprefentatives had and obtained for that effect, under the penaltie of forfaulting all

theſe to be made by them, to the petitioner, and five hundred  
merks of penaltie by and attour the faid forfaulture.

*Act in favours of George Mossman, Stationer in Edinburgh,  
anent Printing of the works of Mr George Buchanan.*

Nov. 9. 1699.

THE Lords of his Majesties Privy Councill doe hereby  
Grant full priviledge power and warrand to George Moffman  
Stationer in Edinburgh, his heirs or affigneyes, To print vend  
and fell all the works of the learned Mr George Buchanan, in  
ane Volume in folio, or by parts in leſſer volumes, And dis-  
charges all others to print Import vend or sell the whole or  
any part of the faid Mr George Buchanan his works, in any  
Volume or character, for the ſpace of nyntein years from and  
after the day and date hereof, Excepting what are already  
printed and Imported preceiding the date of thir presents; with  
Certification to the Contraveeners The copies ſhall be feazet  
upon and confiſcat to the uſe of the faid George Moffman and  
his forſaiſds, Attour that the perſones forſaiſds ſhall be lyable to  
them in the payment of fyve hundred merks Scots of fine  
*toties quoties*, beſides the forſaiſd Confiſcation, and by and  
attour the ſamen.

TO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF THE PRINTERS IN EDINBURGH,

*Humbly Sheweth,*

THAT albeit no transgression in our Art of Printing is imputed to your Petitioners ; Nevertheless the Magistrates of Edinburgh are pleased to conveen us, and under fevere threatenings require us to sign a Bond, that we shall Print nothing, (without distinction of publick or private), unlesf the fame be duely authorised by publick authority. As also, they oblige us to find caution for ourfelves and our Servants. Which will appear to your Lordships by their Act hereto subjoin'd.

And feing the cognizance of theſe matters do belong properly to your Lordships, and that we have ſhewn our willingnes to obſerve your Lordships Act 1690, whereof a copy is hereto subjoin'd : We ſhall only at preſent humbly repreſent, that the impoſing upon us ſuch Bonds as the Council of Edinburgh require of us, has no warrant in Law, and, as we conceive, feems to be prohibited by the Claim of Right.

For avoiding any difference that may hereafter occur anent the exercife of our art, we humbly intreat your Lordships to nominate in the terms of the Act 1690, perſons who may authorize us in printing any thing relating to publick matters : And for that end may appoint a Committee to conſider our

cafe, and hear our proposals, that nothing offensive to the Government, scandalous or scurrilous, may be printed; and that we may be free from these hardships, which we shall evince this Bond would put upon us.

May it therefore please your Lordships, to take the cognizance of the premises, from the Town Council of Edinburgh to yourselves, to nominate Licensers, and to appoint a Committee, who may hear your Petitioners proposals for regulating the printing of publick papers, and other things relating to the regulation of the Prefs.

And your Petitioners shall ever Pray, &c.

The image shows four handwritten signatures in cursive script, likely from the 17th century. From left to right, the signatures are: 'Ross Gaffroy', 'Andrew Symson', 'John Reid Junio', and 'Da: Watson'. The signatures are written in a fluid, flowing hand, with some decorative flourishes.

*Act of Privy Council. Edinburgh, the twenty-eighth day of January  
One Thousand Six Hundred and Ninety Years.*

THE Lords of their Majesties Privy Council, in the terms of, and conform to the Tenor of the Twenty Seventh Act, Fifth Parliament of Queen Mary, discharging all Printers within this Kingdom, to Print, or Re-print any Pamphlets, Books, or others, relating to the Government, until the same be seen, revised, and examined by the Earl of Cassils, Master of Melvil, and the Lord Advocat, whom the Council do hereby Authorize for that effect; with certification to such, who shall

presume to act in the contrair hereof, that not only shall all their goods be confiscat, but likewise they shall be banished the Kingdom for ever : And they ordain the Macers of Privy Council to make Intimation to all Printers in Edinburgh, and appoints Sir William Lockhart to make Intimation to all the other Printers within this Kingdom, that they may not pretend Ignorance. Extracted by me,

GILB. ELIOT, *Cls. Sti. Concilii.*

*Act of the Council of Edinburgh, 29 October 1703.*

THE which Day, the Lord Provost, Baillies and Council, Deacons of Crafts ordinar and extraordinar, being conveened in Council, Considering, That, by Ordinance of the Lords of Privy Council, no Printer is to print any thing, unless the same be duly Allowed and Authorized ; And that the Printers of this Burgh having transgressed this Ordinance, have occasioned the Magistrats of Edinburgh to be questioned by their Lordships, for not Restraining their said Printers from Printing and Publishing Papers not at all Allowed, and withal Scandalous, and of ill Consequence : Do therefore, to prevent the like in time coming, Statute and Ordain, That no Printer, or Printers Servants, within this City, or Suburbs, (for whom his Master shall be Answerable,) shall not, for hereafter, Print any Books, Pamphlets, or other Papers whatsoever, unless first duly Allowed by Publick Authority, under the Penalty of Losing their Freedom of the Burgh, and otherways Fined and Punished, at the Will of the Magistrate. And, for the more sure Performance of the Premisses, Appoints the whole Printers, present and to come, to give Bond and Caution for themselves, Apprentices and Servants, observing of the Premisses : And als, That they shall affix their Names to whatever Books, or Pamphlets, or Papers, they shall Print, or Publish.

EDINB<sup>R</sup> THE 25TH JANUARY 1704.

The Lords of her Majesties Privy Councill having considered this petition given in to them by the within Printers of Edinburgh, And the famen being Read in their presence, The saids Lords Do heirby Nominat and appoint The Earle of Roseberry, The Lords Advocat, Justice Clerk, Phelldoe, and Mr Francis Montgomery, to be a Committie to consider the within petition and matter therin Represented, and to call for the Petitioners and the Magistrats of Edinburgh, and hear them *hinc inde* theranent, And to Report; And Recommends to the said Committie to meet tomorrow morning at ten of the Clock in the forenoon, And declares any Two a Quorum.

FINDLATER, I. P. C.

*Warrant anent Pamphlets and sellers of them.*

APR. 17. 1704.

THE Lords of her Majesties Privy Councill considering that there are a great many Pamphletts and other papers printed and publicly sold within the Toun of Edinburgh, that are not licensed, and ought not to be printed, The saids Lords doe heirby Recommend to the Magistrates of Edinburgh to take a speciall notice of all such Pamphletis and paperis that shall be exposet to publict seall within their said Toun, and of the selleris thereof, and Printers of the famen; And to call for and examine the said Printers, and committ them to prison

untill the same be reported to the faids Lords of her Majesties Privie Councill.

*Act in favours of Sir James Dalrymple for printing a Book.*  
7 Nov. 1704.

THE Lords of her Majesties Privie Councill doe heirby grant to Sir James Dalrymple, one of the Clerks of Councell and Seffion, his airs and alligneys, the sole priviledge of printing, vending, and selling ane book, entituled Collections concerning the Scottish History preceeding the death of King David the first, in the year one thousand one hundred and fiftie three, wherein the Sovereigny of the Crown and the Independency of the Church is cleared, with ane account of the antiquity of the Scottish British Church, and the novelty of Popery in this kingdom ; And Discharges all other perfones whatsomever to print, reprint, sell or import into this kingdome, any of the faids books, for the space of nynteen years from the date hereof, and that under the pain and penalty of confiscation of the faids books to the use of the said Sir James Dalrymple or his forefaids, and furder under the penalty of fyve hundered merks Scots money, to be payed by the Contraveeners to the faid Sir James Dalrymple or his forefaids, besydes the feizure and forfaulture forefaid.

*Act in favours of Adam Boig for printing the Edinburgh Currant.* FEB. 13. 1705.

ANENT the petition given in and presented to the Lord high Chancellor and remanent Lords of Privie Councill By Adam Boig, Humbly Shewing, That wheras their petitioner intends to fett forth a paper by the name of Edinburgh Currant which will come out thrice weekly, viz. Monday, Wednesday, and Fryday, containing most of the remarkable foreigh newes from their prints, and also the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence, which its hoped will prove a great advantage to merchants and others within this Nation, (it being now altogether neglected); And Seeing their petitioner has no inclination to give offence therby to the Government, and that he cannot safely doe the same without he be impowered therto by their Lordships, And therfore craving to the effect after mentioned as the said petition bears; The Lords of her Majesties Privie Council having considered the above petition given in to them by Adam Boig, and the famen being read in their presence, The saids Lords doe heirby allow and grant warrand to the petitioner to fett furth and print ane paper entituled Edinburgh Currant, containing the remarkable foreigh newes from thir prints and letters, as also the home newes from the ports within this Kingdome, when Ships comes and goes, and from whence; he always being answerable for the famen, and for the newes therin specified and fett doun.

*Act in favours of Mr William Forbes, Advocat, to print  
a Book. 8 MAR. 1705.*

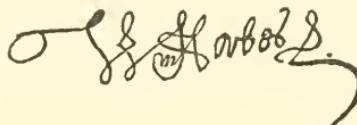
UNTO THE RIGHT HONOURABLE THE LORDS OF HER  
MAJESTIE'S MOST HONOURABLE PRIVIE COUNCIL, MR  
WILLIAM FORBES, ADVOCAT,

*Humbly Sheweth,*

That where I have composed A Treatise of Church Lands and Tithes, containing the history of Ecclesiastical revenues, churches, church offices, benefices, gleibs, manses, patronage, religious and some military orders, with a clear and full discussion of points of right and controversy relateing to these matters: And shewing how farr the Scots and Canon Laws doe agree and differ, the forme of proces before the High Commission, and the rules observed by that supreme Court in valuing or felling of tithes, settling ministers stipends, erecting or transplanting churches, uniting, annexing, divideing or dismembring parishes, and in reduceing their own decrets, together with a distinct explanation of rights arifeing from decrets of the Commission and falling under the cognisance of the Lords of Session;

May it therefore please your Lordships to grant to me, my heirs or affigneys, the sole priviledge of printing vending and selling the forfaid book entituled a Treatise of Church Lands and Tithes &c. and to discharge all other perfons whatsomever to print re-

print sell or import into this kingdome any of the  
faids books for the space of nyneeteen years from the  
date hereof And farder under the penalty of five  
hundred merks Scots money, to be payed by the  
contraveeners to me or my forsaids, besides the feizure  
and forefaulture forfaid ; According to Justice and  
your Lordships answere.

A handwritten signature in cursive script, appearing to read "Sir George Home".

EDINBURGH, 13 FEB. 1705.

THE Lords of Her Majesties privie Councell haveing con-  
sidered the within petition given in to them by Mr William  
Forbes Advocat, and the samen being read in their presence,  
the saids Lords doe heirby appoynt the petitioner to wait upon  
such of the Lords of Session as are upon the Councill, with the  
Lord Advocat, that the saids Lords may consider and peruse  
the sheets of the said book ; and recommends to the said Com-  
mittie to make their report to the Council with their con-  
veniencie.

TWEEDDALE *Cancell.*

*I. P. D.*

EDINBURGH 8 MARCH 1705.

THE Lords of her Majesties Privie Councill having considered the above Petition, &c. Doe heirby grant to the Petitioner his airs or affigneys, the sole priviledge of printing, vending, and selleng the forefaid Book, entituled a Treatise of Church Lands and Teiths, &c. And have discharged, and heirby Discharges all other perfones whatsomever to print, reprint, sell, or import into this kingdome any of the saids Books for the space of nynteen years from the date heirof, and that under the pain of confiscation of the saids books, &c. &c.

*Act in favours of Mr James Webster to print a Book.*

8 MARCH 1705.

THE Lords of her Majesties Privie Council Doe hereby grant to Mr James Webster, one of the Ministers of Edinburgh, his airs or affigneyes, the sole priviledge of printing, vending, and selleng the book entituled Sacramentall Sermons and Discourses, compoſed by the said Mr James; And Discharges all other perfons whatsomever to print, reprint, sell or import into this kingdom any of the saids books for the space of eleven years from the date heirof, and that under the paine and penalty of confilcation of the saids books to the ufe of the said Mr James Webster and his forefaids; And farder under the penalty of fyve hundreth merks Scots money, to be paid by the Contraveeners to the said Mr James Webster or his forefaids, besydes the feizure and forfaulture forfaid.

TO HIS GRACE, HER MAJESTY'S HIGH COMMISSIONER, AND  
THE RIGHT HONOURABLE LORDS, AND OTHERS OF HER  
MAJESTY'S PRIVY COUNCIL,

THE PETITION OF GEORGE KER AND EVANDER MACIVER,  
TACKSMEN OF THE SCOTS MANUFACTORY-PAPER-MILLS,  
AND JAMES WATSON PRINTER IN EDINBURGH,

*Humbly Sheweth,*

THAT your Petitioners finding, to the great discouragement of such as have apply'd themselves and their small Stocks to the improvement of the Paper-Manufactory and Art of Printing in this Kingdom, that vast numbers and quantities of Books relating to the Affairs of Scotland, are daily imported from England, for which exorbitant Prices are imposed upon the Leiges, and considerable Sums of Money carryed of course out of the Nation: A manifest instance whereof (amongst many others that may be given) appears by a Book lately brought from England, Entitled, War betwixt the British Kingdoms considered, &c. which consists of 13 Sheets of Paper only, and yet there's no less than Two Shillings Sterling exacted for each Copy in flitch'd Sheets, without being bound: And the Printer of that Book in England, has contrary to the

apparent design of the Book it self, affixt such a daring and unwarrantable Advertisement at the end thereof, as if the Printers of Scotland had a Dependence on those of England, and could not Re-print any Book here without their Licence and Permission, which your Petitioners humbly conceived to have been such an open Encroachment on their Native Right, and such an Abuse on the Leiges of this Kingdom in general, that out of a just Resentment thereof, they resolved to Re-print the faid Book very Correctly on good Scots Paper, and to have sold the same at Ten Pence each Copy, and had advanced a good way in Reprinting thereof, until that, to their great Surprise and Disappointment, they were stopt by virtue of your Grace and Lordships A&t, obtain'd by the Mis-information of some Persons here, who from a selfish Design, had borrowed the Author's Name, and pretended that these Books were sold for his benefit only, tho' it can be made appear that they had them at 15 Pence each Copy, which makes their Profit but one single Penny less than your Petitioners intended Price for the whole Book, when Re-printed here.

May it therefore please your Grace and Lordships, to take the Premisses into your serious Consideration, and for the Encouragement of the Paper-Manufactory and the Art of Printing at home, and for the keeping of Money as much as may be within the Kingdom, to re-call the faid A&t of Council, and allow your Petitioners to proceed in finishing the Re-printing of the faid Book, before any more Copies of the English Impression be imported upon the Encourage-

ment of the faid Act, thofe already brought home  
being near fold, as your Petitioners are informed.

And Your Petitioners shall ever Pray, &c.

*Ev: MacIver for Self  
and Co:ptner.  
Ja: Watson.*

HALLYROODHOUSE 26TH JUNE 1705.

His Grace her Majesties high Commissioner and Lords of her Majesties Privie Councill, haveing considered the within Petition given in to them by the Taxmen of the Paper Manufactory; and the famen being read in their prefence, His Grace and the faids Lords doe hereby Refuse the desire thereof. And appoynts, and ordaines, and Gives orders and warrand to their Macers, to ceite Evand M'Iver and James Watson, Printers in Edinburgh, as the perfones who signes the laid Petition: As also the faid James Watson, as the perfone also who Reprinted the pamphlet, entituled, Scotland reduced by force of armes and made a province of England, to appear before the Councill next Councill day, and anfwer to what fhall be layed to their charge thereanent.

SEAFIELD *Cancellar.*

*I. P. D.*

PROCEEDINGS IN THE CAUSE, ADAM BOIG *v.* JAMES  
DONALDSON, ETC.

TO HIS GRACE HER MAJESTIES HIGH COMMISSIONER AND  
THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES  
MOST HONOURABLE PRIVY COUNCIL, THE PETITION OF  
ADAM BOIG.

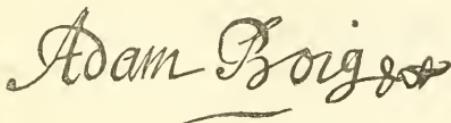
*Humbly Sheweth,*

That your Petitioner having obtained your Lordships liberty and permission for emitting a News-paper, under the title of the Edinburgh Courant, in which I have carryed ever since, with very great care, diligence, and caution, to the satisfaction not only of your Lordships, but of the Leidges in general; Until by misfortune, upon the 22d and 25th days of June last, your Petitioner being importun'd by Mr Evandar M<sup>c</sup>Iver, Tackfman of the Paper Manufactory, to insert an Advertisement given in and fubscribed by the said Mr M<sup>c</sup>Iver, herewith produced, Your Petitioner did most inadvertantly suffer the fame to be infert in the Courant, which, (to your Petitioner's great grief), has given offence to your Grace and Lordships, whereupon your Grace and Lordships have justly stopped the Printing and emitting the said Courant, the continuance of which stop will intirely ruine your Petitioner now, after he

hath been at great pains and charges in setteling Correspondents at Home and Abroad.

May it therefore please your Grace and Lordships to accept of your Petitioners humble and sincere acknowledgement of his Fault ; and, of your Grace and Lordships bounty and goodnes, to repone your Petitioner to the Printing and Publishing the Courant as formerly ; and according to my duty I shall hereafter be more cautious and circumfpe~~c~~t, and am most willing that in all time coming no Inland News nor Advertisement shall be published nor put into the Courant, but at the Sight and Allowance of the Clerks of Council.

And your Petitioner shall ever pray,

A handwritten signature in cursive script, appearing to read "Adam Borige". The signature is written over two lines, with a horizontal underline underneath the second line.

#### ADVERTISEMENT.

The above Act haveing been obtained *parte inaudita*, The perfon cheefly concerned in reprinting the book therein mentioned, haveing ane interest in the Paper manufactory designes to apply to His Grace her Majestyes high Commissioner and most honorabill privy Council nixt Council-day for re-assuming the subje~~c~~t matter of the faid act into their farther con-

fideration, in respect that the vending of confiderable numbers of such booke here as are printed in England which may be very well printed or re-printed in Scotland is not only a great discouragement to the improvement of the Paper manufactory and art of printing at home, but likewife the mean of fending unneceſſarily a great deale of money out of the nation, and of impoſeing more then double prices on the Lieges whereby the contents of ſuch books are hindered from being ſo universaly knownen as otherwayes they may be : And thoſe concern'd in reprinting the ſaid booke make noe doubt but that upon a re-confideration of the premitis, His Grace and their Lordhips will be pleaf'd to allow the fame to be finish'd and publish'd ; eſpecially ſince the ſaid ac̄t has bein obtain'd by ſome perſons here for their own privat advantage without any mandat or procuratory from the author, whose name was only borrowed for giveing ſome pretended colour to the petition upon which the ſaid ac̄t was obtained.

ED<sup>n</sup> 22d June 1705.

Mr Boig infert the above Advertisement in this dayes Cou-  
rant for your friend

EV. MACIVER.

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE GAZETTE,

*Humbly Sheweth,*

Your Grace and Lordships Petitioner having levied a Company of foot at his own charge anno 1689, and having served in the Earl of Angus's Regiment till the fame was reduced from 20 to 13 Companies, by quich expence and being quite put out of the way of Busines he was so involved in debt that in a few years after all his means were quite exhausted, quibich put your Petitioner to think of all possile means of subsistence, and having projected the writing of a News paper in this place obtain'd your Lordships warrand for penning and publishing all news in a Gazette twice or thrice a week as the said act herewith produced doth testify, He did also procure your Lordships act for the sole printing of Burial Letters, including Heirs and executors, for 19 years, 6 of quihich being expired ; Tho these grants did not wholy ansuer expectation yet your Petitioner made a shift to live thereby, till in Febrnary last Adam Boig did very unexpe&tedly obtain your Lordships warrand to publish a Newpaper only distinguisable from the Gazette by the title, which your Petitioner taking to be inconsistent with his A&t which excludes all others, he made

application to your Lordships next Council day to have Adam Boigs A<sup>t</sup> recall'd, quibich not being granted, Adam Boig began very early to shew for what end he had made application to your Lordships, and at the first instant gave his Paper to the Balland cryers 4 <sup>or</sup>  5 a quair below the common price, as he did likewise to the Postmaster who used to take a percel of Gazettes weekly ; This obliged your Petitioner to lower the price of his Gazettes likewise, But the said Adam and those who affisted him did still fo practise the Paper cryers as to negle<sup>c</sup>t the felling of the Gazette, to deny that there was any printed when inquired at, and also to extol Mr Boig and the Courant as a paper much preferable to the Gazette, both in respect of foreign and domestick News ; Tho such litle artifices should seem to merit but little regard, yet by abstracting the Gazette, and the other methods aforesaid, the Courant gain'd credit with some, tho your Petitioner cannot understand upon quhat con sideration, for all the foreign News that ever was in the Courant were takin verbatim out of some of the London papers, and for the most part from Dyers Letter and the London Courant, which are not of the best reputation ; so your Petitioner did never omit any domestick News that he judged pertinent, tho he neither midled with matters that he had caufe to believe would not be acceptable, nor every story and triffling matter he heard ; Moreover your Petitioner doth just now suffer for Adam Boigs fault in having the Gazette stop, tho that disagreeable paragraph was not in, which being in the Courant was displeasing to your Lordships, as well as by his practising the paper sellers, so that by thair combinations they neither

would sell the Gazettes, nor permit any other person whom I employ'd, pretending to be countenanced by the Magestrats.

As your Petitioner has suffered all these ways by Adam Boigs premeditat and designed endevours, joined with others who afflits him, so your Petitioners los is yet greater by the oblique conseqences thereof; for just about the time when Adam Boig obtain'd his A&t, your Petitioner was contracting with some gentlemen for setting up an fire Arm Manufacture, quwhich your Petitioner had obtained privilege for from your Lordships, against much oposition of the Hamermen of Edinburgh; the people with who he was contracting, perceiving how your Petitioner was defeat in the matter of the Gazette, fearing some other person might likewise defeat the design of the fire Arm Manufacture by some seeming distinction of setting up another thing, brok off; so that your Petitioner can make nothing by it notwithstanding of all his pains.

Befides these injuries done to your Petitioner he is farther threaten'd by some Printers in Town, that declare their intention to print Burial Letters notwithstanding your Petitioners privilege as above represented; against quwhich your Petitioner should think himself secure enough, were it not that he has been so baffled in the matter of the Gazette that he knows not how far he may be disappointed in this.

It is also further humbly represented, that your Petitioner is informed that Adam gives out that your Petitioner has no

intrest in the Gazette having quited the same to John Biffat the truth is your Petitioner being disabled to cary on the Gazette by all these means above represented he left off publishing thereof the 7th of May laft but gave no power to John Biffat but a bare permillion during pleasure and he is sure your Lordships will not think it a good reasen to deny your Petitioner hes just right because through the Artifices of his Enemies he was debilitat to retain the same for a time.

As your Lordships cannot but perceive into what a lybirinth of difficulties dangers and losses your Petitioner is involved that he believes the like has scarcely hapen'd to any man so he is confident no man ever gave les ground of offence or envy all these methods which he has taken to earn bread not having had an existant when he aply'd for them and consequentlie obtaining of his request wrong'd no man and for that reason ought the les to be coveted by any.

May it therefore please your Grace and Lordships to consider the premises and the A&t in your Petitioners favours relating to the Gazette herewith produced, and if the same shall seem to your Lordships to entitle your Petitioner to the sole privilege of publishing the News (as he takes it to do) thereupon to Recal the A&t in Adam Boigs favours and Retify your Petitioners allowing him also to sell his papers to the best advantage And also to Retify and Confirm his other A&cts in Relation to the Burial Letter and Fire Arm Manufa&ture declaring that it is your

Lordships intention that they should stand in full force against all persons who without your Petitioners warand shall presume to print Burial Letters or make use of such engines as are invented or first used in this kingdom by your Petitioner during the space and under the penalties contain'd in the said Acts respectively as they herewith produced do purport.

And your Petitioner shall ever pray, &c.

A cursive signature in black ink, appearing to read "James Donaldson".

HOLYROODHOUSE THE 26 OF JUNE 1705.

HIS Grace her Majesties high Commissioner and Lords of her Majesties Privy Council Doe appoint and ordain, and Gave order and warrant to their Macers to cite Adam Boig, author of the Currant, to appear befor the Council next Council day peremptorie, and ansuer to what shall be laid to his charge for inserting ane particular paragraph in his Currant; and in the mean time Discharges the said Adam Boig author of the Currant, and James Donaldson author of the Gazett, to print or expose to publick fale any Currants or Gazetts, till further orders of Councill thereanent.

SEAFIELD *Cancellar.*

*I. P. D.*

UNTO HIS GRACE HER MAJESTIES HIGH COMMISSIONER,  
AND THE RIGHT HONOURABLE, THE LORDS OF HER MA-  
JESTIES MOST HONOURABLE PRIVY COUNCIL,

THE HUMBLE PETITION OF ADAM BOIG,

*Sheiceth,*

THAT the Petitioner's Courant was by your Grace and Lordships most Justly Stopt, on Account of a most Impertinent Advertisement therein insert in June last; Which your Grace and Lordships had good Ground to have thought was my own Fact, altho it was truely insert by the Importunity of Mr. Evander M'Iver. Upon the 24 of July I applyed to your Lordships, and craved that your Lordships in your Clemencie and Goodnes, might yet allow me to publish the Courant, I being discharged to insert any Scots News, till they were Revized by the Clerks of Council.

At the same time there was another Petition given in by Ja. Donaldson Author of the Gazette, desiring the Stop put to the Gazette to be taken off; And complaining of your Lordships Act in my Favours, upon several frivolous Grounds: Upon reading of which two Bills, your Grace and Lordships were pleased to allow the Gazette to go on (as to which I have nothing to say); And appointed me to be cited to next Council-day: And in the mean time to See and Anfwer Donaldson's Petition. As to which I humbly beg leave to Repre-

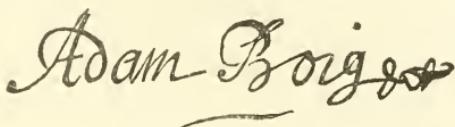
sent to your Grace and Lordships, That I cannot express my Grief and Sorrow, for having had the least Acceſſion to any thing that gave your Grace and Lordships Offence; And that if wrong could have any Warrant (which it cannot) the Petitioner has ſome Excuse for this his Fault, for the Paragraph of the Courant juſtly quarrelled, is not inſert as News, but as an Advertisement given in by Mr. M'Iver, ſubſcribed with his hand, the Principal whereof is in the Clerk of Coun-cils hands. I muſt, notwithstanding, with all Submission own that it was ſtill a Crime in me to inſert it, and in the due Senſe of my Guilt, I humbly fabmitt my ſelf to your Lordships Cenſure. And as to my being cited, your Grace and Lordships Trouble of Libelling me may be prevented, for I acknowledge my Guilt, and Submits as above. As to Captain Donaldfon's Petition (I mean that part thereof which deſires my A&t to be Recall'd) I humbly beg leave to Inform the Honourable Board, That that Affair ſeems to be *res hactenus judicata*, for upon the 15th. of February laſt, a Petition to the fame purpoſe was preſented by Donaldfon, and after mature Deliberation, was Refused without a Contradictor y Vote. I humbly ſuppoſe it needless to trouble your Grace and Lordships with Anſwering every particular Storie of that long Petition, only this in General, The Petition Complains; That I Undersold him; That my Courant bore nothing but what was collected from Forreign News-Papers; And that it gained greater Reputation than his Gazette. As to the Firſt, It was his Fault if he kept the Gazette too dear; And I muſt ſay, that his Profit cannot but be Conſiderable, when he ſells at my Price, for all

my News comes by the common Post, and I pay the Postage ; Whereas John Biffet his Conjuror gets his News all by the Secretaries Pacquet free of Postage, which is at least Eight Shilling Sterling a Week free Gain to them. As to the Second, I own that the Forreign News was collected from other News-papers, and I suppose Mr. Donaldson has not his News from first hands more than I did : But the Truth is, the Courant bore more, for it always bore the Home-news, especially anent our Shipping, which I humbly suppose was one of the Reasons of its having a good Report ; And Mr. Donaldson, tho' he had a Yearly Allowance from the Royal Burrows, never touched any thing of that Nature, nor settled a Correspondent at any Port in the Kingdom, no not so much as at Leith. As to the Third, It's left to your Grace and Lordships to judge if it be a Crime in me, that the Courant had a greater Reputation than the Gazette. Upon the whole, I humbly presume to say, That the Courant was a News-paper published by Authority, and reckoned by the greatest part of the Kingdom Useful : That Mr. Donaldson's former Bill to this same purpose was Refused. And as to my great Offence, I humbly submit my self to your Grace and Lordships Mercy.

May it therefore please your Grace and Lordships, in Consideration of my Circumstances, to take the Prelisses to your Serious Consideration ; And of your Goodnes and Clemencie, to accept of this my humble Submission : And if your Grace and Lordships incline to inflict any Punishment on me for my Offence, to mix Mercie with Justice, and make the Punishment

such as may not utterly ruine me; And yet allow me to Print and Publish the Courant, notwithstanding of Mr. Donaldson's Petition, the Scots News being always Revised by the Clerks of Council before inserting; Without which the Petitioner is utterly ruined.

And your Petitioner shall ever pray.

A handwritten signature in cursive script, appearing to read "Adam Boigie". A horizontal line is drawn underneath the signature.

UNTO HIS GRACE JOHN DUKE OF ARGYLE HER MAJESTIES  
HIGH COMMISSIONER AND LORDS OF HER MAJESTIES MOST  
HONOURABLE PRIVY COUNCIL,

THE PETITION OF JAMES DONALDSON WRITER OF THE  
GAZETTE,

*Humbly Sheweth,*

That last Council day your petitioner had a petition before your Grace and Lordships, representing to the effect following, viz. That John Ried younger, printer in Edin<sup>r</sup>, had lately, without your petitioner's warrand and consent, printed Burial Letters for his own behove, tho' your petitioner has an ample act of your Lordships in his favours for the sole privelege thereof, as the fame in the Clerk's hands doth testify;

And also That as Adam Boig had suruptitiously obtained your Lordship's warrant in Feb. last to print a News paper, which your petitioner humbly conceived inconsistent with your a<sup>c</sup>t and privelege in his favours concerning the Gazette, and that first Council day following he hastily presented a short petition craving the full benefit of his said A<sup>c</sup>t, but it not being then produced, the matter was let fall, so that your petitioner forbore any further application till he found himself insupportably leised by the said Adam Boig ; and it happening that when he was about to apply a second time, Mr Boig fell under your Lordship's displeasure, and a stop was put to the publication of his print, in which calamity your petitioner shared, tho' innocent ; and your Lordships having caused summond Mr Boig before you for his said offence, and committed the examination of his affair to a Committee, to know who afflited him in the carrying on of his Courant, (a subject extraneous to your petitioner's complaint,) it was humbly conceived to be a proper time to represent your petitioner's case when Mr Boig's Report came in, but his petition being negle<sup>c</sup>ted to be then read, he with all imaginable humility and earneſtnes, begs that now his A<sup>c</sup>t concerning the Gazette, herewith produced, may be taken into consideration, ſeing hitherto it has not been read in your Lordships prefence, nor considered in Council, and that the doing any thing in prejudice thereof doth not only utterly ruin your petitioner, who has a numerous family to provid for, (in whose misery your Lordships can have no ſatisfaction,) but it derogats from your Lordships authority, for if you ſhould think fit to dispence with your own A<sup>c</sup>ts, all who have

obtained your Lordships grants must enjoy them precariously ; and seing hitherto it has not been your Lordships practice to dispence with them, it is hoped your Lordships will not now begin with your petitioner, whose case pleads preference to his competitor, tho' their pleas were on an equal footing, and there is no possibility of two News Writers subfifting by that imployment in this place. It is further represented that your petitioner has not been able to go on with a profitable project of making engines for facilitating of Smith work, the parties who were to have assisted therein having deserted him upon A. Boig's obtaining leave to print his Courant, least some of his temper might, after much expence bestowed on setting up such a work, defeat your Lordships Act establishing it.

May it therefore please your Grace and Lordships to take into confidderation your petitioners forsaide Acts, herewith produced, and to deferne the above John Ried to pay the penalty contained in your Lordships act in your petitioner's favours for printing Buriall Letters, for his faid encroachment, and discharge Adam Boig to publish any more News papers for the future, and to declare that it is your Lordships intentions that none print Buriall Letters, or make use of the Engines first used or invented by your petitioner, under the certifications contained in the said respeccive Acts, during the terms therein mentioned, or at least to appoint a Committee to examine the whole affair, and make report thereof to your Grace and Lordships.

And your petitioner shall ever pray.

VNTO HIS GRACE THE DUKE OF ARGYLE, HER MAJESTIES HIGH COMMISSIONER; AND THE LORDS OF HER MAJESTIES MOST HONORABLE PRIVY COUNCILL:

THE PETITION OF JAMES DONALDSON, WRITER OF THE  
GAZETTE,

*Humbly Sheweth,*

THAT your Petitioner having some Years bygone, Obtain'd the sole Privelege of Publishing the News, which Project was look'd on as a general Benefit, and has been Proficute with so much Care and Diligence, that by this means he made a shift to sustent himself and Family, and was thereby Supported under the great Losses he sustain'd by his early Zeal and Affection to the Government, as is well known to many of your Lordships.

Tho this Project encroached on no Man's Province, but was set on foot by your Petitioner for Supplying the pinching Necesclities he was Reduced to, yet this could not Skreen him from Envy; Adam Boig out of a Design to Wrest this small Benifit to himself, contrived with a Printer (formerly employed by your Petitioner, whom he found it his Intrest to disengadge himself of) to undertake a News Print under the name of a Courant.

Your Petitioner judging himself extremely leis'd by this new Encroachment, applyed to your Lordships to have the Privelege formerly granted him made effectual, but his Act of

Council not being given in with his Petition, which was hastily presented first Council Day after Adam Boigs Encroachment, the matter was let fall.

Your Petitioner has since produced before your Lordships the Act allowing him the foresaid Priveledge, and craved the full Benefit thereof; and that Mr Boig might be discharged to publish his News Paper, which was a manifest Encroachment upon your Petitioners Right and Privelege, and does altogether frustrat and evacuat your Lordships Grant in his Favours.

To which Petition Mr Boig has given in a Counter Petition by way of Answers, wherein he endeavours to lessen and depre-  
tiate the Gazette, and alledges your Petitioner is at les Expence for News than he, tho the Gazette is fold dearer than his Paper, and pretends the contraversey is *Res hactenus judicata*.

To which your Petitioner humbly Reprefents, that your Lordships Act allowing him the forfaid Privelege, was not under Consideration at the time Mr Boig pretends it was Cognosèd; and tho the matter were true which he alledges as to the way your Petitioner gets his News, it is of no moment, but the Fact is quite otherways; for your Petitioner gets no news from John Biffet; but has been at considerable expence for them, as he can shew by the Post Masters Discharges: Whereas he has Dyer's Letter without any Price for Corofponding with him, out of which and paragraphs of the London Courant, coppied verbatim, he makes up his Courant: Whereas the Gazette is a Colection from the most famous News Writers, who are look'd on as most Impartial and have the best Intelligence. It is wounded how Mr. Boig can make

this Representation in your Petitioners last Petition to be an acknowledgement that the Courant obtain'd greater Reputation than the Gazette ; Or how he can assert that there was never any Domeſtict News in the Gazette, when the contrary is Notour to all who read it.

By all which it will evidently appear to your Lordships, how calumnious Mr. Boig's Representation is, and how injurious he is to your Petitioner, in endeavouring to deprive him of his Bread, which he earns with abundance of Pains, and has cautiously and faithfully discharged the Trust reposed in him, to the satisfaction of all unbyassed and well affected Persons ; and tho your Petitioner has sufficient Provocation from Mr. Boig's Acting to his great Prejudice ; yet feing he is at prefent under your Lordships Censure, he forbears any Reflections at the time.

Your Grace and Lordships are entreated to consider, that the Motives for granting your Petitioners forefaid Privilege were, because the Project was his own Invention, and that it would in fome measure help to repair his Losses sustainted as aforesaid, the fame Reasons subſtill ; and therefore it is hoped your Lordships have not altered your favourable Inclination, feing there is nothing done on your Petitioners part to merit your Displeasure : and tho at first granting of your Petitioners Privelege, it was voluntary and entirely owing to your Lordships Bounty, yet being paſt into an A<sup>t</sup>, it bears a *Jus quæſitum* ; and any thing done in prejudice thereof derogats from your Lordships Authority, which unleſs ſtrictely obſerved, none who obtains Gifts can be ſecured ; and it is an uncon-

traverted Principle in Law, that all Priveleges are to be understood in the most favourable, ample and extended Sense, and no ways restricted ; whereas if this Infringement be allowed, it may encourage some of Mr. Boig's Temper, to make the like Attempts upon other A&ts granted by your Lordships, which would be of bad Consequence.

In answer to an objection which may be made, as if your Petitioner's Request did imply a Monopoly, it is urged, that in this Case there is no Inhaunsing of employment into one hand which can be divided among many, for with much difficulty did your Petitioner publish by the Gazette while he had no Competitor, and all who attempted to publish News Papers in this Kingdom before him, were always obliged to give it over as impracticable, because of the finall numbers of people who buy News-papers, so that it's not possible for two to Subsist thereby ; and if your Lordships shoud allow two, the Result must be, that he who could bear out longest by underselling and wreifing Customers from the other must carry it, and your Petitioner is informed that several persons who bears him no good will, promise to assist Mr. Boig to a years Expence of the Courant, that he may undersel, outweary and quite ruine your Petitioner, to whom its hoped your Lordships will not afford a Handle, to perpetrat their Designs ; especially feing the Motives which Induced your Lordships to favour your Petitioner at first, do still subist ; yea, and even encrease, because his Family is greater, and besides the Project on which his Competitor would intrude, is his own, and is improved beyond what it ever was in this Kingdom before, in which

cafe even Monopolys are ususually allowed, to Inventers and Improvers, for 19 years or some confiderable space.

May it therefore please your Grace and Lordships, to Consider the Act in your Petitioner's favours concerning the Gazette, herewith produced, to confirm and Ratify the same, and to discharge Adam Boig to publish any News Print for the future ; and also to declare, that it is your Grace and Lordships Intention, that Your Petitioner's other Acts concerning printing Burial Letters and new Invented Engines, facilitating of Smith Work, shall stand in full Force, according to their respe&tive Tenors ; and that none Print Burial Letters, or make use of the said Engines dureing the respe&tive Terms mentioned in the said Acts, under the Certifications therein contained.

And your Petitioner shall ever pray, &c.

*Further Representation of James Donaldson.*

YOUR Lordships petitioner did in his former petition, represent, That upon Adam Boig's obtaining leave to publish a News print, several persons who were contracting with your Petitioner, for setting up a Fire Arm Manufacture, deserted him, and that he was threatened by some Printers in town, that they would print Burial Letters notwithstanding of your Lordships Grant in his favour for the sole privelege ; and actualy since the drawing of this last petition, John Ried,

yeunger, printer, has without the warand or consent of your petitioner, printed Letters to the Funeral of Mr Dunlop, Minister at Kirkowan, by which deed, and the forefaid conseqences of Adam Boig's obtaining leave to publish News, your Petitioner is not only utterly ruined, but your Lordships authority is disregarded and like to be contemned, if your Lordships do not vindicat the same in granting the desire of your petitioners petition.

HOLYROOD-HOUSE, 24 JULY 1705.

His Grace her Majesties high Commissioner and the Lords of her Majesties Privie Councill having considered the above Petition given in to them by James Donaldfone writer of the Gazette and the famen with ane other petition by Adam Boig being read in their prefence his Grace and the faids Lords doe hereby Grant warrant to the faid James Donaldfone to ceite the faid Adam Boig to appear before the Councill next Councill day to debaite as to the subiect matter contained in both petitiones And in the mean time allowes Adam Boig to see and answer Donaldfones petitione And his Grace and the faids Lords doe heireby take off the former stop given by their Lordships to the printing of the Gazet and allowes the faid James Donaldfone to print and publish the famen as formerly in the meantyme ay and whyle farder orders of Councill thereanent.

SEAFIELD *Cancellar. I. P. D.*

*Recommendation to the Committee to meet anent Adam Boig.*

EDIN<sup>R</sup> 25 AUGUST 1705.

His Grace her Majesties high Commissioner and the Lords of her Majesties Privie Councill Doe heireby nominate and appoint the Lord Justice Clerk Mr Francis Montgomery and Blacader to be a Committee to call for Adam Boig Author of the Currant and cause him condescend who are partners with him in publishing the said Currant And Recommends to the said Committee to meet on Monday morning at ten o'clock in the forenoon and Declaires any two a Quorum and Report.

SEAFIELD Cancellar. I. P. D.

*Procedor of the Committee anent Adam Boig, author of  
the Currant.*

SEDERUNT—Lord Justice Clerk and Sir John Home of Blacader and afterwards Mr Francis Montgomerie cam in.

ED<sup>R</sup> 29 AUGUST 1705.

THE Committie haveing called for Adam Boig and examined him in the termes of the Remitt That he shoulde condescend who were his partners in publishing of the Currant Declares he hes no partners As for the forraigne news he takes them from the prints For the home news he hes them from persons concerned in the Custome offices at the severall ports except Aberdein which he hes from one Cruckshanks who keeps a

publicēt Coffe house there As to any thing wherin the Government might be concerned he waited on the Clerks of Council only as to that Advertisement concerning Mr Hodges Book he acknowledges he was imposed upon And humbly beggs pardon for it And engadges never to do the lyke for the future And humbly beggs that the Lords of her Majesties most honorabill Privie Councill will be pleased to take off the stop to publishing his Currant which is the only mean of his livelihood and subsittance.

ADAM BOIG.

It's the opinion of the Committie that the stopp may be taken off the said Adam Boig Enaëting himself never to publish any thing concerning the Government till first it be revised by the Clerks of Council And that under such penaltie as the Lords of Privie Council shall think fitt.

AD : COKBURNE.

JOHN HOME.

F. MONTGOMERIE.

HOLYROODHOUSE 2 OCTOBER 1705.

His Grace her Majesties high Commissioner and Lords of her Majesties Privy Council haveing considered the petition given in to them by Adam Boig with the within Report of the Committy of their own number appoynted thereupoun and the saamen being read in their prefence his Grace and the faids

Lords have approuen And heirby approve thereof And have taken off and heireby takes off the stope formerly made by their Lordships to the said Adams printing and publishing the Currant And have permitted and allowed and heireby permitts and allows the said Adam Boig to publish and print the said Currant as formerly upon his enacting himselfe in the books of Privy Councill That he shall publish nothing concerning the Goverment till firsl the famein be revised by the Clarks of Privy Councill and appoynts and ordaines the Clerks forsaide to revise the famein accordingly.

SEAFIELD *Cancellar. I. P. D.*

*Enactment by Adam Boig 5th October 1705.*

BE it knownen To all men be thir presents Me Adam Boig author of the Edinburgh Curant Forasmuch as the Lords of her Majesties Privie Councill be their act of the date the second day of October instant did take off the stop formerly made by their Lordships to my printing and publishing the Curant and allowed me to publish and print the famen as formerly upon my enacting of my selfe to the effect efter mentionat Therefore Witt ye me to be bound obliedg'd and enacted Likeas I be the tenor heirof bind oblige and enact my selfe in the books of her Majesties Privie Council That I shall publish nothing in my Curant concerning the goverment till firsl the famen be revised by the Clerks of her Majesties Privy Council And I consent to the registratioun hereof in the books

of her Majesties Privie Councill to have the strenght of ane decree that letters on six dayes and others if need be's may be direct hereon In form as effeirs And to that effect Constituts

My procurators In witnes whereof written be John Braid writer in Edinburgh I have subscrivit thir presents at Edinburgh the fift of October I<sup>m</sup> VII<sup>e</sup> and five years before these witneffes David Caw writer in Edinburgh and the said John Braid.

DAVID CAW *Witnes.*

J<sup>o</sup> BRAID *Witnes.*

*Act in favours of Mr James Anderson, Writer to the Signet,  
for a liberty of correspoding with France.*

UNTO HIS GRACE THE DUKE OF ARGYLL HER MAJESTIES HIGH COMMISSIONER AND TO THE RIGHT HONORABILL THE LORDS OF HER MAJESTIES MOST HONORABILL PRIVY COUNCIL

MR JAMES ANDERSON WRITER TO HER MAJESTIES SIGNET

*Humbly Sheweth*

THAT in pursuance of the Recommendation of the Parliament he is proceeding to give an Account of the ancient Charters and Seals of the Kings of Scotland And being cre-

dibly inform'd That there are feveral original ancient Charters of the Kings Nobles and Churchmen of Scotland in the Scots Colledge of Paris in France and that there are also fome ancient authentick Chartularies in that place.

May it therfore please your Grace and Lordships to allow your Petitioner to correspond with perfons in France for procureing transcripts of the faids Charters and draughts of their Seals he alwise showing his Letters and Returns to any your Grace and Lordships shall nominat As also May it please your Grace and Lordships to Prohibite and Discharge the Reprinting Selling or Importing into this Kingdom the Book composed by him Intituled, An Historical Effay shewing That the Crown and Kingdom of Scotland is Imperial and Independent, without your Petitioners consent, and that for such a space and under such penalties as your Grace and Lordships shall think fitt And your Petitioner shall ever pray.

HOLYROODHOUSE 4TH OCTOBER 1705.

HIS Grace her Majesties high Commissioner and Lords of her Majesties Privie Counsell, having confidered the within Petition, given in to them by Mr James Anderfon Writer to her Majesties Signet, and the famen being read in their preſence, His Grace and the faids Lords doe heirby permitt and allow the Petitioner to correfpond with perfons in France, for procureing transcripts of the antient Charters and Sealls of

the Kings of Scotland, The Petitioner always communicating his letters that he shall fende to France and the returns that he shall have to the samen, To the Lords Thesaurer deput, Advocate, or Justice Clerk, or any one of them; and His Grace and the saids Lords Grants to the Petitioner the sole power, priviledge and liberty of printing, vending, and selling the book entituled Ane Historicall Essay, shewing that the Crown and Kingdome of Scotland is Imperiall and Independent, And discharges all other persons whatfomever to print, reprint, vend, sell, or import into this kingdome any of the saids books for the space of nynteen years from the date heirof, without the Petitioner or his airis or affigneys ther speciall licence, liberty, and leave for that effect, And that under the penaltie of fyve hundred merks Scots money, to be payed to the Petitioner or his forfaids, by and attour the confiscation of the saids books to the Petitioner allenerly.

SEAFIELD, Cancellar. I. P. D.

*Act in favours of Robert Monteith.*

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVY COUNCIL, THE PETITION OF ROBERT MONTEITH, MASTER OF ARTS,

*Humbly Sheweth,*

That there have come into your Petitioners hands an ancient and elegant Epitaph upon the never to be forgotten King James the Sixth, entituled An wounded heart sacrificized in tears, &c. holograph by Walter Stewart of Eymouth Loan-

head, the authour. As likewayes, ane ingenious and facetious rythmical Poem in Latine, entituled *Vetus querela eaque Rythmica de fide erga Deum et homines in mundo fere extincta*, both herewith produced; And whilk papers wold be very pleasand and acceptable to many people, if your Lordships wold allow your Petitioner to print, reprint, and vend them in maner underwritten.

May it therfor please your Lordships to grant and allow to your Petitioner, his airs or affigneyes, the fole power, liberty, and priviledge for the space of Ten yeares after your act theranent, To print, reprint, vend and sell the saids two papers entituled as above; And to discharge all other persons within this kingdome for the space forsaids, To print, reprint, import, vend or sell the saids two papers above-mentionat, or any of them, without consent of your Petitioner or his foresaids, under the paine of ten pounds Sterling, to be payed be each contraveener *toties quoties* to the Petitioner or his foresaids for each transgression in the premisses anent any of the two papers above-mentionat, attour confiscacion of the Copies to be printed, reprinted, imported, vended or sold in defraud and prejudice heirof.

And your Petitioner shall ever pray.

A handwritten signature in cursive ink, appearing to read "Montagu". The signature is fluid and includes several decorative loops and flourishes, particularly at the end.

EDINBURGH 20 NOVEMBER 1705.

THE Lords of her Majesties Privie Counfell haveing confidered the within petition given in to them by Mr Robert Monteith, Master of Arts, and the fame being read in ther prefence, The faids Lords doe heirby Grant and allow to the Petitioner, his airs and assigneys, the sole liberty and priviledge to print, reprint, vend and sell the antient Epitaph upon King James the Sixth, Entituled *Ane wounded heart sacrificed in tears, &c.* by Walter Steuart of Eymouth, author therof; as alfo, ane ingenuous and facetioufe Rhythmicall Poem in latine, entituled *Vetus querela eaque Rhythmica de fide erga Deum et homines in mundo fere extincta,* And prohibits and discharges all other perfons whatfomever to print, reprint, vend, fell, or import the faids two papers above-mentioned, or any of them, without the petitioner or his forefaids their licence and liberty had therto; And that for the space of tenn years from the date heirof, under the penalty of ane hundreth and twenty punds Scots money, to be paid to the Petitioner or his forefaids by the perfons contraveining this prefent a<sup>c</sup>t, by and attour the confiscatiou of the faids two papers and forfaulture forfaid.

SUTHERLAND, I. P. D.

EDINBURGH 22 NOVEMBER 1705.

RECEAVED up by me, Mr Robert Monteith, within and above designed, the Epitaph and Poem, being the two papers

mentioned to be produced with the within Petition, I say received the same by me.

R. MONTEITH.

*Act in favours of Agnes Campbell, relict of Andrew Anderson,  
Her Majesties Printer.*

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJETIES MOST HONOURABLE PRIVY COUNCIL,

THE PETITION OF AGNES CAMPBELL, RELICT OF ANDREW ANDERSON, HER MAJESTIES PRINTER,

*Humbly Sheweth,*

That where your Petitioner, by my Lord Registers licence, being about to print the Acts of Parliament of King James the 7<sup>th</sup>, and Acts since the Revolution, in a small Volume for the more ease and accomodation of the whole Liedges, And your Lordships authority being necessary to be had thereto, least that others may presume to reprint or import the faids Acts into this kingdom in any Volume whatsoever, to your Petitioners great prejudice and discouragement, contrary to her right and priviledge to do the same; and that your Petitioner, as faid is, obtained my Lord Register his license and consent to print the faid Acts:

May it therefore please your Lordships not only to in-

terpone your authority to the printing of the said Acts of K. J. the 7<sup>th</sup>, and Acts since the Revolution, either in great or small Volumes, by the Petitioner or her Affigneyes, but also prohibit and discharge all other persons whatsoever to print, reprint, sell, vend, or import into this kingdom any of the above said Acts, in any Volume or form whatsoever, for the space of 19 years after the date of the said Acts, without the Petitioner or such as shall have right from her, their licence and libertie had thereto ; and that under the penalty of 500 merks, *toties quoties*, to be paid to her or her affigneyes by the persons contraveeners, by and attour confiscation of the books.

EDINBURGH, 20 NOVEMBER 1705.

The Lords of her Majesties Privie Councill haveing considered the within Petition given in to them by Agnes Campbell, Relict of Andrew Anderfon, Her Majesties Printer, and the same being read in their prefence, The saids Lords have interponed, and hereby interpones their authoritie to the Petitioner or her affigneyes their printing of the Acts of Parliament of King James the Seventh, and Acts since the Revolution, either in great or small volumes, and prohibits and discharges all other persons whatsoever to print, reprint, sell, vend, or import into this kingdome any of the said Acts of Parliament in any volume or form whatsoever for the space

of nynteen years after the date heirof, without the Petitioners or such as shall have right from her, their licence and libertie had thereto; and that under the penaltie of fyve hundredth merks Scots money, *toties quoties*, to be payed to the Petitioner or her affigneyes by the persons contraveening thir presents, by and attour confiscation of the faids books, The price of the faids Books being alwayes regulat by the faids Lords.

SUTHERLAND, I. P. D.

EDINBURGH, 20 NOVEMBER 1705.

The Lords of Her Majesties Privie Counsell doe heirby appoint and ordaine the Actis past in the last Session of Queen Anns Parliament, to be fold at one pund ten Shilling Scots, and Discharges Mrs Anderson, her Majesties Printer, to exact any more for the famen.

SUTHERLAND, I. P. D.

*Act in favours of James Porterfield, Schoolmaster in Edinburgh, for printing a Book.*

UNTO THE RIGHT HONOURABLE THE LORDS OF HER MAJESTIES MOST HONOURABLE PRIVIE COUNCILL, THE PETITION OF JAMES PORTERFIELD, SCHOOLMASTER IN EDINBURGH,

*Humbly Sheweth,*

That where the Petitioner, after a great deall of pains,

has compiled a little book entituled Edinburghs English Schoolmaster, containing in thretty-six leffons all the words in the Old and New Testament, with the Catechisme and Instruc<sup>t</sup>ions therwith, being the easieſt way to ſpell and read either English or Latine that ever was publicly knowne to this day, Examined and approved by the Colledges of Ediubrgh and Glaſgow: And albeit the ſaid book be the effects of the petitioners toyll, yet the advantage thereoſ may accrue to others, who may reprint and vend the fame, unleſs your Lordſhips provyd remeid.

May it therefore pleafe your Lordſhips to allow to the Petitioner the ſole priviledge of printing, reprinting, vending or felling of the ſaid book, And to diſcharge all others from printing, reprinting, diſpoſeing upon, impoſting, vending or ſelling the ſamen within this kingdome, without the Petitioners allowance, for the ſpace of nyntein years, under the penaltie of fyve hundreth merks, *toties quoties*, by and attour confiſcating of the ſaids books, conforme to your Lordſhips dayly pra<sup>c</sup>tique in the lyke caifes.

And your Petitioner ſhall ever pray.

EDINBURGH, 29 NOVEMBER 1705.

THE Lords of her Majeftie's Privy Councell haueing conſidered the within petition given in to them by James Porterfield, Schollmaſter of Edinburgh, and the ſamen being read in

their prefence, the saids Lords doe herby allow and grant to the Petitioner the sole priviledge of printing, reprinting, vending or felling of the book entituled Edinburghs English Scholmaster, and discharges all others from printing, reprinting, vending, felling, disposing upon, or importing into this kingdome, any of the saids books for the space of nynteene years from the date herof, without the Petitioner's licence for that effect, and that under the penalty of fyve hundered marks, *toutes quoties*, to be paid by the contraveeners to the petitioner, by and attour confiscation of the saids books.

CRAFURD, *I. P. D.*

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EXTRACTS FROM THE RECORDS OF  
THE BURGH OF THE CANONGATE  
NEAR EDINBURGH.

MDLXI—MDLXXXVIII.



## BURGH OF THE CANONGATE.\*

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*Curia capitalis burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem post festum Sancti Michaelis Archangeli coram Johanne Hart et Johanne Oswalde ballivis dicti burgi necnon curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logune ballivo dicte regalitatis et baronie specialiter constituto primo die mensis Octobris Anno domini I<sup>o</sup> V<sup>e</sup> sexagesimo primo Curia affirmata et sectis vocatis.*

### ABSENTES.

Alexander Bruce of Arth for his landis of Arth  
Patrik Cockburne of Clarkintoun for his landis of Ogilface  
Johnne Forrest James Polwart for thair landis of Prestoun  
Dauid Hammiltoun of Prestoun for his landis of Prestoun

\* These Extracts are printed from a volume of Proceedings of the Burgh of the Canongate, discovered some time ago in private possession, and lately restored to the Magistrates. It is entitled, “ *Liber Consilii Burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh ac Registri Cartarum Communitatis ejusdem.*”

Williame Hurne of Lochtullo for his landis of Lochflat  
 James Erle of Arrane for his landis of Kerse  
 James Gil for his landis of Ogilface  
 Williame Hammiltoun for his landis of  
 Robert Carnorse of Couslie for bak Spittall and foir Spittall  
 Johnne Scott Alexander Livingstoun the relict of Johne Rob James  
 Swerd George Levingstoun for thair landis of Falkirk  
 James Dennestoun wife for hir ackeris besyde Linlithgow  
 Oliuer Sinclere for his landis and baronie of Quhitekirk  
 ——— Broun of Colstoun for his landis of Sanderisdail  
 The relict of Maister Dauid Bothwell for the landis of Meldrummis-  
 heugh  
 Maister George Creichtoun for his landis of Halkerstouncroft James  
 Forret for his landis of Quhitecroft  
 The relict of vmquhill Hew Douglas for the landis of Lytill Fasyde  
 Robert Carnorse for his landis of Reiddoch  
 ——— Wdart Henrie Setoun for the landis in Sanct Leonardis  
 James Achesoun for Barbour landis  
 The relict of George Touris for hir parte of the landis of Brochtoun  
 and Walkmylnis  
 Maister Thomas McCalzane for his parte of the landis of Brochtoun  
 Johnne Lermont for the landis of Sauchtoun.

*Absentes infra burgum vicicanonicorum.*

The prebendaris of the Trinitie College Johne Portows Williame  
 Quhite the relict of Williame Gray Marione Forrester the prebendaris  
 of Restalrig Johnne Patersoun the relict of James Smyth the relict of  
 Maister Dauid Bothwell Johnne Broderstanis James Gray Patrik  
 Johnestoun Patrik Archar Thomas Reidpath the cheplane of Alhallow

altar the Frenche Provest Merchell Robert Bell the relict of Alane Andersoun Alexander Mauchane Johnne Murray Jonete Crunzeane Oliver Sinclair Cristiane Langmuir Johnne Warrok Cuthbert Fergusoun Mark Stevingstoun George Forman James Thomsoun Gilber Geichane Thome Huntar George Forman Andro Purves the relict of James Hendersoun Johnne Blakburne Fernauld Coquile James Lamb the dekin of the masons and the wrychtis.

Quo die Georgius Makeube factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum.

Quo die Johannes Manvall factus est burgensis dicti burgi pro certa summa pecunie solvenda ad voluntatem ballivorum et Juratus est.

*Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. tertio Octobris Anno I<sup>o</sup> V<sup>e</sup> lxi<sup>o</sup>.*

*The Baillies for this yeir.*—The quhilk day the Counsale and maist parte of the communite of this burgh hes continewit the said Johnne Harte James Wilke in the office of baillierie for this burgh for this present yeir And als hes chosin to be with thame Johnne Logane Johnne Achesoun and Williame Quhite baillies for the said yeir And the saidis Johnne Harte James Wilke Johnne Logane Johnne Achesoun acceptit the said office upoun thame and maid faith in Jugement to exerce in thair offices lelele and treulie And Ordanis the said Williames aith to be tane.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte ballivo Necnon curia regalitatis tenta in dicto pretorio coram Johanne Logane ballivo ejusdem octavo die mensis Octobris Anno I<sup>o</sup> V<sup>e</sup> lxj<sup>o</sup>.*

The quhilke day Willame Quhite maid faith in Jugement to exerce the office of baillie in this burgh for this present yeir lelele and treulie.

*John Young Gibson souertie to enter Johnne before the Barroun Baillie.*—The quhilke day Johnne Young baxter become souertie to enter Johnne Gibbsoun befoir the foirsaid barroun baillie this day xv dayis within the toulbuith foirsaid to underly the law for the allegit mutilatioun of Johnne Smyth and utheris crymes continit in the foirsaid barroune baillie precepte direct thairupoune vnder the pane of ane hundred merkis And the said Johnne Gibbsoun oblist him and his airis to releif and keip skaithles the said Johnne Young of the said souertie.

*Robert Muir souertie to enter Johnne Smyth.*—The quhilke day Robert Muir Baxter become souertie to enter Johnne Smyth befoir the said barroune baillie this day xv dayis within the toulbuith foirsaid to underly the law.

*Decimo die mensis Octobris Anno I<sup>o</sup> V<sup>e</sup> lxi<sup>o</sup>.*

*Henrie Hatmaccar.*—The quhilke day Henrie Hatmaccar induellar in Leyth vpoune the north side thairof maid faith in Jugement that he dred bodilie harine to be done to him be James Andersoun.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh tenta in pretorio ejusdem coram Johanne Harte Jacobo Wilke et Johanne Achesoun ballivis dicti burgi Necnon Curia regalitatis et baronie de Brochtoun tenta in dicto pretorio coram Johanne Logane ballivo ejusdem decimo quinto Octobris Anno I<sup>o</sup> V<sup>e</sup> lxi Curia affirmata.*

*Thomas Watsoun.*—The quhilk day comperit Johnne Dowglas of Haththornedail baillie to James Erle of Mortoun and be vertew of his commissioun of ballierie producit in Jugement desirit that the said barroune baillie Thomas Watsoun in Dalkeith to be replegit to the said heid Court of regalitie atteichit and persewit be Robert Aittoune burges of the said burgh and answerit the said Robert and allegit in respect of his clame berand wrangus intromissioni with the horse clamit being in his possessioun apprehendit within this friedome in the regalitie foirsaid That the said barroune baillie is compitent Judge therto *ratione rei de qua agitur* and aucht not to admit the said replegatione bot the said Thomas Watsoun aucht to answer And als in respek that the said replegatioun beris nocth the said Thomas name in speciale And als in respect of the commounе pratik the said barroune baillie continewit the interloquutour gevin heirupoune to this day viij dayis.

*Alexander Robesoun.*—The quhilk day compeirit Alexander Robesoun and acceptit the Bill gevin aganis him be Jonete Leis in safar as it maid for him and allegit that the samin is manifest inept and ane ineptitude may be proponit in ony tyme afair the pronuncing of the sentence be ressoun the bill contenis na relevant caus albeit it were provin as it beris In

respect that thair is na thing libellit that the said Alexander wes subject to the said Johnne Gibsoun commandement bot rather inferrand the contrar that he is commissionar him selfe And als it contenis na uthir caus quhairfor the xx li contenit in the clame suld be gevin to Jonet Leis of dew or quhat ressoun that the said soume pertenis to hir sen he noct is subject to obey the preceptis nor commandementis of Johnne Gibsoun thairfor as the bill is consavit albeit it wer all cleirlie provin na Jngis may gif sentence thairintill sen it is propirlie the Jugis parte to seik out the ineptitudis and gif absolvitour thairby quhowbeit the party apponit it noct Comperit the said Jonete and desirit proces and allegit na exceptioun suld be ressauit now be ressone the clame is referrit to probatioun and denyit be the party The foirsaidis baillies continewis the gevin of interloquutouris heirintill to this day viij dayis and baith the parteis warnit thairto *apud acta*.

Quo die Magister Johannes Balfour factus est burgen, predicti burgi per prefatum Johannem Harte ballivum pro certa summa pecunie per solven. ad voluntatem prefati ballivi et Juratus est.

*William Lang.*—The quhilk day the baillies decernis and ordanis Williame Lang to deliuer to Petir Dowglas ane culourdory cloik now being in the said Williames possessiou and allegit be the said Petir to pertene to him and wranguslie tane fra him furth of Sanct Andros in September last bipast becaus he previt the said cloik to pertene to him as wes sufficientlie knawin to the saidis baillies And decernis the said Petir to pay to the said Williame incontinent xx s of his awin consent in recompensioun of the money debursit be the said Williame Lang for the said cloik.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis  
prope Edinburgh &c. vicesimo secundo die mensis Octobris  
Anno I<sup>o</sup> V<sup>c</sup> lx<sup>j</sup> Curia affirmata.*

*Thomas Watsoun.*—The quhilk day the foirsaid barroune baillie continewit the denunciations of the interloquitour anent the repleagin of Thomas Watsoun in Dalkeith to the court of the regalitie of the samin to this day viij dayis And comperit James Willamesoun ane of the baillies of the said regalitie and disassentit fra the said continewatioun and protestit that the said Thomas comperance hurt nocth the lorde of the said regalities priuelege.

*Richert Forest.*—The quhilk day Richert Forrest [allegit] that the proclamatioun of his breve rasit be him as brothir and air to umquhill Sir Willame Foirhous cheplane wer sufficientlie provin and that na partie comperit to object aganis the samin.

*Inquisitio Forrest.*

James Harte	Thomas Craufurde	Johnne Ranne
Robert Muir	Robert Purves	Johnne Kirkwode
Johnne Murdoch	Williame Smeberde	Thomas Sandersoun
Johnne Young	Dauid Scroghe	Johnne Bernis
Johnne Huntar	Andro Purves	Alexander Mathesoun

*Forest.*—Qui Jurati dicunt quod quondam Dominus Willielmus Foirhous Capellanus frater Ricardi Foirhous burgen. dicti burgi latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supreme Domine nostre Regine Et quod dictus Ricardus est legitimus

et propinquior heres dicti quondam Willielmi sui fratri. Et quod est  
legitime etatis In cuius rei testimonium sigilla quorundam eorum qui  
diete Inquisitioni intererant faciendum sub inclusione sigilli dicti Jacobi  
Wilke unius ballivorum dicti burgi unacum brevi capelle Commendatarii  
dicti monasterii intus clauso presentibus sunt appensa anno die mense et  
loco prescriptis.

*John Young.*—The quhilke day Johnne Young burges of the fair-said burgh as pleage and souertie for the entre of Johnne Gibsoun to haue underlyne the law for the mutulatioun of Johnne Smyth baxter als burges of the said burgh of his tholme of his ryght hand and wondin of him in his heid As at mair lenth is contenit in the said Justice precepte direct thairupoun being oftymes callit to have enterit him befoir the said Justice the foirsaid day and place and nocht comperand the said Johnne Young wes adjugit for his nonentre in the pane of ane hundred merkis And als the said Johnne Gibsoun nocht enterand and comperand as said is wes adjugit to be decernit our Souerane Ladeis rebell and put to hir horne and all his moveable gudis to be eschetit to the lorde of the said regalitie use as fugitive fra the lawis for the foirsaidis crymes.

*Robert Muir.*—The quhilc day Robert Muir enterit Johnne Smyth in jugement as he that become souertie for his entres this day to vnderly the law.

*Margaret Symson.*—The quhilke day the baillies foirsaidis decernit and ordanit Margaret Symson to content and pay to Williame Robeson fourtie sex s viij d for the maill of ane duelling hous of the said Williame land liand within this burgh occupit be hir of the terme of Witsonday last bipast.

*Dauid Wilsoun.*—The quhilke day the saidis baillies decernis and ordanis the spous of Dauid Wilsoun baxter to content and pay to Williame Robeson xxx s within terme of law for the maill of ane duelling hous occupiit be hir and bir said spous and awand be thame of the termes of Martimes and Witsonday last bipast.

*Robert Dauidsoun.*—The quhilke day the foirsaidis baillies assolzeit Robert Dauidsoun baxter fra the clame of Robert Johnnestoun of the sowme of viij merkis as price for ane quhite horse pertenyng to the said Robert Johnnestoun and allegit be him that he wes hurt be the said Robert Dauidsoun and his leg brokin quhairthrow the said horse deit within viij dayis thairef stir quhilk he committit be the space of ane yeir last bipast or thairby And that be vertew of the said Robert Dauidsoun aith maid thairupoun referrit thairto be the party.

*James Spottiswode.*—The quhilke day the foirsaidis baillies assolzeit Dauid Scroghe fra the clame of James Spottiswode of ane quhite wob as bocht be the said James fra the said Dauid be the space of viij dayis last bipast for the sowme of four li the scoir be vertew of the said Dauid aith maid thairupoun referrit thairto be the party.

*William Young.*—The quhilke day the foirsaidis baillies decernit and ordanit Williame Young to content and pay to Elizabet Torrens viij s vj d within terme of law for certane aill bocht and ressauit be Catherne

Cuthbertsoun the spous of the said Williame fra the said Elizabet Torrens be the space of vj oulkis last bipast or thairby.

*Robert Johnestoun.*—The quhilke day the foirsaidis baillies decernit and ordanit Robert Johnestoun to content and pay to Robert Davidsoun iij £ within terme of law and that in compleit payment of viij merkis awand be the said Robert to the said Robert Davidsoun for the maill of ane duelling hous occupit be him liand within this burgh fra Witsonday in the yeir of God I<sup>m</sup> V<sup>c</sup> lx yaris to Witsonday next and immediat thaireftir And gif neid beis ordanis Patrik Johnestoun as souertie for the said Robert Johnestoun to be poindit thairfor.

*Patrik Arnot.*—The quhilke day the foirsaidis baillies decernit and ordanit Patrik Arnot to content and pay to Elizabeth Aikin iij £ xvij s within terme of law for meit and drink furnessit be the said Elizabeth to him within his duelling hous within Edinburgh fra Sanct Gelis at last wes bigane ane yeir to Sanet Andro day next thaireftir And that be vertew of his awin confessioune maid thairupoun in Jugement.

*James Davidsoun and Alexander Steill banist.*—The quhilke day James Davidsoun and Alexander Steill apprehendit with ane blak cloik and becaus thai culd get na werrand thairto wer baneist of thair consent the fredome of this burgh during thair lyfytmes.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. vicesimo nono die mensis Octobris Anno Domini I<sup>m</sup> V<sup>c</sup> lxi<sup>v</sup> Curia affirmata.*

*Alexander Robesoun.*—The quhilke day comperit Alexander Robesoun and demandit at Jonet Leis gif scho wald abyd at the persuite of the bill gevin in be hir aganis him and scho answerit scho wald.

*Thomas Watson.*—The quhilc day comperit Alexander King procuratour for Thomas Watson in Dalkeith and allegit that thair wes na thing qualifeit in the clame gevin in be Robert Aitton aganis the said Thomas bot alauerlie apprehensioun of the horse contenit in the clame tane vpoun the he gait quhilc makis the said barroun baillie na Juge thairto and thairfor the said Thomas aucht to be repleagit The said barroun baillie continewit the interloquitour upoun the said replegatioun to this day viij dayis.

*William Allane.*—The quhilc day the foirsaid barroun baillie assol-  
ȝeis Williame Allane fra the clame of Henrie Jamesoun of four ȝ allegit  
awand to him for certane tymmer bocht be the said Williame fra the said  
Henrie be the space of ane yeir last bipast and als of v ȝ in likuayis  
allegit awand to him be the said Williame for ane hat and that be vertew  
of his aith maid thairupoun referrit thairto be the party.

*William Murray.*—The quhilc day the foirsaidis baillies decernit and  
ordanit Williame Murray to content and pay to James Lowrie burges  
of Edinburgh xx ȝ within terme of law for two stanis of Irne bocht and  
ressauit be the said Williame fra the said James within the burgh of  
Edinburgh be the space of xx dayis last bipast and that be vertew of  
the said James aith maid thairupoun referrit thairto be the party.

*Andro Donaldsoun.*—The quhilc day the foirsaidis baillies decernit  
and ordanit Andro Donaldsoun to content and pay to Robert Muir xxxi ȝ  
within terme of law and that in compleit payment of vj merkis viij ȝ x d  
awand be him to the said Robert for the maill of ane thrid part of ane  
berne kill and cobill occupiit be him liand within this burgh of termes  
bipast and that be vertew of the said Roberts aith maid thairupoun re-  
ferrit thairto be the party.

*Elesone Lindesay.*—The quhilke day the foirsaidis baillies deernit and ordanit Elesone Lindesay to content and pay to Cuthbert Fergusoun l s within terme of law for the maill of ane hous occupiit be the said Elesone and set to hir be the said Cuthbert and awand of the termes of Martimes and Witsonday last bipast becaus seho grantit the said sowme and allegit that the said Cuthbert tuik Johnne Moresoun dettour thairfor quhilke being referrit be the said Alesoun to his aith deponit the contrare.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh sc. quinto die mensis Novembris Anno I<sup>o</sup> V<sup>e</sup> Ix<sup>o</sup> Curia affirmata.*

*John Gibbsoun.*—The quhilke day comperit Johnne Gibbsoun and producit in Jugement ane writing direct to the foirsaid barronn baillie as Justice of the said regalitie subscrivit with the hand of Robert Commendatar of the Abbay of Haliruidhous of the quhilke the tennour eftr followis Justice of the regalitie and baronie of Brochtoun greting florsamekle as Johnne Young wes vnlawit befoir you for the non entrie of Johnne Gibbsoun as souertie for him to vnderly the law ffor the allegit mutilatioun of Johnne Smyth of his ryght tholme And als the said Gibbsoun deernit to be denuncit our souerane lady rebell for his non comperance Albeit in veritie it is elcirlie knawin to us that the said Johnne Gibbsoun the tyme that he wes vnlawit wes seik liand in Aittoun in the Merse in parrall of his life and mycht not travell It is our will heirfor and we charge you that ye tak new souertie of the said Johnne Gibbsoun that he sall compeir at sic ane certane day as ye pleis assigne and put him to the knawlege of ane assize for the said eryme and in the mentyme that ye discharge the clerk of our said regalitie to gif na actis furth of his buikis aganis the said Johnne and his souertie in the Actioun foirsaid

As ye will answer to ws thairupoun Subscrutit with our hand at Edinburgh the fyft day of November the yeir of God I<sup>m</sup> V<sup>e</sup> lxi yeris And eftir the reding of the quhilke writing the said Justicee assignit to the said Johnne Gibbsoun and Johnne Smyth fryday nixt to cum to compeir befoir him in the foirsaid toulbuith to underly the law aythir of thame of the crymes contenit in aythir of thair letters rasit thairupoun And the said Johnne Gibbsoun fand Dauid Scroghe and the said Johnne Smyth Robert Muir souerties for thame to compeir the said day to the effect foirsaid under the panis contenit in the last act maid thairupoun.

*Thomas Watsoun.*—The quhilke day the baillies Johnne Logane Johnne Harte and James Wilke replegit Thomas Watsoun in Dalkeith to Johnne Dowglas of Hathornedene baillie of the regalitie thairof anent the actioun and caus perseguit be Robert Aittoun burges of the Canongait aganis the said Thomas for the wrangus withaldin fra him of ane blak cursour horse And Johne Oswalde is becumin cautionar and soner tie *pro justitia administranda* in the said mater the xix day of Nouember instant and the partieis present and warnit.

*Curia Justiciarie regalitatis et baronie de Brochtoun tenta  
in pretorio burgi Vicicanonicorum coram honorabili riro  
Johnne Logane Justiciario dicte regalitatis septimo die  
mensis Novembbris Anno I<sup>m</sup> V<sup>e</sup> lxi<sup>o</sup>. Curia affirmata.*

*Dauid Scroghe.*—The quhilke day Dauid Scroghe enterit Johnne Gibbsoun in Jugement to vnderlie the law for the crymes contenit in the precepte rasit be Johnne Smyth aganis him and thairupoun tuik instruments.

*Johnne Smyth.*—The quhilke day Robert Muir enterit Johnne Smyth

as he that become souertie for his entres this day to underlie the law for the crymes contenit in ane precepte rasit be Johnne Gibbsoun aganis him and thairupoun tuik instrument.

*John Gibbsoun.*—The quhilk day Johnne Gibbsoun inquirit Johnne Smyth in Jugement gif he wald perseg him of the crymes contenit in the precepte rasit be the said Jhone Smyth aganis the said Johne Gibbsoun Quha answerit he wald nocth perseg him thairfoir.

*John Smyth.*—The quhilk day Robert Muir become souertie for the entres of Johnne Smyth on Weddinsday next to eum and Johne Hannay souertie for the entres of Johnne Gibbsoun that aythir of thame sall underly the law for the crymes contenit in aythir of thair preceptis rasit aganis utheris under the panis contenit in the actis maid thairupoun abefoir.

*Curia burgi vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. duodecimo die mensis Novembris Anno Domini I<sup>o</sup> V<sup>e</sup> lxi<sup>v</sup> Curia affirmata.*

#### ASSISSA.

Johnne Hannay	Andro Kintra	Johnne Young
Robert Muir	Robert Danidsoun	Williame Harrat
George Harrat	Johnne Sinclere	Robert Stevingstoun
Cuthbert Fergusoun	Johnne Gibbsoun	

*William Harrat.*—The quhilk day Williame Harrat younger is convict be the foirsaid assise for the strykin of Catherine Farsy the spous of

Johnne Hendersoun be the space of xijij dayis last bipast with his fauldit neif upoun the face utherwayis nor he aucht upoun law ffor the quhilk cause he is adjudgit in ane amerchiament of court sic as he aucht to tyne upoun law amend to the party and to be punesit for his fault and that gevin for dome.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. xix<sup>o</sup> Novembris Anno lxj<sup>o</sup> Curia affirmata.*

ASSISA.

Patrik Johnestoun	Johnne Hannay	Robert Scheves
Patrik Sibbat	George Skathisbie	Williame Murray
David Scroghe	George Harrat	James Galbraith
Johnne Kirkwode	Williame Hendersoun	Johnne Murdo
Johnne Galloway	Walter Blair	Alexander Brog

*Johnne Gibbsoun.*—The quhilk day Johnne Gibbsoun is convict be the foirsaid Assise for the cuming upoun Johnne Smyth baxter upoun the xijij day of Julii last bipast in the baikhous of the bak land of the said Johnne Gibsonis land within this burgh quhill he wes lauborand at ane bache with ane drawin sworde and thairwith strykand and wondand bim on his tholme on the rycht hand and on his heid to the effusione of his blude in greit quantitie uthirwyis nor he aucht upoun law For the quhilk cause he is adjudgit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punesit for his fault and acquitis the said Johnne Gibbsoun of the mutilatioun of the said Johnne Smyth of his tholme and that gevin for dome.

*Johnne Smyth.*—The quhilk day Johnne Smyth is convict be the foirsaid Assise for the crewall strykin of Johnne Gibbsoun upoun the

xvij day of July last bipast foiranent the baikhous of the bak land of the said Johnne Gibbsoun with ane battoun wondand him thairwith in his heid and twa of his medmest fingaris of his left hand to the effusoun of his blude in greit quantite utherwayis nor he aucht upoun law For the quhilk caus he is adjugit in ane amerchiament of courte siclik as he aucht to tyne upoun law amend to the party and to be punisit for his fault and is acquite of the hurting of him upoun set purpoise passione and forthocht fellounie and that gevin for dome.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. xxvj Novembris Anno lxj Curia affirmatu.*

*George Hannay.*—The quhilk day the foirsaidis baillies sittand in Jugement in the actionn and caus perseguit be Johnne Fergussoun aganis George Hannay contenit in his bill gevin in thairupoun Makand mentionn that quhair viij dayis befoir the feist of Yule last bipast or thairby compt and reknyng being maid betuix the said Johne and the said George of the ferme of ane aker of land liand within the toune of Restalrig sett be the said Johnne to the said George and occupiit be him of the crope the yeir of God 1<sup>m</sup> V<sup>c</sup> lix yeris the said George grantit him than restand awand to the said Johnne xx s for the ferme of the said aker of the said crope As at mair leuth is contenit in his clame gevin in thairvpoun The rychtis ressonis and allegationounis of baith the saidis parteis togidder with the depositiouunes of certane witnesses harde and takin in the said mater The saidis baillies being advisit thairwith and baith the parteis being personalie present thai decernit decretit and ordanit the said George to content and pay to the said Johnne xx s within terme of law of the said xl s becaus he previt his intent sufficientlie as efferit and assolyeit him of the uther xx s becaus he failyeit in probatioun thairof.

*James Broun.*—The quhilke day the foirsaid barroun baillie deceernit and ordanit James Broun to content and pay to Johnne Arthure the sowme of xxx s within terme of law for the mertimes maill of ane duelling hous in Plesance last bipast sett be the said Johnne to the said James and that be vertew of the said James confessioune maid thairupon in judgement.

*Williame Dawsoun.*—The quhilke day the foirsaidis baillies sitt and in Jugement deceernit and ordanit Williame Dawsoun to content and pay to Thomas Wecht xxx s within ane moneth efter the dait heirof quhilke sowme the said Williame become cautionar and dettour for ane Inglisman to pay the samin to the said Thomas at ane certane day bipast and that be verteu of his confessioune maid thairupoun in Jugement.

*Waltir Young.*—The quhilke day the barroun baillie foirsaid sittand in Jugement deceernit and ordanit Waltir Young in Plesance to content and pay to Robert Quintene burges of Edinburgh the sowme of fourty aucht s within terme of law for ane boll of ry and ane half bocht and ressavit be the said Waltir fra the said Robert Quintene within the toun of Leyth in the moneth of Junii last bipast Beacaus the said clame being referrit be the said Robert to the said Waltir aith and the said Waltir warnit to gif his aith thairintill And he being warnit thairto failyeit thairintill And thairfoir the said Roberts aith wes tane thairupoun quha maid faith he bocht and ressauit the said ry fra him the tyme foirsaid for the said sume above writtin.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. 3 Decembri Anno lxi<sup>o</sup>. Curia affirmata.*

The quhilke day James Galbraith and Robert Drummond referrit all debatable materis betuix thame in amicable wyis to the haill baillies of this

burgh and quhoweuir thai decretit thairintill thai oblist thame to abide thairat.

*Alisone Ramsay.*—The quhilk day the foirsaidis baillies decernit and ordanit Alisone Ramsay to content and pay to Jonet Somerwell viij s for seruice maid be hir to the said Alisone fra the feist of Mertimes in anno lx yeris to the feist of Pasche immediat thaireftir four s lent siluer and iij s of bountath to be payit within terme of law becaus the said sowmes being referrit to the said Alisone aith be the persewar and scho warnit to gif hir aith thairintill And thairfoir the baillies tuik the said Jouet aith thairintill quha maid faith that scho wes awand hir the samin.

*Thomas Dumbar.*—The quhilk day the foirsaidis baillies decernit and ordanit Thomas Dumbar to content and pay to George Skaithwie the sowme of thre £ xvi s for certane malt coift and ressauit be Issobell Robesoun his spous fra the said George be the space of thre monethis last bipast or thairby And als to content and pay to the said George the sowme of xxxviii s within terme of law for ane stane and ane half of lint wantand half pund bocht and ressauit be the said Issobell fra the said George and that be verteu of the said Thomas confessioun maid thairupoun in Jugement.

The quhilk day the foirsaidis baillies decernit and ordanit Margaret Symson to content and pay to Andro Hay the sowme of vi £ v s at Candilmes nixt to cum and that in compleit payment of xvi £ viij s clamit be the said Andro upoun the said Margaret be compt and recknyng maid betuix thame ane moneth eftir Pasche last bipast confessit be hir than awand to the said Andro for malt bocht and ressavit be hir fra him afoir the said tyme and als in compleit payment of xx s for the rest of uther malt coift and ressauit be hir fra the said Andro abefoir and that

be verteu of hir awin confessiou maid thairupoun in Jugement quhair-upoun the said Andro askit act.

*Margaret Scot.*—The quhilk day the foirsaidis baillies decernit and ordanit Margaret Scot to content and pay to Catherine Broun relict of umquhile Maister James Foules of Colingtoun four merkis usuall money at the feist of Candilmes nixtocum for the maill of ane dwelling hous within Edinburgh &c. &c.

*Curia burgi Vicicanonicorum Monasterii Sancte Crucis prope Edinburgh &c. x<sup>o</sup> Decembris Anno lxj<sup>o</sup>.*

The quhilk day Dauid Levingstoun burges of Edinburgh renunceand his awin jurisdiction submittand him in this caise to the jurisdiction of this burgh become actit as cautioner and souertie for Williame Dun-cane to content and pay to Johue Scrymgeour xx ȝ at the feist of Candilmes nixt to cum.

. . . . . . . .

*Decimo quarto die mensis Octobris Anno Domini I<sup>o</sup> V<sup>c</sup> lxxij<sup>o</sup>.*

COUNSALL.

James Graye	{	Bailleis	William Porteous	}	Thesaurer
Thomas Huntar		auld	Johnne Schort		
Johnne Oswald	{	bailleis	Johnne Hairt		
Johnne Achiesoun		diaconis	James Hairt		
Georg Barbour	{		Robert Muir	}	Johnne Huntar
Johnne Hannay					
William Gordoun					

The quhilk day the persouns abone written ar chosen and electit to

be upoun the Counsall of this bruche for this present yeir quha hes acceptit the said office.

The quhilk day It is statute and ordanit be the bailleis and counsall foirsaid that in all tymes cuming the Counsall convene and assembill ilk xiij dayis anis viz. on Furisdaye att nyne houris begynnand on Furisdaye nixt to com the xxij daye of October instant and swa to continew ilk persoun that failleis under the pane of the onlaw of viij s unforgevin sa oft as thaye falye.

The quhilk day the baillies and Counsall ordanis ane officer to pass and warne Thomas Crawfurd to compeir befoir thame this day aucht dayis to answer to sic thingis as thaye haif to laye to his charge.

*Vigesimo tertio Octobris Anno &c. lxvij<sup>a</sup>.*

*Election of Baillies &c.*—The quhilk day It wes statuit and ordanit be the bailleis and counsall that in all tymes cuming this ordour be taikin anent the cheising of baillies That is to say vpoun Fuiridaye befoir the heid Court of Michelmes the new Counsall to be choisin be the auld and on the Tyisdaye thaireftir and immediatlie befoir the heid court the auld and new Counsallis withe the diaconis to cheise the bailleis and the rest of the officiaris swa thaye be all of the Kirk of God and that the nummer of the Counsell be yeirlie xij persons comptand the twa auld bailleis withe the new gif thaye happen to be chargit withe the diaconis.

*John Schort Thesaurer.*—The quhilk day the bailleis and Counsall ordanis Johne Schort Thesaurer to gif in all his comptis of the yeiris and termes bypast comptand the Mairtimes terme nixt to cum this day sax ouldis and thane to make full compt and payment.

*None to be frie of the Craft till he be burges.*—The quhilk daye It is statute be the baillies and Counsall that in all tymes to cum that nane of the diaconis ressaif onye freman with thame anent thair craft afoir he be admittit burges be the baillies And quhatsumevir deacone dois in the contrare heirof fra this daye furthe salbe poyndit for that man burgeschip that sall happen to be admittit viz. four pundis sasone as knawlege beis haid be the saidis baillies and Counsall and na ferder delaye to be haid thairof.

*Thomas Crawfurd.*—The quhilk daye Thomas Crawfurd being accusit be the baillies and Counsall of the manassing and boisting of James Burrell and David Baittie The said Thomas confessit that he said to James Burrell sone being gangand withe the bell that haid it bene ane man that haid gane thairwithe he waild nocht haif bene content.

*Pennultimo Octobris Anno &c. lxvij<sup>o</sup>.*

*Bessie Tailzefer to be brankit and set upon the Croce.*—The quhilk daye Bessie Tailzefer being accusit be the baillies and Counsall of the selandring of Thomas Huntar baillie sayand that he haid in his hous ane fals stoip And thane efir tryall tane thairof be James Graye baillie and James Selkrig officer fand the samyn nocht to be of veritie And thairfoir the baillies and counsall ordanit the said Bessie to be brankit the morne and set upone the croce of this bruche thair to remane the space of ane hour.

*Vigesimo Septimo Novembris Anno &c. lxvij.*

The quhilk day the baillies and Counsall consentit that thair comoun seill shold be appendit to Alexander Durrame Chartour maid to him be Sir George Masoun upone the alienatioun of Williame Young

cuttellar foir land lyand foiranent the girthe croce quhairto thai ar patronis in taikin of thair consent And ordanis the Thesaurer to ressaif xl s thairfair and delyuerit to him the Chartour seilit.

*Fals mesouris.*—The quhilke daye the baileis and Counsall haifand presentit to thame certane tin quartis pyntis and choppyngis stoupis poyndit be the baileis as fals mesouris causit roip the samyne quhilkis wes roupit and sauld to the officiers for xvi d ilk pund troise wecht the haill extending to thre stanis viij pund wecht and in monye according to the said pryce to thre pundis xiiij s viij d and ordanit the said sowme to be delyuerit to the Thesaurer.

*Poyndis to be tane.*—The baileis and Counsall ordanis thair officeris to pas and appryise thre poyndis appertenand to Johne Mosman Willame Quhyt and George Skaythwie tane and poyndit be the baileis for breking of the statutis in selling of aill and mak payement of the saidis poyndis and caus ilk poynd paye aucht s *summa* xxiiij s And ordanis the samyne to be delyuerit to the Thesaurer.

*Pryce on Wyne.*—The quhilke daye it is statut and ordanit be the baileis and Counsall thatt na maner of persoun or persouns inhabiteris within this bruehe tak upon hand to toip or vend wyne fra this daye furthe onye derar nor for xij d the pynt thaye and ilk ane of thame thatt dois in contrar to be poyndit for fiftie s of unlaw sa oft as thaye faillie unforgevin In respect certane of thair poyndis wes gevin agane without onye onlaw thatt haid contravenit the said act &c.

*Hucksterris and Stallangeris to produce thair wechtis and ballandis.*—The quhilke daye the baileis and Counsall ordanis thair officeris to pas and warne all huiksterris and stallangerris within this bruehe to compeir befoir thame this daye xv dayis and to produce all sic wechtis and bal-

landis as thaye haif and ecommounlie sellis with to all oure soueranis leiges to be sene and considderit that ordour may be tane thairin as effeires, &c.

The quhilk daye the baileis ordanis the Thesaurer to bye ane full pund wecht of bras contened all small wechtis thairintill to be put in the commoun box to remane thairin as just wechtis in tyme cuming that the inhabitantis within the bruche maye ressaif thair wechtis thairbye, &c.

*Quarto Decembris Anno &c. lxxij<sup>o</sup>.*

*Compeirance of unfremen to be burgesses and Stallangearis &c.—*  
The quhilk daye the baileis and Counsall statuit and ordanit that na maner of Craftismen nor maltmen be admittit stallangearis earlier nor the feist of Witsoundaye nixt to cum nor sufferit to use onye of the saidis craftis without thai be admittit be the saidis baileis and counsall bot that thaye betuix and the said feist mak thameselvis friemen and be admittit burgesses and paye thame burgeschip thairfoir conforme to the act and ordinance maid thairanent &c.

The quhilk daye Johnne Wilsoun maltman wes admittit to be maid burges of this bruche and to paye four pundis on this maner xl ſ within aucht dayis and fourtie schillingis at Witsoundaye nixt to cum and continewis his ayth to the lattir payment of the said sowme.

The quhilk daye Thomas Donaldsoun tailyeur is admittit to be maid burges of this bruche and to paye four liſ on this maner x ſ quarterlie quhill the samyn be payit Begynnand the first payment thairof att the feist of Beltane nixt to cum and continewis his ayth quhill the lattir terme of payment.

The quhilk daye Willame Moffet cuik admittit stallanger to paye yeirlie in tyme cuming four ſ and to paye for this yeir iiiij ſ within aucht dayis.

The quhilk daye Thomas Curtes skynner permittit to wirk quhill Witsoundaye nixt to cum and hes payit four ſ and ordanit to remoif att the said feist without he be admittit and maid burges.

*Undecimo Decembris Anno Domini I<sup>o</sup> V<sup>c</sup> lxvij<sup>e</sup>.*

The quhilk daye In presence of the baileis and Counsall James Graye baillie being requirit gif evir he callit Robert Achiesoun sumtyme his prentaise theif ansuerit the said James and said he never callit him theif nor had na thing to saye to him bot knew him for ane honest young man And baithe the said James and Robert discharget wtheris of all actioun thatt onye of thame haid to saye aganis wtheris afoir the dait heirof and speciallie of the yeiris of prentaischip quhilk the said Robert haid to rin with the said James and of all sowmes of monye that ather of thame mycht craif of wthiris for onye occasioune bipast.

The quhilk daye the Thesaurer resavit fra Dauid Rowane vij stand of leid wechtis contenedand twa pundis half pund quarter pund twa unce and half vnce and payit for ilk wecht and stand thairof fyif ſ *Summa xxxv ſ quhilk wes put in the box.*

The quhilk daye it wes concludit be the baileis and Counsall to per-  
sew quhatsumevir persoun that is knawin or brutit with the breking of  
the tolbuith of this bruch the tyme of the furthe latting of Jonet Robert-  
soun being wardit within the samyn for adultrie And ordanis the The-  
saurer to delyuir to Cuthbert Fergussoun xl ſ to be expensis for letters

and officeris in persuit of the said caus and the said Cuthbert to mak compt upon his debursing.

*Septimo Januarii Anno &c. lxvij.*

*Cautioneris for vintinouris not to sell thair wyne deirer nor the statute.*  
—The quhilk daye Cuthbert Fergusoun became souertie for Marioun Edmontoun that scho scould sell na darrer wyne fra this daye furthe nor for fourtene £ the pynt under the panis of fourtie pund &c. &c. &c.

*Vicesimo nono die mensis Januarii Anno Domini I<sup>o</sup> V<sup>e</sup> lrvij.*

The quhilk daye Johnne Schort Thesaurer in presence of the baillies and counsall maid his comptis quhilkis wer hard sene and allowit and dischargis maid and gevin to him be the said baillies and counsall and the said Johnne exonerit of his office foirsaid the restis of his comptis *de claro* put in the box conforme to the tiket within the samyne.

The quhilk daye the baillies and counsall electit Robert Muir baxter Thesaurer for the space of ane yeir fra his entrie quhilk wes and began the daye and dait heirof.

The quhilk daye the thre keis of the commoun box wes delyuerit to the persons following to wit ane key to Johnne Haire ane to George Barbour diacone of the Smythis and ane uther to the Thesaurer.

The quhilk daye in presence of the baillies and counsall James Galbraithe Tailzeour become actit and obleist of his awin fre motive will to vnderly the law for the allegit breking of the tolbuith of this bruche committit and done be him and certane wtheris his complices vpone the

daye of      last bipast within nycht and thatt upone the xv  
dayis warnyng to the thrid daye of the air And Johnne Oswald be-  
come souertie for the said James under the paines of xl fip And the  
said James obleist him to relef his said souertie anent the premissis.

*Quarto Martii Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>o</sup>.*

The quhilke daye compeirit Williame Lawsoun and grantit that he haid  
contravenit the actis and ordinances maid be the baillies and counsall  
anent the selling of xiiij d wyne and thairfoir become in will of the baillies.

The quhilke daye compeirit Johnne Sprewll Margaret Christesoun  
Mawse Purves Henrie Kinloche Bessie Walkar the spous of Williame  
Dawsoun Issobell Kincaid and Marioun Forman the spous of Joseph  
Aikinheid and grantit and confessit thatt thaye and ilk ane of thame haid  
contravenit the saidis actis and ordinances maid be the baillies and coun-  
sall anent the selling of the said xiiij d wyne And than thai and ilk ane  
of thame become in will thairfoir.

ASSISA.

Williame Hendersoun	Robert Meldrum	Andro Gavillok
James Cleuch	Robert Aittoun	Thomas Harrat
Williame Broun	Mungo Reid	Johnne Kirkwod
Waltir Blair	Robert Skaithwie	
Gilbert Bluk	George Harrat	

The quhilke daye Williame Gordoun Johnne Castellaw Mariory Ed-  
monstoun and Marioun Thomesoun the spous of James Savoye wes  
acquit be the foirsaid assyise of the contravenyng and breiking of the  
saidis actis and ordinances maid anent the selling of wyne be the saidis  
baillies and counsall.

*Duodecimo Martii Anno IC<sup>o</sup> V<sup>c</sup> lxvij<sup>o</sup>.*

The quhilk daye the baileis and counsall decernis Issobell Kineaid Williame Lawsoun and Josephe Aikinheid to haif tint thair fredomes for breking of the statuittis of thair burghie anent the selling of wyne Thairfoir ordanis thair officeris to pas and poynd the said Issobell Kincaid and Williame Lawsoun ilk ane of thame respectue for the sowme of x pundis of unlaw and the said Josephe for fyf pundis And ordanis the saidis officeris to pas and mak intimatioun to the saidis persouns that thaye nor nane of thame sell ony wyne or vent the samyn fra this daye furth under the panis of confiscatioun of tha wynis Quhilkis thaye or ony of thame salhappin to vent and deling of the samyn to the puir And inlikmaner that na inhabitar within this bruche ventaris of wyne bye sell or vent fra this daye furthe unto the tyme thatt thaye adverteise the baileis and counsall thairof.

The quhilk daye It is statuit and ordanit be the baileis and counsall thatt nane of the counsall in ony tyme heirefter salbe ressauit or admittit cationaris and souerteis for ony ventaris or sellaris of [wyne] for observing and keiping of the statuittis and ordinances of the said bruche maid thairament or to be maid.

*Burges.*—Quo die Joannes Cruche lanio factus est burgen. dicti burgi ad persolvendum summam quatuor librarum ad festum Pasche et Juratus Willelmus Peirsoun cautionarius.

*xxij Aprilis Anno lxvij<sup>o</sup>.*

The quhilk daye in presence of the baileis and counsall compeirit Johnne Sprott officiar and maid faith that vpon the viij daye of Apryll

he beyng poydand Thomas Crawfurd and Donald Morisoun guidis for the sowine of ten markis conforme to ane decret of the saidis baileis awand to Williame Logane The saidis persouns forceable tuik the saidis guidis fra the said officiar and deforcit him in execuicoun of his office.

The quhilke daye Robert Crawfurd sone and appeirand air to Thomas Crawfurd become souertie for the said Thomas Crawfurd his father and Donald Morisoun befoir the baileis to underlye the law quhat tyme or how sone the saidis baileis pleissis to requyir for the entresse of the saidis Thomas and Donald for the deforcement of the officiar in maner foirsaid under the panis of fourtie pundis ilk persoun.

*Decimo Octavo Junii Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>o</sup>.*

The quhilke daye in presens of James Graye baillie Thomas Smyth being wardit within the tolbuith of this bruche for deforceing of Johnne Sprot officiar and was detenit in ward thairfoir at the baileis and counsell pleisour and command For the quhilke offence the said Thomas become oblist and actit of lis awin consent gif evir he beis fundin culpabill of siclyik offences in tymes cuming that he sall tyne his fredome and burgeschip And als become in the baileis and counsell will in punisching of his bodie at this present for the said offence Quhairfoir the said baillie with consent of the haill counsell remittit and fred the said Thomas to libertie.

*Quarto Augusti Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>o</sup>.*

*Anent repairing the watter yett.—*The quhilke daye the baileis and counsell ordanis thair Thesaurar to caus amend sufficientlie the pairt of the wattir yett and to caus mak ane sufficient lok and key thairto withe

ane keye and lok to the port and yet passand in and to the abbaye kirk and also to caus big wpe the fute of Raa cloce and the rowme passand to the Justice Clerk croftis besyid the cunyehous for this present &c.

*John Aslowan.*—The quibilk daye the baileis and counsall being awysit with the reueist of Johnne Aslowane burges of Edinburgh gevin in afair thame anent the biging of his foir land sumtyme pertenand to Olifeir Smyth liand within this bruche on the north syd thairof consentis that the said Johnne Aslowane big and upput his said land within the boundis of his auld foundatioun of the samyn but prejudice of onye libertie or fredome concernyng the sail bruche &c.

*Decimo Octavo die mensis Septembris Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>o</sup>.*

The quibilk daye the baileis and counsall be modificatioun of the former Act maid anent the twa poynidis of Williame Carmichaell and Williame Lawsoun tane and poyndit for breking of the actis and ordinance maid anent the selling of wynis Ordanis thair officiaris to pas and poynd the cautionaris for the foirnemmit persouns ilk ane of thame for the sowme of xl s and mak payment thairof this day viij dayis to the Thesaurer.

*Seling wyne.*—The quihilk daye It is statut and ordanit be the baileis and counsall that na maner of Inhabiter within this bruche ventaris or topparis of wyne tak upon hand to sell onye derar wyne fra this day furth nor xvi d the pynt under the panis of xvij s of unlaw sa oft as thaye or onye of thame failye unforgevin And gif onye of the saidis inhabitantis be fundin contravening the said act and ordinance thryise the contravenar thairof soll tyne his fredome and soll on na wayis be suffirrit to vent wyne fra that tyme furthe unto the tyme he be of new admittit be the saidis baileis and counsall under the panis

of escheatyng of the saidis wynis that sall happen to be ventit be thame in the meane tyme.

*Duodecimo Octobris Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>j</sup>.*

COUNSALL.

Thomas Huntar	{	Bailleis	Johnne Hairt
James Hairt			Johnne Achiesoun
Johnne Schort			Johnne Huntar
George Barbour			Robert Purves
Johnne Smythe		Diaconis	Andro Mansioun
Johnne Blak			Johnne Watson
Williame Porteous			Williame Broun.

The quhilk daye the personis abone writtin ar chosin and electit to be vpone the counsall of this bruche for this present yeir quha hes acceptit the said office and sworn to exerce the samyn lielie and trewlie &c.

The quhilk day Thomas Huntar Johnne Schorte and James Hairt ar chosin and electit bailleis for this present yeir to exerce the office of baillierie quha hes ressauit and acceptit the samyn and hes maid faithe to exerce the samyn trewlie.

*Vicesimo Octobris Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>j</sup>.*

The quhilk daye the bailleis and counsell exonerit and discharget Robert Maister Thesaurer of all intromissioun of thair commoun guid intromettit withe be him fra the ferd day of Januer anno lxvij yeiris to the day and dait heirof be reasoun thaye haif hard sene and allowit his comptis of his intromissioun with the said commoun good during the space foirsaid and ordanit him to be exonerit of the exercising of the said office.

The quhilke daye the baillies and counsall electit and cheisit Johnne Huntar Thesaurer for this present yeir quha hes acceptit the said office upone him and maid faithe to exercie the said office leielie and trewlie during the said space.

The quhilke daye George Skaythwie and Williame Broun ar chosin collectouris for this present yeir of the annuall renttis pertenand to the commountie of this bruche liand within the samyn quha bes acceptit the office and hes maid faith to exercie the samyn lelefie and trewlie during the said space.

*Visatouris of the housis and persouns quha ar seik and quha ar haill.*  
—The quhilke daye the baillies and counsall ordanit the persouns vnderwrittin visatouris of the houssis and persouns dwelland within the quarteris following euerye daye to visie quha is seik and quha is haill diligentie everie mornynge To wit James Hairt baillie George Barbour Robert Maister and Johnne Watsoun for the first quarter begynnand att Leyth wynd fute and passand to Johnne Patirsoun hous The secund quarter fra Johnne Patirsoun to Cuthbert Fergussoun The visatouris thairof Johnne Schort baillie Johnne Huntar James Graye and Robert Purves The thrid quarter fra Cuthbert Fergussoun passand to Sanct Johnnes croce on baithe the sydis of the gait The visitouris thairof Thomas Huntar baillie Johnne Aichiesoun Williame Broun and George Skaithwie.

*Quarto Nouembbris Anno I<sup>m</sup> V<sup>e</sup> lxvij<sup>r</sup>.*

*Extentaris for sustentatioun of the Puir on the hillis.—*The quhilke daye the baillies and counsall hes chosin thir persouns wnderwritten extentaris of the haill inhabitantis within this burche for sustentatioun of the puir on the hillis within the samyn viz. Johnne Hairt Johnne

Oswald James Wilkie Williame Quhyte Alexander Martene Johnne Achiesoun Robert Maister George Barbour and Johnne Huntar And ordanis the saidis persouns to convene the first of this instant monethe at ix houris or thairbye in Johnne Achiesoun foir laud to begin upone the said extent Quhilkis persouns acceptit the said office upone thame.

*Anent cleinging of those suspectit of the Pest put furth on the Hill.—*  
 The quhilk daye It is statuit and ordanit be the baillies and counsall thatt na maner of baxter nor na wthir traffikar being suspectit of the pest put furthe on the Hill and cleingit and thaireftir brocht in within this burche use na change traffik nor oured in na maner of waye for the space of fourtie dayis efter thair incuming of the Hill And als thatt [na] inhabitar within the samyn maltman baxter broustar flescheour or onye wther traffikar or craftsman quhatsumevir haifand onye vavouris to sell hant frequent or use thame selvis with onye persoun or persouns suspect of the seiknes nor that nane of thame ressaif onye siluer fra silyk per-  
 souns bot thatt thaye ressaif it in an veschel and skaid the samyn thatt it may be purifeit fra all contagiousnes Certefeing the saidis persouns that gif onye of thame sal happen to do the contrare and thairbye to be infectit or onye wther nyctbour in thair default in maner foirsaid thaye incon-  
 tinent thaireftir sall suffir the panis of deithe for the samyn without ferther proces of judiciale law.

*Decimo Octauo die mensis Novembris Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>o</sup>.*

*Anent baiking of breid and selling of aill and wyne.—*The quhilk daye It is statuit and ordanit be the baillies and counsall of this bruche thatt na inhabitar within the samyn baik onye breid fra this daye furthe but thatt the four pennye laif be weill bakin and dryit guid and sufficient stuf and keip the mesour and pais of xxij unceis and that all wther breid

to be baikin be thame les and mair keip the pais conforme thairto And that na browstaris nor drye tapstarris sell onye deirar aill nor vi d the pynt under the panis of xvij s for the first falt the secund confiscacioun of breid and aill thatt salbe apprehendit the thrid and last falt spanyng frome the occupatioun for evir And sicklyik that na inhabitaris within this burche ventaris of wyne bye na new wyne deirar nor thatt thaye maye sell the samyn commounlie to all our soueranis leegis for xvj d the pynt under the pane of the unlaw of v li to be up takin of thame quha dois in the contrare sa oft as thaye faillie but favour And thatt thaye sell na deirar new wyne fra this tyme furthe bot for xvj d the pynt vnder the pane of fyif pundis.

*Secundo Decembris Anno Domini I<sup>o</sup> V<sup>e</sup> lxxvij<sup>o</sup>.*

*Contribution for the pair on the Hill.*—The quhilk daye the baillies and counsall eftir heiring and allowing of James Graye Comptis of his intromissioun of onye contributioun gevin to the puir sustentatioun on the Hill ressavit be him fra the handis of James Hairt baillie or onye wtheris within the monethis of October and November respective Dischargit and exonerit the said James Graye thairof in respect of his debursing and comptis maid thairupone hard sene and allowit.

*Rolping of the wyne custom to George Barbour &c.*—The quhilk day the baillies and counsall eftir the rolping of thair wyne say for this present yeir with ane consent and assent hes sett the samyn to George Barbour and George Skaithwie for the space of ane yeir fra thair entrie quhilk entrie wes and began at the first incuming of the first schip that come hame this yeir with new wyne and swa to contineu quhill the hame cuming of the first schip with new wyne the nixt yeir payand thairfor sax merkis sax s viij d monye at the ische of the said yeir and for suir pay-

ment to be maid att the said terme Johnne Huntar Thesaurer is becumin cautioner and souertie thairfoir And the saidis George and George obliest thaine and thair airis to freithe and relief the said Johnne Huntar anent the said souertie and payment for the said sowme.

*Sexto Decembris Anno I<sup>o</sup> V<sup>e</sup> lxvij<sup>j</sup>.*

*The Port and yett passand to the Abbay kirk to be mendit.—*  
 The quihilk daye the baileis and counsall ordanit Johnne Huntar Thesaurer to caus amend the port and yett passand into the abbaye kirk sufficientlie in tymmer work and Irne work and to caus hing ane lok thairupone and als to caus big vpe the fuit of Ra cloce and to cast ane stank att the slope yatt cumis fra the Justice Clark land to the abbaye on the south syid of this bruche &c.

*Vicesimo die mensis Januarii Anno lxvij<sup>j</sup>.*

*That George Harrat associat himself to the religioun of Crystis Kirk.*  
 —The quihilk daye in presence of the baileis and counsall William Harrat younger baxter become actit of his awin fre motive will as cautionar and souertie for George Harrat that the said George sall remoif and devoiyd him selff furth of this burche and fredome thairof within the space of the xv dayis nixt and immediatlie following the daye and dait heirof and noct to be fundin thairintill incails the said George associat noct him self to the religioun of Crystis kirk and satisfie the kirk in maiking of repentance as effeiris within the said space under the panis of xl £ i And the said George oblist him to releif the said Williame his said souertie anent the payment of the said sowme at the handis of the saidis baileis and counsall &c.

*That no inhabiter luge ony stranger in thair houssis &c.*—The quhilke daye it is statuit and ordanit be the baillies and counsall thatt na Inhabiter within this burche tak upon hand to luge ony stranger in thair houssis bot that thaye incontinent efter the said stranger be ressauit to luge in thair saidis houssis cum and schaw the samyn to the baillies of this burehe swa thatt the persons names be knawin be thame under the panis of deid.

*That no persone drink in tavernearis or housis upoun Sunday the tymc of preiching.*—The quhilke daye it is statuit and ordanit be the baillies and counsall that na maner of persoun inhabitar within this burcht ventaris of wyne brostarris or topstarris of aill nor wthers quhatsumevir thoill or permit ony maner of persone or personis to drink keip cumpayne at table in commoun tavernearis or houssis upone Sondaye the tymc of preiching fra this daye furthe under the panis of fourtie ſ to be uptane of the man and wyif quha aucht the saidis tavernearis and houssis sa oft as thaye faillie but favouris.

*Tertio Februarii Anno 16<sup>th</sup> lxvij.*

*Stent for the Puir.*—The quhilke daye the baillies and counsall ordanis the quarter maisteris of the ressaſt of the stent gadderit to the puir to produce and gif in thair comptis befoir thame this daye fyftene dayis.

*Expensis for the Communioun.*—The quhilke daye the baillies and counsall ordanis Thomas Huntar baillie to deburse and mak expensis upone all necessaris concerning the communioun for this present quarter.

*Decimo Septimo Februarii I<sup>o</sup> V<sup>c</sup> lxvij.*

*Auent personnes haifand annuellis to produce thair rychtis and tyillis.*  
 —The quhilk daye the Baillies and Counsall ordanis thair officiaris to pas and warne all and sindrie personis quhatsumevir haifand onye annuellis within this burche dooit to onye altarages or chaiplandis That thaye and ilk ane of thame to compear befoir the saidis baillies on Settirdaye nixt to cum within the tolbuith of the said burche in the hour of eaus bringing with thame thair fundatiouns rentallis infectmentis and wtheris letteris and wryttingis quhatsumevir quhairbye thaye or onye of thayme acclames the saidis annuellis furthe of quhatsumevir landis within this burche as thair rychtis and tyillis of the samyn To be sene and considirrit be the saiddis baillies and counsall With certificatioun to thame and everie ane of thame gif thaye faillie that command wilbe gevin to thair saidis officiaris to staye the annuellis awand to thame in the personnes handis quha is addettit for the samyn aye and quhill thair saidis rychtis and titlis be product in maner foirsaid.

*The sellaris of the Ladie land foundit to our Lady altar to bring thair Charteris &c.—*—The quhilk daye the baillies and counsall ordanis thair officiaris to pas and warne the sellaris of all and sindrie the landis sumtyme pertenand to vnuhill Maister Thomas Haye now callit the Ladie land foundit to oure Ladie altar sumtyme situat within the abbaye kirk of Halierudehouſe within the perroche Ile thereof to compear befoir thame the thrid day of Merche nixt to cum Bringing with them thair few charteris and infectmentis of the saidis landis to be sene and considerit be the saidis baillies and counsall as effeiris.

The quhilk daye in presence of the baillies and counsall Compeirit Robert Dauidsoun baxter and obleist him and his airis to reforme and

east downe his penteis now bigand and foundit be him lyand contigue to his fair land within this burche sa sone and quhat tyme it sall pleise the saidis baillcis and counsall to reforme the haill penteissis within the said burche and that upoun the said Robert and his airis awin expenssis.

*Vicesimo Septimo Aprilis Anno I<sup>o</sup> V<sup>c</sup> lxix<sup>o</sup>.*

The quhilk daye in presence of the Baillcis and Counsall I Williame Broun cautionar and souertie for Johnne Brand minister and Johnne Huntar cautionar and souertie for James Logane become actit of their awin consentis to content and paye to the saidis baillcis and counsall the sowme of fourtie pundis viz ilk ane of the saidis cautionaris the sowme of twentie pundis att the feist of Pasche nixt and thatt for the haill annuell rentis quhatsumevir now vacand within this burche and fredome thairof or within the toun of Leyth or onye wther place thatt maye be cravit be the infestment grantit be the Souerane Lord mother to the saidis baillcis counsall and thair communitie or onye wtherwayis that salhappin to vaik throw deceis of ony persoun or personnes in onye tyme betuix the dait heirof and the feist of Witsoundaye in the yeir of I<sup>m</sup> V<sup>c</sup> threscoir ten yeiris Quhilk haill annuellis in maner foirsaid the saidis baillcis and counsall hes sett the samyn to the saidis Johnne Brand and James Logane for the termes of Witsoundaye and Mertimes in the yeir of God I<sup>m</sup> V<sup>c</sup> threscoir nyne yeiris And siclyik hes sett and assignit to the saidis personnes the haill yeiris and termes bypast restand of the saidis annuellis quhatsumevir unpayit Thaye payand the foirsaid fourtie pundis as said is And als releifand Johnne Hairt and Johnne Achiesoun of onye det or souertie quhilk thaye sould paye to Sir Adame Syme during the said space allanirlie And the saidis Johnne and James obleist thame to releiff thair saidis souerteis anent the payment of the foirsaid sowme &c. &c.

*Quarto die Junii I<sup>o</sup> V<sup>c</sup> lxix<sup>o</sup>.*

*John Sprot officiar to ask forgivenes of the baillie.*—The quhilke daye the baillies eftir the accusing of Johnne Sprot officiar for injuring of James Haire baillie done be him vpone the xxvij daye of Maye last bypast on the Craigis haifand consideratioun thairof Ordanis the said Johnne to ask the said baillie forgivenes and the said Johnne obleist him in caise evir he be fundin injuring ouye baillie or majestrott within this burche in word or deid in onye tyme heireftir to tyne his office of serjeandrie and nevir to bruik office eftir he be conviect in maner foirsaid.

*Statute anent the Officiaris of the Burgh.*—The quhilke day it is statutte and ordanit be the Baillies and Counsell of this burche to avoyid ewill and pveryst ordour usit amangis the officiaris of the samyn in tymes past Thatt everie officiar haif and bein vpoun the breist of his coitt or dowblat the armes contenit in the commoun scell of this burche imprentit in silver quhairbye thaye may be knawin be our Souerane leigis and wtheris quhatsumevir strangeris as officiaris of bruche.

*Officiaris.*—The quhilke daye It is statut and ordanit that everie ane of the saidis officiaris beir about with thame everie daye ane sword exceptand only the Soundaye and upone everie court daye to be hauldin within the bruche ane halbart on thair schouldirris quhill the baillies ryise fra the court And the saidis officiaris to be present everie court daye in the tolbuith with the dempstar at ix houris afair the incuming of the baillies.

The quhilke daye it is statut and ordanit that name of the saidis officiaris haid thair heidis covirrit in fensis court bot that thaye stand att the bar bairheidit sa lang as the Court hauldis without ouye speiking bot quhen thaye ar demandit be the baillies.

The quhilk daye It is statuit and ordanit thatt the saidis officiaris eftir thai ressaif the actis or decreittis of onye persoun or persouns that thai and ilk ane of thame put the samyn to deu executioun conforme to the tennour thairof at the ische of the terme contenit thairintill or at the ferdest within viij dayis thairefter Or ellis that thaye cum to the baileis and declair thatt thair is na guidis poydable or wtherwayis thatt thaye haif gottin ane deforement and failyeing heirof the saidis officiaris to be wardit aye and quhill the fulfilling of the saidis decreittis of the radiest of thair awin guidis and geir or wtherwayis thatt the pairtie defendar satisfie the samyn to the persewar And in lykwyise thatt the saidis officiaris use thre dyettis of apprysingis without onye delaye to be haid thairintill To wit everie Monoundaye Frydaye and Monundaye nixt thairefir conuictioune be thre speciall dyettis of apprysing and thatt thaye mak offer to the pairtie of the guidis to be appryosit sasone as thaye obtene thame without onye fraude or delaye And gif thaye refuse to ressaif the guidis as thaye salhappin to be appryosit That the saidis officiaris produce thair apprysing in wryte this Court and law daye immediatlie thairefir to be buikit vnder the panis foirsaidis &c.

The quhilk daye the statutes and ordinances foirsaidis being red and schawin to the saidis officiaris in presence of the saidis Baileis and Counsall, acceptit the samyn and promittit faithfullie to fulfill and observe the samyn in all poyntis under the panis foirsaidis For the quhilkis caussis and observinge of the premissis the saidis baileis and Counsall assignis yeirlie to everie ane of the saidis officiaris of fie the sowme of iiiij £ to be payit to everie ane of thame yeirlie att the making of the Thesaurer Comptis.

*Nono Junii Anno Domini I<sup>o</sup> V<sup>e</sup> Lxix<sup>o</sup>.*

The quhilk daye the Baileis and Counsall eftir thryise rolicing of

southemest of the twa bak chalmouris of the westir tenement of the Lady land now occupit be Margaret Wod relict of vnuhill Alexander Moriesoun burges of Edinburgh all in ane voce consentit to the setting of the samyn in few to the said Margaret in lyfrent and to Patrick Moriesoun hir sone heritable &c. for payment yeirlie of four merkis and fourtie d of few maill att the intres of airis And expyryng of the few in eaise of fallyeing of few maill swa that twa termes into thre.

The quhilke daye the Baileis and Counsall eftr thryise rolpig of the northmest chalmour of the twa bak chalmerris of the said westir tene-  
ment occupyit be Thomas Hendirsoun and              Bowie his spous and  
Margaret Graye doughtir to the said              all in ane voce consentit  
to the setting of the samyn in few to the said Margaret hir airis and  
assignayis for payment yeirlie of four markis and xl d of few with provi-  
siouns foirsaidis specifeit the former Act.

The quhilke daye the Baileis and Counsall consentit in like maner all  
in ane voce to the setting of ane peice waist in few lyand foranent the  
hous and chalmer sett to the said Margaret Wode in few to Thomas  
Crawfurd occupyar thairof eftr the samyn wes rolpit for xij s iiiij d of  
few maill yeirlie and na Compositioun in respect of augmentatioun the  
samyn payand of auld fyif s onlie.

The quhilke daye the Baileis and Counsall with awyse and consent of  
the Minister Johnne Brand for himself and in name and behalf of the dia-  
conis and eldarris thairof ratiefeis apprevis and confermes the Charter of  
fewferme in all pointis and contentis thairof maid and grantit to Thomas  
Huntar ane of the Baileis of the said burche and              Forman his  
spous thair airis and assignayis be Robert sumtyme Commendatar of  
Halierudehouse and Convent thairof of all and haill certane waist houssis  
and landis callit of auld the Brewhous with ane croft of land lyand contigue

thairto now occupyit be Andro Chalmer burges of Edinburgh liand on the south syid of the Abbay of Halierudhous And ordanis ane Chartour of Confirmatioun to be maid therupone in dew and competent forme with all claussis neidfull.

*xxij<sup>o</sup> die mensis Septembris.*

The COUNSALL for this present yeir.

Thomas Huntar	Robert Wethirspune	Diaconis.
Johnne Schort	Johnne Kirkwood	
James Hairt	Andro Purves	
Johnne Hairt	Johnne Huntar	
Johnne Oswald	Johnne Achiesoun	
James Wilkie	Robert Muir	
Johnne Smyth		

*Quarto Octobris.*

The quhilk daye Thomas Huntar Johnne Schort and Johnne Oswald ar chosin and vottit baillies for this present yeir and the saidis Thomas and Johnne Schorte acceptit the said office vpone thame and efir the fencement of Court maid faithe to exerce the said office of baillerie lelelie and trewlie the halie evangillis during the space of ane yeir heirefistir And continewit the said Johnne Oswald aythe to the nixt Court daye.

The quhilk daye efir the productioun of Johnne Huntar comptis Thesaurer in presence of the saidis baillies and Counsall the samyn wes hard sene and allowit be thame and exonerit the said Johne as Thesaurer of all his intromissioun with the commoun guid for the space of ane yeir bypast preceeding the dait heirof exceptand onlie the sowme of xx pundis lent to the Minister at command of the saidis baillies and

Counsall of quhome the said Johnne Huntar hes ressavit the said Johnne Brand Obligatioun for payment agane thairof at Mertimes be reasoun the said Johnne Huntar is continewit in the said office of Thesaurarie for the space of ane yeir.

The quhilk daye Waltir Stevingstoun baxter become actit of his awin fre motive will to content and paye to Johnne Huntar Thesaurer the sowme of nyne merkis monye yeirlie for the westmest heich hous and twa laiche houssis of the tolbuith and sett to him be the baileis and Counsall for the space of ane yeir nixt following the feist of Mertimes nixt to cum And ordanis the said Waltir to paye of byrunmaillis iiiij ti quhilk is assignit to the officiaris in pair of payment of thair feis.

*Patrick Monypeny to produce his feu charter of the Commoun muir.—*  
The quhilk daye the baileis and Counsall ordanis ane precept to be direct to summond Patrick Monypennie of Pilrig to produce befoir thame his few Chartour of the Commoun Muir to be sene and considerit be thame,

*Quinto Octobris.*

*Actis to be set furth and publishit within this burch.—*The quhilk day in presence of my Lord Commenderate of Halierudehous his barroun baillie baileis and Counsall the statutis and actis underwrittin being presentit all in ane voce decernit and ordanit thame to be set furthe and publischit within this burche to be obseruit and keipit be the inhabitantis thairof in tyme cuming under the panis contenit thairintill particularlie as followis.

*xxvij Januarii.*

The quhilk daye it is statuit and ordanit be the baileis and Counsall

that in all tymes cuming the Clerk or his seruand be present everie Tyisdaye in the tolbuith eftir the prayeris with all processis depositiouns of witnessis and productions of witnessis to be advisit and examinit be the baillies.

*Quarto Maij Anno I<sup>o</sup> V<sup>c</sup> lxx.*

The quhilke daye the Baillies and counsall hes sett thair wyne say for this present yeir quhill the nixt vantage for sax markis monye to thair officiaris and the saidis baillies and counsall assignis to thame the said sowme in payment of thair fie &c.

*Decimo Sexto Novembris.*

*Few charter of the commoun muir producit.*—The quhilke daye compeirit Patrik Monypenny of Pilrig and producit ane few charter of the commoun muir maid be Olyfeir Broun Johnne Cairnis and Williame Muir baillies for the tyme to vnuquhill Robert Monypenny of Pilrig and Margaret Crawfurd his spous and thair airis &c. Reservand to the saidis baillies and communitie the lone of the said muir as it thane laye betuix the dyikis extending to twa aikeris and ane halff hauldin of the baillies counsall and thair successouris Payand viij ti att Witsoundaye and Mertimes and failyeing of payment fourtie dayis eftir ilk terme the few to expyir As the samyn of the dait under the commoun scillis of the said burche abbaye the xij daye of October anno I<sup>m</sup> V<sup>c</sup> *vicesimo primo* propertis.

*Decimo Sexto Octobris Anno I<sup>o</sup> V<sup>c</sup> lxxij<sup>o</sup>.*

The quhilke daye the counsall consentis and hes ordanit thatt the baillies have for this present yeir for thair laubouris and travell in thair

offices everie aane of thame aane burgeschip with the haill unlawis to be partit amangis thame And gif thair be nocht samony burgeschippis as everie baillie aane and samony as salbe gottin and maid within the yeir nocht exceeding thair nummer to be dect equallie amangis thame Provyding alwayis the saidis baileis be diligent in the inbringing of the rest of the saidis burgeschippis to the commoun guid and put to executioun and pwneis for the unlawis vpone transgressouris of the statutes within the burch.

*Alexander Thomson Redar.*—The quhilke daye the Baileis and Counsell assignis to Alexander Thomsoun Redar the sowme of vi £ of the superplus of the compositioun of the annuellis and ordanis the collectouris to mak him payment thairof quhilke salbe allowit to thame in thair comptis.

*The Corce to be upput and biggit.*—The quhilke daye the baileis and counsell ordanis Johnne Hart Thesaurer to vpput and big sufficientlie the corce and quhilk expensis he makis thairupoun salbe allowit to him in his comptis.

#### *Decimo Octavo Decembris.*

The quhilke daye in presence of the baileis and counsell compeirit Johnne Brand Minister haifand the gift pertenand to him of the annuellis quhilkis pertenit to our Ladie Altar sumtyme situat within the perrocze kirk of Halirudhous be dispositioun and rycht maid to him of the samyn of befoir of his awin frie motive will renuncit transferrit and ourgave lyik as he be the tennour heirof renuncis quiteclames transferris and ourgevis his said gift and tytle of the saidis annuellis sumtyme pertenand to the said altar with all rycht clame &c. In favouris of the saidis baileis counsell and communite of the said burch to remane with thame

and thair successouris perpetuallie in all tymes cumyng and thatt for the sowme of xl ȝ monye to be payit yeirlie att Witsoundaye and Mertimes be the saidis baileis counsall and communitie to the said Johnne Brand salang as he remanis Minister att thair said perroche kirk.

*Vigesimo Martii.*

The quhilke daye in presence of the baileis and counsall Comperit Dauid Seroghe and of his awin consent become actit and obleist as cautionar and souertie for Johnne Mosman sone to Johnne Mosman burges of this burch that the said Johnne youngar sall att quhatt tyme or how sone he be chargit compeir befoir the kirk and assemblie of this burch and obey and fulfill sic Injunctionis and ordainences of puneisment thatt salbe laid to his charge for fornication committit be him and also thatt he sall fulfill and obeye the satisfaction and punishment thatt salbe commandit him to do to James Selkrig and Johnne Sprott thair officiaris for injuring and doing thame wrangis in executioune of thair offices and that att the sicht and delyuerance of the saidis baileis and counsall And siclyik that the said Johnne sall in na tyme heireftir truble molest nor injure the saidis officiaris be word nor deid under the panis of ane hundreth pundis monye to be payit be the said Dauid as cautionar foirsaid incase the said Johnne failye in fulfilling and observing in onye parte of the premissis as the saidis baileis and counsall sall think expedient and the said Johnne Mosman eldar become souertie to releif the said Dauid anent the cautioune.

*Decimo Sexto Octobris Anno I<sup>o</sup> V<sup>e</sup> lxxij<sup>o</sup>.*

*Non to receue unfreemen to work in thair houssis.*—The quhilke daye the Baileis and Counsall ordanis and statuttis thatt in all tymes that

na maner of craftsman or traffiequer of onye tred or occupatioun within this burch att his awin hand without licence grantit be the saidis baillies and counsall of befoir nocht being burges thatt thai persons sall haif na delaye of tyme for payment of thair burgeschip And quhatsumevir burges or inhabitant within this burgh that ressaus onye sic persoun or permittis him to use onye tred or traffieque within thame in thair places or rowmes thatt thayre sall paye for the first falt xl ſc iiiij ti the secound the thrid falt tinsell of thair fredome.

*Octavo Aprilis I<sup>m</sup> V<sup>c</sup> lxxvij.*

*That ane new stope be bocht.*—The quhilke daye the saidis baillies and counsall ordanis that George Skaythwie pas to Johnne Weir pulderar and bye fra him ane new stope according to the mesour of the last proclamatioun in Edinburgh quhilke salbe allowit to him in his comptis.

*Vicesimo Septimo Maii.*

*That all pendis biggit within this burgh be lyk utheris ſc.*—The quhilke daye the haill baillies and counsall being convenit hes concludit be voitt thatt all pendis biggit or to be biggit within this uberh be all lyik wthirris in payment of thair dewtie and estemnit in all tymes cuming to be wtheris brethir nochtwithstanding the quantitie and bowndis of rowmes And also statuittis thatt in all tymes cuming everie pend biggit or to be biggit sall pay of yeirlie maill and taxatioun to the commoun guid iij ti iiiij d Begynnand the first payment heirof att the feist of Witsoundaye nixt to cum and swa furth yeirlie and termelie in all tymes cuming quhill the tyme thatt other ordour be tane anent thair dimolisching and downe casting or uther reformatioun be our Soverane

Lord or his grace Regent And as towart sic persouns quha hes thair pendis alreadie biggit and refuissis to paye the said yeirlie dewtie ordanis ane officiar to pas and warne the saidis personns to tak downe thair saidis pendis within xl dayis thaireftir vpon thair awn expensis With certificatioun and thai failye the saidis baileis and counsall will caus tak downe the samyn upon the parties expensis And that na pendit be biggit heireftir be na maner of persoun without the samyn be first sene and considderrit be the saidis baileis and counsall and thair licence grantit thairto under the pane of ane unlaw and dimolisching of the samyn.

*Decimo Junii.*

*Anent the receiving of Deacons upoun Counsall.*—The quhilk daye the baileis and counsall hes fundin Willame Quhite being electit and chosin diacone of the cordonaris be his brethir for this present yeir sufficient and qualifeit worthie thairof and consentit to be ressavit in the nummer of the counsale in place of umquhill Andro Purves quha is sworne and ressavit for this present yeir to remaine thairon quhill the nixt election and presentationoun of ane wther in his office.

The quhilk daye the baileis and Counsall all in ane voce be voitt hes ordanit and statute that this ordour be taikin in all tymes cuming anent the ressaving of Diacones upon counsall that incase qubatsumevir diacone of the craftis be electit and being presentit to the Counsale nocht being fundin be thame qualifeit and able thairfoir it salbe leissum to the saidis baileis and Counsall to refuse that personn and ane wthir to be chosin and presentit to the brethir of thatt craft to be put in his place nochtwithstanding he be nocht diacone being fund sufficient and qualifeit for the samyn.

*Vicesimo quarto Junii.*

COMPARENTES.

Bailleis	{ Johnne Achisoun James Wilkie Johnne Harte James Harte George Skaythwie	James Eistoun Williame Murraye Andro Borthuik Johnne Makcoule Williame Quhyte
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*The haill fleschouris commandit to be wardit.*—The quhiik daye the baileis and Counsale all in ane voce ordanit the haill fleschouris to be commandit in warde quhill thai pay the Mertimes and Witsoundaye maillis And also ordaunis Williame Persoun to remane in warde for his offence in euning and denying of thair actis of Counsale quhair he was actit of befoir for payment of xx s for his stok maill during thair willis.

*Octavo Julii.*

*That na Craftisman use tred within the burgh until he be frie.*—The quhilk daye the baileis and Counsall ordanis thair officiaris to pas and discharge all maner of persouns Craftsmen and trafficquaris within this burch usand onye kynde of tred unto sic tym thai mak thame frie under the panis of warding of thair persouns that contravenis the samyn.

*Decimo Octavo Octobris.*

The quhilk daye the baileis and Counsale beand convenit ordanis thair Thesaurer to big and upput ane yett upon Rais Cloce and mak the samyn lokfast and else to bye ane lok and key to the Wattir yet quhilk salbe allowit to him in his comptis.

*Quinto Novembris.*

*John Castellaw ordanit to pay xl s for his absence from the Burgh.—* The quhilke daye the baileis and Counsale haifand hard and considerit the supplicatioun gevin in to thame be Johnne Castellaw smyth for his being absent and remanyng furth of this burch with his houshald and familie yeir and daye bipast he being chargit be the officiaris and be oppin proclamatioun (as he confessit) and thairfor the said Johnne become in the saidis baileis and Counsale will for the samyn The saidis baileis and Counsale haifand consideration of the said Johnne guid will and mynd borne towardis the nychtbouris of this burch and that he hes payit contributioun with the brether of his craft deceernis and ordanis him to paye xl s of compositioun.

*Vicesimo quinto Novembris.*

*Rolping of the commoun annuellis of the Burgh.—* The quhilke daye eftir the dew rolping of the commoun annuellis as use is the samyn wes sett be the baileis and Counsale to Thomas Huntar and George Skaithwie for the termis of Mertimes *in anno lxxiiij instant* and Whitsoundaye nixt to cum *in anno lxxv yeiris* for the sowme of fiftie ane markis vi s viii d to be payit at Michaelmes nixt to cum Providing alwayis the Minister and Redar be payit of thair stipendis thairof att the termis usit and wont And Johnne Smyth baxter become souertie for the said Thomas and Johnne Schort become souertie for the said George for payment of the said sowme and the saidis Thomas and Johnne obleissis thame to releif thair saidis souerteis.

*The Compte of Johnne Harte Thesaurer of his intromission with the commoun guid of this burgh of the termis of Martimes anno I<sup>o</sup> V<sup>e</sup> lxvii and Whitsoundaye in anno lxviii yeiris maid in presence of the baileis and Counsall as followis.*

THE COMPTAR CHARGE.

Fra the Laird of Pilrig for his mertimes maill of the commoun muir &c.  
      *iiiij ti*

*Summa totalis operationis* ane hundred fife pund xijj ȝ iij d.

*The Comptar Discharge and exoneratioun as followis.*

To Agnes Johnnestoun be command of precept for ane lyttle buird to the tolbuyth	- - - - -	vi ȝ
To ane work man for rowing of the corse stanis af the calsaye	- - - - -	xij d
To Johnne Schort for his baillie fie	- - - - -	iijj ti
To Andro Borthuik baillie for his fie	- - - - -	iijj ti
To James Hairt baillie for his fie	- - - - -	iijj ti
To ane workman for the doun takin of the sclaitis of the tolbuith	- - - - -	xij ȝ
Item for the biging up of ane dur and ane windo	- - - - -	xvij d
Item for twa crukis to the nethir seller	- - - - -	iijj ti
For inputting of the said erwikis and twa pund of leid to thame	ij ȝ vj d	
To Maister Danid Makgill to proeuir aganis the toun of Edinburgh ane angell noble price	- - - - -	lv ȝ
To William Brysoun Maissar for summonyng of Johnne Ramsaye cussumer	- - - - -	v ȝ
To Robert Scott wryter for outdrawing of ane act	- - - - -	xxv ȝ
To James Harte att the command of the baileis for his fie	- - - - -	iijj ti

And to George Skaithwie	-	-	-	xx ſ
To Jonet Wilsoun for the communioun wyne	-	-	-	i ſ
To Maister Dauid Borthuik and dowble ducat price		ijj ti	xvj ſ	
To Thomas Hantar to geve Mr Dauid McGill	-	-	ijj ti	
To the said Thomas to geve Mr Henry Kynross to procure aganis Adame Foulartoun and the toun	-	-	-	ijj ti
To James Brouklaye for rowing of the stanis of the croce quhen the Inglisch cannounis come to sege the castell	-	-	xvij d	
To Robert Wethirspwne quhilke wes warit on the pyper claise	-	-	x ſ	
For making of the pyper claise and pasmentis thairto		xiiij ſ	vijj d	
To Johnne Sprott officiar att command of the baileis		-	ijj ti	
To Thomas Hantar to delyuir to Maister Dauid Bortheik to procur aganis Edinburgh ane angell noble pryce	-	-	-	lvj ſ
Item for biging vpe with stane ane dur	-	-	-	xij d
To James Wilkie baillie for his fie	-	-	-	ijj ti
To George Skaythwie to gif Johnne Hendirsoun for making of the billis aganis Edinburgh	-	-	-	xv ſ vijj d
To the twa officiaris for thair feis for the space of ane yeir to cum		ijj ti		
To Gilbert Blak of the rest of the maill of the tolbuith of the terme of Whitsoundaye in anno I <sup>m</sup> V <sup>c</sup> lxxij yeiris	-	-	ijj ti ix ſ	
Item to Thomas Hantar to gif to Mr Henry Kinross to procure		ijj ti		
Item for candill to the communioun	-	-	ijj ſ	ijj d
Item for careing of the tables and formis	-	-	-	xvij d
Item to James Abercrummy be command of the baileis and counsall conform to ane precept for satisfacioun of ane annuell awand to the Convent furth of our Ladie land of all yeiris bipast and to cum during James lyif tyme as collectour the sowme of	-	-	-	x ſ
Item to Thomas Hantar to gif the procuratouris of the commoun actioun and allowit be the baileis	-	-	ijj ti xij ſ	
Item to Robert Scott for extracting of the principall proces furthe of the registar	-	-	-	x ſ

Item to James Logane to bye ane buik at command of the baileis	xl	ſ
Item to Thomas Huntar to geve Maister Henrye Kinross at command of James Wilkie baillie	-	v ſi
Item to Maister Dauid Makgill ane roise noble the pryee	iiij	ſi xvij ſ
Item to Johnne Kirkwod tailyeoure att the command of the baileis	xl	ſ
Item to Robert Ayttoun att the command of the baileis and counsale for the tolbuyth maill	-	vj ſi vj ſ ſ viij d

*Penultimo Decembris.*

*Comptis of the Assyise wyne assignit for the Girth corce.—*The quhilk daye the baileis and counsale haifand hard sene and allowit the comptis of Thomas Huntar of the assyise wyne intromittit with be thame of the termes of Witsoundaye and Martimes in Anno I<sup>o</sup> V<sup>e</sup> lxxij The saidis baileis and counsale dischargett and exonourit the saidis Thomas and Williame thairof for evir and thatt becaus the samyn wes assignit to the said Thomas and umquhill Cuthbert Fergusoun of befoir in recompenſationn of the expensis of the girth croce.

*The compt of George Skaithwie Thesaurer of his intromisioun with the commoun guid of this burche of the termes of Martimes in Anno I<sup>o</sup> V<sup>e</sup> lxxij and Witsoundaye and Martimes in Anno I<sup>o</sup> V<sup>e</sup> lxxvij &c.*

Fra Johnne Johnnestoune Sword sleper for his burgesschip                    iiij ſi  
quhilk was gevin to John Brand minister be command of the Baillies

\* \* \* \* \*

*Summa totalis onerationis fourseoir aucht pundis sax schillingis viij d.*

*The Comptaris discharge and exoneratioun as followis.*

Imprimis to Cuthbert Fergusouns wyif for the communiooun wyne	ijj ſi ij ſ vj d
To James Selkrik officiar for his awin expensis in horse wagis rydand to Peblis with the baileis	- - - - xxvj ſ
To sax pynouris att the baileis command for taking doun of the lintall stane of the auld tolbuith windo	- - - - ijj ſ vj d
To ane new pyper befoir James now our pypare wes entirit att command of the baileis	- - - - xiiij ſ iij d
To Williame Robisouns wyif for the scuill maill	- xl ſ
Item for ane daill to be ane table to the communiooun	vj ſ viij d
Item for ane aikin trie to be formis	- - - - xvj ſ
Item for ane wther aikin trie to be feitt to the new and auld formis	vij ſ
Item for ane double spar to the communiooun buird	- ij ſ vj d
Item for ane quarter hunder plenchoune naillis	- - - ix d
To Crawfurd for bering of the tymmir to the wrycht in the kirk	xvj d
To the sawaris for sawing the tymmir to be formis	- vj ſ
To Henry Mylne wrycht for ane trape to the poulpatt	iiij ſ
Item to the said Henry for thre dayis laubour in preparing and making of the tables to the communiooun	- - - ij ſ viij d
To Johnne Weir pulderar for ane new Jwcate of tin weyand thre ſi and ane half pryce of the pund iii ſ vi d <i>Summa</i>	- xj ſ viij d
To Johnne Trumbill cowper for ane new firrott	- - - xiiij ſ
To Johnne Brand Minister	- - - - iiij ti
and thatt for Johnne Johnnestonis sword slipper burgeship	
To Williame Brysoun messinger for charging of Thomas Hunter and the Bischope to compeir befoir my Lord Regentis grace and Seereitt Counsall for repairing and bigging of the kirk	- - - v ſ

*The expensis of preparing of the saittis and bar to the tolbuith as eftir followis.*

Imprimis for five auld daillis and ane half to be saittis in the tolbuith					
pryce of the pece vj ſ viij d	<i>Summa</i>	-	xxxvj ſ viij d		
Item for careing the daillis out of Leyth to the Cannogait			ij ſ		
Item for half ane dosane of sparris	-	-	-	vij ſ	
Item for bringing thame out of Leyth to the Cannogaitt			xvj d		
For ane dowble spar to be feitt to the standertis of the bonkellis	ij ſ	vj d			
For twa hundredth plencheoun naillis	-	-	-	vj ſ	
To the saweris for sawing twa daillis and ane half		-	v ſ		
To Alexander Barde smyth for bandis crukis and stapillis to the bar					
dur of the tolbuithe	-	-	-	ij ſ vj d	
Item gevin to the wrychtis for thair wagis	-	-	-	x ſ viij	
Item to Johnne Achisoun in his fie	-	-		iiij ſ i	
To the calsaye maker at command of the baileis		-		xvij ſ	
To Johnne Sprott officiar to geve George Gibsoun for ane act of dely-					
verance of the Lordis of Counsall and letters direct thairupon for					
summonyng of certane preifis to preve our possessioun of the gram-					
mer scuile for the first terme	-	-	-	xij ſ	
To Robert Ayttoun for the tolbuith maill for the martimes terme in					
Anno I <sup>m</sup> V <sup>c</sup> Ixxijij yeiris	-	-	-	vij merkis	
To the Maister of the seole to gif ane messinger to suspend ane bill					
delyverit be the Lordis	-	-	-	twa ſ	
To Richert Schankis for the auld tolbuith maill		-		ij ſ i	
To the pypare to bye his claise	-	-	-	vj ſ i	
To Thomas Hunter for twa garrouns of aik to be cheikis soill and lin-					
tale to the yett in Rais cloise	-	-	-	vij ſ	
Item for ane daill to the yett	-	-	-	vj ſ viij d	
For sawing of the daill	-	-	-	-	ij ſ

For xi pundis Irne of maid work in erukis and bandis to Alexander Baird smyth prye of the pund xij d <i>Summa</i>	-	xj ſ
For lok kie and stapill to the yett	-	vij ſ
For lyme to lyme the yett	-	iij ſ
For beiring upē of the yett and dur cheikis	-	vij d
For naillis to naill the yett	-	ij ſ
For naillis to naill the bandis of the yett on	-	vj d
To the wrychtis for making of the yett	-	x ſ
For twa halbertis to the officiaris	-	xxxij ſ
Item in drink siluer to the boye	-	vj d
Item gevin to Johnne Sprot to geve for letters to summond witnesses for preying of possessioun of our seule for the seeound terme	xx ſ	
Item to Johnne Crawfurde for xxij dayis thatt he keipit the wattir yett		xxxvj ſ
Item gevin to Johnne Aichisoun in his fie for Andro Chalmeris burgeschip	-	iij fi
To Johnne Sprot and James Selkirk officiaris for thair feis		vij fi
Item I want James Bowie flescheour Martimes stok' maill <i>in Anno</i> <i>I<sup>m</sup> V<sup>e</sup> lxxij yeiris</i>	-	x ſ
Item I want of Gawane Watt fleschouris the haill thre termes maill	xxx ſ	
Item I want of Thomas Neill fleschour uther thre termes maill for his stok	-	xxx ſ
To Johnne Young seruand to James Logane att command of ane precept	-	iij fi
Item to James Wilkie baillie for his fie for the terme of Martimes in <i>Anno lxxij and Witsoundaye lxxv yeiris</i>		
Item to James Hart baillie for his fie	-	iij fi

Swa all thingis beand allowit hard sene and considdirit the Comptar is restand awand *de claro* the sowme of Sevintein pundis xvij ſ j d.

*Vicesimo Sexto Januarii.*

*Mortelaith.*—The quhilk daye the Bailleis and Counsall ordanis George Skaithwie Thesaurer to bye ane mort claith of Franche blak ane basein of tyn quhilk salbe allowit to him in his comptis.

*Gilbert Wat to set doun on his knees and ask forgirenes.*—The quhilk daye Gilbert Wat flescheour being wardit within the tolbuith of this burch for the injuring and blaspheming of James Hairt baillie as the said Gilbert confessit he wes ordanit to sit doun on his kneis and ask the said James Hairt baileis and Counsall forgevenes and in lyikmanir to do the samyn on Setterday nixt to cum in the sessioune of the kirk And als the said Gilbert obleist him of his awin consent that gif ever he be convict in the lyk offence to ony Magistrat of this burch to tyne his fredome and remove him scelfe furth of this burch during the baileis and Counsall will.

*Vicesimo quarto Februarii.*

*John Smyth to remane in waird and pay ane unlaw.*—The quhilk daye the baileis and Counsall ordanis Johne Smyth baxter to remane in waird induring thair will for the injuring of George Skaythwie Thesaurer in thair presens saying to him all thingis he spak was bot lessingis And thairfoir decernit him to pay ane unlaw of fiftie schillingis And in eace the said Johne commit the lyke fault in ony tyme enming never to bruik office in Counsall heireftir.

*Quinto Augusti Anno I<sup>m</sup> V<sup>c</sup> lxxv.*

The quhilk daye in presens of the baileis and Counsall the evidentis

eftir specifeit wer presentit and input in the commoun box That is to say Ane Chartour and precept under the greit and quarter seillis of the Donatioun of annuellis and Chapelaneis wantand the sesing togither with the contract betuix this burch and Leyth all in ane buist.

Item in ane vther box the Commoun Chartour of the fundatioun of the Libertie of this burch with the copy of the principall summoundis betuix this burgh and Edinburgh Als four chargis and deliverances of the Lordis with tua Instrumentis thairvpoun anent the Custumes at the nethir boll and ane sesing of xl s annuell furth of Williame Kintra land.

*Decimo Quinto Novembris Anno I<sup>m</sup> V<sup>e</sup> lxxvj.*

The haill counsale convenit except Andro Borthuik.

*The comptis of George Skaithwie Thesaurer and Collectour.*

*Oncratio.*

The said Comptar chargis him with intromissioune of the commoun guidis of this burch and annuellis of the termes of Witsounday and Mertimes Anno I<sup>m</sup> V<sup>e</sup> lxxv and Witsounday Anno I<sup>m</sup> V<sup>e</sup> lxxvj in maner following.

In the first with the maillis of the commoun mwre of the saidis thrie termes extending to	xij lib
· · ·	· · ·

The comptar chairgis him with the commoun annuellis of the said burch of the termes of Mertimes in Anno I<sup>m</sup> V<sup>e</sup> lxxv and Witsounday lxxvj conforme to the sett thairof to him extending to fiftie fyve markis.

*Followis the Discharge and Exoneratioun of the said Comp-  
tar alsweill of his Intromissioun of the Thesaurie as Col-  
lectorie.*

Item in the first vpoun the xijij day of Januar gevin to Dene James Abercrumby at the baileis command	-	-	ix ȝ
Item vpoun the fourt day of Februuar gevin to ane Candilmaker for caudill to the Communioune	-	-	v ȝ
Item vpoun the aucht day of Januar gevin to James Haire to geve Mr Dauid McGill to procure in Thomas Huntaris caus befoir the Lordis of Seereit Counsale	-	-	v fīb
Item vpoun the fyft of Junii gevin for lattoun to mark the pure ij ȝ vj d			
Item to Robert Aittoun for the Witsoundaye and Mertimes lxxv and Witsoundaye lxxvj yeiris maillis of the tolbuith		xxiiij	merkis
Item vpoune the xxi day of Julii Anno I <sup>m</sup> V <sup>c</sup> lxxv gevin to ane swas- shear at Johnne Schoirtis command	-	-	xx ȝ
Item the samein day gevin for ane quarte of wyne to geve to Johnne Frenche and Thomas Ramsay the first day of our mowstiris at Johnne Schoirt and James Wilkie command	-	-	x ȝ
Item vpoun the xxvi day of Julii gevin to Johnne Bell smyth for the making of the Irne to the pulpit to hald the basing	-		ij ȝ
Item vpoun the secound day of October gevin for candill to the com- munioun	-	-	v ȝ
Item tynt of xiiij fīb of plackis and hardheidis be the crying dounie of the siluer	-	-	vj fīb
Item gevin to mak out Thomas Huntaris xl fīb quhilk wantit of the stent as the stent roll heir beiris	-	-	xvj ȝ viij d
Item gevin Carsane the swashear that day we moustirit		xxx	s
Item the samein day gevin to the pyper at the baileis command		vijj	s

Item the samein day gevin to ane bonetmaker fallow to play on my Lordis swasche	vj ſ viij d
Item gevin to Williame M <sup>c</sup> Neill at the baileis command for ane sesing gottin fra him of Williame Kintrayis land	iiij t̄b
Item gevin at the baileis and counsall command for x quarteris of French blak to be ane mort claythe price of ane elne liij ſ <i>Summa</i>	vij t̄b v ſ
Item gevin for flour elnis and ane halfe of buerume to lyne the mort clayth price of the elne vj ſ <i>Summa</i>	xxvij ſ
Item gevin to ane tailyeur to lyne the samein	v ſ
Item gevin for ane basing	xxvij ſ
Item gevin to Maister Johnne Haire Thomas Chirries burgeschip for his fie viz.	iiij t̄b
Item the samein day gevin at the baileis and counsall command to Andro Hay maltman for his suppoirt	iiij t̄b
Item upoun the xxij day of November gevin to ane officiar for ganging to Leith to summond Johnne Inglis about our annuellis	ij ſ
Item the same day gevin to Horne for bigging of the hoill in the bak of the tolbuith	ij ſ
Item for lyme and sand to it	ij ſ
Item the samein day gevin to the Frenche broudinster for the armes of the moirt claih	iiij t̄b
Item gevin to Johnne Schoirt and James Graye baileis for thair feis in the yeir of God I <sup>m</sup> V <sup>c</sup> lxxv yeiris	vij t̄b
Item vpoun the viij day of Januar gevin to thrie pynouris to carie the cheik of the poirt to Johnne Bellis buith	xij d
Item gevin to thrie pynnouris for taking of the auld tymmer out of the tolbuith to my close	xvij d
Item gevin to Johnne Bell Smyth for making of the key of the commounre box	ij ſ vi d
Item vpoun the xix day of Januar gevin to Johnne Millaris wyfe for weseling of the ecommunioun claise	iiij ſ

Item the samein day gevin to Johnne Bell smyth to graith the watter yet	-	-	-	-	-	x s
Item vpoun the xxi day of Aprill to Andro Borthuik to geve Wilyeame Logane officer for the copie of the charge anent the boulyeoune	ijj	s				
Item gevin to the officiaris for thair feis of the yeir of God I <sup>m</sup> V <sup>c</sup> lxxv yeiris	-	-	-	-	-	vijj ti
Item vpoun the xxij day of Aprill gevin to Mr James Ritchie for obteining of our decreit vpoun Johnne Inglis anent our annuellis of Chissolmes land	-	-	-	-	-	ijj s ijj d
Item the samein day to the officiaris	-	-	-	-	-	vijj d
Item vpoun the vj day of Maii gevin to Johnne Schoirt baillie to geve for suspending of the letteris anent the boulyeoune	-	xij	s	ijj	d	
Item vpoun the viij of Januar anno I <sup>m</sup> V <sup>c</sup> lxxvj gevin at the baileis and counsall command for vij elhis of lynning claih to eik out the communioun clais price of the elne ijj s <i>Summa</i>	-	-	-	-	-	xxvijj s
Item the samein day gevin to James Gray baillie to geve for delivering of the bill befoir the Lordis anent the boulyeoune	-	-	-	-	-	xxvijj s
Item vpoun the xxvijj day of Maii gevin to Johnne Schoirt baillie to geve Mr David McGill procuratour for the boulyeoune	ijj	tib				
Item vpoun the xix day of Julii gevin to Cauldwellis Phesar the day of our mousteris at Johnne Schoirt command	-	-	-	-	-	x s
Item the samein day gevin to James Selkrig for the lane of his horse to James Gray baillie to ryd to Dalkeyth anent the boulyeoune	vj	s	ijj	d		
Item the samein day gevin at the baileis command to ane boy to play upoun my Lordis swasehe	-	-	-	-	-	vj s vijj d
Item the samein day to our awin pyper	-	-	-	-	-	ijj s
Item gevin to Lady Naper at the baileis command for thrie pyntis of aill to thame	-	-	-	-	-	ii s
Item upoun the xxij day of Julii gevin for the lane of ane horse to Mr Johnne Hairt to ryde to Dalkeyth to the Regent anent Johnne Crau- furdis wairding	-	-	-	-	-	ijj s

Item gevin to James Selkrig officiar to the men that keptit the said Johnne in waird within the tolbuith	xvij £ iij d
Item gevin to Williame Robesoun wyse for Mr Johnne scholemaisters maill	iiij £ iiij d
Item the tent of October gevin for ane swasche to our moustiris	iiij £ iiij d
Item the samein day gevin to Cauldwelis Phesar at Johnne Schoirtis command	x £
Item gevin to ane boy to play on my Lordis swasche	vj £ viij d
Item the samein day gevin to our awin pyper at Johnne Schoirtis command	iiij £ iiij d
Item the samein day gevin to James Selkrig officiar to pay for thair disiunis that playit on the swasche	iiij £
Item upoun the last day of Junii gevin for rasing of Johnne Inglis decret ament the annuellis of Chissolmes land	iiij £ iiij d
Item for twa stickis to the swasche	vj d
Item gevin to Alexander Baird for setting on of the loke of the tolbuithe dure that Craufurde the wairder brak	xij d
Item on the xij of October gevin for wasching of the communioune clais and for saip to thame	iiij £
Item the samein day gevin for candill to the communioune	vj £
Item vpoun the xx day of October gevin for candill to our awin communiooun	vj £
Item upoun the xxij day of October gevin to Johnne Reid messenger for chargeing of the baileis of Edinburgh anent the consigning of our boulȝeoune	vj £ viij d

The comptar chargis him with the commoun annuellis of the termes foirsaidis extending to fyve markis conforme to the sett.

*His Exoneracione and discharge as followis.*

In the first to Johnne Brand Minister for his fie of the foirsaidis termes  
of Witsonday and Mertimes Anno I<sup>m</sup> V<sup>c</sup> lxxv and Witsounday &c.  
lxxvj extending to - - - - - xxxij £  
Item to Alexander Thomesoun Reidar for his fie of the saidis termes

xv £  
*Summa* - xlviij £

Swa the comptar debursit mair nor his sett - xi £ iij s iiij d  
to be allowit to him in the superplus of his Thesaurie comptis preceeding.

*Octavo Augusti Anno I<sup>m</sup> V<sup>c</sup> lxxvij<sup>o</sup>.*

*The principall Chartour of the Burgh.*—The quhilk day the baileis  
and counsall Ordanis the principall chartour concerning the libertie of  
this burch to be tane furth of the box and delyverit to Johnne Ache-  
soun to the effect my Lord Regentis grace may have inspectioune  
thairof.

*xxi Januarii.*

*Collectouris of the Stent to mak thair Comptis.*—The quhilk day the  
baileis and Counsall ordanis the collectouris of the last stent to mak  
thair Comptis this day xv dayis And als James Hairt and Andro Bor-  
thuik to mak payment of the xvij £ borrowit furth of the box to pay the  
bulyeoun of Leyth.

*xxvij Octobris Anno I<sup>m</sup> V<sup>c</sup> lxxvij<sup>o</sup>.*

*The Baillie depute of the regalitie of Halyruidhous.*—The quhilk day

Johnne Watsoun baillie depute of the regalitie of Halyruidhous beand requyrit for payment of xvij £ borrowit furth of the commoun box quhilk was payit for the inhabitantis of Leyth pairt of the bulyeoune Quha answerit he aucht nocth to answer thairfair to the saidis baileis bot only to the Justice Clerk.

*Sexto Octobris.*

The quhilke day William Fendar dagmaker is maid burges sworne and admitted and hes payit to James Eistoun Thesaurer v £.

*xvij Novembris.*

The quhilke day Robert Mitchell tailyeour wes maid burges *gratis* sworne and admittit at the desyre of my Lord Justice Clerk.

*xxvij<sup>o</sup> Decembris.*

The quhilke day Willianne Vaus Armorar was maid burges sworne and admittit and hes payit v £ to the Thesaurer.

*Anent the Contribution for persute of the fريdom.—*The quhilke day the baileis and Counsall all in ane voice consentis to the contributioun of the expensis that Thesaurer Huntar soll happen to mak upoun the persute of the fريdom & c intentit of befoir aganis Edinburgh becaus the samyne appertenis to the haill burch as ane commounie caus.

*Quinto Aprilis Anno I<sup>o</sup> V<sup>e</sup> lxxx<sup>o</sup>.*

*The Grammer Schole.—*The quhilke day compeirit Gilbert Tailyeour

Skuilmaister and renuncit and dimittit his gift grauntit to him be Adame Bischope of Orknay of the rycht of the grammar Schole during his lyf-  
tyme in favouris of the baileis and Counsall Quha grauntit the rycht  
and tyll thairof to the said Gilbert to be haldin of thame as thai quha  
hes undouttit rycht to dispone the samyne And that salang as the said  
Gilbert suld remane within thair burgh in teiching of the youth and  
farder induring the saidis baileis and Counsall will allanerlie Quhair-  
upounne Johnne Craig Thesaurer askit act of Court and Instrumentis.

*Penultimo Septembbris.*

The quhilk day the baileis and Counsall hes set the wnlawis of xij d  
of everie pund that beis recoverit aganis all defendantis wilfull pleyaris  
conforme to the Act of Parliament for the space of ane yeir to Andro  
Borthuik for the sowme of xij £ money quha obleissis him to mak pay-  
ment thairof at the next electione of the baileis *in anno lxxxi yeiris* and  
George Skaithwic souirtie with the said Andro thairfoir.

The quhilk day Robert Gourlaw was maid burges sworne and ad-  
mittit *gratis* at the request of my Lord Halyruidhous.

*xij Decembris.*

*Anent ventaris of wyne.*—The quhilk day it is statute and ordanit be  
the baileis and Counsall that na maner of persoune or persounes ven-  
taris of wyne within this burgh fra this tyme furth ressave ony wyne  
within thair houssis or sellaris to be sauld except thai first declaril the  
nummer of twnis ather to ane baillie or to the Thesaurer wnder the  
panes of xvij £ of wnlaw sa oft as thai failyie.

*xvij<sup>o</sup> Januarii.*

*Evidentis concerning the alterage of umquhill Sir William Barbour.—*  
The quhilke day the baileis and Counsell haveand ressavit flour peicis  
of evidentis concerning the alterage of umquhill Sir Willame Barbour  
be his relict In consideratioun quhairof thai have ordanit Johnne Brand  
Minister to pay to hir v merkis of the Martimes terme annuell last  
bypast.

*xxv Maii 1581.*

THE COMPT of Johnne Brand Collectour of the Annuellis of the  
termes of Martimes lxxix and Witsounday lxxx Extending to l £  
His exoneratioun be allowance following.

Imprimis allowit to him for pairet of payment of his stipend of the saidis termes	- - - - -	xxij £
Item to Alexander Thomsoun Reidar for his stipend of the saidis termes		xvj £
Item debursit to the Belman for his claythis schone and uther necessaris		iij £ iij s vj d
Item gevin for the expensis in the pleyis of Johnne Wardlaw Johnne Chisholme and the Maister of the schole in lybelling sumounding to maissaris and officiaris actis and vther small effairis for the saidis pleis and schole	- - - - -	iij £ vj s viij d
Item to wmquhill Sir Willame Barbouris wyff		iij £ vj s viij d

*Summa xlviij £ xvij s x d.*

Swa restis the Comptar *de claro xlviij s ij d* quhilke wes instantlie de-  
liverit to George Skaithwie Thesaurer And thairfoir the baileis and  
Counsell dischargis the said Johnne Brand and his cautionaris of the  
said sowme of l £.

*Nono Novembris.*

*The Kingis Stent.*—The quhilk day the baileis and Counsall Ordanis  
ane stent of xxx li to be collectit to satisfie the Kingis stent for releving  
of my Loird Halyrauidhous for the taxatioun of xl<sup>m</sup> li to my Loird  
Montroise Thesaurer to our Soverane Loird.

*xij Martii.*

*The Gallowly sett to Williame Makneill.*—The quhilk day the baileis  
and counsall hes sett the Gallowly to Williame Makneill for the space  
of ane yeir for iiii li vj s viij d at Witsounday and Martimes Robert  
Wethirspune souirtie thairfair.

*xxij Junii 1582.*

*Acquittance of Harlaw Wode by James Erle of Moirtoune.*—The  
quhilk day Andro Borthnik hes ressavit furth of the box the acquittance  
of Harlaw Wode gevin be James Erle of Moirtoune of the dait the  
day of Anno I<sup>m</sup> V<sup>c</sup> lxxvij yeiris.

*Alexander Arbuthnet obligation anent the Byble.*—The quhilk day  
James Eistoune hes ressavit furth of the box the obligatione of Alex-  
ander Arbuthnet anent the byble.

The quhilk day Williame McNeill ressavit the commoun seill.

*Septimo Augusti.*

*Anent injuring or blasphemy of the Baillies.*—The quhilk day Johnne  
Achesoun Johnne Schoirt Mr Johnne Hairt Andro Borthuik Thomas

Huntar Johnne Kello Johnne Smyth Johnne Blak Williame Porteous Mr Archibald Wilkie Thomas Blair and Johnne Sinclare baileis and counsall of the burch of the Cannogait sittand in Jugement Compeirit George Skaithwie burges of the said burch quha being accusit of the blaspheming and injuring of the saidis Andro Borthuik and Thomas Huntar baileis Saying that thai had done the said George wrang in the pronuncing wranguslie of ane decreeit aganis him at the instance of James Dowglas in Innerask &c Quhilk offence the said George grauntit and confessit and thairfoir become in the said baileis and counsall willis And for amendment thairof the said George according to the ordinance askit God and the saidis baileis and counsall oppinly forgivenes And thairfoir the saidis baileis and counsall of consent of the said George statnit and ordauit that quhatsumevir persoun or persounes heirefter beis convict of the injuring or blasphemynge of the saidis baileis or ony utheris baileis for the tyme in executioun of thair office That thai salbe poyndit for ten pundis of unlaw to the puir for the first fault and tynsall of thair friedome and payment of uther ten pundis for the seeound falt with all rigour And the saidis baileis and counsall consentis that the said accusatione sall nawayis be prejudiciale to the said George heirefter in respect of the satisfacioun foirsaid.

*Penultimo Octobris.*

The quhilk day Williame Smyth dagmakar quha maryit Edward Prestounes dochtr burges of befoir was maid burges sworne and admittit and payit vj ȝ viij d to the Thesaurer.

*Sexto Novembris.*

The quhilk day Robert Mitchell tailyeour being maid burges of

befoir is admittit to ryn wyne becaus he hes payit to the Thesaurer v ii besydis his first friedome.

The quhilke day Andro Borthuik producit the acquittance of the raid of Harlaw Wode in my Loird Moirtouns tyme and the samyne wes deliuerit to Mr Archibald Wilkie Thesaurer.

*xxij Februarii.*

*James Wilkies yaird.*—The quhilke day the baileis and counsall being convenit upon the yaird dyke and hedge standing betuix James Wilkies yaird and James Selkirk the cognitioune and tryell thairof quhome to the samyne appertenit being referrit of consent of baith the parteis to certaine witnessis sworne and admittit in presens of paertie and instantlie examinat Findis the said hedge to stand upoun the said James Wilkies ground And decernis the samyne to appertene to him and his airis in all tymes cuming as thair propir heretage.

*Tertio Aprilis 1583.*

*John Smith ressavit burgess again.*—The quhilke day the baileis and counsall convenit haveand consideratioune of the supplicatioune gevin in befoir thame be Johnne Smyth and of his penitencie thairin contenit Thairfoir the saidis baileis and counsall all in ane voyce Decernis the said Johnne to be maid of new frieman and burges and his ayth to be tane thairupoun Swa that he may be restoirit *ad integrum* to all previlegis as he was of auld Lyke as thai have presentlie eftir his aith gevin ressavit and admittit him And decernis the said Johnne to pay the sowme of sax pundis of unlaw for his formar dissobedience in maner foirsaid And of his awin consent he is obleist that incaice he ever in ony tyme heir-

after be convict in thryise contravening of the statutis in tymes cuming and beis fundin contemptuoslie continewand thairin to forfault his friedome and to pay the sowme of xx £ to the commoun guid besydes the puneisment of his persoune as accordis.

The quhilk day the baileis and counsall ordanis the lattir pairt of the act abone writtin anent the breking of the statutis in maner foirsaid to be extendit and usit aganis all persounes inhabitantis within this burch that beis convict thairof And siclyke panes and puneisment to be usit aganes thame with all rigour and to be employit to the commoune workis.

*Ulaucis to be employit to the commoun workis.*—The quhilk day the baileis and counsall hes statute and ordanit all in ane voyce that the haill greit unlawis exceeding the unlaw of viij s̄ salbe put in the commoun box and to be employit to the commoune workis of this burch in tymes cuming.

*Ultimo Aprilis.*

The quhilk day Jherome Bowie Johnne Boig Cristell Lamb Andro Moir and Johnne Stobo servandis to the Kingis Majestie was maid burges and maid faith *gratis*.

*xvi Julii.*

*Selling of unsufficient flesh.*—The qubilk day Johnne Ra flescheour beand convict after sufficient tryell for selling of unsufficient flesche and presentand the samyne to be sauld in oppin and publiet mercat was ordanit thairfair to be poyndit for ane unaw of xl s̄ and to tyne his friedome gif he beis convict in the lyke fault heirefter.

*Octavo Octobris.*

*George Newtoune Inglisman.*—The quhilk day Johne Achesoun became actit band and obleist him as cautioner and sourtie for George Newtoune Inglisman allegit servitour to Sir Robert Bowis ambassadour to the Queynis Majestic of England within this realme for the tyme being than adiornayit and arrestit at the instance of Rawmound Blanche Frencheman burges and indweller of Burdeax and detenit in waird at his instance to enter and present the said George befoir the saidis baileis in jugement upoun the premonitioune of aucht dayis wairning to answer at the instance of the said Rawmound Blanche and his procuratouris so far as accoirdis of the law and consuetude of this realme conforme to the elame and petitoun to be intentit and gevin in be writ be the said Rawmound and his saidis procuratouris aganes the said George befoir the saidis baileis quhen and how sone the said Johne Achesoune salbe requirit and wairnit thairto upoun the premonitioune foirsaid.

*Octavo Novembris.*

*That swyne be kepit in fastnes.*—The quhilk day the baileis and counsall convenit hes statuit and ordanit that all maner of persounes inhabitantis within this burch haveand ony swyne that thai keip the samyne in fastnes swa that thai cum nocth on the lie streit And gif thai be fund in ony yaird or nychtbouris skaith It salbe leassum to the persoune quhom to the skaith is done swa that thai may apprehend thame within the boundis of the samyne to slay the said swyne without ony recompance to be made be the slayer thairfoir And als the awner of the swyne to pay the sowme of xvij<sup>s</sup> of unlaw.

*xvj Junii 1584.*

*James Davidsoune appointit Scholemaister of the Burgh.—*The quhilk day the haill baileis and counsell convenit hes appointit and agreeit with James Dauidsoune Scholemaister quhill Witsounday nixt to cum for xx £ of fie and makis and constitutis him assignay to the x markis being in the handis of the Abbot and Convent of the pitty-commounes By and attour the said xx £ to be payit be thair said Thesaurer at Witsounday and Martimes Begynnand the first terme payment at Martimes nixt to cum And the said Mr James obleist him that he sall schaw the baileis and counsell ane quarter of ane yeir afoir his removing that thai may provyd the nixt remeid to place utheris in his rowme.

*Walter Broun appointit to serve in the kirk in reiding the prayers &c.*—The quhilk day the baileis and counsell hes appointit and agreeit with Walter Broune to serve in the kirk in reiding the prayeris uptaking of the salmes and serve as ane clerk in the sessioune for the space of ane yeir fra Witsounday nixt to cum for x £ of fie allanerlie Begynnand the first terme payment at Martimes nixtocum.

⋮

*xij<sup>o</sup> Octobris.*

*That na burgesschip or unlaw nor dawtie be grantit frie.—*The quhilk day the baileis and counsell convenit all in ane voice hes statute and ordanit that na maner of burgesschip nor na uther greit unlaw nor dawtie concerning the commounue guid be forgevin or grauntit frie in ony tyme heirefter nochwithstanding ony supplicatioun unto the tyme the tolbuith of this burch be edefait and biggit and uther commounue workis as is to do be perfytit And quhatsumever persoune of the counsell that voitis in the contrare to pay the samyne burgesschip or unlaw out his awin purse to be employit to the saidis commounue workis.

*.xxv Februarii 1585.*

*Sederunt haill Counsele.*—The quhilke day Robert Hammiltoun wright stoker of dagis and lang gunis was maid burges and freman of this burch quha was sworne and admittit and payit x lib of compositione to the Thesaurer.

*Computum Johannis Smyth Thesaurarii.*—The quhilke day Johnne Smyth Thesaurer haifand maid his comptis of Thesaurarii of this burch of the termes of Martimes fourscoir four and Witsounday fourscoir fyve IT is fund be the saidis baileis and counsall efter the inspectioun of the said compts Oneratioun and Exoneratioun that he restis awand *de claro* xxiiij s vj d quhilke is dischraigit to him for expensis maid uponane ane puir man veset with the pest in the land pertenand to Thomas Ramsay Thairfoir the saidis baileis and counsall ordanis ane generall acquittance to be maid to the said Thesaurer of his intromissione with the com- mounie guid of the foirsaidis termes.

*Tertio Octobris 1587.*

*Followis the Ordinance and Injunctiones prescryvit be the Bailyeis and Counsall and to be observit be the Officiaris thairof in putting of thair decreittis to executioun.*

Item it is statute and ordanit that the officiaris of this burgh efter the expyng of the terme of law of all decreittis to be resavit be thame Thay poind the personnes guidis aganes qubome the decret beis pruncit and appryse the saidis guidis lauchfullie thrie mercat dayis within xv dayis thairefter and make payment to the partie persewar And swa to put the decreittis to dew executioun within the saidis xv dayis or uther-

wayes to mak faith thay can get na guidis of the pairtie defendant poindable Or ellis to declair thai ar deforeit With certificatioun and thai falyie heirintill that the officiaris persoune quhome of the pairtie salhappin to complene for nocht putting of his decreeit to dew executioune sall remane in waird quhill payment be maid to the complenar conforme to the tenour of the decreeit.

*Decimo Octobris.*

*Sederunt haill Counsall.*—The quhilke day It is statute and ordanit be the bailyeis and counsall that the haill actis and statutis maid of auld concerning the weill of the burch and commoune effaires thairof be observit and keipit without ony contraventioun of the samyne and that all unlawis concerning the samyne be upliftit and put in the commoun box for repairing of the tolbuith and utheris commoune workis within this burch and that the persounes offendaris convict in unlawis remane in waird quhill the samyne be payit and nane of the counsall to be ressavit cautioune for the samyne And gif ony of the counsall objectis or procures aganes the uplifting of the saidis unlawis to be upliftit according to the statutis maid of befoir thai to pay the samyne of thair awin proper guidis for contraventioun of thair aith maid in acceptatioun of thair offices.

*Penultimo Decembris.*

*The roiping of the Gallowcley.*—The quhilke day the bailyeis and counsall ordanit the haill nichtbouris be sound of drum to be wairnit agane this day xiiij dayis To compeir to the roiping of the Gallowley.

*The Burgh Drummer.*—The quhilke day the bailyeis and counsall agreeit with Johnne Thomsoun flescheour to serve and pas throw this

burch with his drum at flour houres in the morning and aucht at evin for the space of ane yeir heirefter for the auld dewtie and fand James Eistoune cautioune that he shold keip his hour wind and weddar servand under the panes of xij d of unlaw sa oft as he failyeit.

*Sexto Januarii.*

*Unfriemen and topstaris to be warnit.*—The quhilk day the bailyeis and counsall ordanis the Thesaurer to caus warne all unfriemen and topstaris to compeir befoir thame this day aucht dayis to answer to sic thingis as salbe layid to thair charge ilk persoune under the pane of xvij s.

*xij Januarii.*

*The burgesses to have faill clay and devot from the Gallowley*—  
The quhilk day after the dew roiping of the Gallowley the samyne was sett to                    for the space of                    and for the payment of flour pundis money at Witsounday and Martymes With powar to the said                    to teill the samyne and nawayis to saw ony coernes thairon And with full libertie of the haill burgesses within this burgh to have faill clay and devot quhair the samyne may be had conforme to use and consuetude.

*Sexto Aprilis 1588.*

*Anent the complaint of nichtbourheid aganis Alexander Hay.*—The quhilk day the bailyeis and counsall beand convenit upoun the ground of the yaird and land pertening to Williame Stewart wryter in Edinburgh lyand within this burgh on the north syid thairof &c Anent the complaint of nichtbourheid gevin in befoir thame aganes Alexander Hay Makand mentioune That quhair in the hinderend of the moneth of

September last bipast the said Alexander be himselfe and utheris in his name at his command come to the said Williame nether yaird dyke pertening to him as ane proper pairt of his land and heretage lyand on the north syid of the hic streit quhilke suntyme pertenit to umquhill Williame Lowsoun barbour and thair the said Alexander and thai incontrare guid nichtbourheid tuik away and spoilyeit the greatest pairt of the haill stanes being in the said Williame dyke holkit and undermyneit the samyne As alswa tuik doun the sait of ane prevy quhilke was biggit in the said dyke and had passage doun in his yaird thir xx yeiris past And quhairof the said Williame his tennentis and predicessouris was in peceable possessioune during that space And albeit that the said Williame hes diverse tymes requyrit the said Alexander to have biggit and repairit his said yaird dyke and in speciall the said sait of the said Williame prevy in als guid and substantious maner as it wes of befoir Nochttheles the said Alexander refusises to do the samyne without he be compellit be us thairto &c As in the said Williame clame gevin thairupoune at mair lenth is content The Richtis ressounes and allegiance of ather pairteis beand proponit haird and considerit The saidis bailyeis and counsell of consent of ather of the saidis pairteis Decernis and ordanis the said Alexander Hay to construct and upbig the said dyke sufficientlie fra the ground thrie quarter heicht abone the ground of the said Williame Stewart yaird within xv dayis efter the dait heirof And the said Alexander to cut doun and tak away the twa asche treis growand within the said dyke and dispone thairupoune at his plesour And the said dyke properlie to appertene to the said Alexander and his airis as thair proper dyke of thair said yaird in all tymes cuming And to uphold the samyne and to keip the said Williame Stewart and his airis and thair said yaird skaithles thairof in all tymes heirefter Quhairupoune aither pairteis askit instrumentis.

*xx<sup>o</sup> Augusti.*

The quhilk day Thomas Huchesoun swordslyper was maid burges  
sworne and admittit and payit for his compositioune to the Thesaurer x li.

The samyne day Andro Lindsay quha maryit Alexander Grub  
swoirdslypers dochter being frieman and burges of befoir was maid bur-  
ges sworne and admittit and payit for his compositioun to the Thesaurer  
vj s viij d.

*Quinto Septembris.*

*Anent disobedience of the Magistrattis and Memberis of Court.—*  
The quhilk day Thomas Russell baxter being accusit befoir the bail-  
yeis and Counsall for disobedience of James Eistoune bailyie upoune the  
feird day of September instant efter that the said bailyie him selfe and  
the officiaris of this burch in our soverane Loird name and my Loird  
Justice Clerk had commandit the said Thomas to pas to waird for the  
cruell stryking and dinging of James Dik Wilkeyne Pott and James  
Martene smyth burgessis of this burgh and divers uthers with ane pi-  
tolet upone thair heidis faces and schoulderis diverse bangis straikis to  
the effusioun of thair blude in greit quantitie and thairby contemptand  
and disobeyand the saidis bailyeis and officiaris efter that the said Tho-  
mas was commandit as said is at the stair fute of the tolbuith of the said  
burgh sayand the devill ane fute wald he gang to waird And thair-  
after being put up the stair quhill he come to the tolbuith dure and than  
declairit he wald gang na farder and beand commandit be the said bailyie  
to pas up the stair and enter his persone in waird for the offences he had  
committit in dinging of the foirsaidis personnes Refuisit sayand the said  
bailyie leyit falselie As alswa dang and manassit Patrik Speir and Robert  
Crawfurd officiaris in executioun of thair offices As in the dittay gevin

in thairupoun at mair lenth is contenit Quhilk being verefeit sufficientlie be famous witnessis The said Thomas Russell was convict of the foirsaidis offences and contentis of the said dittay And thairfoir was decernit in ane unlaw of ten pundis money and tinsell of his friedome and libertie And to be debarrit thairfra during the baileis and Counsall will And als was ordanit to sit doune on his kneis and ask God and the said bailyie and officiaris forgivenes for the saidis offences.

The samyne day compeirit Thomas Ramsay and beand accusit be dittay grauntit and confessit that he had injurit James Eistoune bailyie in his awin hous sayand that efter he was send for to cum to speik and agrie with ane callit Tennent dwelland in Nydrie The said Thomas sayd and declairit that he sould be evin with the said bailyie thairfoir within ane schoirt tyme And swa manassit the said bailyie The said Thomas than beand accompanyet with Frances Trottares servand to my Loird Bothwell &c For the quhilk offence the said Thomas was decernit in ane unlaw of ten pundis and tinsell of his friedome and libertie during the bailyeis and Counsall will.

The quhilk day the bailyeis and Counsall all in ane voyce hes Ratefeit and be thir presentis ratifeis the former Act and ordinance maid of befoir anent the disobedience of the magistratis officiaris and members of Court in executione of thair offices And speciallie the magistratis being furth of thair offices for ony deid thai did or executione thairof quhen thai war magistratis And the persounes that beis thryis convict in disso obeying or injuring of the saidis Magistratis officiaris or memberis of Court to tyne thair friedome for ever and baneist the toune and nocht to have ony dwelling nor residence thairin thairefter.

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ROYAL LETTERS AND INSTRUCTIONS, AND  
OTHER DOCUMENTS, FROM THE ARCHIVES  
OF THE EARLS OF WIGTON.

MDXX—MDCL.



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## WIGTON PAPERS.

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To the liberality of the Honourable Admiral Charles Fleming of Biggar and Cumbernauld, the Club owes the permission to print the following highly interesting documents, which have been selected from a considerably larger portion of the Wigton papers at Cumbernauld House, and communicated to the editor by the politeness of George Turnbull, Esq. W.S. Their nature will be gathered from these brief notices of their contents.

I. This paper contains the instructions to John second Lord Fleming for his mission to France, to urge the return of the Regent Albany to Scotland. John Duke of Albany, grandson of James II., was named to the Regency in 1514, after the death of James IV. at Flodden ; and having, in the following year, succeeded in obtaining an Act of Parliament, by which the illegitimacy of his elder brother Alexander Stewart was declared, he thereby became next heir of the infant Monarch. His

birth and education in Francee communicated to his habits and policy a bias, which placed him at the head of a faction, who conceived that submission to French interests was the best security for Scotland against English ambition. To that party belonged Lord Fleming, who had accompanied de la Bastie and other friends of Albany to Scotland, for the purpose of promoting his appointment as Regent, and who was rewarded by the office of Great Chamberlain, while de la Bastie was sent as Warden of the East Marches, to thwart the schemes of the English party on the Border. Soon after the Regent's return to France, in June 1517, the latter was basely murdered by the friends of Lord Hume, whom he had superseded in that post; and in 1519, the same persons followed up their vengeance by the slaughter of Blacadder, prior of Coldinghame. Meanwhile the fluctuations of state policy having placed the English interests in the ascendant at the French court, Albany and his party became most earnest for his return to Scotland, which the whole influence of Henry VIII. was employed to prevent. Accordingly, in the spring of 1520, Lord Fleming was despatched to France, to negociate for the restoration of the Regent, and to undermine the friendly sentiments which Francis I. then entertained for the King of England, on the eve of their romantic meeting on the Field of the Cloth of Gold. The paper here printed, appears to be the original draft of Fleming's instructions, which these few notices will render intelligible. The instructions have been unknown to historians; there appears every reason to conclude, that they were drawn by Albany himself, who repeatedly throws off even the flimsy disguise of speaking in the third person.

The actual return of Albany was postponed until November 1521, by which time English influence had again waned in France. The details of these transactions may be learned in Pinkerton's history of Scotland, and in the Bannatyne Club's edition of Lesley's history; the general position of parties in Scotland may be seen at a glance, in the beginning of the twenty-eighth chapter of Hume's History of England.

II. It is unnecessary to trace the consequences of the ill-advised marriage by which Queen Margaret, the eldest daughter of Henry VII., gave her hand to Archibald sixth Earl of Angus, within a year from the death of James IV. at Flodden, and scarcely four months after the birth of his posthumous child. This union, the fruit of her ill-regulated passions and Angus's ambition, was thwarted by the tangled web of state intrigues, and profaned by mutual infidelities. The divorce, which the Queen already meditated in 1518, was, according to Pinkerton, pronounced by the Chancellor of St. Andrew's in March 1526, and was speedily followed by her marriage with Henry Stewart, the future Lord Avondale. In the document now for the first time printed, Queen Margaret protests, on the 8th December 1527, that although the sentence of divorce, pronounced in the Roman court on the 11th of the preceding March, had not till then reached Scotland, in consequence of the continental troubles, her marriage had been dissolved from that date; and that nothing thereafter done or attempted against her honour, interest or purposes, by her son James or by Angus, should avail, even though assented to by her under the influence of force or fear. It

would thus appear that Pinkerton has been led into the error of a year, and that the true date of the divorce was 11th March 1526-7, although the process in the ecclesiastical court of St. Andrew's, mentioned by Lesley, had been raised in the preceding year.

No. III. is printed from a copy, taken apparently about a century after the date of the original letter, which was written from Edinburgh in 1563, by Randolph, the English ambassador at the court of Queen Mary. It has been thought worthy of a place in this collection, as a curious specimen of the euphuism which was in fashion in those days, as well as an interesting account of "the Queen of the Beene," a now forgotten pastime. The King and Queen of the Bean acquired their dignity by the chance of cutting up that part of a cake in which a bean was concealed, on the eve of Epiphany, the 5th of January, and their reign was solemnized by a banquet on the following day. This pastime is mentioned by Strutt; it clearly owed its origin to the observance of that church festival, and has been succeeded by drawing for the King and Queen upon Twelfth day. Mary Fleming, one of the Queen's "four Maries," was the youngest daughter of Malcolm third Lord Fleming, and became, on the 6th of January 1567, the second wife of William Maitland of Lethington, the noted secretary of state. "The Queen of the Beene" thus obtains a claim upon our Club, as the daughter-in-law of our Patron, which may justify the introduction of this letter, although it has already been printed, and is referred to at p. 160. of the Club edition of Sir Richard Maitland's poems.

IV. The writer of No. IV. appears to have been Lord John Hamilton, second son of James second Earl of Arran and first Duke of Chatelherault, who was afterwards created first Marquis of Hamilton, and whose eldest sister Barbara was wife of James fourth Lord Fleming, the elder brother of John the fifth Lord, to whom this letter is addressed. Lord John was then, and during the life of Queen Mary continued to be, the leader of her party; a fidelity which involved him in attainder and exile, and which was touchingly acknowledged by a ring sent to him by Mary just before her execution, in token of his great and un-wearied services. The following dates will exhibit the position of parties at the date of this letter. May 3d, 1567, Bothwell's divorce pronounced; May 15th, his marriage with the Queen solemnised; May 30th, a muster of the Queen's party proclaimed; June 7th, she retired from Edinburgh to Borthwick castle; June 10th, Bothwell fled to Dunbar; June 11th, Edinburgh seized by the insurgent Lords; the Queen's forces called out; her escape in male attire to Dunbar: June 14th, her march to Seaton; June 15th, the two armies met at Carberry hill; after various manœuvres and negotiations, the Queen sent away Bothwell to Dunbar, and surrendered to the Lords upon favourable conditions; June 16th, these conditions broken by the Lords, and the Queen imprisoned by them in Lochleven castle. The Lord Fleming continued to co-operate with his relations the Hamiltons for the Queen's cause, and was one of her defenders before the commission of enquiry at York in 1568.

V. The Cunninghames and Sempills had been long at feud, and their mutual slaughters, which followed as a natural consequence in these bloody times, are commemorated by the Justiciary Records in 1533-4. The quarrel, having broke out afresh in a new generation, occupied the eares of the Privy Council in 1606, and the result of their interference seems to have been the reconciliation attested by No. V. The details may be seen in Pitcairn's Trials, I. \*164-\*166, and II. 580. The chronological arrangement of this document has been anticipated, in order to class together the next five papers, as all having reference to Church matters.

No. VI. is a letter from James VI. desiring that John first Earl of Wigton should concur with George Home Earl of Dunbar, who was instructed as to the course to be taken in Church matters, on the eve of the meeting of Assembly, proposed to be held at Aberdeen in July 1605, but which was postponed in consequence of the measures contemplated by the Presbyterian party. Dunbar was the instrument selected by the King for effecting the establishment of Episcopacy in Scotland: according to Wood, his patent as Earl of Wigton and Dunbar, was not issued till the 3d July of that year, the date of the present letter, in which he is so designed, being 13th June.

VII.—X. The Papists of the north, under Huntly, Angus and Errol, having shown a troublesome appearance, a General Assembly was held at Linlithgow in July 1608, by the King's command, in which va-

rious strong measures were adopted against them, and a committee was commissioned to lay before his Majesty a petition for the enforcement and extension of the laws against Popery. These commissioners, one of whom was John first Earl of Wigton, received for answer that the King "would give order for a Convention of Estates, which should ratifie the conclusions of the Assembly ; assuring them that the Churh, keeping that course, should never lack his patrociny and protection." The paper, No. VII., desires the attendance of the Earl at a meeting preliminary to the Convention, for the purpose of preparing measures in accordance with these views. No. VIII. is an order from the King for the Earl's attendance on the General Assembly at Glasgow, on the 8th June 1610. No. IX. is a like order, in reference to the General Assembly held on the 13th August 1616 at Aberdeen. No. X. is a letter from the Chancellor Dunfermling, desiring the Lord Fleming's attendance as one of the Privy Council, to receive the communion publicly at Edinburgh, on Easter Sunday, 1619. He became second Earl of Wigton, on the death of his father, a few weeks later.

'The subsequent papers possess the highest interest, for they not only exhibit the house of Fleming among the unflinching maintainers of Royalty in its hour of need, but bring the Earl and his sons into immediate contact with that mirror of chivalrous loyalty, the great Montrose. The history of this period has lately gained a new light from the indefatigable researches of Mr Napier, whose industry has collected,

from documents that had been overlooked or suppressed by preceding writers, evidence which has overthrown much of that which has been hitherto received as authentic. The faction who, with the Covenant as their watchword, tyrannized over Scotland for their selfish and dishonest ends, have been shown by him in their true colours, and the motives of Montrose stand free of all imputation, except that of having, in the inexperience of confiding youth, trusted the sincerity of the Presbyterian party. But the subject is far from exhausted, and a careful examination of original papers still preserved by the families of the actors in these scenes, will from time to time afford new proofs of the base ends then pursued under the mask of religion. Such are the documents here printed, several of which complete the evidence, which Mr Napier's sagacity has anticipated, in exculpation of Montrose's last expedition in 1650, and of his faithful discharge, to his dying hour, of the King's instructions. John second Earl of Wigton was, through his mother Lady Lilius Graham, cousin-german of Montrose; and it was at his house of Cumbernauld, that the conservative bond of July 1640 was prepared and signed,—that first attempt to save the crown and the country from the revolutionary party. He died on the 7th May 1650, leaving by Lady Margaret Livingstone (daughter of Alexander first Earl of Linlithgow, and sister of James Earl of Callender,) John the third Earl of Wigton, and Sir William Fleming. The latter was an attached attendant of Charles I., and a faithful envoy of Charles II. in many of his missions. In the latter capacity his name occasionally ap-

pears in Wishart's Memoirs, the Ormond Papers, and other cotempory memorials ; and several of his missions are noticed in the list of passes printed at the end of the present collection. His services in the Royal household, as proved by documents at Cumbernauld, may be thus briefly sketched.

Mr William Fleming was sworn gentleman-usher extraordinary of King Charles I.'s Privy chamber, on the 9th June 1641, under Sir William Anstruther gentleman-usher; and on the 2d July 164[3], he (being then knighted) had a warrant from the King at Oxford, to act *pro tempore* as gentleman-usher in ordinary in absence of Sir William, with the promise of a permanent appointment to that office on the first vacancy. There is another warrant of the same Monarch from Newcastle, for a yearly pension to him of £200 Sterling, with all the arrears, in consideration of his gratuitous services as gentleman-usher during the last seven years ; and this pension was confirmed and continued to him by Charles II. on the 3d November 1649 ; who likewise, in 1652, promoted him to be vice-chamberlain. On the restoration he obtained a pension of £400 ; and a sum of £1000 as an acknowledgment of his many past unrequited services to the Royal cause. About the same time, the office of cup-bearer extraordinary was bestowed upon James Fleming, son of John third Earl of Wigton, and nephew of Sir William, with a promise of an appointment to the emolument on a vacancy ; but he appears to have experienced the worthlessness of court promises, and after long

waiting and gratuitous services, he petitioned for a pension as a means of subsistence.

No. XI. is a commission under the Great Seal from Charles I., for putting down disorders, and maintaining the discipline of the Episcopal Church, issued in 1634, the year subsequent to his coronation in the Castle of Edinburgh, and printed from a copy.

No. XII. indorsed “Copie of the first petitioone anent the Service-book,” is in fact the complaint against the Bishops, which was drawn by Loudon and Balmerino, with the aid of Dickson and Henderson, and signed on the 18th October 1637. This document, which has not been printed by Balfour (vol. ii. p. 237), is of great importance as one of the first decided steps towards that revolution which now impended over church and state; and it is remarkable to find among the subscribers the loyal Lord Fleming, whose father Wigton was at this very time on the committee of the Secret Council, to whom the enforcement of the Liturgy was committed.

No. XIII. is an argument that the abjuration of Episcopacy was not inferred by the Covenant sworn to by James VI. in 1580, and affords an interesting exposition of the high-church doctrines of that day.

XIV.—XV. The report of the auditors of the Commissary General's

accounts of the Army at Newcastle, in 1641, is printed from a copy on which the observations of the committee are added. As illustrative of the mode of levying troops during the civil wars, and of regulating their arming and commissariat, the instructions from the Estates to Argyle are given at No. XV. They are taken from an undated copy, but were probably issued in 1643-4.

XVI.—XIX. Mr Napier, in his “ Montrose and the Covenanters,” (Vol. I. chapters 14, 15, and 16, and vol. II. chapters 1, 2, and 3,) has for the first time sifted that obscure passage of history entitled “ the Plot;” and proved that Montrose, Napier, Keir and Blackhall, though arraigned as plotters, were in truth victims of a tyrannical intrigue. No. XVI. and XVII., both holograph of Stirling of Keir, contain his procuratory to the Earl of Wigton, for presenting a petition to Parliament in which he demanded a fair trial, and the instructions he wished the Earl to pursue for obtaining this justice. The answers of Montrose, when put upon his defence in Parliament on the 27th July 1641, were known to Mr Napier only through the imperfect notes of the Parliamentary Record, and of Balfour’s Annals. A verbatim report of what passed had been preserved by his friend Wigton, on whose motion he was heard at the bar, and it forms No. XVIII. of this collection. No. XIX. is a most important illustration of the same dark process, being the protest in which “ the plotters” put upon record the extreme injustice which had deprived them of a public trial, and their innocence of all the crimes laid to their charge.

XX.—XXII. Following the chronological order of these papers, we have in No. XX. a fine appeal to the loyalty of Wigton, dated soon after Montrose had placed his services at the disposal of the Queen, and when the King found himself at the head of an effective army ; as a bold specimen of the Royal autograph, it is presented in fac-simile. No. XXI, is one of Charles's repeated endeavours to "preserve the affections of his people," by testifying his sincere desire for their welfare, and his disapproval of those incendiaries, " who went about to weaken the confidence betwixt him and his people." Wishart has mentioned, and Carte has printed in the Ormond Papers, vol. I. p. 42. a loyal bond, drawn by Montrose, for the purpose of committing certain waverers to the bold line, to which he obtained the King's sanction at Oxford in the end of 1643. A similar declaration, which was no doubt prepared about the same time, is printed at No. XXII. from an unsigned copy.

XXIII.—XXV. Illustrative of the dashing episode known as "the Raid of Haddo," of which Spalding has preserved a graphic sketch, are Nos. XXIII. and XXIV. ; both are declarations by Huntly, and are valuable as explanatory of the motives of that gallant but most impracticable royalist. The former has been quoted by Mr Napier, from a scarce cotemporary impression. No. XXV. is a verbatim note of the chivalrous speech on the scaffold, by which the Marquis scarcely redeemed the waywardness of his preceding career, and which is imperfectly preserved by Monteith in his narrative of the troubles. These three papers are from cotemporary copies.

XXVI—XXVIII. In November 1645, Montrose marched his little army into the Highlands, to undergo a second winter campaign, leaving behind some of his friends, whose constitutions seemed unable to encounter its hardships, and who, in consequence, were obliged to make what terms they could with the enemy. Among these was Lord Fleming; and the Parliament, disappointed of their vengeance unto the death, by General Leslie's guarantee for his personal safety, and induced by his uncle Calender, (who, though a party to the Cumbernauld bond in 1640, was now a leader of the Revolution), allowed him to retire home on an enormous bail, and under a heavy fine. No. XXVI. and XXVII. illustrate these arbitrary proceedings, and No. XXVIII. presents at once a curious illustration of the family arrangements usual at the time, and of the wreck and ruin of civil war.

No. XXIX. is an interesting memorial of a darker scene in these troubled times. The “good President” Spottiswood having surrendered, and received quarter from the Earl of Lanrick, after the battle of Philiphaugh, was notwithstanding brought to trial with the other prisoners, three of whom claimed the like benefit from their voluntary surrender. The pleas for Sir Robert are fully given, but they were urged in vain before his partial judges; and Balfour has noted that they convinced but two of the peers, of whom only four voted for a commutation of his capital punishment. The sentence of death, pro-

nounced by the Parliament on the 16th of January 1647, was carried into execution four days afterwards.

XXX—XXXIV. It appears that Sir William Fleming was so far deceived by the promises of the more moderate Presbyterians, under the selfish and vacillating Hamilton, as to become, in 1648, their ambassador to the Queen and Prince, in order to explain “the Engagement” which they had pretended to form for the rescue of Charles; and revolting as it must have been to a loyal heart, to do the errand of those who had notoriously sold their king and pocketed the purchase-money, it is difficult to see what better course he could have adopted, when the Sovereign was in captivity, and Montrose in exile. His instructions are printed from a cotemporary copy, and are given in No. XXX.; and the two following documents contain the instructions and additional instructions in reply, from the originals signed by the Queen, and countersigned by the Prince. The substance of these proves that, though ready to enter into the design of “the Engagement,” they deemed it necessary to give a clear statement of the pledges which their sanction was understood to infer from such allies. These pledges are solemnly accepted in No. XXXIII., also an original document; how well they were kept, the craven behaviour of the engagers at Preston, as detailed in the Ormonde Papers, vol. I. p. 159, fully testifies. No. XXXIV. appears to be a copy of separate instructions to Sir William, by the trimming and intriguing Calender, for the purpose of obtaining for himself the Queen’s special confidence at this time.

XXXV—XLII. A still more important mission of Sir William Fleming is illustrated by the next eight documents, which are here printed from the originals, and for the first time. Mr Napier has published, (vol. II. p. 525.), an original letter of Dr Wishart's, from which it appears that the settlement of differences proposed to Charles II. by the Covenanters, through their agent Winram in the beginning of 1650, stipulated for the sacrifice of the object of their bitter detestation, the Marquis of Montrose. This negociation, though unsuccessful, prepared the way for the treaty of Breda, to which Commissioners were named by Parliament on the 8th of March, whose instructions are given in No. XXXV. It was signed on the 13th of May; the King being then aware of Montrose's descent upon Orkney, but not of his arrival on the mainland, nor of his defeat at Corbiesdale. In the unfortunate deficiency of authentic details of these events, the greatest interest attaches to the papers now recovered from the family of Sir William Fleming, in whose hands they remained, his mission having been rendered vain by the hurried murder of Montrose.

On the day on which the treaty was signed, Charles in No. XXXVI. instructs Fleming to proceed to Montrose, to inform him of the pacification, and assure him of his continued approbation and favour. To the same purpose, he received an autograph private letter and public orders to the Marquis, (No. XXXVII. and XXXVIII.) commanding him to lay down arms; the latter of these was read, from a “double,” to

Parliament on the 25th of May, being four days after Montrose's execution (Balfour, vol. IV. p. 25.). It is probable that No. XXXIX., containing private instructions to Fleming, was of the same date as those last mentioned, and that some unexpected circumstance had delayed his departure; for the King's letter to the Parliament, recommending them to provide for the safety of his troops, (No. XL.), is dated on the 18th. Meanwhile a suspicion had crossed the mind of Charles, which, whether authorized by any newly detected duplicity, or the result of past experience, cannot surprise those who have examined No. XXXV., or learned from history, that political jesuitism may co-exist with Presbyterian professions. Fresh instructions (No. XLI.) were therefore prepared for Sir William on the 19th, in which a discretion is given to Montrose, and the other Royalists in Scotland, to keep their forces together, if any ground should arise for doubting the good faith of the Covenanters; and, of the same date, an autograph letter, (No. XLII.), from Charles, desires Montrose to give full credit to the bearer, and act as instructed by him. With these documents before us, there can be no farther question that Montrose's descent was undertaken, executed, and, but for its tragic conclusion, would have been followed up with the full sanction, concurrence and approbation of his master, and was as entirely apart from private aims or personal ambition, as the preceding passages in his bright but brief career. But it remains to clear the honour of Charles from the double imputation contained in the last quoted passage of Bal-

four's Annals. Those who have studied the characters of Argyll and Lothian, may attach small weight to the verbal report by the former, of an allegation written by the latter, "that his Majestie wes no wayes sorey that James Grabame was defait, in respect he hade made that invasione without, and contrarey to his command." But there is a far more serious charge contained in the Lord Lyon's minute of the reading of a letter, addressed by the King to the Parliament, in which he desires them "to doe himselfe that justice, as not to belive that he was accessory to the said invasione in the lest degree :" and the idea of a fraud or a forgery is scarcely reconcileable with the subsequent remit of this letter to the Committee of despatches, that it might be answered. Yet how deeply were the Parliament interested to invent a justification for their blood-thirsty zeal in condemning Montrose, without even the form of a trial, or the opportunity of a defence, and for their indecent haste in pronouncing sentence, ere he had time to be brought from the field of battle to their bar ! And is it credible that the King should (apart from all considerations of honour, integrity or gratitude,) dare to dictate to his Parliament a public despatch, contradicted in every point by no less than seven documents which accompanied it, probably by the same messenger, and which would have all been made equally public, but for that unforeseen catastrophe which suddenly numbered Montrose with those who tell no tales ? It only remains to note the 20th of May as the date of Sir William Fleming's pass from Breda to Scotland and back ; the 21st as the day of Montrose's murder ; and the 25th as that

on which Sir William Fleming's despatches were laid before the Parliament.

XLIII. One other memorial of the Great Montrose remains, and a more interesting one could scarcely be found. A tract was published in 1650, entitled "A true and perfect relation of the most remarkable passages and speeches at and before the death of his excellency James Marques of Montrose," and it has now become exceedingly scarce. From this tract seems to have been taken the substance of Wishart's concluding details; but as the copy discovered among the Cumbernauld papers has all the raciness characteristic of an eye-witness's narrative, and contains some touches which have been suppressed in both of these editions, it is printed at length.

XLIV—XLV. As a matter of local interest, a warrant from the Committee of Estates, for garrisoning the house of Cumbernauld in 1650, is printed at No. XLIV. The last document in this collection is a key, which may probably prove useful in decyphering some of the loyalist correspondence during the times. Appended is a list of passes or passports found with the preceding papers, accompanied by several facsimiles of the signatures, it not having been thought necessary to print these at length.

## WIGTON PAPERS.

### I. INSTRUCTIONS TO JOHN LORD FLEMING, ENVOY TO FRANCE. 1520.

Followis it that my Lord Flemyngh hes to schaw to the King of France ;

That the Lordis of Scotland ar deliberit that, and my lord gouernour be nocht in Scotland or mydysymmer, to tak ane oder, and to declaire him inabyl evir to cum to the crowne of Scotland be na maniere, and to debar him thayrfra, and to put the king in justice, and do al thingis in his name and his oder gouernouris, as fal be thocht expedient : and that he hes charge to declair him this, and to hald his prolongation and defferance for na fay ; and that thai wil mary the erl of Angous douchter and the lord Hamiltoun son : and gyf he beis declarit inabyl to the croun, it is allutterly the king of Ingland intention that thayrthrouth he may gar the king of France tyn Scotland ; and gyf he gangis now in Scotland quhen thai ar all aggreyit, it may be starkly : and thayrfor at the kingis

plefsyr be to accord him the paiment of fyfty speris in Scotland, to uphold his estat and fceure keping of his persone, and to cause justice to be ministrit and his autorite furhtborne.

Item, that the conseil of Scotland is aduifit, that gyf thai have na fickyr tydingis of my lord gouernour be Monfyeur de Flemyngh or the faid day of Vitfonday, thaj wil tak pece witht Ingland as is offerit thame, ffraytar than the auld and allutterly aganis France ; quharfor thai have ellis fend for ane faufconduct to Ingland for thair ambaffadouris to tret the sammyn.

Item, the King of France may weyl confidere that quhobeit this metyng hald, and that the king of Ingland and hir treyt frendship, nevertheless it wil noct be permanent nor to endure lang, and that the evyl of the tynfel of Scotland fal pas the gud of it, quhilk he wil tyn allutterly without he fend my faid lord to it withtin the faid tyme, for uderwayis thai wil treyt witht Ingland fickyrly and without ony falte.

Item, that my lord Flemyngh lat na man wyt his charge, Aubygnye nor nane oder, bot allanerly Maister Thomas and Jacques, witht quhilkis he fal advise and tak conseil ; and gyf he makkis presentis that he mak thame to thame that ar about the king and may ferve, and noct to oderis.

Item, he man understand that my lord gouernour left the king in gud wyl to Scotland, and that he man perfew and follow his erandis ester his memoriales meyklly and be foft wayis,

and be at the kingis difner and at houris quhan ambaſſadouris  
gettis audience : and exprefly he may be ſickyr of my deperting  
to Scotland in this fymmyr, and that it be accordit in tyme,  
that or witſunday he may advertis the lordis of Scotland.

Item, he man ſchaw and think on the trety of Rouen to the  
king and madame, and fe gyf thai wil obſerve it or noct, and  
ſay thaine that and Scotland wald have pleyngeyt and aſket  
fecours, thai mycht laufully, and had noct bene for the king  
thai wald have done it, for Ingland hes brokyn, baytht in Mon-  
ſyeur de la Baſtye flauchtir and the prieir of Coldinghamme,  
quhar thair was abun fyſty Inglifmen, and in Pullot takkyng,  
and mony oderis dayly brekyns incurſions and byrnyngis; in the  
quhilkis al, thai have halding thayr tung, that thai fuld noct  
desples the ſaid lord the king. And alfa quhow thai have never  
tane trewis pece nor nane oder thing done bot be the kingis  
witthing wyl and advife, and that gyf he abandounis thame  
at this metyng and trety therof, he dois thame gret wrang.  
And ſpecialy to lat my lordis hame ganging in Scotland, con-  
ſiderit the royaume can noct be reulit nor guidit without my  
ſaid lord governour ; and alſua that the king promift under his  
gret felle to fend my ſaid lord governour agane, and be mony  
oder miſſue lettres ambaſſadouris and his meſſagers to help his  
lordschip thairto, quhairto he can have e and regard, and to  
the ſervices thai have done and may and wil do in that eais, and  
the tynſel he fal have gyf it beis oderwayis and tynis thame.

Item, fal ſay to the king that he lies charge under hieaſt

paine that [schorlie] he advertis the lordis of Scotland gyf the king wil fend my lord governour [hame agane] or nocht, and his ute mynd thairintil ; and that gyf the king differris or denyis [anfuer, he is ordourit] and chargit to gang hame in Scotland, and advertis the lordis before this [incumming] witsonday, that thai may provide for thame self, and proceid thairintil as [may be] expedient, and that it is thre ȝeris sen my lord governour hes bene heyr in [France, and] now the lordis may beyr the burding na langar, and that he is sickyr [my lord] governour wald fayn be in Scotland, and gyf sua war he wald gang agane      hes promist the lordis and realme of Scotland thay fal declair him infame, and tak fra him the office, and provide of ane oder.

Item, quhow the king is obligit to immug [?] my lord governour to gang agane and help him thairto, and that he fuld remane heyr bot ane ȝeir.

Item, he fal say that Scotland hes never tane pece alliance nor tretyt witht na man, nor ȝit I quhen I was in Scotland, bot at his wyl and plesyr, quhow beit thai mycht have had mony diverse and gret offres, and ȝit many quhilk of force thai man tak now, and he fend me nocht as faid is ; and quhowbeit he had tane pece and tretyt without Scotland, and comprehendit thame for thayr defavantaige and domnaige, quhilkis al thai have tholit to have my lord governour agane. And my lord Flemyngh may say as ane gnd Francheman that he is, and fervand to the king of France, nocht as hayffand charge tharof,

that and the king put noct remeide to fend me as faid is, Scotland wil treyt witht Ingland *and the king will be amangis thayr handis* withtout failȝe, and that heyrof he is sceur.

Item, he fal schaw the inconvenientis troubles dangeris and peril that the king and realme of Scotland ar in.

Item, that he findis my lord governouris paſſaige to Romie rycht ſtrange, and that Scotland wil think that the king hes cauſit him to gang thayr ; and ficklyk he merueillis of this metyng, and that in the fammyn he have e to the auld lang and trew frenfdeſhip hes bene betuix France and Scotland, and that he tak na new perteis to brek the fammyn, and the ſkaytht he wil have of the tynſel of Scotland.

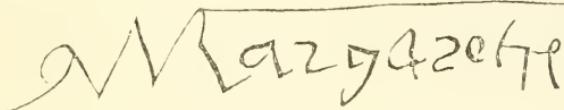
Item, that it is foire to Scotland to tak pairt witht Ingland and treyt witht Ingland, and the king fend noct my lord governour in Scotland, confidering the tendernes of bluyd that is betuix their kingis, and the advantaige thai wil do to us, and pece and ref we may be in thayrthowt.

II. PROTEST BY MARGARET QUEEN DOWAGER OF SCOTLAND,  
IN THE PROCESS OF DIVORCE AT HER MAJESTY'S INSTANCE  
AGAINST ARCHIBALD EARL OF ANGUS. 8 DEC. 1527.

IN DEI NOMINE AMEN : Per hoc prefens publicum  
Instrumentum Cunctis pateat evidenter Et fit notum, quod

Anno dominice incarnationis Millefimo quingentesimo vigefimo septimo, Menfis vero Decembris die octava, Indictione decima quinta Pontificatus sanctissimi in Christo patris et domini nostri Domini Clementis divina providencia Pape Septimi Anno quarto, In mei notarii publici et Testium infra scriptorum ad hoc vocatorum et rogatorum prefencia, Personaliter conflita, Illustrissima et ferenissima principissa ac Domina Margareta, Scotie Regina, matura prehabita deliberacione, exposuit quod divorcium Inter suam ferenitatem, et Magnificum dominum Archibaldum Angufie Comitem dominum Douglas &c, celebratum fuit in Romana curia, undecimo die mensis Martij ultimo elapsi, Et ob quam plurima Impedimenta, occasione universalis belli in Italia Gallia ac aliis partibus Transmarinis, fatis palam et notorie cognita, Sententia celebracionis hujusmodi divorcii ad partes Iugis Regni minime deportari poterit; Sua Igitur ferenitas, uti afferuit, ab omni Jugo maritali libera existit, ac eciam a dicto undecimo die mensis Martij ultimo elapsi extitit. QUAMOBREM Ipsa ferenissima et illustrissima principissa ac domina Scotie Regina, omnibus melioribus modo via Jure forma et causa quibus melius et efficacius potuit ac debnit, potestque et debet, Protestabatur folemniter, Et per hoc presens publicum Instrumentum protestatur, quod quicquid alias actum gestum seu attemptatum extitit, A predicto die undecimo martij ultimo elapsi, per Excellentissimum et Illustrissimum principem et dominum Jacobum Scotorum Regem modernum, suum carissimum filium, seu eciam per prefatum Archibaldum Angufie Comitem, aliumve quemcunque eorum nomine A . . . . sterum, ante deportacionem

hujusmodi fententie ad partes hujus Regni, per prelibatos  
ferenissimum principem et Angufie Comitem, aut eorum alterum  
seu quemcunque alium eorum nomine, fieri vel attemptari  
contigerit, contra honestatem commodum vel utilitatem sue  
ferenitatis, Eidem in aliquo non prejudicet Accidente eciam ad  
hoc ejusdem ferenitatis confensu, Cum talis consensu ut aferuit  
non fuit nec erit In hujusmodi actis seu gestis vel attemptatis  
spontanee preflitas, sed metus caufa, qui in constantem virum  
cadere potest: Voluitque Eadem sua ferenitas hanc suam pro-  
testacionem In forma Juris uberrima fieri et extendi, vimque  
et effectum talis protestacionis fortiri Cum omni solemnitate  
ad hec necessaria pariter et cautela. De et super quibus omnibus  
et singulis, prelibata Illustrissima et ferenissima principissa  
ac domina, A me notario publico subscripto, sue ferenitati fieri  
peciit unum seu plura publicum vel publica Instrumentum vel  
Instrumenta sue ferenitati, Sigillo ac manuali subtus roboratis  
et munitis. Acta fuerunt hec In palacio Regio, Apud Monas-  
terium sancte crucis prope [Edinburgh], hora septima post  
meridiem vel eocirca, sub Anno die mensi Indictione et ponti-  
ficatu quibus supra; Presentibus Ibidem honorabilibus et pro-  
vidis viris do . . . . . de Abirnethy Moravienfis diocefis presbitero, et Roberto Spite  
tale burgenfe de Edinburgh sanctiandree . . . . . vocatis  
pariterque Rogatis.

A handwritten signature in cursive script, appearing to read "Margarete". It is written over a horizontal line and includes a small flourish at the beginning.

Et Ego Alexander Turing Arcium Magister, Abirdonensis dioecesis presbiter, sacra apostolica auctoritate notarius publicus, Quia prefate protestacioni, nec non predicte serenissime Principis Manualis subscriptionis et sigilli appositioni et appenditioni, Ceterisque premisso omnibus et singulis, dum sicut premittitur dicerentur agerentur et fierent, unacum prenominatione testibus, personaliter Interfui, Eaque omnia et singula sicut fieri feci vidi et audivi, ac in notam Recepit, Ideo hoc prefens Instrumentum mea propria manu fideliter scriptum exinde confeci, Et in hanc publicam formam Redegi sub meis nomine Signo et subscriptione solitis et consuetis, In fidele testimonium veritatis omnium premisorum rogatus et requisitus.

ALEXANDER TURING N. P.

III. THOMAS RANDOLPH TO LORD ROBERT DUDLEY,  
15 JAN. 1563.

I ASSURE your Lordship the worft I intend you is to mary a Queen: this much with your Lordships pardon. I will now see what other pleafant matter thar is to wryt of then this, not doubting bot your Lordship will think better heirafter of my doings then yet you can, for the litle hope you have to bring fo great a matter to passe. Touching the fate of things heir, yt may please your Lordship to know that the Queen hath recovered much of her health. The ladies and gentle-

women are all in health and merrie, which your Lordship shoulde have feen if you had been here upon Tuesday, at the great solemynity and royall estate of the Queen of the Beene. Fortune was so favourable to faire Flemyng that, if shee could have feen to have judged of her vertue and beauty, as blindly thee went to work and chose her at adventure, shee wold soone have made her a Queen for ever, then for one only day, to exalt her so high and the nixt to leave her in the flate shee found her. If Beton had lyked so short a tyme, so worthie a rowme, Flemyng to her by good right shoulde have given place. Ther lacked only for so noble a hart a worthie realme to endue that which. That day yt was to be feen, by her princely pomp, how fite a match she wold be, wer yee to contend ether with Venus in beauty, Minerva in witt, or Juno in worldly wealth, haveing the two former by nature, and of the third so much as is contained in this realme at her command and free disposition. The treasure of Solomon, I trowe, was not to be compared unto that which that day hanged upon her back. Happy was yt unto this realme that her raigne endured no longer. Two such fightes in one flate, in soe good accord, I beleive was never feen, as to behold two worthie Queens posess, without envie, one kingdom both upon a day. I leave the rest unto your Lordship to be judged of. My pen staggereth, my hand faileth, farther to wryt. Ther praises surmount whatfomever may be thought of them. The Queen of the Been was that day in a gowne of cloath of silver; her head, her neck, her shouolders, the rest of her whole body, so besett with stones, that more in our whole jewell house wer

not to be found. The Queen herfelfe appareld that day in collours whyt and black, no nether jewell or gold about her that day, bot the ring that I brought her from the Queen's Majestie hanging at her breast, with a lace of whyt and black about her neck. The cheare that day was great. I never found myfelfe so happy, nor never so well treated ; untill that came unto the poynt that the old Queen herfelfe, to shewe her mightie power, contrarie unto the assurance granted me by the younger Queen, drew me into the dance ; which part of the play I could with good will have spared unto your Lordship, as much fitter for the purpose, with somwhat else of greater felicity, if I knew how to frame that unto my desire. This ended the joy of ther holy day : from that tyme to this wee have lived as befor. May it please your Lordship that Sir Harry Lord President, that I judge him the worst servant that ever served so fair a Lady as Flemynghis mistres, whose worthienes requireth somtymes to be thought of. I will here most humbly take my leave of your Lordship, wishing your Lordship whatfomever in the world yee most desire in Christ. At Edenbrough the xvth of Januari 1563.

Your honourable Lordships humble, bounden at command  
ever and allwayes to ferve,

THO. RANDOLPHE.

I had allmost forgotten my cheifest matter. Your Lordship shall be shortly written to, I know not well yet from whom nor how many, in the favour of my Lord Bothwell, whofe earnest and continuall fute is to be out of England, wherof I

think ther will come no hurt, for where he is he doth no good nor never will ; whensomever he be come he shall be the messenger himselfe, bot befor he be at the court your Lordship shall have further knowledg.

To the Right honourable my very good Lord the Lord Robert Dudley, Master of the Queens Majesties horses, and one of his Majesties most honourable Counsell.

IV. LORD JOHN HAMILTON TO JOHN LORD FLEMING.  
14 JUNE 1567.

MY LORD,

Efter maist hartlie commendatione, &e fall understand that I refavit ane writtin fra the quenis maistie, daitit at Dunbar the xijij of this instant of Junij, that hir grace is redy to cum fordwart this morning toward Haldingtoun, and therfore desiris me and my freindis to be in redinefs, quhen it fall pleife hir to charge us to merche fordwart. Heirfoir I haif thocht goid to fēnd this berar, knawing that gour lordship sould be togidder this nicht, in to Beggar to knaw gour dyet, and thinkis goid, fasand better counsell, that we joyne us togidder or we cum to hir Maiestie, baith for gour surete and ouris. And we intend quhen we marche, to pafs be Pentland-hills or neir therbie, and gif &e please to appoint ony place be that way, we being chargit to cum fordwart, we wald be glad to meit gou ther, as ye fall appoint ; and the rest referris to gour advertisement with the berar : and sa committis gour lord-

ship to the prote<sup>c</sup>tioun of God, this Saterday at viij houris  
afoirnoune, the xijij of Junij 1567,

Our Lordships loving friend at power  
**JHONE HAMILTON.**

To my Lord, my Lord Flemyngh and Seref. &c.

V. BOND OF FRIENDSHIP BETWEEN THE CUNINGHAMES AND  
THE SEMPILLS.—1609.

Apud Glafgw, vigesimo secundo die mensis Maij,  
anno domini millesimo sexcentesimo nono.

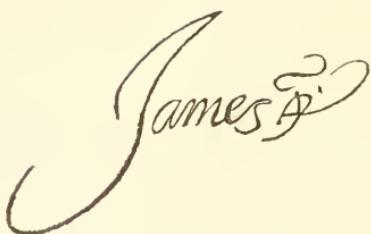
The quhilk day in prefens of ane nobill and potent lord,  
Johne erll of Wigton lord Flemyngh &c., Commissioner appoyntit be ordinance of his hienes privie counsell for the cause  
and to the effect undirwrittin, and personallie present in the  
laich kirk of the said burgh and Citie callit the New Kirk,  
comperit ane nobill and potent Lord James Erll of Glencarn  
lord Kilmowris &c. togiddir with maistir of  
Glencarn his fone, Mr James Conynghame of Mongrenand,  
John Conynghame his brother, John Conynghame of Rois,  
Alexander Conynghame of Corfhill, William Conynghame of  
Clonbeith, Patrik Conynghame of Halpland, Williame Conynghame  
brother to umquhill Conynghame of Haiket, for thame selfis ; togiddir with Patrik Maxwell of New-  
werk, Alexander Maxwell his brother, Knox of Ramphurlie, Williame Knox of Selvieland, Gabriell Conyng-  
hame brother german to Alexandir Conynghame of Craigains,

and Bartilimo Maxwell, for thame selfis ; Muir of Rowallan younger, Williame Portarfeild of that ilk, Alexandir Portarfeild fear thairof his sone, John Portarfeild brother to the faid Williame, for thame selfis ; the faid nobill lord his sone, freindis dependarris and partaikeris upone the ane pairet : Ane nobill lord lord Robert lord Semipill,

Maistir of Sempill his sone, Williame Sempill of Fulwood, Mathew Sempill his fathir brothir, Williame Sempill of Brincschelis, James Sempill his brothir, Adame Quhytefurd of that ilk ; Ralstonn of that ilk ; the faid nobill lord, his sone, freindis, dependarris and partaikeris on the uthir pairet : Quhilkis twa nobill lordis and thair sonis, for obedience of his Majestie peace and quyetnes in this his hienes kingdome and realme, first embraced utheris, joynit handis in taikin of thair unsengeit reconciliatioun in all tyme cuming, and thaireftir athir of the faidis lordis and thair sonis embraced and refavit utheris freindis respective abovewrittin, and joynit handis with thame, in takin of thair reconciliatioun and mutuall freindship in tyme cuming, conforme to his Majestis will and pleasour set down thairant, and ordinance of his hienes counsell following thairupone. Subservivit be me Archibald Heygait, Clerk of the faid burgh and citie, and clerk nominat and appoynyt be the faid nobill lord, to the premisses done as faid is.

A. HEYGAIT.

VI. KING JAMES VI. TO JOHN EARL OF WIGTON.  
13 JUNE 1605.

A large, flowing handwritten signature in black ink. The letters 'James' are clearly legible, with a small 'VI' written above the 'e'. A large, sweeping flourish extends downwards and to the left from the 'J'.

Right trustie and weillbeloved coufeing and counfellour, we  
greit you weil. Having directed our right trustie coufain and  
counfellour the Erle of Dounbar thither, for the performance  
of certaine of our speciall instructions, gevin unto him both in  
church matters and in the estate, and being by him certified of  
your forwardnes at all tymes to advance our services, for which  
as we doe rainder unto you our moft hartie thanks ; so we are  
to defyre you moft earneſtlye, that as you falbe requyred  
by the faid Erle of Dounbar hereafter, to afift and concurr  
with him in anie thing belonging to our service, that you will  
not faile to continew in that former willingnes, whereof he  
has made fo good reporte, and which we fall noway leave un-  
regarded ; the particulers of whose imployments as we have  
committed the fame to his speciaſſl trust, fo by himself you are  
to be made acquainted therewith at lenth, whome you fall in  
all respects creditt as our ſelf therein. And noway doubting  
of your forwardnes and good will, as we intend not to be for-

getfull thereof, we bid you farewell. At our Mannour of  
Grenewich, the xijij of June 1605.

To our right trusty and welbeloved cosen and counself-  
lour The Earle of Wigton.

VII. KING JAMES VI. TO JOHN EARL OF WIGTON.

24 Nov. 1608.

JAMES R.

Right trusty and welbeloved cosen, wee greete you well. The reporte made to us by the Commissioners of the late generall assembly of the proceedingis therein, and of the greate zeale and affection kythed in all sortes of people there, for the advancement of Gods glory, and the suppreffing of the common enemy, and also of the happie unity and concorde amongst the clergy, did give us no small caufe of joy and contentment, that in this laft age of the worlde, wherein errorre and superflition abroade had taken so greate rooting, nevertheless, within these our dominions God hath bene pleased to reſerve a handfull to him ſelfe, who have never bowed the knee to Baal. And as wee acknowledge our ſelfe (in dewty to our God) bound to be a nursing father to his churche, a protec̄tor of all true professours, and a profequutor of all the enemys of the treuth, that fo they may be eyther reclaimed, or then brought to that caſe as they may be no more feared, (ſince all thoſe who are affected to this Romifh ſuperflition may justly be ſuf-

pečted as daungerous subječtes in the estate) so for the better countenauncing of the procedinges of the generall assembly, wee have appoynted a convention of the estates of that our kingdome to mete at Edinburgh the xxvj of Januarie nexte, to the entent that such thinges as may farder the advaunce-  
ment of the gospell, and suppreſſing of the enemy, may be then treated of advised and concluded, wherein there shall be no want eyther of our good wille power or authority; desir-  
ing you hereby to be prefent therat, and to utter your loving care and affection to the well of that churche. And becaufe  
wee have appoynted a preceding meeting of ſome ſelecťed oute  
of every estate, to be at the fame place the xxvij of Januarie before, and having made choice of you for one of that number,  
wee deſire you alſo both to keepe the time appoynted, and to  
kyth ſtill as yee have done heretofore affectioned, to the ad-  
vauncement of the religion prefentlie profeſt, wherein ye ſhall  
do us acceptable ſervice; and ſo wee bid you farewell.  
From our courte at Newmarkett, the 24 of November 1608.

To our right truſty and welbeloved coſen, The Earle of  
Wigtoun.

VIII. KING JAMES VI. TO JOHN EARL OF WIGTON.  
2 APRIL 1610.

JAMES R.

Right truſtie and weilbeloved couſeing and counſellour, we

greite you weil. Whereas we have appointed a meiting of the church of that kingdome to be at our cittie of Glasgow, the viij of Junij nixt, inregarde of your knowne affection and love to the weill of that church, and of the manie good proofes we have had of your forwardnes alwayes in our service, We have thereupon made particular choice of you, whose prefence wilbe very requisitt at that meiting, not doubting but upon this adver-tisement both you will addresse your self thither, and doe thereat no leſſe good offices then we expeſt at your hands, of which we ſhall ever be myndfull, and ſo bid you right hartily fare-well. From our Court at Whitehall, the 2 of Aprile 1610.

## IX. KING JAMES VI. TO JOHN EARL OF WIGTON.

18 JULY 1616.

JAMES R.

Righte trufie and righte welbeloved, wee grete you well. Whereas wee have thoughte it requisite to calle a nationall af-femblie for hinderance of the encreas of Poperie, which (as wee are crediblie enformed) hath alreadie taken too deepe roote in the north partes of that our kingdome ; wee have made ſpeciall choife of you to be prefente thereat, as one in whosē affection to the advancement of religion and good estate of that cuntrie wee have a ſpeciall trufte. So willing you to afflit our Commiffioner, and give your beſte advice in whatfo-ver ſhalbe propounded at the faid meeting, wee bid you fare-weil. Given at Theobaldes, the 18th of Julie 1616.

To our ryght trufie and weilbelovit the Lord Fleming.

X. THE CHANCELLOR &c. TO JOHN LORD FLEMING.  
MARCH 1619.

AFTIR oure verie haertlie commendationis to your good Lordship: The kingis Maiestie finding it requisite for conciliating obedience to his Maiesties lawis and constitutionis, that those who fittis as law gevairis fould by thair particulair obedience geve good example to utheris, and to thair inferiouris, to do the lyke, and his Maiestie being resolvit to have the communioun reffavit with all dew reverence upon pashe day now approcheing, his Maiestie for this effect, by his lettre direct to the haill counsall, has willit thame and everie ane of thame to remaine still in this burgh, and such as are absent to be writtin for to come heir, and upoun pashe day to convene at the heich kirk of Edinburgh, and thair to rellave the communioun, efter the maner preferyvit by the ordoure and actis of the laft generall assemblie, affuring thame that fall refuse to do the same, that they falbe deposit from thair placeis in counsall, as unworthie of the truft quhilk his Maiestie hes reposit in thame, by advanceing thame to sa heich a rowme, as his Maiesties lettre direct to his Counsall mair fullie beiris. And thairfore, according to his Maiesties will and pleasour in this mater, these are to requeist and desyre your good Lordship that you fail not, all excusis set asyde, to addresse your self heir in dew and lauchfull tyme, to the effect your Lordship may be prepairit and reddy upoun Sonday nixt, to convene with the rest of the Counsall in the kirk fairfaid, and thair to communicat. And

lookeing for your preceis keiping of the tym and place above-writtin, as your Lordship wilbe cairfull to eshev his Maiestes wraith and censure, we committ your Lordship to God. Frome Edinburgh, the day Marche 1619.

Your Lordships verie assured good friendis,

AL. CANCELL<sup>s</sup>:

LAUDERDAILL.

BINNING.

Your Lordship fall heirwith reffave a copie of his Maiesteis lettre, for your Lordships better informatioune.

To oure verie honnourable good lord, the Lord Fleming.

XI. COMMISSION FOR THE MAINTENANCE OF CHURCH  
DISCIPLINE. 21 OCTOBER 1634.

OUR Soverane Lord ordaines ane commissioune to be grantit, under his lienis great feall of the kingdome of Scotland, makeand mentioune that whair diverfe complaints have bene maid to his Maiestie, be the most reverend fatheris in God and the reverend fatheris, the Archbischoppes and bischoppes of the Churche of Scotland, upon certaine advocationnes and suspensiounes grantit be the Lordis of his Maiesteis Counsell and Sessioune, at the instance sute of paireis callit befoir the judicatoreis of churche discipline; for removing of that inconvenience, and to the effect no wicked fclanddrons nor disobedient perfone pas unconfured and escaip unpunisched, his Maiestie, as being supreme judge of all persones and causses,

asweill civil as ecclesiastical, within the kingdome and all utheris his Majesties dominionnes, heve gevin and grauntit, likeas his Maiestie be the tennor heirof gives and grantis full power and commissioune, to the most reverend fatheris in God and his Majestie trustie counsellouris, the Archbischope of Sanct Androis primate and metropolitane of Scotland, and the Archbischope of Glesgow; to his hienes trustie coufingis and counsellouris, George Erle of Kynnowll lord hich chancellour, Williame Erle of Mortoun lord hich thefaurer, Thomas Erle of Hadingtoun lord privie feall, James Duik of Lennox, James Marqueis of Hamiltoun, Williame Erle of Marchell, George Erle of Wintoune, John Erle of Kinghorne, Robert Erle of Roxburgh, Alexander Erle of Galloway, John Erle of Annandaill, John Erle of Lauderaill, William Erle of Drumfreis, William Erle of Queinfberrie, Williame Erle of Stirling, David Erle of Southeske, John Erle of Traquair, John Erle of Weymes, Robert Erle of Ancrum; to the reverent fatheris in God, the Bischope of Edinburgh, the Bischope of Galloway, the Bischope of Dunkeldin, the Bischope of Aberdein, the Bischope of Murray, the Bischope of Roſs, the Bischope of Breichen, the Bischope of Arguylle, the Bischope of Cathnis, the Bischope of the Illes, and the Bischope of Orknay; his Maiesties trustie coufigne Mungo Vicount of Stormont, and to his Maiefsties trustie coufignes and counsellouris George lord Gordoune, Archibald lord Lorne and John lord Erfkein; and his hienes trustie coufingis Robert lord Dalzell and Robert lord Kirkcudbright; his hienes trustie counsellouris Alexander Master of Elphinstoune, Sir John

Hay of Baro knyght Keiper of his Majesties registre, Sir Thomas Hope of Craighall knyght baronet, Sir James Carmichael of that ilk Justice clerk, Sir James Galloway Master of reueistics; and to his Maiesties ryght truslie and weilbeloved Sir Robert Spotiswoode of Donypace knyght President of the Seffoune, Sir John Scot of Scottifarvet knyght Directour of the Chancellarie, Sir Robert Gordoune knyght baronet, Sir John Scrymgeour of Diddope, Sir William Sincklair of Roslane, Sir Walter Stewart of Minto, Sir John Spottiswoode of Dairfie, Sir John Hamiltoun of Bargeny, Sir Williame Cunyngahame of Capringtoun, Sir Robert Greir of Lage, Sir John Chairteris of Amfeild, Sir William More of Rowallane, Sir John Maxwell of Pook, Sir Williame Douglas of Caveris, Sir Patrik Agnew of Lochnaw thirreff of Wigtonne, Sir John McDowall of Garthland, Sir James Baillie of Locheid, Sir John Anchmoutie of Goffuird, Sir Robert Montgomerie younger of Skelmuirlie, Sir James Lokhart younger of Lie, Sir Duncane Campbell of Auchinbreke younger, Sir Williame Scott of Harden, Sir Donald McDonald of Slaitt, Sir Robert Innes of Balveny knyght baronett, Sir Thomas Urquhart of Cromertie knyght, Sir John McClaau of Hereis, John Campbell younger of Calder,

Campbell of Ardkynglafs, Lamond younger of that ilk; and to his Maiesties weilbelovittis Doctor Andro Bruce deane of St Androes, Mr James Hamiltoun deane of Glesgow, Doctir Alexander Glaidstaines archdeane of St Androis, Doctir Theodour Hay archdeane of Glesgow, Mr Walter Quhytfuird subdeane of Glesgow, Doctir Robert Howie provest of the new colledge of St Androis, Doctour George

Mairtyne provest of the auld colledge of St Androis, Doctor Patrik Panter professor of theologie in the new colledge of St Androis, Doctor John Strang principall of the colledge of Glefgow, Doctor John Douglas, Doctor David Monro persone of Kinnewcher, Mr James Ahanna dene of Edinburgh, Mr William Wifchart persone of Restalrige, Doctor John Mitchelsoun minister at Brunteilland, Doctor George Wifchart minister at Sanct Androis, Doctor Henrie Crymgeour minister at St Fillanes in Fyffe, Mr Colline Campbell minister at Dundie, Doctor Robert Barrow professor of theologie in the colledge of new Aberdeen, Mr Williame Annand minister at Air, Mr John Tennent persone of Calder, Mris Andro Ramsay and David Mitchell ministeris at Edinburgh, Mr James Logane minister at Smailhame, Mr George Ahanna minister at Torphichen, Mr Williame Maxwell minister at Stow, Mr Patrik Durhame dene of Rofs, Mr Thomas M'Kenzie minister at Tarbett, Doctir James Elliot, Mris Richard Wilkie, John Bell, John Maxwell, and Ezacharie Boyd ministers at Glefgow, Mr John Hay persone of Raynsfrew, Mr Williame Brisbaine persone of Erskine, Mr Walter Stewarte minister at Kirkpatrick, Cambuskenneth, Mr Michaell Wallace minister at Kilmarnoke, Mr George Lindsay persone of , Mr John Lindsay persone of Carstaires, Mr Thomas Ramfay minister at Drumfreis, Mr John Alexander persone of Hoddome, Mr George Buchannane persone of Kirkpatrickiuxta, Mr William Bennet persone of Ancrum, Mr John Maitland persone of Earlston, Mr Abrahame Henderfoune minister at Quhitehorne, Mr Alexander Huneltegine

minister at Monygeff, Mr James Hamiltonne minister at Wigtonue, Mr James Scott minister at Temyland, Mr David Leitche minister at Dundrennane, Mr Henrie Guthrie minister at Stirling, Mr Thomas Spittele perfone of Falkirke, Mr Robert Boucanquell minister at Tranent, Mr George Sydferfe minister at Cockburnispath, Mr James Bennet minister at Lawder, Mr Alexander Kinneir perfone of Quhytfurd, Mr Murdo M<sup>c</sup>keinzie perfone of Dingwell, Mr Dougall Campbell minister at Knapdail, Mr Donald M<sup>c</sup>gilnorische minister at Innerrarae, Mr Ferquhare Frafer deane of the Illes, Mr Patrik Stewarte minister at Boote ;    Constabill of the Theme, Sir Jeerome Lindsay, Sir Henrie Hay, Meffris Robert Nicolfone and Thomas Aikinhead commissaris of Edinburgh, Mr James Weymes commissar of St Androis, Mr James Sandilantis commissar of Aberdein, the commissaris of Elgin Invernes and Roſs present and wha fall be for the tyme, Mr Robert Murray commissar of Stirling, Adame Cunyngahame commissar of Drumfreis, the commissar and proveift of the citie of Glasgow, the commissar and proveift of Wigtonue and Kirkcudbryght, or to anie ane of thame, ane archbifchope or bifchope being ane of the number, to summond and call befoir thame, at whensoever tyme or place it fall pleis thame to appoyn, all and fundrie persones within the kingdome of Scotland, and dwelling within the provinceis of St Androis and Glesgow, that are ayther scandalous in lyffe doctrine or religioune, speciallie all traffecquaris, interymmeris, recepteris of Jefuites or femenarie preiftes, heareris of messe, all excommunicated papistles, recusantis, non-communicantis, all incestu-

ous or adulterous perfones, all obscure contemneris of the discipline of the churche, or for that caufe excommunicate, all abuferis of relligious perfones and places, and diſtuberis of devyne ſervice and thingis therunto belanging, and all blaſphemieris, curferis and fweireris ; and not only to call the faidis transgrefſouris and everie aue of thame, bot lykwyſe any ſpeciall perfones whatſumever within the faid kingdome, ſuſpeſt to be giltie of the foiaſaidis crymes or any of thame, and to try and cognosce the faidis crymes and offences, and iff they fall find any man guyltie and impenitent, to give direc̄tioune to the minister of the parochine whair the faid impenitent perfone remaines, to proceid againes him or hir, and pronounce ſentence of excommunicatioune againes thame, and iff the minister diſobey the faid direc̄tioune, to be fuſpendit, depryvit, incarcerated and puniſcht as they fall think fitt : Attowr with power to thame to puniſche, incarcerated, fyne and conſyne all that fall be found guyltie of the faidis crymes and offences, or that fall prove contumacious, or refuſis to coopeir befoir thame ; with power lykewyſe to the faidis commiſſioneris to call befoir thame all ministeris, preacheris, maiftteris of ſcoollis, colledgis and univerſiteis, exerceris and lectoreris, within the faid boundis, delait unto thame for preaching or ſpeaking in public̄t againes any of the concluſiounes of the bypaſſ generall aſſemblie, and preſentt ſtait and government of the kingdome and churche, particularlie againes the actis concludit in the generall aſſemblie helden at Perthe in the monethe of Auguft 1618 ; and wherin they fall try diſobeyaris of the faidis aactis, wrytteris of lybellis, and pamphlettis againes any of the faidis

constitutionunes of the churche, the imprinteris of the saidis lybellis or pamphlettis or any uther billis, without his Maiefsteis licence and warrand, or the licence of thos that fall be autho-  
rizit for that be his hienes, to censure and punische by fufpen-  
fionune, deprivationune, fyning, committing and incarferatting,  
according as they fall find the qualitie of their offence to de-  
serve; And also to receave and discus all appellatioune maid  
unto tham from any inferior eccleſiaſticall judicatoreis, and to  
inhibit the saidis inferior judicatoreis to proceid in any caus  
that they fall judge impertinent, and not to belong to their  
cognitione, and to censure the saidis judges quhom they fall  
find to behave thamſelfſis partiallie in any caus concerning the  
foirſaidis; commanding the capitane and leuetennent of the  
gaird, provest and baillies of the burrowes quhair it fall happen  
the saidis commiſſioneris to refyde, ſhirreffis and baillies of re-  
galiteis, to ſearche, feik, take and apprehend all ſuch delin-  
quentis, and preſent thame beſoir the saidis commiſſioneris,  
upon the warrand of any fevin of thame, ane archbifchope and  
bifchope being ane of the number; commanding lykewyſe the  
capitanes and conſtables of his hienes caſtellis and houſſes, and  
the keiperis of priſlounes and uther places of firmance, to re-  
ceave and reteine thos that fall be direc̄tit unto thame be the  
saidis commiſſioneris, upon warrand as ſaid is, as they will  
anſuer upon their diſobedience and uttermoſt perrell: Or-  
daining farther the Lordis of Privie counſell, upon the certifi-  
cat ſubſcryvit be the saidis commiſſioneris, or any fevin of  
thame, ane archbifchope or bifchope being ane of the number,  
to direc̄t letters of horning for paying of the ſyne impoſit be

the saidis commissioneris, incas of the delinquentis diffobedience or refuifall to compeir quhan they are citit befoir thame, off quhilkis letteris and chairges no suspensioune nor relaxatioune fall be grauntit, without the testimonie of ane of the archbisches or bisches, beiring obedience to the decret of the commillione and satiffactioun of the pairteis : And makis constitutis and ordaines Mr Williame Hay, commissar clerke of Edinburgh, clerke of the said bich commissioune during all the dayes of his lyftyme, with power to him to creat deputtis under him, in ather of the saidis twa provinces, requyring the saidis commisioneris to receave the aithe of the said Mr Williame, for dew administratioune of the said office, with power to thame to appoyn fiscall officiaris, and all utheris memberis of court, and to direct summondis and preceptis in his hienes name, for ceiting of quhatsumever pairteis and persones in any of the foirsaidis cauffis, quhilkis praceptis fall be feillit with one of the archbischope or bischope feillis, and subscryvit be the said clerke, with power to summond witnessis in any of the saidis cauffis, under the paine of fourtie poundis money of Scotland ; And if the saidis witnessis refuse to compear, or the saidis pairteis decernit in ane fyne delay to make payment, ordaining the Lordis of Privie counsell to direct chairges upon the certificat subscryvit be the saidis commisioneris, as is above specified, off the quhilkis fyne the one half fall appertaine to his Maiestie, and the other halff to be employit upon the charges quhilkis the saidis commisioneris fall be forcit to wair out in executing of this present commissioune, and iff any remander fall be of the famyne, the famyne fall be bestowit to pious usses

at the ficht of the saidis commissioneris, and generallie all and fundrie uther thingis that are necessarie in the premisses, or may be thought anywayes requisit for his hienes service, and according to the intentioun of this commissioune ; inhibiting the Lordis of secreit counsell and sellioune to grant any ad- vocatione from the saidis commissioneris, in materis of the qualitie fairfaid, bot to remitt the tryall and censure therof to the saidis commissioneris : commanding lastlie all his Majesties leidges whom these thingis may concerne, to answere and obey the saidis commissioneris, or any levin of thame, ane archbis- chope or bischope being ane of the number, and ther officiaris and ministeris quhatsumever, under all hiest paine that efter may follow ; and ordaines thir presentis to be ane warrand to the Directour of the Chancellarie, for wrytting the famyne to the great feall, and to the Lord Chancellare for appending the feall thereto, without farder preceptis to be direct thairupone. Gevin at Hamptoune court, the twentie ane day of October 1634.

XII. COPIE OF THE FIRST PETITIOUNE ANENT THE SERVICE  
BOOK. 1637.

For the glory of Christ Jesus, and preservatioun of trew religioune, for the honoure of King Charles, and preserva- tioun of his native and ancient kingdome.

My Lordis of secreit counsell, unto your Lordships humblie meines and schowes we under subscrivers, noblemen, barones,

burghesses, ministeris and comones, that wheras we ware in all humilitie and quiet manner attending a gracious answere of our former suplicationes, against the service booke imposid upon us, and readie to schow the grit inconveniences which upon the introduc̄tioune therof mult infchew, we ar, without anie knowne desert, far by our exspectatioune, surprized and chairged by publick proclamatione to depaert off the toune within twentie four houris therafter, under paine of rebellionne, by which peremptorie and unusuall chairge, our fears of a more summar and stike course of proceeding in thir matters is augmented, and the course of our supplicationes interrupted ; wherfor we ar constrained out of the greif of our heart humblie to remonstrat, that wheras the archbisches and bisches of this realme, being intrusted by his Majestie with the goverment of the affeiris of the kirke of Scotland, have drawine upē and fett forth, or have caused beine drawine upē and fet forth, and injoynd upon the subje&t, two bookes, in the on wheroft, called the book of comone prayer, not onlie ar sownen the seedis of diverse superflitions, idolatrie and falſe doctreine, contrair to the trew religioune estableisched in this realme by divers āctes of parliament, bot also the service book of Ingland is fo abused, especialli in the mater about the comunioune, by additions, supſtractions, interchanging of wordis and sentences, falſifying of titles, and misplacing of collect̄s, to the disadvantag of reformatiōne, as the Romish masse substantiall and manie poyn̄tis maid up therine, (as we offer to instruct in tymē and place convenient) close contrair unto, and forram inverſing of the grātious intentiōne of the blisſed reformers

of religioune in England ; in the other book, called cannone and constitutiounes for the goverment of the kirk of Scotland, they have ordained that whofoever fall affirme that the forme of worchip, contained in the booke of commounre prayer, and administeratiounes of facraments, (wherof befor and now we most justlie complaine) doeth conteine onie thing repuguant to the scripturis, or ar corrupt superflitionis, or unlawfull in the service and worchipe of God, fall be excommunicated, and not restoired bot by the bischop of the place, or archbisches of the provinc, after his repentance and publick revocatione of this his wicked error, befyde a hundred canones mo, manie of them tending to the reviving and fostering of abolished superstitiones and erroris, and to the overthrow of our kirke discipline establisched by ātes of parliament, openning a doore for what farther innovationis of religioune they pleise to mak, and stopping the way which law befoir did allow unto us, for suppreffing of error and supperflitione, and ordaining that wher in anie of the cannone ther is no penaltie fett doune exprefſlie, the punishment fall be arbitrary as the bisches fall think fitteſt, all which canones wer never fein nor allowed in any generall assemblie, bot ar imposid contrair to ordour of law, appointed in this realme for establisching of matteris ecclesiastik ; unto which two bookes the forſaidis prelatis have under truſt procured his Majefties royll hand and letteris pattent, for preſſing the fame upon his loyall ſubjeſtis, and yit ar they the contriveris and deviferis of the fame, as doeth cleirly apeir by the frontifpiece of the book of common prayer, and ar begune to urge the acceptance of the fame, not only by

injunctiones given in provinciall assemblies, bot also by oppen proclamatioune and schariges of horning, wherby we ar driven in such straits as we most ather, by processe of excommunicatioune and horning, suffer the ruine of our estates and fortunes, or els by breach of our covenant with God, and forsaiking the way of true religione, fall under the wrath which unto us is more greivous then deathe. Wherfor we, being persuadit that these ther proceedings ar contrair to our gratiouse soveraigne his pious intentioune, who out of his zeall and princlie carie of the preservatione of trew religioune establisched in this his ancient kingdome, hes ratified the same in his heighnes parliament anno 1633, and so his Majestie to be heighlie wronged by the saidis prelatis, who have so farre abused ther credit with so good a king as thus to ensnar his subiectis, rent our church, undermin religionne, in doctrine sacramentis and discipline, move discontentis betwixt the Kinge and his subiectis, and discord betwixt subiectis and subiectis, contrair to severall actes of parliament, do, out of bounden deutie to God, our Kinge and native contrey, compleine of these forfaid prelatis, humblie craving that this mater may be put to tryall, and thes parties takine ordour with according to the law of the realme, and that thei be not suffered to fett anie more as our judges, untill this cans be tride and defidit according to justice: and if this fall feeme to your Lordshipis a matter of heigher importance then you will condiscend unto, besoar his Majestie be acquantit therwith, then we humblie supplicat that this our greivance and complaint may be fulli represented to his Majestie, that frome the influence of his gratiouse governement and

justice, thir wronges may be redreffed, and we have the happines to injoy the religioune as it hath bein reformed in this land.

SOTHERLAND, ROTHESS, EGLINTOUN, CASLES, HOOME,  
LOTHIAN, LINDSAY, BOYD, LOUDOUN, MONTGOMRIE,  
FLEMING, BALMERINO, CRANSTOUNE, DALHOUSE, JESTER,  
BURLEY, SINCLAIR, ELCHO, DALZELL &c.; Barones  
and Gentlemen, 400.

Burghs, EDINBURGH, STIRLING, GLASGOW, AIR, DUMFRICE, COUPER, IRWIN, KIRCADY, DUMBARTANE, LANERK, DUMFERMLING, WIGTOUNE, GINGHORNE, DYSSERT, JEDBRUGH, HADDINGTOUNE, NORTHBERWICK, SELCHRIG, CULROSSE, KILLCUBRIGHT, DUMBAR.

Ministeris, 120.

### XIII. REASONES FOR NOT ABJURING OF EPISCOPACIE. 1639.

That in comanding to fwear the Covenant of 1580 and 1581, his Majestie that then wes and his counfall did not intend the abjuratioun of Episcopacie: Because bot ten yeires befor, viz. in the yeir 1571, ther was ane folemne agriment maid betwixt the comissioneris of his Majesties counfall, and the comissioneris of the generall assemblie of the churche, (during the kingis minoritie or without a contrairie ordour from parliament) archbischopis and bischopis fould convein,

as befor they did, and that in everie metropolitane and episcopalle seat ther shoulde be deane and chapter, and the boundis of diocesses shoulde not be confoundit. Nay ther wes ane exact forme at that tyme sett doun by the severall commissionaris, and registrat in the buikis of counfall, for creating of bischopis after a protestant maner; towitt, after a long defyre to the dean and chapter, then a forme of returneing of the election, with a petition to the king for his royall assent; then the forme of the royall assent, with comandement of the archbischopis for consecratiooun; then the oth of the new bischope wes to tak befor his Majestie, to witt that he acknowledgit the kingis Majestie supream governour of this realme, alsweil in thingis temporall as in the conservatiooun and purgatioun of religiou恩, (which differris in wordis from the English othes of supremacie, bot is in cense the sam) and that he held the bischoprik and provisiounes therof, under God onlie, of his Majesties croune &c.; laftlie, ther wes ane forme concludit one for his restitutiooun to his temporalities. Now this argument wes in preceis termes confirmed by his Majestie and counfall, in that same self yeir 1581, when that same covenant wes comandit by him to be sworne by the subiectis, so that it cannot be conceaved that his Majestie and counfall shoulde in the sam yeir give order to swear doun it; and no honest man will deny that the subiectis wes bound to swear that covenant in that cense, and no other, which wes agreeable to the intentiounes which causit it to be sworne.

It is objected that under these wordes "the Popes wicked

hierarchie" Episcopacie is sworne doun. Iff by these wordes they will everthrow Episcopacie, I fie not bot they most be forcit to confes that they have at once abjured both presbiteris and deacanes, for the counfall of Trent makis the hierarchie of the kirk to consist of these thrie ordouris, bischopis presbiteris and deacanes. Now if under the word hierarchie, Episcopacie be sworne doun, how can the uther two eschape, for it confistes the lyk of thrie, and therfor all thrie most neidis run the same fortoune.

Iff they reply that indeid they still rettein presbiteris and deacones, bot yitt so onlie as they ar ordainit in the reformed churches; the lyk I replyit for bischops, that they wer ordainit in a forme allowed by reformed churches, as this in substance wes by the churche of England, and in preceis termes by the commisioneris of the kirk of Scotland, ffor it is not probable that in ten yeires peace ther shuld be no bischoprik voyd, and so none ordainit according to that forme to the counfall buikis. Nay it is appearandlie plaine that some ar fo ordainit [by] the fornamat othe, viz. Johne Archbischope of Sainct Androwes in the year 1572, and James Bischope of Dunkell in the year 1573, as is registrat in the buikis of counfall, wher perhaps utheris ar recorded too.

Iff they say that the Scottis bischopes most neides be pairtaker of the Popes herarchie, becaus they succeedit thoſe, and refavit impositioun of handis from thoſe who believed in obedience to the Pope, I againe replye that ther presbitries ar in

the fam werie caice ; for I presume they will not fay bot they most neides deryve ther orderis, ather from bischopis of that obedience, or from presbiteries who wer ordainit by such bischopis, feing that in the begining of the reformatiou ther wes no uther clergiemen in these partes. They most tak ther order ather from them or not, for I persuad myself they will not affirme that one presbiter can ordain presbiterium. Nay, as they ar learned men, they sould say that a preift ordainit by the new Romane churche, iff he leave his superflitioun and leive protestant, neidis no more ordinatioun to become a presbiter with us. What then most be the meaneing of those wordis, "that they abjure the Popes wicked hierarchie."

As I conceave, the cense of them is plaine from a precedent claus in that Covenant, viz : "that they abjure the Popes fyve baftard sacramentis ;" and yitt I hope they intendit not to fuear out ather matrimonie or holie orderis in generall, which yitt ar tuo, as all knowe, reckned by that churche amongest hir syve, bot onlie they abjure these corruptiones and superflitiounes formes, whiche the popishe churche haid annexit to thes de-vyned institutiounes, and in calling them proper sacramentis.

So when they abjured hir wicked hierarchie, they did not fuear out bischopis, no more then they did presbiteries and de-canies, bot they abjured the corruptiones and superflitiones con-comitantes, which the Pope had annexed to those holie callingis, towitt, amongest manie uther abuses, that bischopis wer constrained to fuear fuche ane obedience and dependence one

the Pope, as wes derogatorie to the suppreame power of ther awin native princes, so that it wes almost ane impossible thing to be at once a stout and loyall subje<sup>c</sup>t, and suppose bischops and presbiteris, in this treaffonable constitutione; ther wer no doubt in that poynt the Popes wicked hierarchie, as now they may be constitutions.

All this I had rather urge, because I conceave that the actis of the King and counsall ar the best interpreteris of that Covenant, becaus it wes fett out by the King and counsall, for *quisque optimus interpres sui.*

#### XIV. REPORT ON THE ARMY ACCOUNTS. 1641.

Repoirt be the Auditouris, anent the proceedour in the generall Commissar his accomptis at the campe, to the Lordis and utheris of the Committie, att Newcastle, the 12th of Maii 1641.

Pleas your Lordship, according to the commissioun presentit to us frome the parlement, the 22d day of Marche laft-bipast, by the which we ar appointed Auditouris for the generall Commissar his accomptis at the campe, alswell in money as proveant for the intertenement of the Scottis armye, wee did meit the said day, and hes proceedit as followes.

And first haveing receaved from Johne Denholme, keeper

of the accompt of proveant, his accompt of proveant intro-  
mettit with be him and utheris subcommiffaris (as he affirmes),  
fince the armye came in Engleand, which wes upon the 20th  
day of August 1640, to the first of Aprile 1641 exclusive, al-  
weill the proveant which came frome Scotland by sea allaner-  
lie, as that which wes found heir att Newcastle; and haveing  
layde and calculat chaire and dischaire of the faid accompt,  
and haveing compaired the faid dischaire with the receaptis  
and instructiounis therof, we find the chaire of proveant being  
converted in money will extend to the sowme of two hund-  
reth threfcoir sevin thousand, ane hundredth fourescoir fyftene  
pundis, fyftene schillingis Scottis money.

And the dischaire of the same accompt, according to the  
quartermasteris and utheris ther receaptis, to the sowme of  
two hundredth fyve thousand, sevin hundredth eightene pundis,  
sex schillingis two penneis; sua that thair will be restig in  
the generall Commissaris handis, not gevin out to the regi-  
mentis preceeding the faid first day of Aprile 1641 exclusive, victu-  
all and proveant conforme to the particularis gevin in heir-  
with in ane uther paper, the prycis wheroft will extend to the  
sowme of threfcoir one thousand, eight hundredth threfcoir nyne  
pundis, eighteine schillingis eight penneis, *salvo justo calculo*.

<sup>12 May 1641.</sup> And seeing your Lordship gave to our consideratioun the  
 The Committie thinkis it fitt that finding out of the way for adding further to the generall  
 the Auditourisshall tak this way pro- Commissar his chaire, iff ony thing be omittit, we think it a  
 posed, and sie it done in presence of goode and a fitt way to call for the Mayor and Aldermen of  
 the generall Com- missar.

Newcastle, that they may declare iff they knew ony thing wherwith the generall Commissar and his deputtis hes intro- mettit, and wheroft he hes not gevin the inhabitantis satifac- tion by accompt.

Secoundlie, thair being some articklis in the chairge, wheroft we could not approve, wee thocht fitt lykwyfe to represent the fame to your Lordship, for your Lordships advyce thairintill.

The first wheroft is ane articlile of 2564 bollis rye, which is chaiged in Sir John Marleingis name, bot as we conceave belongis to the Kingis maggazine: thairfore our defyre is that your Lordship will be pleased boithe to prescryve the way how the certane nowmber of bollis may be found out, and to quhome it did belong, for iff it belongis to the Kingis Majestie, it would be prejudice to the estait iff pryce therof war payed to ony uther.

The preceeding  
way will cleir the  
nowmber; and it  
will be tyme to  
speake of the own-  
ers, quhen it comes  
to the tyme of pay-  
ment.

Secoundlye, thair is chairedg 3281 stone cheife English weight, intromittit with furth of the Trinitie hous, the just quantitie thairof and to quhome it did belong would be cleired.

Johnne Den-  
holme will cleir  
this, by telling who  
delyvered the same  
to him.

The thrid is anent thre schipis loadneing of rye, extending to 6559 bollis rye, broght to the key, and intromettit with the generall Commissar and his deputtis, bot no manes name fett doun as awneris thairof: your Lordship will therefore be pleased to caus cleir the fame.

This will be  
cleired betwixt the  
awneris thairof and  
the general Com-  
missarie.

The way to be taken in the first article will cleir rall houffes, not delyvered be any, we defyre this may be this.

cleired as the former.

Memorandum.

Item, Johnne Denholme must be chairedged withe the buttis come frome Engleand, and with the cloath and schoes from Scotland, ffor as yit he hes not chairedged himselff withe ony of thame to us.

It is necessar the auditouris sie this done, and the comp-  
tis maid conforme.

Wee think it neceſſar the Scottis and Engleifche measour be brokin, to the effect the difference betwixt thame be knowin, in respect thair is mutche victuall come from Scotland and de-  
lyvered thair be the Scottis measour, and is gevin out heir by the Engleifche measour.

The lyke for this.

Sicklyke anent the meill which is receaved by the generall Commissar and his deputtis by the Scottis measour, and gevin out heir by weight: it would therefore be knowin how many Engleifche pound weight is in a Scottis boll.

James Sword will  
delyver this.

The entrie of all fchipis come frome Scotland would be feene, to the effect the just quantitie of all proveant come frome thence may be knawin.

The regiment accomptis with the Commissar must of ne-  
cessitie be maid with all diligence, for cleiring of the accomptis of money and proveant, untill whiche tyme they cannot be fo-  
cleir as we could wifche.

LYKwyse we, haveing takin in frome Williame Thomefone upon the 21st of Aprile lastbipaſt, the generall Commissar his accompt off his haill chairge and dischairge of moneyes intro- mettit with and gevin out be him, ſince the acceptatioun of his office of generall Commissar upon him, to the firſt day of May iſtant exclufive, and haveing layde and calculat chairge and dischairge of the ſaid accompt, and haveing compaired the ſaid dischairge with the receaptis and iſtructiouns thairof, wee find the chairge of money intromettit with be the generall Commissar, to the ſaid firſt day of Maii iſtant exclufive, will extend to the fowme of fourtene hundreth fourtie two thouſand, foure hundreth threfcoir ten pundis, eight penneis Scottis.

And the dischairge of the fame accompt, according to the quartermaster and utheris thair receaptis, to the fowme of fourtene hundreth fourtie ſex thouſand, threfcoir fevin pund, ſextene ſchillingis nyne penneis.

Sua that we find (chairge and dischairge of the ſaid accompt being compaired and ballanced) the generall Commissar will be ſuperexpended, in the fowme of thre thouſand, fyve hundreth fourefcoir ſeevintene pundis, ſextene ſchillingis ane pennye money, *ſalvo juſto calcuло.*

And what doubtis hath arryſin to us in the progres of the ſaid accompt, and whairin we defyre your Lordships advyce, we have ſett down as followis.

This is very necessar, and the Auditours must put compt, alfweel of the haill schip and nolt which came frome everie man who had chairege to doe Scotland and did furneische the armye upoun thair marche, this.

Firſt, wee think it neceſſar that thair be ane particular account, alfweel of the haill ſchep and nolt which came frome everie man who had chairege to doe Scotland and did furneische the armye upoun thair marche, as of thoſe which wes receaved in England in pairt of payment of the ces, and whairwith the generall Commissar and his deputtis must chairege thameſelfis in the accomptis, whilk is not as yet done, bot ſtandis as ane artickle of diſchairege in Williame Thomefone his accompt, ammounting to a great fowme.

This must be done in Scotland, and the Committie his accompt certane fowmes of money ſent to Scotland, it would at Edinburgh written for this effect. Quhairas we find upoun the chairege of Williame Thomefone be knowin who hes receaved the fame, and how it wes deburſed.

Johune Denholme most doe this, as most necessar.      Wee find it neceſſar that thair be ane perfyte accompt debitour and creditour, alfweel of all the victuall boght heir frome Scottis merchandis, as ſent frome Scotland, to the effect it may be knowin what is dew to everie man, and what he hes receaved thairfore, ather in haill or in pairt, and ſicklyke that it may be knowin what wes boght frome particular men, or delyvered in, ather for the tenth and twentie penneis, or for fynges, or ony uther way concerning the public.

The lyke particular accompt of debtour and creditour would be keipit for the toun of Newcastle.

The Committie at Edinburgh must be adverteſed heir-of, and alſo mutche done heir as can be.      The haill ſubcommiffaris boith heir and in Scotland, who ar chairged with money in Williame Thomefones diſchairege, must be called to ane accompt, to the effect it may be knowin

how and for what caus the famyn hes bene gevin furth be thame.

And becaus the said subcommiffaris accomptis, and findrie This shall be done.  
particularis in Williame Thomefones dischairge, will fo mix in  
the accomptis to be fitted heir and at Edinburgh, it is necessar  
that the Committie heir adverteis the Committie and auditouris  
at Edinburgh, that they doe not finallie conclude ony com-  
miffarie or regiment accomptis thair, untill the accomptis heir  
and thair be compaired togidder.

We defyre to know iff your Lordhip will allowe the fowme  
of 755 pundis Scottis, gevin out be Tobias Knollis upoun  
chairges, and to tuo curettis.

The lyke we defyre concerneing Mr Williame Hamilton,  
anent the fowme of 807 pundis, 6 shillingis Scottis, alledgedit  
gevin out be him, in chairges for ingaddering some of the  
clairgie rentis, and for ane horse to himselff.

XV. INSTRUCTIONS FOR THE EARL OF ARGYLE. 1643-4.

1. 20774 542

Inſtruſtioneſ for the Earle of Argyll, and remanent  
noblemen adjoyned in the commifioune givin to thame.

1. For defence of religioune croune and countrie from that  
hostill invasioune, threatened both by ſea and land alſeweill

from Ingland as Ireland, and for suppreffing of intestine enemies, and for haveing ane reserve to be a recroo to the armie at the bordouris, it is necessar that thair be considerable forces drauine togidder to a heade, who may be in readines to the effect foirsaid.

2. That for this end the Earle of Argyll, with advyse and concurrence of the remanent nobilmen joyned in commiffioune, would drane out of the shrefdom of Argyll, and uther pairtis within the boundis of thair commiffioune, as may best conflit with the defence of the countrie, especiallie from the hielands and shires nixt adjacent to Stirling, sic forces as can be gottine, with the best armes they have of all fortis, to make upe ane considerable armie, who may upone all occasiouunes be readie to refist all forreyne invalioun, supprefs all intestine infurrectioune, and obviat whatevir hostill dangeris fall occurre in anie pairt of the kingdome, as they fall find requisite, or fall get ordour from the general or Committie at Edinburgh.

3. That they sie the instrucciounes fent from the Committie at Edinburgh, and the generall, anent the haifling out of the fourt man to the armie at the bordouris, with the tuo pairt of the horfemen able to carie armes, of the noblemen, gentilmen and yeomens, with pistollis, carabines, hagbuttis, or with launces, jackes and steill bonnetis, or anie uther armes whatsoevir usefull for horse, haiftet furth to that armie of the borderis also; and in caufing all betuixt 60 and 16 be in readines to come furth, and marche with the best armes they can have of all fortis,

whenevir they falbe advertised, with ane monethis provisioune of viētuallis necessar for thair entertainement, and to sie these instruētiounes, with all utheris that fall come from the generall or the Committie at Edinburgh, or which they thamefelffis fall find necessar upon anie occasioune arryfing within the countrie, put to dew executione.

4. That they have power and ought to tak ordour with anie who fall diffobey and negleēt the instruētiounes and ordouris prescryvit be the generall, or the Committie at Edinburgh, with power lykwayes to the faid Earle of Argyll and commisioneris foirsaidis to use all possible diligence and lawfull means, for provyding armis and amonitioune requisite.

5. As als with power to thame to appoyn特 commissaris ane or mae, with consent and advyse of the generall commissaris, (to quhom they falbe countable) for gathering in of viētuallis out of such pairtis of the countrie whair the same may be hade, to Stirling, or anie uther places fall be found fitteſt, for provisioune to these forcis, which is to be done on the publiēt charge of the kingdome.

Lastlie, with power to the faid Earle of Argyll, and the noblemen adjoyned with him in the faid commissioune, to doe all and whatsomevir may conduce for the defence of the kingdome, they being allwayes answerable to the generall and Estates of the kingdome.

XVI. PROCURATORY BY SIR GEORGE STIRLING OF KEIR.  
13 JULY 1641.

I, Sir George Sterling of Keir, doe heirby give full power  
and expreffe warrant to ane noble lord Johne lord Fleming,  
to compeir before the honorable Estates of this kingdome,  
when they shall be conveined in parliament, upon Thursday  
nixt the      day of this instant, and when they shall be fette  
downe in plain parliament, to present in my name a supplication,  
which his Lordship shall desire the president to caus  
reade and anſwer; as wittnesses thir prefents, written and  
ſubſcribed with my hand, at the Caſtel of Edenburgh, 13th of  
Julie 1641.

G. KEIR.

XVII. INSTRUCTIONS OF SIR GEORGE STIRLING OF KEIR  
TO JOHN EARL OF WIGTON. 1641.

1. When the Estates are conveined and fete downe in plain  
parliament, your Lordship wil be pleased with all dew respect  
to prefent to the president of Parliament, this ſupplication  
from me.

2. Befoir ever they fall upon prorogating the Parliament,  
ye ſhall desire in my name that my ſupplication may be read,  
and anſwered be the Parliament.

3. If the president and others wold put it by, and urge that the Parliament may first be prorogate, desyre the president that presentlie it may ather be hard or refused by the Parliament it selfe, and creave him to aske the voices for that effect.

4. If ather they refuse to let voices be gathered, or if it be voiced, and be ther voices they wold cast it off, or remitte it back to the committie ; in ather of these caifes your Lordship shall desire that my supplication (with all that hes bein desired by you in my name) may be recorded, and PROTEST that, in regard I had humblie creaved a hearing in Parliament for cleiring ourselfes, and justifieng our actions in all time coming, we may be repute frie of the foule aspertions that this while hes bein undeservedlie casten upon us, and that the Parliaments not hearing us at this time is a tacite aknoledging that nothing can be laid to our charge.

Then give the supplication and a copie of this protestation to the clerke, both which you shall desire to be recorded, and therupon aske instruments.

For doeing wherof, as this shall be your Lordships warrant, so shall I be

your humble fervant

G. KEIR.

## XVIII. MONTROISE SPEITCHIE TO THE PARLIAMENT. 1641.

At first entrie, (after low curtacie) the precedent demandit my Lord what he haid to say? My Lord answered, I have no further nor what I have alreadie humblie represented by my supplicatione, and am in all humilitie to expe&t your Lordshipis pleafouris in quhat I fall be commandit. Efter whitche the precedent defyred him to remove, and he fuld knew the Parliamentis pleafour.

Being againe callit, the precedent did ask of new if he haid any thing to represent to the Parliament? Montroise answere&d as of befoir, that he did in all humilitie onlie expe&t thair Lordshipis pleafour. And againe pressing him if he haid any further to say, answerit, Not; onlie am hairetilie forie that it fuld be my missortoun to schow myselff in this conditioun, for as it hes bein far from my intention to fail in my dewtie to the publi&t, so wes it als muntche from my thocht to appeir heir in thir termes. That whair sutch as haid bein declared enimies to thair religioune and libertie wer ather to reffave just censure, or mak dew acknowledgement, I fuld be holdin to find myselff as on within sutch a predicament, ffor what I have done is knowin to a great meany, and what I have done amiss is unknawin to myselff. Howsoevir as treuth did not feik corneris, it neideth no faivour; neather will I truble your Lordshipis with longer discourse, bot resulatlie relay upon

my awin innofencie and your Lordshipis justice, and ffull in all humilitie attend your Lordshipis further pleafuer.

Being againe removed and thairester called, the precedent did ask as of befoir, My Lord have ye any thing whitche I may repreſent to the Parliament? Montroife anſuered, Onlie what I have already humblie repreſented, whitche with all patience I am to expect your Lordshipis refolutiounes in. With all I am conſiſtient it fuld not be neceſſarie for me humblie to beg your Lordshipis will be plealit to reſerve me ane ear, ffor I affure my ſelff justice, both and your Lordshipis wiſdomes did inſinuat moir ſtronglie fo mutche nor I could exprefſe it, fo I wald onlie in all humilitie expeſt your Lordshipis commandementis. My refolution is to cary along fidelity and honour to the grave; and therfor haitallie wiſe that I may be putt to all that is poſſibill to queſtioun me upoun, and ather fall I give your Lordshipis all ffull and humble content, or utherweyis not onlie not deprecat, bot petitioun all the moft condigne cenſure that your Lordshipis fall think futtabill to fo mutche demereitt.

27th Julii 1641.

#### XIX. PROTEST BY MONTROSE, NAPIER AND OTHERS. 1641.

The Proteſtatioun of James Erle of Montroſe, Archibald Lord Neper, Sir George Stirling of Keir, and Sir Archibald Stewart of Blackhall.

WHAIRES, notwithstanding our many and zealous indeavouris

for the publiēt, and the religione and liberties of our countrie, with the hazard of our perfounes and our great charges and expensses, it was our missortoun, when others wer rewarded and remunerated, to meit first with ane hard opinione and misconstruictione of our actiones, as tending to divisione and practiqueing against our countrie, wheroff God knowes wee never harbourde the leſt thought ; and after wee had suffered in our names, (which to men of honour of all fuffrings is the moſt griveous) wee was imprifoned in the caſtle of Edinburgh in Junii 1641, and suffered in our perfounes, being detained thair be the ſpace of 6 monethis, and the firſt ſex weekis of our imprifonment, being keiped fo as if wee had been guiltie off the highest pointis of treafone, our freindis not being allowed to have acceſſe to us, and dureing the whole tyme of our imprifonment being fequeſtrat in fevall rowmes, and evrie on of us denying the ſeing and enjoying of otheris, notwithstanding our muthal lytes and entrefles. Nevertheleſſ wee conceavead that the courſe takin againes us be the committie of Eſtates, albeit verie infrequent the tyme of our committeing, the moſt pairt of the peires of the countrie being abſent at the camp, was out of a tender zeale to the publiēt, with all humilitie and patience acquiesced to the famyne, and comforted ouरſelvſeſ with the expeſtatioune of a Parliament, being conſiđent to vindicat our actiones from all asperſiones and prejudices in that hie court. Yet ſuch ſtill was the tenour of our missortoune, that before wee was hard to cleire ouरſelvſeſ to the Eſtates, of the hard impreſſione they had receaved againes us, the old jealouſies was fomented, and new prejudices againes us and our

a<sup>c</sup>tione<sup>s</sup> bred and infilled in the eares and heartes of the whole Estates, and distilled from that honourable bodie throw the haill countrie, upon the occasione of drawin up of voluminous dittayes againes us, and the publi<sup>c</sup>t reading theiroff in face of Parliament, which contained a rhapsodie of manie hynous crymes. And in the assumptione painting furth our a<sup>c</sup>tione<sup>s</sup> with the foulest coloures, and all possible aggravationes, and assyumeing againtest us the odious crymes of perjurie, lying, treason and others, and in the conclusione being writhen with blood, and inferring the hiest paines of infamie, forfaltour of lyff lands and goods, wee had just reafone to apprehend that the first impre<sup>s</sup>siones, which ar ever most firme, (being stronglie rooted in maner fairfaid) could hardlie be gottin out of the minds of men : yet such was our confidence of our innocencie, that wee frequentlie petitioned to be heard before the honourable Estates, and undoubtedlie might have expe<sup>c</sup>ted from their goodnes and justice a full heiring and tryall, if that lie court had not bein takin up with busynesse of greatest moment, and in end his Majestie had not bein forced to returne to settle his royal affaires in his other dominiones, to our unspeakable greiff, in regard our honour lay still branded with thes foul<sup>l</sup> and publi<sup>c</sup>t aspersiones. Neverthelesse wee was still hopefull, and promisid the happines of a publi<sup>c</sup>t and speedie tryall, in regard the Estates had appointed a commitie for our tryall, and recommended to the commisioneris to proceid with all diligence, and had limitat our processe and tryall to endure till the first of Merch, that wee sould be no longer in suspence ; and therfore as wee have patientlie longed for our tryall, wee have contri-

buted all that was in our power for accelerating the fame, and so farr as being cited to compeir before the committie the 27th of January last, wheras the first day of the meeting of the commitie was the 4th of Januarie. Wee appeared accordinglie, and ane day being designed to give in our defences against the lybell, albeit the tyme was disproportioned to the dittay, being of ane extraordinarie lenth, and the tyme shorter then is ordinarlie allowed for answering the shorkest dittayes; onlie I James Erle of Montrose, being necessitat to be abfent the day wherinto I was cited be reasone of sicknes, at my appearing the acht day theirafter defyred ane short tyme for answering my dittay, which was more prolix then any of the rest of the dittayes, and gott onlie ane frie day for giveing in my defences, my appearing being on Fryday at night, and Monday being afsigned peremptorlie: at which day wee gave in, notwithstanding the shorthenes of tyme, our answeris to the haill dittayes, which was given to the procuratours of Estate to be answered be them, and keiped up auchteint dayes before they were given backe with their replyes; which being given to our procuratours to be answered, our duplyes was exped in three dayes, as the minot of the proesse bearing the dyetis affigned for answering, and the productione of the answeris replyes and duplyes will cleir. During which tyme of the dependance of our proesse, wee have offred and urged all possible meinis of the tryall of the treuth, and in speciall the confrontatione of Lieutenant Collonel Walter Stewart, upon whois singulare depositiones, being taken before wee was cited and hard, he being be his oun confessione guiltie and infamous, our dittay for the most

pairet is founded, being ane weake ground in law for ane inquisitione against anie of the meineft qualitie, much more for a formall dittay of treason against thes of our condicione ; since that it appeareth evidentlie from the haill premisses that wee are not *in mora*, feing the proceſſe is closed in our pairet, and it is not our fault that our proceſſe is not ended within the tyme intendent and limitatet be the Eſtates. Wee thairfore PROTEST, that as wee take God to witneſſe that wee ar not conſcious to our ſelvies of any bafe or indirec̄t prātice againes the countrie, or of anie of the foule crymes lybellit, fo wee have done our outmoſt indevouris to vindicat our ſelvies be a public̄t tryall, of the calumnious asperfiones lybellit, both in the tyme of Parliament, be frequent petitiones for hearing, and dureing the dependance of this proceſſe before the commitie ; and theirfore that it ſould not be imputed to us that our tryallis is not finished within the tyme appointed, and that as before God, and in our conſciences, wee ar frie of the guilt of the ſaid crymes, fo wee may be free in the opinione of the world, and that the lybelling of ſuch crymes againſt us, and our imprifonment upon certaine preſumptions and jealouſies may have no reſpeſt, to intertwaine the leaſt preſumptione of guilt againſt us, in the memorie of thiſ or future ages. Seing tyme haveing diſſipat anie appearand ground of jealouſies which occationed our imprifonment, wee was inlarged be warrand of the Eſtates, and during ſo long dependance of our proceſſe before the Parliament and commitie, wee ar not fund guiltie of any of theſe crymes wherwith wee ar charged, and in regard be the act of

Parliament the oblisement of our cautioneris is onlie limitat to the first of Marche, and our tryall is boundit within the said tyme, wee PROTEST for our selves, and in name and behalff of our cautioneris, that our said cautioneris be free at the said day, and that wee may be free of all challenge trouble or queftione heirafter, for the pretendit crymes containit in our feverall dittayes reſpective, and may injoy allſo absolute freedome and integritie of our perfounes, reputacione, dignitie and all other priviledges, as any other ſubjeſt of our qualitie within this kingdome, and as if wee had never bein queftioned challenged nor accufed : And alſe incase it fall happen (whilk wee expeſt) that any point of the ſaidis lybellis be fund relevant or provin againſt us, wee, being conſcious of our own integritie and innocence, protest for remaid ; and that nevtheleſſe wee be holdin in honour, name, fame and estate in the famyne caſe as wee wer at any tyme before queftione was moved againſt us ; be thir prefentis at Edinburgh, the laſt day of Februarie 1641, before &c.

MS. 207. f. 1. v.  
XX. KING CHARLES I. TO JOHN EARL OF WIGTON.  
20 MARCH 1643.

WIGTON, I have written to you formerly by Montroſe, requiring your affiſtance in thoſe thinges which hee ſhould impart unto you concerninge my ſeruice, which I make noe doubt but you will thoroughly obey : notwithstandinge I have thought fit to exprefſ unto you, in this particular way, the opinion I

have of your power and usefullnelle to my service, and to encourage you in it by givinge you confidence that I am,

Your assured freinde,

CHARLES R.

Oxford this 20 March 1643.

To our right trufte and weill beloved Cousin the Earle  
of Wigton.

XXI. KING CHARLES I. TO JOHN EARL OF WIGTON AND JOHN  
LORD FLEMING. 21 APRIL 1643.

20774, A 69

CHARLES R.

Right trufte and welbeloved Cousin and Councellour, and right trufte and welbeloved, wee greet you well. Since nothing on earth can be more deare unto us than the preservation of the affections of our people, and amongst them none more then of those of our native kingdome, which, as the long and uninterrupted government of us and our predeceffors over them doth give us just reafone, in a more neare and speciall maner, to challenge from them, so may they justly expect a particular tendernes from us in every thing which may contribute to their happineffe. But knowing what industrie is used (by scattering feditious pamphletts, and employing privat agents and instruments to give badd impreffions of us and our proceedings, and under pretence of a danger to religion and government) to corrupt their fidelities and affections, and to engadge them in ane onjust quarrell against us their King, wee cannot

therfore but remove thofe jealousies, and fecure their feares from all poſſibilitie of any hazard to either of theſe from us. Wee have therfore thought fitt to require you to call togither your freinds, vaffalls, tenents, and ſuch others as haue any dependencie upon you, and in our name to ſhow them our willingneſſe to give all the affurances they can deſire, or wee poſſibly graunt (if more can be given then already is), of preſerving inviolably all thofe graces and favours which wee haue of late graunted to that our kingdome, and that wee doe faithfullie promife never to goe to the contrarie of any thing there eftablifhed, either in the eccleſiaſtically or civil goverment, but that wee will inviolably keip the ſame, according to the lawes of that our kingdome: and wee doe wiſh God ſo to bliſſe our proceedings and posteritie, as wee doe reallie make gude and perorme this promife. Wee hope this will give ſo full ſatisfaction to all who ſhall heare of this our ſolemne proteftation, that no ſuch perfones as ſtudies diſtinenſion, or goes about to weakeſen the confidence betwixt us and our people, and juſtly deſerves the name and punishment of incendiaries, ſhalbe sheltered from the hand of justice: and all ſuch others as ſhall endeavour peace and unitie, and obedience to us and our lawes, may expeſt that protection and encrease of favours from us, which their fidelitie deſerves. So expeſting your care heirof, wee bid you heartily farewell; from our court at Oxford, the 21ſt of Aprill 1643.

To our right truſtie and right welbeloved Couſin and Councillour, and to our right truſtie and welbeloved, The Earle of Wigton, and to his ſone the Lord Fleming.

M. 2.5.7. 91

XXII. COPPIE OF A DECLARATIOUN GIVEN IN BE SOME SCOTES  
NOBLEMEN TO THOSE OF BOTH HOUSES AT OXFORD. [1643.]

As it can not be bot that all good men and loyall subiectes ar very much afflited with the prefent lamentable and distractēd estaitt of all his Majesties dominiones, so we that ar his Majesties subiectis off the kingdome off Scotland have great reasone above all otheres to be greived therat : ffor besides the common resentment, that every on borne under his Majestie aught to have of his undeserved sufferinges, and evillis wher-with his kingdomes ar so long afflited, we must be mor particularlie tuitched for the honour and reputatioun of that our native countrie, that is so deiplie wounded by the prefedious treacharie of some off this unnaturall brood, who's basse and disloyall procedinges reflect upon the wholl, as if all wer lyk guiltie of the same ; and no marvell that some be mistaken in this point, wben they consider that all thair most treasonable actiones ar countenanced with publike authorite, and so may seyne to cary along with them approbation of all.

To tak off this prejudice which, in the oppinione of some who ar strangeris to our affaires, may ly upon the generall bodie of our kingdome, sua many of us his Majesties ffaithfull subiectis ar heir present think ourselfes bound, for satissfying the world, bot especallie the honourable memberes off both Houffes conveinit heir at this tyme, (of whoes justice and wisdome we may expeēt that they will distingwisse the fiactione and

natione, and in all your resultes to mak it appear), to emitt a declaratioun of our judgments concerning the proceidings of thair pretended conventione of Eftaittes in Scotland : and since that it may be feine how much we loath and abhour the fame, and ar resolveld never to owne any thing that hath iffewed from them as ane act of any lawfull and warrantable judicatorie, we doe therfor for ourfelves, and in name of all his Majesties ffaihfull subiectis off Scotland, that have in haitred and detef-tatione the faid traitourous conventiones with all that have ffollowed thairupon, utterlie renunce and disclaime the faid pre-fent meitting as presumptoues and illegall, and called for no other end bot to raiſe ceditione and rebellione in that king-dome ; with all committies generall or particular flowing from the fame, and all actis ordinances and degries maid and geiveu thairin, and espeaciallie that act concerneing that traitourous and damnable Covenant, drawen up and taken betuixt them and the rebellis heir, which we muſt heartilie deteаft, and fall never enter thairin by fforce, perſuaſſione, or any other reſpect whatſomever; as alſo all actes and orderes authorizing the leiveing of armes, under collar wheroſ the preſent rebellious armie thair is ga-therit together, which we eſteime ane act of high treason, and hold ourſelfes oblidged by vertew of our alledgance, and of that act of paſſificatione, to oppofe and withstand the fame. Lykas we ffaihfullie promeiffé upon our honour, everie ane of us, to leive no meines unatemptit to ſuppreſſe the faid rebellis now in armes againſt his Majeftie and his croune of Ingland; from all the ffaihfull subiectis wheroſ, bot eſpeciallie of the honorable memberis of the tuo Houſſes heir conuenit,

we will expect such countenance encuragement and assistance, as we may be better enabled thereby to prevaill againte them and our enemyes, and wherby it may be feine that they will not suffer the rebellis on both fydes to goe besoif them in this poynt, who leive nothing undone in so bad a caufe to strengthen on ane other : and becaus we will tak all such of our awine countriemen as will not joyne heartilie in this our declaratioun, and in the courses to be taken for the prosecutiōne theroff, ffor enemies both to his Majestie and us, iff for such of them as ar heir, it wer not expedient we should know how to esteime off them, the honourable memberis of both Houses may be pleisit to tak it into thair consideratiōne or defyres, that the honourable memberis of both Houses heir conveinitt wold joyne with us in a requeist to his Majestie, that what Scotishe man whatsoeuer refuse to fett his hand to this declaratione subligned by us, may not be permiteit to leive under his Majesties protecōtione, bot be chased ffrom amongst his Majesties loyall subjeōtis, as a partaker off affeōtions at leist with the odious rebelione off both kingdomes.

## XXIII. DECLARATION BY GEORGE MARQUIS OF HUNTLY.

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16 MERCH 1644.

I, GEORGE MARQUIS OF HUNTLY: Whereas the committie of Eftats have, without his Majesties approbation, directed a commission to the Shirreffs of Aberdeine and Banff, for seasing upon my perfone, honfes, rents and goods, contraire not onlie to the establisched ordour of law, which requyreh all

men to be legally accused or they be condemned, and to be criminalie condemned or any such commission be directed againſt them, bot also reflecting upon the lawfull priviledges of all his Majesties good ſubjects of this kingdome, no leſs than the leatt publifched a&t for collecting of ane unuſuall exye, and for enforcing a generall loane of moneyes throughout the cuntrey ; and finding fome ſtop in the hoped for execution of the faid commiffion, by theſe to whome it was intruſted, have now prepared certaine forces from the ſouth, whereby to preſſe thair deſignes againis me, for no other trew caufe bot that I refufe to concur with them in the levie of men and moneyes, for affiſting the preſent invasion of England, contraire to my conſcience, incompatable with my humble loyaltie towards our gracious Soverane, and fo deſtructive to the leatt pacification, ſolemnly ratified be his Majeftie and the Parliaments of both kingdomes, as no honest christian (being of this my opinion) can willinglie condicnd to be ſchearer in it. Therfor I the faid George Marquis of Huntlye doe heirby DECLAIR and PROTEST, that if, in the juſt defence of myſelf and frinds from theſe unlawfull violences, or in the repairing of them according to our weak abilities, any acts of hoſtilitie ſhall happen to be committed be us againſt our invaders, and thair confederatts and abettors, they may not be imputed to us otherwyfe than as payment of the debts we ow to nature loyaltie and honour, and to which no lower intereſts could enforce us : which being (as I hop) a ſufficient evidence to all the world of my fair intentions, for rendering the ſinceir and humble dewties I ow to religion, to his Majesties honour and

faiftie, and to the lawes and liberties of the kingdome, I humblie intreatt and expect approbation from all good men in this so equitable and necessitat a caice, withall imploring upon my bended knees such heavenlie affiance from God Almichtie, and such earthlie protection from the Kings Majestie againis all enemies to peace and loyaltie, as in thair mercie and justice may feame fitt.

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XXIV. DECLARATION BY GEORGE MARQUIS OF HUNTRY.

20 MERCH 1644.

I, GEORGE MARQUIS OF HUNTRY : Whereas, since my last declaration of the 16th of this moneth, the seasing upon the persons of Patrik Leflie provest of Aberdeine, Mr Robert Farquhar collectour for the north pairts of the kingdome of the present taxatione, imposid upon his Majesties subiects by the Committie of Eftats, Alexander Jaffrie bailzie, and John Jaiffrie deane of gild of Aberdeine, hath fallen out, and that the intention of me the said Marquis of Huntly, and of my frinds who have beine actours theirin, may perhaps be misconceaved be some who know them not, or misinterpreted be others who ar disaffected to them, find myself oblidged in my owne name, and these who have beine actours as faid is, heirby to DECLAIR that it hath beine done, sa far from any private end, as that nether particular splen against the parteis, or any vanitie in our selffs hath moved us to it, bot onlie in regard that the forfaids perfounes ar too weil knowne to have beine fedulous fomenters of a dangerous distraiction amongst us, by

countenancing and affliting fom men, unhappilie diverted in thair neglect of the dewties they owe both to conscience loyaltie and natur, and by minassing others under thair jurisdiction from rendering these lawfull civilities, which oche to be expected from them, and all for making us obnoxious to the rigours of other men to whose ends they concur, which if they foulde be effectuattet, could not bot ruine us, and leave perhaps no great faiftie for them selfis; for preventing of which we have beine necessitat to indevor the removell of such obftacles, as ly in our propofed wey for maintaining our confcience towards God, our loyaltie towards our gratiouſ Soverane, and our owne particular lyves and fortunes from deſtruclion. And for verifieing that our intentions ar onlie for peace, I the faid George Marquis of Huntlye, and my frinds above specifeit, do farder DECLAIR that, upon assurance given of no violence to be uſit againſt us or our adherents, in our perſounes nor firtunes, for not rendering obedience to any new aſt, until ſuch tyme as it ſhall be ratified in Parliament, not only ſhall the forfaid perſounes eaſit upon be reſtored to thair liberties, bot we ſhal lykewife be willing and readie to give ſuch ſecuritie for our legall and peaceable cariage, as the lawes of the kingdome doe requyre.

XXV. HUNTLY'S LAST SPEECH. 22 MARCH 1649.

I am broght hither to undergoe the execution of ane decrie given againſt my lyfe, for having fpent ſome little, and indeede too little tyme therofe, in demonstrating my obedience, and in endevouring to have done ſome ſervice to our ſacred Sover-

aigne, according to his Majesties just commandes. Sorry am I, and indeede forry shoud you be to, that I am not the first that hes suffered in this kynde; but by God's affistance and my owne innocency, that pretended cryme shalbe I hope ane reall comfort to me, for washing of from my imaginatiounes the uglines of death, with these pure streames in relatioun to the caufe therofe, wheron it flotteth to me. I intreate you so to looke upoun this mortall parte that I am broght to aȝt, as that, infeade of being therby affrighted from that obedience to his Majesties commandes, which both divine and humane precepts obledge you to, you may rather be encouraged to stepp towardes ane scaffold for that cause, even as it were alfe welle ane theater of honour in this world, asindeede it is ane heavingly ladder whereby to mount into that blessed kingdome of eternall lyfe. I doe really acknowledge ane Christian duety now incumbent to me, for acquitting in ane Christian way all perfounes whatsoever of all things done by thame against me; but withall I may crave your charitable and just construcciounes touching my prefent eace, and not only my owne conscience, but also the very proceſſe ledd against me by the contravers of my death, may be a testimony fuffmanent for all upright mynded men, that how guilty foever I acknowledge my self to be in other effects of my owne frailty, neither have I offended God Almyghtie, nor violated the lawes of Scotland in doing that which I have beene adjudged to suffer for; which moveth me, without refenting this prejudice of myne, to proffer ane exhortatione to you not to permitt yourselues to be seduced by erronious doctrine, nor by the example of what men

foever, for giving that obedience that is due to our sacred Soveraigne, that ye will remember how this kingdome bleids and fents already, and that ye will nocht bring any more mischiefe to it, by your adherents to any illegall or unjust procedor in this present kirk or state, which ar both of thame I feare marching too farre in ane wrong way. I put no doubt but most parte of you have these fame intentiounes that I propose, wherefore I shall only crave in my behalfe the prayers of thoſe amongst you that ar of this opinioune, without defyng these of other perfouunes whose ſpiritts may perhaps be otherwayes inclyned.

XXVI. LICENCE TO JOHN LORD FLEMING. 1646.

Sanct Andrews, 9th February 1646.

The Committie of proceſſes and moneyes do heirby grant liberty and warrant unto Johne Lord Fleming, to repair home to his owne dwelling houſe, becaufe James Earle of Calander is become cautioner for him That he ſhall appeare befor the faid Committie of money and proceſſes at Lithgow or wher it ſhall happen them to be for the time, upon the eight day of March nixt, and for his good beheaviour in tyme cuming, under the paine of fifty thouſand punds.



## XXVII. ACT IN FAVOUR OF JOHN LORD FLEMING.

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Edinburgh, 18th June 1646.

Forsameikle as, by decret of the Committe of proceffes and money, John Lord Fleiming was decerned to pay to the generall Commissary, or his deputs, for the use of the publiēt, the soume of sex thoufand and four hundreth punds, as an fine imposd upon him for his delinquency, at the termes specifeit in the said decret, with declaratioun that three parts of the said fyne being payed, the said Committie wold grant deduētioun of the fourt part therof, for the said Johne Lord Fleeming his debt, in respeēt he then made faith upon the treuth therof, as is given up by him in his inventar, with declaratioun also that he fould have deduētioune for fuch troup horses, foote, dragounes and others, conform to the act of Parliament, as hes bein put furth by him for his delinquency, the famyn being sufficently instructed out of the secund termes payment of the said fyne : And incaice it fould be fund to exceed the secund termes payment of his said fyne, in that caice to be deduced out of the first termes payment of his fyne, as the said decret of the eight of Aprile last beares. And the said Committe haveing fund (conforme to the accompt therof) als much instructed given out by the said John Lord Fleming, for trouping horses and others mentioned in the accompt therof, as will exhaust the wholl fine abovewritten imposed upon him for his delinquency, doe therfor discharche the said Johne Lord Fleeming of the said fyne, specifeit in the said decret of the date abovewritten. *Extractum per me,*

JA : PRYMEROSE.

20. 20. 30  
XXVIII. RENTAL OF JOHN LORD FLEMING. 1646.

The Lord Fleming his Rentall, given up be him to the Commiffioune for the proceſſes.

Item, he declaires that he hes not the poffeſſione of any lands or teinds of my Lord his fatheres estate, except onely twentie chalders vi&tuall payed to him of the estate and lands lyand about Bigger, within the fhyre of Cliddifdaill, quhilk is allowed upon him be his father for keiping his purſe and buying his cloaſhes, and his father is obliedged, and doeth ſtill intertein and keip him and his lady, their childeſein and fervands, in family with himſelf, and hee doeth not intromett or meddle with any more of the estate but the forfaid twenty chaldir vi&tuall.

Item, he declaires he has no caſuall rent at all.

Item, he hes no money awand to him be band or utherwayes, either in his own name or ony uthers to his behove.

Item, he hes no moveable goods or geir that can fall under eſcheat.

Item, he declaires that he is provyded be contract of mariage to ſome of his fathers estate, bot hes pofeſſione of no moir bot the twenty chalderis vi&tuall above writtine ; and for the rentall of that which he is provyded unto, he declares he cannot give up the famyne, never haueing had pofeſſione therof, bot ſtill remaining in his fathers pofeſſione ; and to his certaine knowledge, both that whilke be contract he is provydit unto, and the reſt of the estate, is affeſtit with great burden of debts, both really to creditouris and for proviſione to chil-

dreine. And for his own estate, he declares that he was put to the charges and expence, and borrowed twenty thousand pound, whilke he bestowed upon and for the publicē service, be out reicking himself ane colonell at the first two expeditions, be buying of armes and uther necessarie furnitour for his regiment, and was payed out be him to his officeris and regiment at severall tymes, and for his owne paye charges and expenſe at Newcastle, in the haill tyme that the armie lay firsþ ther, he haveing never receaveit any money at all, as will be cleared be the generall Commissaris compts.

This is by and attour the charges expenſe and pay of a garifone of forty fouldieris, with a captaine and lieuetenant lying still in the houſe of Boghall of Bigger, ſince the fourteinth day of September laſt, intertwained onely upon his portione and his fathers estate and rent there; and by and attour very great foumes dew for quartering and plundering in and about Bigger and Commernald, in my Lord his fathers lands, ſince the forſaid forteine day of September, as falbe made good and inſtrucred befoir the Committee for loſſe; all publicē ordouris being obeyed and monthly mantainance payed, and twenty horfemen of trouperis and dragounners, with forty aucht foot fojouris being out reicked and put furth be my Lords rent and eftaite, ſufficientlie armed and mounted, ſince the faid fourteine day of September laſt bypaſt.

13 horfmen at 320 merks a peice	.	4160 mk :
7 dragouners at 100 lib. a peice	.	1050 //
98 foott fojours for clothes arms and fyftein days provisioun at lib. a peice	.	2880 //

1647. 207. 15. 8  
XXIX. INFORMATIONE FOR SIR ROBERT SPOTSWOOD. 1647.

He, haveing been taken prisoner in the field of Philiphaugh by ane officer of the Earle of Lanerks, of whom he had first quarters given him, and therafter was brocht to the Earle himself, who ratified the same by his humane and curteous cariage toward him, whairby he had reafone to thinke himself secuired of his lyf; yet now, besyd his expec<sup>t</sup>atione, being callit in queſtione therof, he hath recourse to the benefite of quarters, alſo allowed and keiped inviolable in all nations, and by non mor then the Englis preſentlie in armes againſt one another, for the fame cause it hath devideſ us in this kingdome; and is confident that the unquestionable law of armes will not be violated in him, that is prisoner to ſuſh a nobleman, ſince other officers of the fame armie have brocht off the prisoners they granted at the fame tyme, thinking themſelves (as they war) engadged in honmore to do the fame.

## Reafones for granting of Quarters.

1. By the law and receaved cuftome of all nations, wher warre is not turned in a dounericht boucherie, ther be *Jura belli* held ſacred and inviolable, wheroft the mayne one is *captivis parcendum*. This was the law of the Romans Lacedemonians and all other warrlike nations, as is clear from hiftorie and wryters *de jure belli*, in all christiane kingdoms it is and ever hath bein keiped inviolable. Onely in the begining of the warres betwein the Swedes and Ruffians, they wer both

so full of animositie that they refuised quarters to on another, bot it was not long or they found the great inconveniency therof, and were forced to acknowlege the necessity of it. This universall law of all nations is founded not onely upon commone equitie, bot upon the speciall equitie of ane expresse pa&ctione wher ane capitulatioune is made ; ther [is], wher there is no expresse capitulatioune, preffumed pa&ctione ; *nam qui hostem interficit sed capit videtur velli illum vivum habere, et capto est jus ex tacita pollicitatione ne possit postea interfici.*

2. This unhappy warr amongſt us being occationed principallie out of ſpeciēt to the Englis Parliament, it wold fein that thair example foulde be a ſtrong inducement to uſe the fame moderatione towards our prifoners, which they do to-wards theirs ; and it cannot be iſtanced that ever any prifoner, dureing theſe warres in England, have bein drawine in queſtione of his lyfe for fydeing with either partie.

3. Scripture iſtelf confirmeth this law and practice moſt clearely, 2 Kings chap. 6, where the Cyrians being ſtrucken blind, and brocht captives by Elifcha the king of Ifraell within Samaria, the king inquires at the prophet whither he foulde fmyte them or not, who anſwered *negative*, Wold thou fmyte theſe whom thou takſ captives with thy fword and thy bowin the field ? therfor farre les is it lawfull to kill them whom thou haſt gottene in thy power by ſuch a ſtratageme. So both Tremellius and Diodati interprets this paſſage in their annota-

tions upon it. Secoundlie, The peace and league, which Jo-  
phua made with the Gibeonits to let them lieve, was faithfullie  
obſerved, though it was obtained by coulinage, and was ex-  
preſſe contrarie to Godis command given in the 7th Deutro-  
nomy, that when he ſould deliver the inhabitants of Canaane  
into their hands, they ſould make no covenant with them bot  
deſtroy them utterly. Thirdlie, In the civill warre betwixt  
the Israelits and the Benjamites, notwithstanding that it was  
undertaken by the Israelits for a moft juſt caufe, and that they  
had bein miechtily provocked by two great overthrows they  
receaved, yit ther revenge went not further then againes fuch  
which they could overtake in the field. The reſt that fled to  
the Rocke Rimmone had faire quarters given them, and ac-  
commodatione of wyves and uther things, notwithstanding of  
the oath of the whole congregatiōne to the contrarie. Fourth-  
lie, In the warre betwixt David and Ishboseth, after Abner  
and his people wer beaten, thoſc in the flight Abner had  
killed Afaell, yet upon his demand he and his men had fair  
quarters from Joab, and wer fuffred to go away, being moved  
by theſe words, Sall the ſword devoir for evir? knowis thou  
not that it will be bitternes in the latter end? how long fall  
it be then or thou bid the people returne fra following ther  
breitherine? Theſe may ſuffice both the lawfullnes and ex-  
pediencie of quarters out of Scripture.

4. It hath bein praeteised among ourſelves hithertill, and  
exchange hath bein made of diverſe perfons befoir this, ſo that  
it miſt be thocht ſtrange to deny the fame now to the pri-

soners in hand, ther haveing bein no publicē discharge of quarters in tyme comming intimated befoir.

5. The dangerous consequence wold be confiddered if quarters be denied to us, ther being a powerfull enemie still affoote in the countrey, whose fortune it may be at sumtyme heirafter to have anie of thosse that ar against him in his power, the hazard of warre being ambulatorie, as our owne experience may teach us.

#### Answers to the objectiones made against quarters.

Objectione 1. However it is the custome to grant quarters when one natione is against another, yit it ocht not to be given to them that ryse against the countrie, as I have done.

Answer. The right of quarters is founded upon the commone law of nations and warre, which hath force evrie wher; *jus enim gentium omni humano generi commune est.* Neither is the faid law limited to the case of a nationall or forraine, bot hath place in *omni bello*, whither forraine or intestine, and in this with greater reafone then in any uther, becaus ther ar moe and greater tyes of humanite amongst thosse who ar ingadged in civil distraictione, then between forraine enemies; and such ar not called *hostes* bot *adversarii*, for this reafone, *quia in civilibus dissentionibus quamvis sæpe respublica lædatur, non tamen in exitium reipublicæ contenditur*, as the law faith.

Obj. 2. I was not taken *in bello*, bot in ane infurrectione, and so foulde not have the benefite of quarters.

Anf. I cannot be said to be taken in ane insurre<sup>c</sup>tione and not *in bello*, feing insurre<sup>c</sup>tione [in the] notion and definition of law is properlie when, in tyme of a happie peace and harmonie betwein a prince and the collective body of his people, private and factious men, for ther owne ends and designes, *plebem contra rempublicam colligunt*, as Sheba the sonne of Bichri did agaist David; bot when ther is a divisione betwein a prince and his people, it was never heard of that his adherents wer said to have made ane insurre<sup>c</sup>tione against ther countrey. For clearing this point I will not insist upon forraine histories, that in the civil warrs in France and the Low countries, *omnia jura justi belli* wer keiped, wheroft that of quarters was a maine on, bot will desire to be remembred what moderatione hath been used in tyme of the lyke civil disfra<sup>c</sup>tions in this kingdom, by our predecessors dureing the contest King Robert the Bruce had for this croune. Most part of the nobilitie and countrie syded with King Edward of England, and therfor justlie might have been said to have taken armes against ther countrey, yet for all this King Robert, haveing taken diverse of them prisoners, *dimisit omnes humaniter habitos*, faith our Buchanan. They who syded with King James III, and wer at the field of Sterling, wer not accompted enemies to the countrie, but, [in] parliament 1. act 3 and 5, James 4, ar said onelie to have been of another and of ane ill opinione, nether wer ther any uther rigor used against any of them. The like moderatione is to be seyn in the tyme of the troubles under Quein Marie, and the begining of the reigne of King James VI.

Obj. 3. If quarters be fustained, the whole natione, and espeiallie the Estates of parliament, will be guilty of the breach of the Covenant, and of ther oath in parliament anent the prosequitione of malignants.

Anf. Though the oathes of Covenant and Parliament oblige the takers to discover malignants, that they may be brocht to tryall, yet they do not prejudice thoſe who ar called in queſtione of ther lawfull defences, competent to them by the law of nations, as that of quarters, nether do they obliedg the judges to repell fuch offences. Secoundlie, the practice of the Estates, in ſome particullar caufes, doth evince that they thinke not themſelves ſo limitatit by the ſaid oathes; becauſe they have befoir this condiscendit to the exchange of diverſe prisoners, and have diſmissed others that wer in the like conditione with me, being takin in the field, for which practices, being foundit upon the law of nations and good conſiderationes now I hope will charge the Estates with perjurie and violatione of ther oath.

Obj. 4. By this means impunitie may be granted to delinquents by any private man.

Anf. The queſtione is not of impunitie, bot of quarters granted by the law of warre and nations, which was authorized and approven by the Lieutenant Generall the day of conflict, in fo farre as he gave no command diſchargeing quarters to be given in generall, bot onely diſcharged any to be given to the Irisches, which exceptions of the Irisches militates in favour all others not excepted, *quia exceptio format regulam non exceptis.*

Obj. 5. To meit that passage, 2 Kings chap. 6, it is said that it mentioneth a custome of the Kinges of Ifraell which of it self was not allowable, being reproved by the spirit of God in the caues of Agage and Benhadad.

Anf. There gloffe is contrarye to the expreffe words of the text, which containes a questione moved by the king of Ifraell unto Elisha, whither he foulde smyte the Syrians or not, and a negative answere made by the prophet, that he foulde not, fortified with ane argument, they that ar taken in battell foulde not be killed, *ergo*, far les they that ar come in thy hands by this miracle; which foulde have been ane ill argument if the antecedent had been foundit upon a bad custome: neither can it be thocht that the prophet wold make use of ane ill custome, to inferre a good conclusione; and that it was not onelie the custome of the kings of Ifraell to spaire captives, bot ane univerfall and ancient custome of nations, it is evident not onely from inumerable pessages of historie in the civill law, but from the 14th Genelis wher those that wer taken by Chedorlaomer wer takine captives, and carried away with Lott.

To that the said custome is reproved in the case of Agag and Benhadad, it is answered, that ther is a great disparitie betwixt ther case and oures, in regard they wer incapable of quarters, becaus of Gods expreffe command to destroy them both, so that ther was ane extraordinarie case of perfones by Gods appointment devoted to destrucione. In Agag's case it is undenyable, the text is so cleir for it, and even in Benhadad's it is no les cleir, although the command be not so expreffe, by the wholl context of that 20 chap. 1 Kings; for the prophet, to convince

Achab for leting go Benhadad, propofeth a supofed cafe of a man that had brocht to him a prisoner, and faid keip this man, and that upon conditione if by any meanes he fould be mifling his life fould be for his ; in which cafe ther was ane expreffe charge given to keip the prisoner, and not to let him go, which moft be understood likewayes in the truw cafe of Benhadad, otherwayes ther fould not be a paritie betwein the tuo cafes. Againe when the prophet told Achab that he had let go a man, whom God had appointit to utter deſtru<sup>c</sup>tione, Achab micht have had ane eaſie ſhift and evaſione, if Gods will concerning Benhadad had not bein knownen to him, to have faid that he had got no ſuch charge from God.

It is hard for us in this conditione that ſuch arguments fould be brocht (extraordinary caſes of blaſphemous pagans, devoted and anathematized by God) and enforced upon people at ſuch tymes and places wher we cannot make anſwer ; wheras it cannot be evinced, by anie one place of Scripture, that ever any rigor, bot all gentlenes and moderatione was ſtill uſed, in tyme of civill diſtra<sup>c</sup>tioneſ, without eſteeming ſuch as was not of ther opinione enemies to God and ther contrie. In that civill warr betwein David and the houſe of Saull, when Iſhbopheths people wer put to the worfe, Joab did not exhort them that wer with him to purſue eagerly ther adverſaries as Gods enemies, bot bid them returne from following ther bretherine, and David himſelf calleth Iſhbopheth (though the head of that factione againſt him) a richteous perſone. Likewayes when it pleased God to ſend deliverance to his people, it was not conceaved that ther was a neceſſitie to divert Gods wrath,

by proceeding in rigor against thofe that had fallen in ther hands, bot in the contrary David in that great victorie against Abfolome, being preft to that purpose, anfwered, Sall ther any man be put to death in Ifraell? And Saull after his victorie againſt the Amonits, when the people urged that they ſould be put to death, who had bein againſt Saul, and faid that he ſould not be king, he anfwered, Ther fall not a man be put to death in Ifraell this day, for to-day the Lord hath wrocht ſalvatione in Ifraell.

Obj. 6. Quarters cannot be granted to me in particullar, becaus I am excepted in the propoſitiones of peace.

Anſ. The faid propoſitiones ar not a poſitive declaratour of my incapacitie and exceptione incaife of peace, bot onelie containes the desires of the Eſtates to the King, which may be altered upon ane muſuall condiſcending betuixt him and them; and the faid exceptione is onely to taise effect againſt ſuch as ſould be proceſſed and condemned, and therfor it is to be underſtood without prejudice of ther lawfull deffences, and namelie that of quarters, ſince by no aſt of parliament, nor by the faid propoſitione it is declared that they who are excepted ſould be incapable of quarters, or of the benefite of the law of nations; and that this was not the intentione of the Eſtates of either kingdome it is conſtant by their praćtice, for notwithstanding of the faid propoſitione containing the faid exceptione, ſome of theſe who are excepted have bein exchanged, as the young Lard of Drume with us, and Colonel Goring and uthers in England.

## XXX. INSTRUCTIONS TO SIR WILLIAM FLEMYNG.

1 MAY 1648.

1. You ar defyred to repreſent to the Queene's Maſteſty, and to the Prince his highnes, the many diſſiculties and oppoſitions we have meet with, ſince the returne of the Scotch Commiſſioners from London, in carrying on the ingagement of this kingdome for his Maſteſties refcue, and from what parties and perſonneſ they have proceeded, and upon what pretenſes.
2. You ſhall ſhow how notwithstanding all theſe impediſments, by a hearty conjuſtioſ of the much greateſt part of the nobi‐lity, the Commiſſioners of flyres and borroughs in parliament have voted the breaches of the Covenant and treaties, which ar the ground of our ingagement, and have emittet and com‐mandit to be printed this declaration, the grounds whairof you ſhall ſhow, and the reaſons of the complayance theirin, with the deſyres of the commiſſioners of the Generall Aſſemblie.
3. You ſhall ſhow how this kiengdome is ordered to be put into a poſture of armes, collonells apointed, and committies of warre named through the whole flyres; and that our demands to the Ingliſh Parlament conteaneſ in our declaration ar gonne, and dayes limittet for the meſſengers ſtay at London, and that we ar refolvet not to admitt of any treaty upon the demands, but to indeavor to gett a good army together againſt the tyme the meſſenger is to returne.

4. You shall shew the maner of ceasing Berweak and Carleill, how that we upon that occasion ar resolved this week to give out orders for reasing our army, and in the meane tyme to command the army we have now a foot to draw towards these places, to be rady upon all occasions.

5. You shall represent our most humble and earnest defyres that, feing all may now judge of the certainty of the ingagement of Scotland for the Kings rescue, his highnes the Prince would be pleased to prepare himself with all speed to come to Scotland, according to many assurances we have had of their Majesties and his Highnes gracious inclinations to that journay, which would infinitly advantage the Kings service, and give lyf to all our actiones, which otherwayes will meet with exceeding great difficulties, and that we may immediatly be adverstised to what place the invitations necessary shall be adressed.

6. You shall shew the great necessitie we ar driven to for want of money armes and ammunition, and therfore ernestly defyre that what is rady may be immediately sent to Lieth without any delay, for our army will be together before it can come.

7. You shall shew our great want of shiping, wherin a great frenthe of our ennemis consist, theirfor in our name humbly beg of the Quene and Prince that, by their authority and mediation, we may [be] supplied with ships as foone as is possible, from France and Holand especiaaly, or any other of the Kings friends and allies; that ships may come to the firth of Lieth, and

in the meane tyme that orders may be fent that our marchants  
ships be no more troubled with Irish, or any of theirs.

HAMILTON.

LAUDERDAILL.

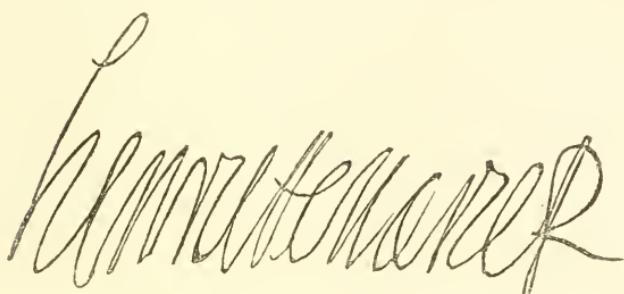
CRAFURD-LINDSAY.

LANERICK.

ROXBURGHE.

CALANDER.

XXXI. INSTRUCTIONS FROM HER MAJESTY AND HIS HIGHNESS THE PRINCE OF WALES TO SIR WILLIAM FLEMING.  
13 JUNE 1648.

A large, flowing cursive signature in black ink, appearing to read "SIR WILLIAM FLEMING".

1. You shall acquaint the six Lords, from whom you came instructed to us, and such of their freinds as they shall direct you to communicat the fame unto, with the great satissfaction and contentment wee have in their loyall and faithfull proceedings for his Majestie's rescue, as likewife the intire confidence wee repose in them, that notwithstanding the opposition and difficulties they have met with, they will not desist from that their engagement for his Majesties rescue, untill by the bleſſing of

God on their endeavours, with the affistance of his Majesties loyall subiects in England who shall joyne with them, his Majestie shall be restored to his liberty, regal power and just rights.

2. You shall affuse them that wee are much encouraged and confirmed by those their proceedings in our former inclinations, concerning the Prince his repaire to them, to the ends mentioned in their fist instrucion to you, and that accordingly with all convenient speed hee will remove from hence to Holland, there to receive the invitations and assurances mentioned in your instrunctions and their letters to us.

3. You shall further advertise them that wee, well weighing the prefent condition of affaires in the kingdome of Scotland, doe not think fit to make any publick demands concerning those publick assurances mentioned in your letters to the Prince, but shall wholy recommend the same to the care and endeavour of them and their friends, not doubting but the wisedome and good affection of that kingdome will consent to passe such acts as may invite the Prince to them, with honour freedome and safety, and in that quality when hee shall bee in armes with them, as will be most suitable to his relations in that kingdome.

4. You shall forthwith repaire to Amsterdame, and there shall demand and receive of Mr Webster the armes and ammunition provided for you by our order, amounting to the valew of ten thoufand pistols returned to him by us for that purpose, and the fame you shall with all speed cause to be shippid into such

a vessele of warre, as shall bee appointed by the Prince of Orange to convoy you and it to the frith of Leith, and there you shall deliver the faid armes and ammunition to such officers as Duke Hamilton, Generall of the Scottish army, shall appoint to take the charge thereof.

5. You shall acquaint the faid Lords with the orders which the Prince of Orange shall give to the captaine of such man of warre, whereby they may make use of that opportunity, if they shall see thinke fit, to convoy into Holland such persons as shall bee appointit to bring unto the Prince the faid invitations and assurances.

6. You shall further acquaint the faid Lords from us, that wee shall employ all our interest with our freinds in Holland and elsewhere, to affist them with shipping for the defence of thosse feas, as they desire, and if the captaines and mariners of any of the Kings ships shall bee prevailed with to returne to their allegiance, (of which wee have good hopes) they shall be commanded to attend that service, and wee shall particularly direct the Marquis of Ormond, who is forthwith to repaire to Ireland, to endeavour all that possiblly hee can to procure the securiy of the Scotch merchants and their ships from the Irish frigates, as is desired.

*Charles S*

MS. B. 2. 1. v. 2. f. 100v  
XXXII. ADDITIONAL INSTRUCTIONS TO SIR WILLIAM FLEMING  
FROM HER MAJESTY AND HIS HIGHNESS THE PRINCE OF  
WALES. 13 JUNE 1648.

HENRIETTE MARIE.

You shall acquaint the six Lords that, though wee are fully satisfied by the account you give us, that the only cause of the inserting into the declaration of the Parliament of Scotland some particulars, differing from the agreement in the Isle of Wight, was the violent opposition of the adverfe party, which necessitated them to complay soe farre as might enable them to carry on to perfection their deſſigne for his Majefties rescue, yet wee desire that it be clearly understood, and agreed to by them :

1. That the intention is not to vary or recede from that agreement, but on the contrary mutually to continue firme and steady to the fame, in all the particulars theirof.
2. That all persons of his Majefties party may have liberty to attend the Prince when hee shall bee with them.
3. That hee may bee in full liberty to remove his person to any other parts of his Majefties dominions at his pleasure, when and whither hee shall think fit.
4. That hee may have liberty to consult and advise with, as his counsell, ſuch persons as hee ſhall think fit to call unto him to that purpose.
5. That his ſupport bee taken into due conſideration.
6. That the Covenant bee not preſſed upon the Prince, nor any of his company.

7. That whilst the Prince shall reside with the Scotish army in England, hee and his family may enjoy the free liberty of divine worship, in such manner as hee hath binne accustomed unto, and doth here observe.

Theife particulars thus agreed to by them, and such of their freinds as they shall think fit to impart the fame unto, out of the entire confidence wee repose in them, wee shall fully rest satisfied with such their private engagement to us concerning the fame.

CHARLES P.

XXXIII. THE ENGAGERS TO THE QUEEN. 4 AUG. 1648.

Edinbrugh 4 Aug. 1648.

May it please your Majestie,

Wee are so fenceble of the favorable acceptance you are pleased to afforde our labors in his Majesties service, as it may eaven seame to lessen our loyalties, and folly chalenge from us all our endevours upon your Majesties owne interest; bot haveing thosse double incitements of loyaltie and gratitude to invite us to pursue our deuties to both, certainly Madame wee will fooner perish than ever faile to ather. This assurence your Majestie will more fully receave from the Earle of Lauderdale, who hath bein one of the most eminent actors in en-gageing this kingdome in ther present undertakeings for his Majesties rescue and reestablishment, with our humble fence

of all the particulares represented to us from your Majestie by Sir Williame Fleaming, wherin wee have faithfully studed to serve your Majestie, as wee ever shall in all the commands wherwith you shall think fit to honor,

Madame,

Your Majesties most humble, most obedient, and most  
faithfull servants,

The image shows two handwritten signatures. The top signature is "George Monck, 1st Duke of Albemarle" and the bottom signature is "James Earl of Calander". Both signatures are written in a cursive hand.

*See page 517*

#### XXXIV. MEMORANDUM OF PRIVATE INSTRUCTIONS FROM JAMES EARL OF CALENDAR. 1648.

The Earle of Calander with his friends and followers, who have ever caried ane loyall and affectionat inclination to his Majestie, with out any by respect, did first send Lieutenant Collenel Robert Ker of Itell, and therafter Mr Andrew Ofwald to his Majestie after his parting from Newcastle, to expref there affections to his Majesties service, and receave his commands for their cariadge in the future: and therafter when the Chancelour, Launderdaill and Lanrick wer sent to his Majestie, Calander, with advice of his friends, did volun-

tarly undertak ane voyage in persone, for his former ends of shewing to his Majestie their defyrs to doe him service; at which tyme Calander had the honour to expref their defyrs to his Majestie, who gratioufly accepted of the fame.

The firſt aꝝ then was to mak ane right choyſe of Commissioners for the flyrs and borouſhs of the Parliament, (ane matter of great diſſiculty and importance, conſidering the diſpoſition of people and power of the adverſe party at that tyme) wherin the caire and paines of Calanders friends had ſo good ſucces, that, notwithstanding the labours of great men to the contrary, the Parlament is gotten well conſtitute of members riſtly diſpoſed in the full major paſt towards his Majefties ſervice, muſh otherwayes then it hath [been] theſe ſeven years bypaſt. And whair, through the factious dealing of ſome great men, double elecſions were made in many flyres, of perſounes diuerſly compoſed, theſe were only admitted in Parlament who were knowne to be of ſtrongeſt affeſtioune to his Majefſtie, and the others rejeſted. That thier be two parties who haif diuerſe iñteſeſts, the one who theſe yeares bygane had the gouerne‐ment of the kingdome, both in church and ſtate, and ſo en‐gaged to the churche that, without apparent prejudice to them both, can not devyde, and therfor oblidged to ane greater ſtricknes of combinatione; the other paſt, ſtrong in thair frindſhip in the country, yet fecludit from the power of man‐aging publick affairs, as not being acceptable to the churche (who had the ower ruling power), did profefs lairly and haith bien active towards the Kings ſervice. Bot Calander and his

friends, joyning to nather pairty, acted so farr as they professed realy for his Majestie, out of the dept fenſe of their deutie to thair master nixt to religioune, made them ſelfs ſo conſiderable upon the knowledge of the integratie of ther ends, that, by joyning to any of the pairties, they were able to caſt the ballance; and thairfore ſeing one of the parties ſeriously to endevour the advancment of the Kings endis, did heartily joyne with them: and theſe two, being joyned, hath caried all buſlines in Parliament, though not ſo well as they would wiſſe, yet as well as was poſſible conſidering the oppofitione of the churche and that pairty, and their influence upon the people, who moſt receave ſum ſatiffactione, eſpecially in matteris of religion.

That albeit Calander fent and went to his Majeftie, and hath done, and be fo conſtantly reſolved to doe good ſervice, yet he hath no cypher from either of their Majefties, wherby they may communicat to him their fecrett commandements, therfor to remidle this that ane cypher be fent from the Queene, and ſum marke of truſt for incuragēt.

That the names and actions of theſe who are of his mynd may be made knowne to the Queene and Prince, and their true fidelity repreſented, and that Sir William will lett them at his returne, giſ their ſervice be acceptable, and giſ the Queene and Prince will lay any commandements upon them for their cariadage in the future.

That the Queene and Prince will impait what is the fur-

theft latitude they will allow, for the Princes fuaering and subferyving the Covenant.

That they will lett know their particular directione who shall be Generall of the army, and captaine of the Princes lyfeguard.

To shew what great projectes hath bein for obftruēting all busines, by the protestations, declarationes, supplicationes from the Commissioners of the churche, from all provinciall synods, and what plottes both for ingaging the barrounes at the meeting of Taylors hall, and through out the country; bot especialey to draw the army unto some opposition, and diftract the Parlaments proceedings. And to shew how all these ar passed by, and that of the army removed, and the armie brought to good behaviour and assurance, by the wifdome and travaill of that noble and worthie gentleman Generall Major Middleton, who deserves that specialy notice shoud be taken of him, and ane particular letter written to him by the Queene and Prince.

That it is earneſſly begged that the Prince would be pleased to be ready to come to Scotland upon invitation and assurance, as ane busines abſolutely neccaſſaire for careing one the work, whosе preſence will remove moſt diſculties hier, and incourage all faithfull ſubjects, and diſcourſe the others.

That ane particulaſe letter be writtin from the Queene and Prince to Calander, and their commands fent to him, which will fatiffie for all his friends and followers.

XXXV. INSTRUCTIONS FOR THE EARLE OF CASSILLS, THE  
LAIRD OF BRODDE, AND ALEXANDER JAFREY. 1650.

1. You shall with all possible diligence repaire to the Kings Majestie, deliver our leters, shew your commiffione, and tell the truw reas ons of your not sooner coming to his Majestie.
2. You shall shew his Majestie, that as this kingdome was not wanting in thair faithfull councell to his royll father, for preventeing the dangers which wer then feared, and have since fallen out to our greatt greife, so did they, with all caire and faithfullnes, contribute thaire utmost endevours for preservatione of thair late Soveraigne, as thaire inftruictions, letters, declarations, and ther commillioners papers can witnes.
3. You shall shew his Majestie with what unanimity, alacrity, diligence and folemnitie, the Parliament did acknowledge him King of Greatt Brittane, France and Irland.
4. You shall shew his Majestie that his fathers oppositione to the Covenant, and worke of reformatione, was the cheife cause of his and the kingdomes troubles.
5. You shall shew his Majestie how unacceptable the enemies and oppofitts of the Covenant and worke of reformatione are to this kirk and kingdome.

6. You shall communicat to his Majestie the a<sup>c</sup>t of the 11th of February instant, as that which conteins the necessary satiffa<sup>c</sup>tione which is defyred and expected from his Majestie, by this kirk and kingdome, for secureing religione and the peace of the kingdome, and for gaining not only the outward obedience, but also the inward affectione of all his good people to his royall perfone, authoritie and government, after so greatt distra<sup>c</sup>tions and troubles, and notwithstanding the apperance and apprehensions of new flurrs and dangers. Lykwayes you shall, by all the good reas ons you can think upon, persuade the Kings majestie to give the satiffa<sup>c</sup>tione defyred, heartily and speedily.

8. If his Majestie upon thosse grounds resolute to come hither, his Majestie wold be pleased to leave all thosse persones who are excluded by the propolitions of both kingdomis, or against whom this kingdome have ever just cause of exceptione; and declare that in matteris civillic hee will follow the councell of this Parliament, and such as are or shall be authorised by them, and in maters ecclesiastick the councells of the Generall Assembly, and such as are or shall be authorized by them.

9. You shall deliver our letter to the Queene of Bohemie, to the Prince of Oringe, and the Princefs royall, and you shall defyre them to interpose, and make use of thaire affistance to move the King to give satiffa<sup>c</sup>tione as is above specified.

10. You shall lykwayes deliver our letter to the Estates of

Holland, and shew them how sensible wee are of thair respects to our King, and our desire to enterteine all freindship and amity with them ; and you shall both deall with the Prince of Orange and with them, for a fafe and honorable convoy to his Majestie to this kingdome.

11. You shall shew his Majestie the great dangers and irreparable losses which must inevitablie ensue, upon his delay or refusall of the faid defyres, for by delayes his enimies will bee encouraged and strengthened, and the people be forced to contch under thair burthenes and submitt to thair yoke, despaireing of any meanes of release or deliverance ; and then redrefs will bee more difficult, and opportunity once lost cannot bee recovered. The neglect of opportunities which wer frequently offered, and not taken on by his royll father, as may be evidently instanced, was the cheife caufe of his and the kingdomes troubles, and proved sad and fatall at the last ; and the sooneer his Majestie beginns to move that way which may be acceptable to God and man, and offer to fetle religione and peace, upon these grounds claime the right of his government, befor democracy or any new modell of government, under the name of agreement of people, or any other maner or device, be fetled and take roote, it will bee more easlie to mainteine monarchicall government, then to repell and cast out any new forme of government, after it is once establisched and tak roote, and the people habituated therunto. And if now when, by the power and prevalence of fectaries, and the army in England, that kingdome is almost

subdued, and Irland in very greatt distractiōne, if his Majestie shall refuse to satisfie the defyres of the kingdome of Scotland, especiallie concerning religione and the Covenant, which is the stongest bond to ty the subiects to thair King, it will weaken all who love government and religione in England and Irland, and whollie discourage and disable Scotland to doe for him, and constraine them in such ane extremitie to resolve upon some effectuall course by the Parliament, to preserve religione and the kingdome from ruine and destructione. And his Majestie granting the foresaid defyres will so far indeare him to this natione, and affuse him of thair affectione and duty, as they will not only render to him all that subiectiōne and deutifull obedience, which can be expected from loyall subiects by ther King, but lykwayes to contribute thair utmost endevours, by all necessary and lawfull meanes, according to the Covenant and dewtie of loyall and faithfull subiects, that his Majestie may be restored to the peaceable possession of his uther kingdomes, according to his undoubted right of succēſſione. And [as] his Majesties joyneing in Covenant with God and his people, in fetling religione, is the sureſt fundatione of a ſafe and weall grounded peace, ſo it will certanly be the beſt and moſt effectuall to eſtablish his throne in righþeousnes. You ſhall concur and be affiſtant to the Commissioners of the church in purfiance of thair iſtructions, taking thair advice alſo in manageing yours, especiallie thoſe thinges relating to religione.

12. If the Kings Majestie be willing to give ſatisfactione to

this kingdome, you shall defyre him to recall all commissions issynd furth for a<sup>c</sup>t<sup>i</sup>ng any thing by sea or land, to the prejudice of the Covenant or this kingdome, or to the prejudice of any who doe or shall adhere to the solemne Legue and Covenant and monarchicall government, in any of his uther kingdomes. *Signatur,*

LOWDONE Can. I. P. D.

1 JUN 1650  
XXXVI.—INSTRUCTIONS FOR SIR WILLIAM FLEMING.

13 MAY 1650.

Instructions for our trusly and welbeloved fervant Sir William Flemyngh, Knyght.

CHARLES R.

1. You shall with all speede repaire to Orkney, or to the place of Scotland where the Marquis of Montrose now is, and shall deliver him our letters both publique and private.

2. You shall let him know that, upon a iust consideration of the state of our affaires in particular, and of Christendome in generall, we have been advised by all our friends, as well in England and Scotland as in all forraigne parts, to make an agreement upon any termes with our subjects of Scotland, as the only probable human means to recover our other kingdomes. We have already endeavoured to procure assistance from the Emperour, and the Electours Princes and States of the Empire, from the Kings of Spaine France and Denmarke,

and most of the Princes and States of Italy, and have obtained nothing but dilatory and generall answeres : and on the other side it is evident that if they were willing to help us, most of their owne present engagements are such that they can doe nothing considerable to our affaires, and the helps they could give us would be of little or no use, without such foundation as this agreement.

3. You shall lett the said Marquis of Montrose know that our affaires have beeene, and still are for any thing we know, very unprosperous in Ireland ; the jealousies betweene the English and Irish being such as that they will not joyne in a mutuall assistance of one another, and so give the rebels of England an opportunity to destroy them both.

4. That we are the rather likewise invited to this agreement, because it was evident that the Marquis of Montrose his undertaking bath not answered either his or our expectation, neither in the point of time of his being in Scotland, nor in the supplies assistances and numbers of men we expected ; which we impute not in the least degree to any default of the said Marquis, bot to other ill accidents that have disappointed those helps he had reaſon to expect.

5. That we had reaſon to doubt, that, if the Marquis of Montrose his undertaking had beeene as prosperous as we could have desired, and that he were ſuperior in forces to the preſent power of Scotland, that it would have occaſioned them to

seek affiance from the rebels of England, who would have been very ready to give it, that whilst they fomented a warre in Scotland, they might fettle their tyranny in England, subdue Ireland, and reserve Scotland, wasted with the warre, as an easie prey to themselves.

6. These, with many others, have been the motives that have perfuaded us to agree with our subiects of Scotland; but you shall affure the faid Marquis of Montrose that we hope, upon good grounds, that we shalbe able in a little time to make his peace in Scotland, and to restore him to his honour and estate, and that we shall shorlie have an honorable em- ployment for him in our service against the rebels of Eng- land; and that in the meane time we desire him to be fully assured, that we will provide for his honorable subsistence, and to that end desire him to advertise us by you to what place he will repaire, that we may adjust our correspondencies with him, and make a seafonable provision for his supply.

7. Lastly, you shall affure him that we hold the same value and esteeme of him that we have ever professed, and doubt not but that he will readily comply with our desire of his pre- sent laying downe of armes, in regard that the rebels of Eng- land, by occasion of this treaty, and believing an agreement will follow, are already upon their march towards Scotland, and it wilbe very prejudicial if not ruinous to us, if they find that kingdome distractēt with another warre within it selfe, it being now our interest to draw together the greatest army we



Breda the 13 of May 1650

can upon the borders of England, not only to resist the threatened invasion of the rebels, but to take all advantages upon England that may be afforded us by the stirring of our friends there, upon the remoove of the rebels army to the north : belides if he shoulde not readily comply, it might bring us into suspition with our subiects of Scotland, as if we did not proceede candidly and uprightly with them ; but we affuse our selfe that these and all other inconveniences will be prevented by the affection and duty to us of the said Marquis of Montrose, and by his magnanimity in bearing this change now, as well as in adventuring soe much before for our service.

Given at Breda, the 13th day of May 1650, in the fecond yeare of our reigne.

XXXVII. CHARLES II. TO THE MARQUIS OF MONTROSE,  
[PRIVATE LETTER.] 13 MAY 1650.

My Lord of Montrofe, I have sent this bearer Sir William Flemming exprefly to you to informe you of the fstate of my affaires, and to acquaint you with the reafons that have induced me to an agreement with my subiects of Scotland. I have likewife commanded him to lett you know how neceffary it is for my affaires that you lay downe armes, according to my publike letter. You have given me fo many testimonies of your affection to me and zeale to my fervice, that you cannot reafonably doubt of my reall intention to provide for

your interests and restitution with my utmost care ; and though I may not be able to effect it for the present, yet I doe not despaire of doeing it in a little tyme, nor of having an occasion to employ you more honorably and more advantagiouly then in your present designe. In the meane tyme I shall be carefull to provide a subsistence for you, and have accordingly sent order to Cocheran, to pay 10000 Rixdollars to Sir Patricke Drummond to your use, which I am confident he will immediately pay, having the money in his hands, to which I will make such further addition as shall be necessary. I pray give credit to what Sir William Flemming shall say to you from me, and then you will be fully assured that I am,

Your very affectionate friend,

CHARLES R.

Breda, the  $\frac{13}{3}$  of May 1650.

To our right truely and right entirely beloved cousin,  
James Marquis of Montrose.

1650. 5. 15  
XXXVIII. CHARLES II. TO THE MARQUIS OF MONTROSE,  
[PUBLIC LETTER.] 15 MAY 1650.

CHARLES R.

Right truely and right entirely beloved cousin, wee greet you well. It hath pleased Almighty God to give such a bleffing to this treaty at Breda, that thereby a right understanding and a full agreement is fettled between us and our sub-

jects of our ancient kingdome of Scotland. Our will and pleasure therefore is, and we hereby require and command you, not only to forbear all further acts of hostility against any of our subjects of that kingdome, but also immediatly upon the receipt of these our letters to lay downe armes, and to disband and withdraw yourselfe and your forces out of the same. And because the canon, armes and ammunition, which you received at Gotenberg, may be of great use to our further service, wee therefore require and command you to leave the same in Orkney, if they be yet there ; but if they be transported into Scotland, then to deliver the same to the sherrif of the county where you are, or some other safe person by inventory, to remaine there for our service, and till we shall give further order for the disposing thereof, and for so doing this shal be your warrant. Given at Breda, the  $\frac{5}{15}$  day of May 1650.

To our right trusty and right entirely beloved cousin,  
James Marquis of Montrose.

XXXIX: [PRIVATE] INSTRUCTIONS FOR SIR WILLIAM  
FLEMING. [15] MAY 1650.

MS. 207<sup>4</sup> v. 123

CHARLES R.

You are to advise with William Moray when you come into Scotland, concerning any further treaty with Montrose in order to our service, then what your publick instructions doe beare.

You are to give Montrose all perfonall assurances of our constant affection towards him, and of all those advantages in the way of his fortune, which a faithful fervant can expect from a gracious master.

You are to affure all that have served and suffered for our deare father, of our thankfull recentment, both of theyr service and sufferings, and of our firme resolution (when God shall be pleased by theyr faithfull indeavours to enable us) to requite every man to the full in his severall station, and you are to desire them to give credit to William Moray, who comes fully instruced in this and other particulares. Given at Breda, May 1650.

XL. CHARLES II. TO THE PARLIAMENT. 18 MAY 1650.

CHARLES R.

Right trufy and right welbeloved coufins and councellours, right trufy and right welbeloved coufins, right trufy and welbeloved councillors, and trufy and welbeloved, wee greete you well. Having now given fatiffaction to your Commifioners, and layd (as wee hope and desire) the foundation of a happy agreement, and perfect understanding between you and us for the time to come, and being resolved to caſt our ſelſe entirely upon the affections of that our ancient kingdome of Scotland, and to endeavour the good and peace thereof in all things, to the uttermoſt of our power; wee have given order for the diſbanding of thoſe forces lately come from Orkney,

and all who have joyned with them, and for their present withdrawing out of the kingdome. And because it much imports both us and the safety of the kingdome, that our command therein should be punctually and immedately obeyed and executed, and that nothing will probably more conduce thereunto, than that a necessary provifion be made for the feurity of all thofe that intend to goe away, in their paflage out of Scotland after they have layd down armes, and their stay there untill they can goe, and fome reafonable and fitt condtions for the ref; wee therefore recommend very particularly unto you, to caufe fuch conditions to be made for them, as fhalle reafonable and neceſſary to free the kingdome immeſſiatly from thofe troopes, according to our positive and ex-preſſe order in that behalfe. Given at Breda, the <sup>18</sup> day of May 1650, in the fecond yeare of our reigne.

To our right truſty and right welbeloved couſins and councellours, our right truſty and right welbeloved councellours, and to our truſty and welbeloved the President and other members of Parliament of our kingdom of Scotland, or to their Committee.

XLI. INSTRUCTIONS FOR SIR WILLIAM FLEMING.

19 MAY 1650.

Acc. 20774.5.34

CHARLES R.

1. You ſhall deliver my letter to my Lord Montrofe, and affure him of the continuance of my favor and affection to him.

2. If you find that the prevaling party now in Scotland are not satissified with the concessions I have granted to them, that then Montrose is not to lay doune armes, or if you find that those people doe only treat with me to make Montrose to lay doune armes, and then they may doe what they please.

3. In case my frinds in Scotland doe not thinke fitt that Montrose lay downe armes, that then as many as can may repaire to him.

4. You shall see if Montrose have a confiderable number of men, and if he have, you must use your best indeavor to get them not to be disbanded, in which you are to advise with William Murey and whom you shall thinke fitt; but if Montrose be weake, that then he shoule disband, for it will doe me more harme for a small body to keepe together, then it can doe me good: howsoever, though they are disbanded, ther must be care had that they may not be lost, but intertained in other tropes.

5. You shall as soon as you have dispached your busines, make all the haft to me againe you can posibly. Breda, May the 19th 1650.

XLII. CHARLES II. TO MONTROSE. 19 MAY 1650.

Breda, May 19.

My Lord Montrose, This bearer William Fleming having many things to say to you from me, and he being better able

Breda May 19

My Lord Montrose, This bearer Will: Fleming  
having many things to say to you from me and  
he being better able to deliver them to you by word  
of mouth then I can by letter. I have given him  
full instructions to acquaint you with all the  
particulars of the treaty. I shall desire you  
therefore to give full credite to him, and to me  
that I am and ever will be,

Your most affectionate  
freind

Charles R



to deliver them to you by word of mouth than I can by letter, I have given him full instructions to acquainte you with all the particulars of the treaty. I shall desire you therfore to give full credite to him, and to me that I am, and ever will be,

Your most affectionate friend,

CHARLES R.

To our right trusty and right welbeloved coufin, James Marquis of Montrose.

XLIII. THE LAST MOMENTS OF MONTROSE. MAY 21. 1650.

A note of the severall paſſages concerning Montroſe his carriage after he was broght prisoner to Edinburgh.

The Parliament, being informed that Montroſe was apprehendit, and feiring leaſt his countinance and carraige might gaine him ſome favour among the people, thoght fit to give out thair fentence agaynst him befor he cam to Edinburgh; and therefore upon the 17th of May in the morning, they appoyntit a comittie to prepare and give in thair oppiniōne what was fitteſt to be done with him. Who that ſam fornoone gave in thair report in writ, which was aproven thus; that how foone he foulde com to the toune, he foulde be mett at the port by the magistratis and hangman; that he foulde be tyed with cordis upon a cairt, bar heidit; the hangman foulde ryd upon the horſe, covered, befor him, and fo carrie him throu the toune; that he foulde be hanged on a gibbet at the croſs of Edinburgh

till he died, and his historie and declaratione hanged about his neck, and hing thrie houris tharafter [in] the view of the people; ther after he shoulde be heiddit and quartered, his heid to be fixed at the prifon hous of Edinburgh, and his legis and armis to be fixed at the portis of the tonnis of Stirline, Glafgow, Perth and Aberdeine; and if he repente, that the bulk of his boddie shoulde be burried with pioneris in the Grayfeiris, if not, to be burried in the Boromoore. It is not unworthie of remark that the new Earle of Roxburgh and Mr Cheiflye, who was knightit at the ille of Wight, and got a penfione quibilk he preſentlie injoyes for his offeris of fervice to the lat king, were two of the committie who projectet this fentence. The reaſon of this being tyed to the cart was in hope that the people wold have ſtoned him, and that he might not be able be his handis to ſave his face.

Upon the 18th day, about 4 [in] the afternoone, he was broght in at the watterȝet, whair he was met by the magifratis the gardis and the hangman, the reſt of the prifoneris being tyed two be two, going barheiddit beſor him. How ſoone he cam within the port, the Magifratis show him that order. When he had red it he perceived the cart and the hangman. He ſaid he wold go willinglye to it; he was onelye forrye that throw him his maſter, whofe commiffione he carried, ſould be diſhonored. Then going cheirfullye on the cart, he, being oncovered, was by the hangman tyed thereto by ropis, and the hangman rod covered upon the horſe that drew the cairt: thus was he led to prifone. In all the way ther appeired in him ſuch ma-

jestie, courrag, modistie, and even somewhat more than naturall, that thes common women, who had lost ther husbandis and children in his waris, and who wer hyred to stome him, were upon the sight of him so astonisched and moved, that thair intendit curse turnd into teares and prayeris, so as the next day all the ministeris preached agaynst thame for not stoning and revyling him. It is remarkable that, of the many thowfand beholderis, onlye the Laddie Jean Gordon, Countes of Hadinton, did publicklie insult and laught at him; which being perceaved by a gentillman in the streit, he cryed up to hir that it becam hir better to sit upon the cart for her adulltiries. The Lord Lorne and his new Laddie wer also siting in a balconie, joyfull spe~~c~~tatoris; and the cairt being stopit when it cam befor the ludging wher the Chancelour, Argyle and Warriston sat, that they might have tyme to insult, he suspe~~c~~ting the buffyness turned his face towards them, wherupon they prefentlye creipet in at the windowes; which being perceaved by ane Inglisshman, he cryed up, it was no wonder they sturt asyd at his look, for they durst not look him in the face thir feavins yeiris bygan.

After he was louslit from the cart, he gave the hangman gold, saying, Fellow ther is drink monie for dryving the cairt. It was past feavine a' clock at nyght befor he was entered into the towbuth, and immeaditelye the Parliment met, and fom of ther owine number, and fom ministeris to examine him, bot he refused to answere anye thing to them, untill he shold know in what termis they flood with the King; which being reportit to the Parliment, they continued proceeding agaynst him

till Munday, and allowed ther commisioneris to tell him that the King and they wer agried. He defyred that nyght till be at rest, for he was wearied with a longfom journey, and he said the compliment they had put upon him that day was som thing tydeus.

The nixt day, being Sunday, he was constantly atendit by minesteris and parliament men, who stll perfened him with threatening, bot they got no advantage of him. He told them if they thought they had afronted him the day befor by caryng him in a cairt, they wer mutch mistakine, for he thought it the most honourable and joyful journey that ever he made ; God having all the whyle most comfortable manifaſtit his preſence till him, and furnished him with reſolutione to overlook the reproches of men, and to behold him for whois cauſe he ſuffered.

Upon Munday fornoone he was broght befor the Parliment, and after that the Chancelour had ſnivelled out a long premeditat diſcourse, of his miscarigis agaynst the firſt Covenant and League Covenant, his invaſion and joyning with the Iriſh rebelis, and blood guiltines, and that now God had broght him to his juſt punishment, he defyred to know if he might be al‐lowed to ſpeik, which being granted, he ſaid, Since you have declared to me that you have aggrieved with the King, I look upon you as if his Majeftie wer fitting amon geſt you, and in that relatione I appeare with this reverance bairheiddit. My care hes beine alwayes to walk as becam a good christiane, and loyall ſubjeſt. I did ingage in the firſt

Covenant, and was faithfull to it. When I perceaved som privat persons, under cullor of religione, intend to wring the auctoritye from the King, and to fease on it for themselffis, it was thought fit, for the cleiring of honest men, that a band shoulde be subscrivit, wherin the securitye of religion was sufficientlie provydit for. For the League, I thank God I was never in it, and so could not break it. How far religione hes been advancit by it, and what sad consequentis followed on it, thir poor distrefed kingdomis can witnesse. When his lat Majestie had, by the blessing of God, almost subdued those rebelis that rose agaynst him in England, and that a factione of this kingdom went in to the affiance of the rebelis, his Majestie gave commission to me to com into this kingdom, to mak a deverisione of thos forcis which wer going from this agaynst him. I acknowledg the comand was most just, and I conceaved myselfe bund in conscience and deutie to obeye it. What my carraige was into this country, manye of you may beir wittnese. Disorderis in armes can not be preventet, bot they wer no sooner knowine then punished. Never was any mans blood spilt bot in battall, and even then manie thousand lyves have I preserved, and I dare heir avow, in the prefence of God, that never a hair of Scotismans heid that I could save fell to the ground. And as I cam in upon his Majesties warrand, so upon his letteris did I ly alyd all intreftis and reteir. And for my comeing at this tyme, it was by his Majesties just commandis, in order to the accellerating of the treatye betwix him and you, his Majestie knowing that when ever he had endit with you, I was reddie to reteir upon his call. I may

justlye say that never subiect acted upon more honourable groundis, nor be so lawfull power, as I did in these services, and therfore I defyre you to lay afyd prejudice, and consider me as a Christiane, in relatione to the justice of the querall, as a subiect, in relatione to my royll maisteris command, and as your nighboure, in relatione to the manie of your lyves I have preserued in battaill ; and be not to rash, bot let me be judged by the lawes of God, the lawes of nature and nationis, and the lawes of this land. If other wayes, I doe heir appeal from you to the rightious judge of the world, who one day most be your judge and myne, and who alwayes gives out rightious judgment. This he delivered with futch a gravitie and posednes as was admirable. After this, the Chanceler commandit the fentence to be red, which he hard with a folid and unmoved countinunce, and haveing then defyred to speik, the Chancelor stopt him, commandit he sould be prefentlye removed. He was no soone caried bak to prison, bot the ministeris with their fresh assaultis invadit him, agravattit the terrour of the fentence, wherby to afright him. He said he was much beholdine to the Parliment for the honour they put on him, for sayis he, I think it a gretter honor to have my heid standing on the portis of this towne for this quarrell, then to have my picture in the Kingis bed chamber. I am beholdine to you that, leaft my loyaltie sould be forgottine, ye have appoyntit fyve of your most imminent townis to beir witnese of it to posteritie.

His freindis wer not suffered to com neir, and a gaide kept in the chamber besyd him, so as he had no tyme nor place for

his privat devotione, bot in their heiring. Yet it is acknowledged be tham all, that he rested alse kyndlye these nyghtis, except somtymes he was at his prayeris, as ever they thamselfis did. The nixt day, being the 21<sup>st</sup>, being clothed in a scarlot mandall covered with gold lace, he was broght to the scaffold. He cam alongis the streit with so gret stafe, and ther appeared intill his countenance so mutch beutie and gravitye, as ravished the beholderis, and even manie of his enemies did acknowledge him to be the gallantest subiect in the world. Becaus all his freindis or weillwilleris wer debard from comeing neir to him, ther was a boy stoud to wryt his speich in the scaffold, which is this.

I am sorrie this shoulde be scandalous to anye good Christian : doeth [it] not happine to the righteous acording to the wayis of the wicked, and to the wicked acording to the way of the rightious ? Doeth not somtymes a just mane perish in his rightioufnes, and a wicked man prosper in his mallice ? They who know me shoulde not condem me for this : manie gretter than I have beine delt with in this kynd ; yet I most say all Godis judgmentis ar just, for my privat finis. I acknowledge this to be just with God ; I submit my self to him, bot in regaird of man I may say I am just. I blame no man ; I complaine of no man : they are instrumentis ; God forgive them ! I forgive them, though they have opprefed the poore, and violentlie perverted judgment and justice : Yet he that is heer then the heeft will regard.

What I did in this kingdome was in obedience of the most just comandis of my lawfull Soverane, for his defence in the day

of his distrefe, agaynst thos that did ryse up agaynst him. I know no thing bot to feir God and honour the King, acording to the commandementis of God, and the lawes of nature and nationis ; and I have not sined agaynst man, bot agaynst God, and with him ther is mercie, which is the ground of my drawing neir unto him.

It is obje~~c~~tit agaynst me be manie even good people, that I am under the fenfur of the church. This is not my fault, sinc it is not onlie for doing of my deutie, by obeying my Princes most just commands, [but] for religione, and his sacred perfone and auctoritie. Yet I am forrie they did excumunicat me, and in that which is according to Godis lawes, without wronging my conscience or aledgience, I desire to be relaxit : if they will not thus doe it, I appeall to God, who is the rightious judge of the world, and who most now be my judge and Saviour.

It is spokine of me that I sould blame the King. God forbid ! For the late King, he lived a sanct, and died a martyre : I pray God I may end so : if ever I would wish my soule in another manis steid, it is in his. For this King, never people was happier of a King. His comandis to me wer most just : in nothing that he promissee will he fail : he dealis justlie with all men. I pray God he be so dealt with, that he be not betrayed under truft, as his father was.

I defyr not to be mistakine, as if my caraig at this tyme in relatione to your wayes wer flubbornes of hart. I doe bot follow the light of my owne conscience, which is kendled to the working of the good spirit of God that is within me. I thank him, I goe now to heavinis throne with joy, and he sufferis

me not to feir the terrouris of death, and furnishes me with confidence and courage to embrace it, even in his ugliest shape. Let God be glorified in my end, thogh it wer in my damnatione. Yet I say not this out of any feir or distrust, bot out of my dewtie to God and love to his people.

I have no more to say, bot that I defyre your charitie and prayeris : I fall pray for you all. I leive my soull till God, my service to my Prince, my good will to my freindis, and my name and charitie to you all ; and thus breiffie I have exonered my conscience.

Being defyred to pray apart, he said, I have alreaddie poured out my soull befor the Lord, who knowis my hert, and in whose handis I have commendit my spirit, and he hath beine graciouſlie pleafed to returne to me ane full affurance of peace in Jefus Christ my Redemer. If ye will not joyne with me in prayer, my rēteiring apart will both be scandalous to you and me. Wherfor closing his eyes, and holding his handis, he stood a good space at his inward devotionis, being perceaved to be inwardlye moved all the whyll. When he had done, he calis for the executioner and givis him monye. Then having broght unto him, hanging in a cord, his declaracione and historie, to be hanged about his neck, he said, it had pleased his facred Majestie that now is to mak him ane of the Knightis of the moft noble order of the Gerter, bot he did not think him felfe more honored be the Garter, then be that cord with the bookis ; he wold imbrace it about his neck, with als mutch joy and content as ever he did the Garter, or a chaine

of gold ; and therfor defyred them to tye it to him as they pleased. When this was done and his armis tyed, he asked the bailgies if they had anye more dishonour, as they conceaved, to put upon him, he was reddie [to] accept; and then, with a most undaunned courrage and gravitie, he went up to the buffnes.

MS. B. 1. 27 v. f. 142  
XLIV. ORDERS TO GARRISON CUMBERNAULD HOUSE.

28 SEPT. 1650.

Stirline the 28th September 1650.

The Committee of Estates, considerig of what importance the keeping of the house and castle of Cumbernauld, belonging to John Earle of Wigton, may be for securing and preseruing the places adjacent, doe therefore heerby appoyn特 and ordaine the faid Earle of Wigton, to putt a sufficient garrifon in the faid houfe, and to furnish the same with provisions, and a sufficient quantitie of amonition ; and for the better enableing him to keep and secure the faid house, the Committee foresaid allowes him eight of the dragones, to be putt forth by him out of the parish of Lenzie, in place of sixteen foot ; and the Committee of Estates doeth heerby prohibite and discharg the Committee of warr of the sherryfdome of Dumbartan, and the officers of the forces to be leavied out of that shyre, not to trouble or quarter upon the faid Earle or his tenents for the faid dragones, he allwayes secureing and defending the faid houfe. *Extr.*

A. HENDERSON.

**XLV.—KEY TO A ROYALIST CYpher.**

A	B	C	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S	T	V	W	X	Y	Z
36	34	32	30	27	25	23	21	18	16	14	12	64	61	59	57	55	53	51	48	46	44	41	39
37	35	33	31	28	26	24	22	19	17	15	13	65	62	60	58	56	54	52	49	47	45	42	40
38			29			20						63						50			43		
6			5			4						3						2			1		
10			11			68						69						70			71		

Nulls

| 66 | 67 | 7 | 8 | 9 | 72 | 73 | 74 |

## DECYPHERING.

1	y	16}	k	31	d	46}	W	61}	
2	u	17}		32}		47}		62}	o
3	o	18)		33}		48}		63}	
4	i	19)	i	34}	b	49}	V	64}	n
5	e	20)		35}		50)		65)	
6	a	21)		36)		51)	t	66)	nulls
7)		22)	h	37)	a	52)		67)	
8)	nulls	23)		38)		53)		68)	i
9)		24)	g	39)	Z	54)	s	69)	o
10	a	25)		40)		55)		70)	
11	e	26)	f	41)		56)	r	71)	u
12)	m	27)		42)	Y	57)		72)	y
13)		28)	e	43)		58)	q	73)	nulls
14)	l	29)		44)	X	59)		74)	
15)		30	d	45)		60)	p	75)	ac

## WIGTON PAPERS.

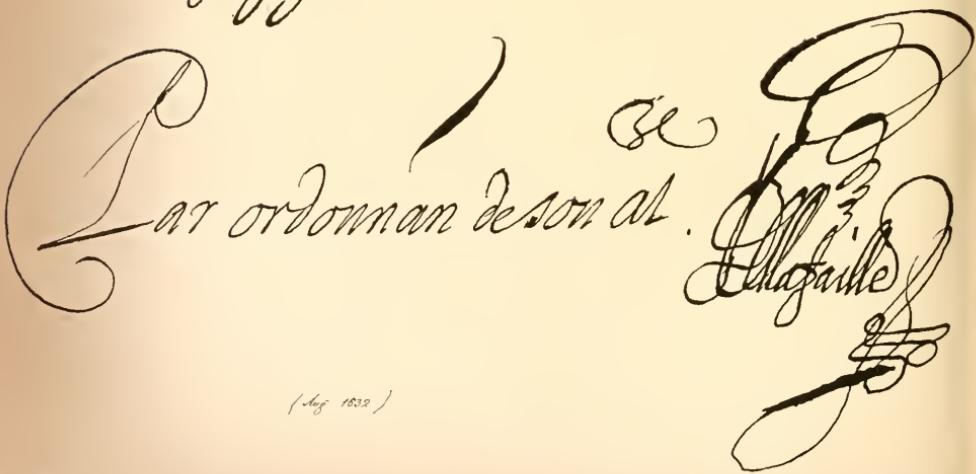
76	all	112	er	148	Is	184	neere	220	fay
77	and	113	ever	149	it	185	ob	221	fuch
78	any	114	excuse	150	into	186	od	222	fure
79	are	115	ex	151	intreate	187	over	223	fever
80	as	116	every	152	know	188	or	224	ta
81	at	117	fa	153	knavе	189	oc	225	te
82	ba	118	fe	154	kind	190	pa	226	ti
83	be	119	fi	155	la	191	pe	227	to
84	bi	120	fo	156	le	192	pi	228	tu
85	bo	121	fu	157	li	193	po	229	the
86	bu	122	firſt	158	lo	194	pu	230	this
87	before	123	find	159	lu	195	prize	231	that
88	ble	124	fit	160	live	196	prince	232	thus
89	but	125	for	161	left	197	pro	233	thoſe
90	by	126	from	162	love	198	pre	234	them
91	ca	127	ga	163	loofe	199	pray	235	they
92	ce	128	ge	164	lett	200	qu	236	there
93	ci	129	gi	165	little	201	que	237	ua
94	co	130	go	166	many	202	question	238	ue
95	cu	131	gu	167	ma	203	queene	239	ui
96	can	132	goe	168	me	204	ra	240	uo
97	caufe	133	gone	169	mi	205	re	241	uu
98	con	134	give	170	mo	206	ri	242	unto
99	com	135	great	171	mu	207	ro	243	wa
100	care	136	good	172	my	208	ru	244	we
101	could	137	ha	173	more	209	rare	245	wi
102	da	138	he	174	moſt	210	raife	246	wo
103	de	139	hi	175	make	211	rather	247	watch
104	di	140	ho	176	may	212	fa	248	wife
105	do	141	hu	177	na	213	fe	249	where
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107	dis	143	him	179	ni	215	ſo	251	whom
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109	did	145	hope	181	nu	217	ſome	253	which
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256	your	273	Lord Lothyain
257	year	274	Parliament of Scotland
258	zeale	275	The Assembly of the Church
259	zealous	276	The Covenant
260	The King	277	Ireland
261	The Queene	278	Scotland
262	The Duke of Yorke	279	France
263	The Princes Royall	280	Sweden
264	The Prince of Orange	281	The Queene of Sweden
265	Prince Rupert	282	Earle of Branceford
266	The Marquis of Ormond	283	Lord Threafaurer
267	The Marquis of Arguile	284	Lord Culpeper
268	Marquis of Montrofe	285	Sir Edward Hyde
269	Lord Lanerick	286	Sir William Flemynge
270	Lord Lauderdale	287	Mr Long
271	Lord Calendar	288	Independants
272	Lord Chancellor Louden	289	Army of England.

## LIST OF PASSES.

1632.—ISABEL INFANT OF SPAIN, 27th August, to John Fleming, Thomas Reven and George Brisben, “gentilzhommes Ecossais,” to return from the Low Countries, through Holland and Zeland, into Scotland.

— LOUIS XIII., 31st August, to John Count of Fleming, returning to Scotland.

1647.—SCOTISH PARLIAMENT, 22d March, to Sir Williame Fleming going to his Majesty on his own necessary affairs.

— RO. HAMMOND, 14th December, to the same, with an order for four post horses and a guide to London, and back to Carisbrook Castle in the Isle of Wight.

1649.—CHARLES II., 11th March, to the same, from Holland into Scotland and back.

- 1649.—CHARLES II., 12th Nov., to the same, from Castle Elizabeth in Jersey, by France or the Low Countries, into Scotland and back, "on special service."
- PRINCE OF ORANGE, 25th Nov. to the same, into Scotland.
- 1650.—CHARLES II., 20th May, to the same, from the Low Countries to Scotland and back, "for our particular affairs."
- + 1651 — PRINCE OF ORANGE, 24th Aug. to the same, into Scotland.
- + 1652 — CHARLES II., 8th Aug., to Sir William Keith, travelling on his affairs into Spain.
- 1653 — — — — 14th Aug., to Lieut. General Sir John Middleton.
- 1659.—GENERAL GEORGE MONK, 17th Nov., to the Earl of Wigton, travelling in Scotland.

NOTE.—Since the preceding papers have been printed off, there has been found in an old inventory of the Wigton writs, a Commission under the Great Seal of James V. to John Lord Fleming, Great Chamberlain of the Kingdome, as Ambassador to Francis I. for managing certain affairs entrusted to him, and in particular to desire that King to send home the Duke of Albany to be Regent of Scotland. This document, dated 7 March 1519-20, would have illustrated No. I. of the preceding papers, and confirmed the conjectures in the preface, had it been recovered in time. It is to be hoped that the liberality of Admiral Fleming will on a future occasion enable further selections from the very curious documents which that Inventory contains, to be laid before the Club.

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Bonaparte

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Chardonnat & Poeret

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by . . .

George Monck



EXCERPTS FROM THE HOUSEHOLD BOOK OF  
MY LORD ARCHBISHOP OF ST ANDREWS  
FROM 1663 TO 1666.



## HOUSEHOLD BOOK OF ARCHBISHOP SHARP.

ACCOMPT OF THE MONEY RESAIVED BE MR GEORGE MARTINE AT MY  
LORD ST ANDROIS HIS GRACES DIRECTIONOUN SINCE THE FIRST OF AU-  
GUST 1663 TILL NOV. THE SAID YEIRE.\*

Aug. 1.—Resaived frome Mr Williame Sharp	-	120 00 00
Sept. 11.—Received frome Johne Robertson at my Ladis ordour	- - -	180 00 00
Sept. 18.—From Mr Williame Sharpe of Johne Alex- ander his composition for his chartour of the apprysed land of Bonytown	- - -	160 00 00
Oct. 14.—Frome Johne Robertsone at my Lordis ordour	-	180 00 00
30.—Frome Alexander Foryster in St Androis	-	133 08 00
Nov. 7.—Frome Williame Limdeane in pairt of his com- position	- - -	666 13 04

\* The MS. from which the following Excerpts have been taken, is a memorandum book of the household and travelling expenses of the well-known Dr James Sharp, who, from being minister of Crail, during the time of the grand Rebellion, was made Archbishop of St Andrews, by Charles II. after the Restoration. The book is written in a very neat hand, by his Secretary and companion, George Martin, Esq. of Claremont, author of the "Reliquiae Divi Andreae." It was given by the late Mr David Martin of Eden-side, the lineal descendant of the Secretary, to the late Mr Cleg-horn of Wakefield, near St Andrews, by whose Son it was presented to the Literary Society of Cupar-Fife, and by the latter transmitted to Mr Macdonald, for the purpose of printing such Extracts for the Maitland Club as should be thought fit.

Frome the Commissar of St Androis for quottis of testaments frome Lambes 1663 to the said day	-	765 19 00
Frome Thomas Adamsone to be given to Mr Williame Sharpe	-	1000 00 00
21.—Frome Mr Williame Sharpe to compleet debursements and pey all bygane accompts preceeding Nov. 23 the day of his Lordships journey to Londoun	-	152 18 10
		_____
		2358 19 02

## JOURNEY CHAIRGIS FROM EDINBURGH TO ST ANDROIS AUGUST 1.

To Mr Williame Sharpe stewart in drink money	002 18 00
To the undir servand both at his Lordships direction	001 09 00
For a horse to Leith	000 06 00
For his Lordships fraught and company	002 18 00
For carieng the graith from the shoare	000 03 00
For corne and strae for the two geldines a night	001 08 00
For aill and bread to the servands be the way	000 12 00
To a mane that guydit the coatch	000 12 00
For the horse hyre that turned frome Balfarg	000 16 00
For a bagage horse hyre to St Androis	002 02 00
For 2 horse to Leuchars to wait on his Grace	000 12 00
For a horse hyre to Mr Robert Honymans admission at Couper	000 12 00
The comptar chairges that day	000 18 00

## FROM ST ANDROIS TO EDINBURGH AUGUST 7.

For a brydell to Williame Sharp horse at my Lordis direction	000 12 00
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My Lords denner at Kinghorne in vyne flesch aill bread &c.	003	18	00
To Williame Wallace that returned with thrie horse	000	18	00
For wyne beir and bread at Leith at my Lordis landing	001	04	00
To the coatchman and footman that brought my Lord from Leith	-	-	000 16 00
To the Lord Carnegies coatchman that was disapoynted, at Mr Williames direiction	-	-	000 12 00

## FROM EDINBURGH TO ST ANDROIS SEPTEMBER 11.

To my Lord Glasgowes coatchman and footman for the coatch to Leith	-	-	001 16 00
To the poore at Edinburgh and going to the boat	-	-	000 06 00
For Ralphe and the 2 geldings fraught to Kinghorne	-	-	001 04 00
12.—For my Lord quarter that night and nixt morneing and for aill to the workmen about the coatch conforme to accompt	-	-	005 04 04
To poor at Kinghorne at several tymes	-	-	000 03 00

## JOURNEY FROM ST ANDROIS TO EDINBURGH SEPTEMBER 21.

To the poor at my Lords lodgeing	-	-	000 12 00
For super at Leith with the Bishops of Aberdeine, Caith- nes conforme to ane accompt of particulars	-	-	005 18 00
For ane hakney coatche frome Leith to Edinburgh being late and dark	-	-	002 08 00

## JOURNEY FROM EDINBURGH TO ST ANDROIS 15 OCTOBER.

To Helen the work lasse	-	-	002 18 00
For a cart to Leith with two barrellis of buttur and the graith	-	-	000 12 00

To the poore at Leith	-	-	000 06 00
For 2 horsses frome Edinburgh to Leith for James Veillie and Mr George	-	-	000 12 00
To my Lord Glasgowes coatchman and footman at my Lordis directionn	-	-	002 03 00
Payed costoum at the Netherbow Leith and Kinghorne			000 06 00
23.—For horse frome Leith to Edinburgh in a great rayne			000 08 00
For allowance to Mr George in his sex dayes absence			005 08 00
25.—Chairgis of thrie men and horsses at Kilrenny being sent by my Lord to speak James Watsone anent his mar- riage	-	-	001 05 00
For horse hyre to the notar that went alongis			000 12 00
Instrument money	-	-	000 06 00
Nov. 3.—When my Lord went to Falkland to a guyd be the way	-	-	000 06 00
For corne and strae to the 4 coatch horses ther	-	-	000 18 00
For corne and strae to the 2 sadill horses	-	-	000 08 00
To divers poore people in Falkland	-	-	000 04 00
To drink money at Mr Williame Barclay his hous			001 10 00
To the poore people at Falkland ane other tyme			000 06 00

## JOURNEY FROM ST ANDROIS TO EDINBURGH.

Oct. 9.—To many poore at my Lordis gaittis	-	000 12 00
For William Bruce chairgis attending the clokbagis for his breakfast and denner at Brintyland with the bagag		000 10 00

## ACCOMPT OF THE BOOKIS GOTIN TO MY LORD.

Oct. 8.—For the Rewiew of the grund	-	000 18 00
For Survey of holie disciplin	-	002 08 00
Answer to <i>Fiat lux</i>	-	001 10 00

Treatise of Human learneing	-	-	-	001 10 00
Bishop Donnes Sermons	-	-	-	000 14 00
For Laberleneks (?) of estaitis	-	-	-	009 00 00
Bishop Hutins contra Howie conforme to ane account				003 06 00

## MONEY GIVEN TO MY LORD.

August 12.—To my Lord at the Bishop of Edinburgh hous to give the poore	-	-	-	000 06 00
Sept. 15.—To the footman that was sent to the Bishop of Brechin	-	-	-	001 04 00
16.—To my Ladie	-	-	-	002 18 00
21.—To my Lord which he gave the Bishope of Murray				005 16 00
Oct. 4.—To my Lord to give Mr James Strauchen a de- posit old minister	-	-	-	005 16 00

## MONEYES DEBURSIT AT MY LORDS DIRECTIONE.

Aug. 7.—To the toune drummer at St Androis at my Lords direction	-	-	-	000 12 00
Sep. 11.—To the poore men	-	-	-	000 04 00
23.—To my Lord Chancellors porter	-	-	-	000 12 00
Oct. 2.—To my Lord Balheavens mane that brought tur- kies and dowes to my Lord	-	-	-	002 08 00
To Mr Patrick Weymes widdowe 2 dollars	-			005 16 00
13.—To the provest of Edinburgh nurs in drink money				011 12 00
To Johne Young keeper of the seatis of the New Kirk of Edinburgh	-	-	-	008 14 00
26.—To my Lord Glencairnes servand that brought Coalls in drink money	-	-	-	005 16 00
To a distressed widow at my Lordis ordour	-			002 18 00
28.—To my Lord for the first collectione in the Synod				001 09 00
26.—To John Fraser messenger being sent to intimat to 4				

ministers the Synodis sentence of depositioun and suspensioun againest them	-	-	-	005 16 00
Nov. 6.—To Mr George Ogilvies man that brought fische	000 18 00			
To the footman Wattie when he was sent to St Johnstoune	000 12 00			
7.—To a poor man Traill and a lame sholdiour	000 09 00			
Given to my Ladie to compleit all bygane accompts of the hous	-	-	-	107 08 04
To Catherine Moncreiff conforme to hir discharge	050 00 00			
14.—To my Lord to give James Crose who presentit ane almanack dedicat to my Lord	-	-	-	002 18 00

## NECESSARIS FOR MY LORD AND UTHER DEBURSMENTS.

Aug. 15.—For a paire of shiverines to my Lord and drink money to the boy	-	-	-	001 18 00
29.—To the barbour for trimeing my Lord	-	-	-	000 18 00
Sept. 22.—For washing my Lord cloathes at 3 several tymes	003 04 00			
For a link to wait on the coatche	-	-	-	000 06 00
28.—For ribbanes to my Lord shoes	-	-	-	000 09 00
Oct. 3.—For 2 ellis of creap for a murneing string when the Bishop of Orknay died at 2 † 13 5 the ell is	-	-	-	005 06 00
For a pair of black shambo gloves to my Lord	-	-	-	001 16 00
For 6 quarteris of black silk coard to my Lords hatt	000 05 00			
11.—For tuo linkis at the Laird of Grantis buriall	000 12 00			
14.—For a bybill to Williame Sharpe	-	-	-	004 10 00
For six quarteris of black ribbanes to my Lord	-	-	-	000 08 00
15.—For a link to wait on the coatche to the abbay	-	-	-	000 06 00
Nov. 11.—For two linkis at my Lord Glasgowes buriall	000 12 00			
14.—For a link to the coatche going to Ladie Glasgowes hous	-	-	-	000 06 00
For holland to be band and cuffis to my Lord	-	-	-	094 00 00
For cours holland to be stockis to the band and cuffis	000 12 00			

17.—For a link goeing to my Lord Chancellours hous	000	06	00
For a link to my Lord Presidents hous	-	000	06
The compt of the money given to the poore in smallis thir 3 monthes bygane comes in haill to	-	010	19
To a poore shouldour at the abbay church doore	-	000	06
To the poore people at the abbay church on both sydes of the coatche	-	000	04
To poore people at severall tymes at the hous and abroad at the coatche theis ten dayes bygane	-	001	02
Nov.—Payed to ane apothecarie at St Androis for some oyllis and drougis to the coatch horse	-	001	08
		00	00

ACCOMPT OF MY LORD ARCHBISCHOP OF ST ANDREWS AND GLASGOW  
THAIR LORDSHIPS CHARGIS AT LONDOUN IN LODGING DYET VYNE  
FYRE WOOD COALLIS CANDILLIS FROM DEC. 3 TO JAN. 27. 1664.

<i>Die Jovis</i> Dec. 3.—Inprimis at Barberkin for oysteris and opning theme	-	001	10	00
In the rekoneing for vyne claret and kinnarie beir bread fyre	-	006	08	00
To the hostlar and a boy for receaveing and carieing Clok- bag sadilles	-	000	12	00
For a coatch for the graith frome to the loughinge in West- minster	-	001	10	00
To a porter for carieing the graith to the chamberis	-	000	04	00
For a coatch to thair Lordships from Barberken to Launder- daillis waiting houris and hom	-	002	08	00
For fyre that night in thair chamberis	-	000	10	00
For aile bread and pippines at Supper to thair Lordships and thair servantis	-	000	19	00
For tuo pound of Candle	-	000	13	00
<i>Die Veneris</i> 4.—For aill and bread in the morneing	-	000	12	00

Dinner for a souldiour of muttoun	-	-	001 16 00
For a dishe of greenefishe	-	-	001 16 00
For breid ale and a pynt of claret vyne	-	-	001 02 00
For fyre in the morneing at diner and at night	-	-	001 06 00
For vyne ale and bread at night and pippines at dinner and supper	-	-	001 08 00
For a Coatch to and frome Whithall	-	-	001 10 00
<i>Die Saturnii.</i> —For fyre in the morneing and at night in both thair Lordships chamberis	-	-	001 00 00
For ale and bread in the morneing pippins at a pynt of Claret at night	-	-	001 11 00
For 3 stone of weight of beife at 1 lib 10 s the stone and salt thairto	-	-	004 12 00
For a paire of Oares to Lambeth	-	-	000 18 00
For oares to the servantis returneing	-	-	000 06 00
For a pound of Butter	-	-	000 08 00
Saboth 6.—For ale and bread in the morneing and at night and for cheese	-	-	001 02 00
For fyre in the morneing afternoon and at night	-	-	001 04 00
Monenday 7.—For fyre in the morneing and at night	-	-	000 17 00
For bread and drink in the morneing and at night and for cheese	-	-	001 01 00
For a coatche to Vorcester hous Durham ȝaird Lady Bal- heavin and home	-	-	002 08 00
Dinner for a pullet	-	-	001 08 00
For butter limon turnepis and pepper and eggis	-	-	000 09 00
For dresing the pullet and a peice of beiff at 4 s the peice	-	-	000 08 00
For ale bread fyre and a pynt of claret at dinner	-	-	001 10 00
For fyre at night	-	-	000 10 00
Tysday.—For fyre bread and drink in the morneing	-	-	000 16 00
For 500 natches of billetis	-	-	005 14 00

For ane $\frac{1}{2}$ hundredth of faggotis and for a cart bringing tham hom	-	-	-	004 10 00
Dinner for a shouldier of muttone	-	-	-	002 00 00
For Turnepes butter and a great loaff	-	-	-	000 17 00
For a quart of Kinnarie therle of Lauderdaleill being with their lordships	-	-	-	001 04 00
For a coatche to Worchester hous and home	-	-	-	000 18 00
For a quart of wyne to their Lordships and Lord Ogilvie				000 10 00
Wednesday.—For Canarie at night to my Lord Rothes				000 12 00
Thursday.—For a capon and makeing it readie and a peice of beiff	-	-	-	002 10 00
<i>Die Veneris.</i> —For aile and bread in the morneing and at night	-	-	-	001 08 00
Dinner therll of Rothes and Lauderdaleill being present for 12 Oringeris	-	-	-	000 12 00
For vinager and spyces to oystaris	-	-	-	000 01 03
For table beir and aile	-	-	-	000 14 00
For a dishe of fishe with egges	-	-	-	003 00 00
For a joyle of Salmond with oysteris and egges				008 06 00
For a dishe of quhitigis	-	-	-	001 16 00
For a dishe of solefyshe	-	-	-	006 00 00
For a dishe of Smeltis	-	-	-	005 08 00
For a dishe of teartis	-	-	-	002 14 00
For bread at dinner and a barrel of oystaris	-	-	-	002 02 00
For the maill of the loughinge from Thursday Dec. 3 to Thursday Dec. 17 being two weekis at 16 tib 4 s weekillie				032 08 00
For a goose and aple sauce	-	-	-	002 14 00
Saboth.—Dinner to many noblemen for 2 barrel of oysteris				004 00 00
For a dishe of fishe with egges and butter	-	-	-	003 00 00
For a Vestphalia ham with cheekines	-	-	-	013 04 00
For a coadis head and oysteris	-	-	-	006 06 00

For a dishe of stewed carpis	-	-	006 00 00
For a dishe of dried quhittines	-	-	003 00 00
For a dishe of fried smeltis	-	-	004 16 00
For a chyn of Salmond	-	-	003 12 00
For a jonyll of Sturgen	-	-	006 00 00
For a tart	-	-	005 02 00
For oringis Vinegare spyce and tobaco pypis	-	-	000 18 00
<i>Die Martijs.</i> —For a pynt of wormwood wyne in the morning and a quartelaret at night and for pippins	-	-	001 19 00
Supper to many noblemen and utheris for a young turkie and dressing	-	-	003 10 00
For 3 phesines at 3 fīb the peice	-	-	009 00 00
For two woodcockes	-	-	002 08 00
For two pullettis	-	-	003 00 00
For 4 pertrigis	-	-	004 16 00
For 4 cheekines at 16 ̄ the peice	-	-	003 04 00
For aples and Carvie	-	-	000 18 00
For oringis and limones	-	-	000 16 00
For anchoves to be a dishe to be sauce	-	-	001 02 00
For olives Caperis vinegare spyce and butter	-	-	001 06 00
For oysteris ale mustard suggar and pearsle	-	-	001 08 00
For 4 bottillis of cedar	-	-	001 04 00
For a peice beef at dinner to the servants	-	-	000 16 00
To the Landlady for supper dressing kitchene and fyre	-	-	001 16 00
For pypes to Launderdaill and for bread at night	-	-	000 16 00
Item in drink money to my Lord Launderdaills servands	-	-	006 00 00

## MY LORD ARCHBISCHOP OF GLASGOWS COMPT.

For 3 duzen pund of Candill at 3 fīb 12 the dozen	010 16 00
For 150 pippines	004 10 00

For sex botillis of Canarie	-	-	007 04 00
For 17 botillis of Claret	-	-	010 04 00
For a tune of Coalis	-	-	016 04 00
For 12 bottellis of sak	-	-	014 08 00
For 24 botills of Claret at divers tymes		-	014 08 00
Payed be his lordship in earnest of his ludging		-	003 00 00
More acompt given in be Glasgow of aples	-	-	007 05 00

## JOURNEY CHAIRGIS FROM LONDOUN TO EDINBURGH JAN. 27.

For a coatch to Walthame with the earnest to the coatch-			
man	-	-	015 12 00
For horses to Roystoun	-	-	014 00 00
To the chamberlanes	-	-	001 10 00
To the Maids butcatcher* and hostler	-	-	001 16 00
For horsses to the guyd and to the poore people	-	-	009 16 00
For horsses to Grantham 2 stagis and guyd		-	016 06 00
For dinner of colopis and eggis beire and bread	-	-	003 06 00
To the chamberlaines deputie and poore	-	-	001 05 00
Alnik.—For dinner wyne beir bread		-	004 12 00
To the hous 2 violleris and the hostler	-	-	001 16 00

## ACCOMPT OF MONEY GIVEN TO MY LORD ARCHBISHOP OF ST ANDROIS HIS GRACE AND DEBURSED AT HIS DIRECTION IN LONDOUN FROM NOVEMBER 23 1663 TILL JANUARY 1664.

For paper to serve on the road	-	-	000 02 00
For a halking bag for my Lord night graith		-	000 06 00
For paper at Durham	-	-	003 00 00

\* The official person at Inns, termed in modern times *Boots*.

For mending the halking bagg	-	-	000 02 00
To the Earle Lauderdaills servant that brought my Lordis gowne from Whithall	-	-	000 12 00
For a chaire to and from Launderdailles	-	-	001 04 00
For a chair to the watter my Lord going to Lambeth			000 12 00
For ribbones to my Lordis tippet	-	-	000 06 00
To my Lord goeing to the Kingis chappill	-	-	006 00 00
For a chayre ther	-	-	000 12 00
For a chayre to the watter	-	-	000 12 00
Boord wages Mr George and William Bruce Satturday			
Sunday Mononday	-	-	003 12 00
For a coatche to Covent Garden and for returneing and for a new book	-	-	001 05 00
To my Lord to give poore people at tuyse	-	-	000 06 00
For a coatch to Durham ȝaird	-	-	000 12 00
To the people at Vorcester hous and Durham ȝaird			000 03 00
For trimming my Lord and for a newes book	-	-	001 05 00
For a pair of shoes and galloshes to my Lord and ribbanes			006 08 00
For a coatch to my Lord Newburghes and home			001 06 00
To Mr Bloures man bringing home the new gowne			001 10 00
For a coatch to Lambert Street and for waiting and home			002 14 00
For ane ivorie Cabinet	-	-	072 00 00
For ane new hatt to my Lord	-	-	063 00 00
For dressing the old hatt and for pock and string			003 00 00
For a coatch to Vestminster hall and returneing			001 04 00
For bookis ther at on shope	-	-	011 14 00
For cutting my Lordis litell seal	-	-	012 00 00
For a new satin cap	-	-	003 00 00
For small ribbanes for the key of the Cabinet			000 03 00
For θεαυθρωπος and goeing by watter gett			001 00 00
For a pair of schiverines to my Lord	-	-	000 18 00

Given to a poor widdow at my Lordis direction	001	04	00
Cristmas Day to my Lordis going to the Chapill	003	06	00
For a coatch to Rothes	000	12	00
To the doore keeper of the chapill given by my Lord	006	00	00
For a chayre to Bishop Winchesters	-	-	000 12 00
For a chayre from Whithall in tyme of rayne	000	12	00
Goeing and comeing to Mr Lindsayes by water at night	000	12	00
Jan. 1664.—To the keeper of Lambeth Chapill to see the cushyon	-	-	000 12 00
For post and gilt paper	-	-	000 07 00
To my Lord to give to Sir Elischa Lightons coatchman	001	04	00
For a coatch to Rothese Newburghes Dr Montanes and home	-	-	002 08 00
For rebbanes necklaces and pendentes for the childrene	012	00	00
For tuo satin capis to the bairnes	-	-	004 04 00
For a coatch to Rothese and Coupars	-	-	000 18 00
To Lillies and Earll Arguyll	-	-	001 10 00
From my Lord Arguylls home	-	-	000 12 00
Given to my Lord to Bischop Londounes	-	-	006 00 00
For a botill of seek sent to Mr Blaire	-	-	000 12 00
For a paire of stockingis to my Lord	-	-	003 12 00
For 2 peice of ribbanes to William Sharpes cloathis	015	12	00
For 2 steming petticoatis and 2 bairnes coatis	040	16	00
For 4 timber combes for my Lady	-	-	001 10 00
For liquoring my Lordis boots saddle and cloak bagg	000	18	00
For 2 horne combs and a caicce	-	-	001 04 00
To my Lord to give a distressed gentleman	-	-	006 00 00
For a pair of gray schooes to my Lord and drink money	003	12	00
To my Lord to give in drink money for the Asses	006	00	00
For the asses stable and meat a night	-	-	001 04 00
Sent to my Lord to Whithall	-	-	006 00 00

To Mr Lockhart for my Lords pistolls bought be him	018 00 00
For the saddle - - - -	030 00 00
For diacolon plaister - - - -	000 12 00
For a new scabboard to my Lord sword - - - -	001 04 00
For orange flower watter to my Lord - - - -	002 08 00
To his Lordship to give Lindsay Archbishop of Glasgowes man - - - -	003 00 00

EDINBURGH 8 OF MARCH 1664.

Summa of all preceeding accomptis in charge and dischairge—

Imprimis the chairgis of the journey to Londoun extendis to - - - - -	038 06 00
The chairgis of dyet ludging and uther spending at London comon to both their Lordships journey extends to	081 09 00
The chairgis of their Lordships journey from London to Edinburgh - - - - -	038 06 00
Summa - - - - -	159 01 00
Quhairof just half is - - - - -	079 10 00

JOURNEY FROM EDINBURGH TO ST ANDROIS 9 MARCH 1664.

To Williame Sharpis stewart, his cooklass, Alexander Miller at my Lordis directione - - - -	005 11 00
To my Lord Levenes man for shewing the way - - - -	000 06 00
To the footman that ran - - - -	000 06 00

## CHARGES OF THE JOURNEY TO DUNIBRISSELL AND ABERDOUR.

June 25.—To the boatmen in earnest - - - - - 000 12 00

For ther morning drink at the boat hyreing	-	000 06 00
For vyne bread milk and aisle at Dunibrissell		000 18 00
To the houskeeper	-	001 09 00
To the gardiner	-	002 18 00
To his man	-	000 06 00
August 3.—Lord Levenes buriall for aill at Darsie		000 08 00

## MONEY GIVEN TO HIS LORDSHIP SINCE FEBRUARY 3.

It. to give a student	-	008 14 00
To give Jonat Daniskene	-	005 16 00
To give my Lord Glasgow man that vaited on the asses		005 16 00
To my Lord being Sabbath } for a collectione	002 18 00	
To my Ladie that day }	002 18 00	
At the consecration to his Lordship in the churche		005 16 00
27.—To give ane old man	-	002 18 00
28.—To his Lordship to give Katheren Sharpis nurs		001 09 00
To his Lordship to give 2 gardners in Dunibrissell 3 dollors	008 14 00	
To his Lordship ditto in S. P.	-	080 00 00
To his grace to give to Edward the pleasant	-	005 16 00
Feb. 4.—For a new black crooper to his Lordships Sadle		000 16 00
For a pair of new joynted indented spurris his Lordship		001 12 00
For spurr leathiris thereto	-	000 10 00
For vashing his Lordships cloathis at Edinburgh being all foull efter the journey	-	001 05 00
To a tailziers man for mending his Lordships cloak and doublet	-	000 12 00
For 3 Spainsche bisomes and 3 mapis sent to St Androis		001 16 00
March 3.—Bookis for Williame Sharpe	-	025 17 00
For Majora Colloquia Erasmi	-	001 16 00
For Terentius, Ludovicus vives and gramat. disput.		001 10 00
For Buchanan psal. and declog. sacro.	-	001 04 00

For Salustus and Ovid metamor.	-	001 06 00
For a new bitt to my Lordis new Londoun brydill	-	001 10 00
May 21.—For drugis to the childrene quhen they gott all phisick 2 or 3 dayis together frome Doctor Pitilluo	-	007 14 00
For the Commission anent Church affaires	-	002 00 00
For a murneing tippet of thrie ellis and 3 half quarters of brod lace at 3 pound 12 ½ p. elne is	-	012 03 00
For his Ladyes padd 10 dollars and drink money	-	029 12 00
July 1.—At the Dean of Edinburgh hous in drink money	-	001 09 00
28.—For fixing a ston in a ring	-	000 12 00
To a barber the day of the Chancelours buriall	-	000 18 00
For a pair of murneing shoes to his Lordship	-	002 18 00
For dressing his Lordship hatt and a new pock thereto	-	002 02 00
For 1 ell and $\frac{1}{4}$ of lut string taffete to my Lady at 6 ½ lb. per elne	-	006 15 00
Aug. 13.—For six ellis of pedesway to his Lordships ryding coat at 11 ½ lb. the ell	-	066 00 00
16.—For a chopine of Rainische wyne	-	000 18 00
For a halkeing bag to carie his Lordships night graith and a belt	-	000 12 00
For a Solen goose sent to St Androis	-	000 04 00

## DEBURSED AT HIS GRACES DIRECTION.

1664. Feb.—To the Lord Chancellors porter	-	001 04 00
4.—To the toun drummer of Edinburgh	-	002 18 00
To the toun trumpetteris	-	005 16 00
6.—To his Lordships massones at the woman hous	-	001 04 00
8.—To the Earle of Athollis mane that brought wyld foul	-	001 16 00
15.—For a pair of shoes to Catherene Scharpe	-	000 12 00
For a belt of black stringis	-	001 04 00
For pins to the Lady	-	000 12 00

For a guyd from Balcarras	-	-	001 04 00
To John Wilsone bell man of Crail	-	-	001 04 00
To the horse to Kellie	-	-	000 12 00
To my Lord Lyones man with lettres	-	-	000 12 00
To my Ladie to give William Scharpis regent	-	-	014 10 00
To a post for carrieing a letter to the Bischop of Dunkeill		000 06 00	
To the Ladie to buy a pig	-	-	000 18 00
17.—To the Laird of Ardries mane for a goose	-	-	002 18 00
March 16.—St Androis—To Lisbet Scharpis nurse	-	-	000 12 00
For a pocket inkhorne for William Sharpe	-	-	000 05 00
23.—To the laird of Lesmores mane that brought mure-foullis	-	-	002 08 00
To William Scharpe to pay for candle in the coledge		002 18 00	
30.—To my Lord Cassillis mane that brought letters		000 06 00	
To the messenger for executing the letters againtest Mr Johne Carstares and utheris first and last	-	-	004 19 00
31.—To my Lord Rothes man with letters	-	-	001 04 00
Apryll 4.—To Mr James Lawmonds relict	-	-	000 12 00
To my Lady Crawfurds man	-	-	000 12 00
12.—To hir Ladyship when his Lordship went to Edinburgh 10 Dollars	-	-	029 00 00
16.—To the Earle of Kellies nurse in the Castell of Edinburgh	-	-	005 16 00
To the gunner of the castill	-	-	006 00 00
28.—To David Irving a poor shouldiour	-	-	000 04 00
To the Commissar of St Androis his nurse	-	-	002 18 00
To bringing over my Ladies new pad	-	-	000 16 00
For sex new bees scapis at 8 ̄ the piece	-	-	002 08 00
May 4.—To William Sharpe for a paire of arrowes		000 10 00	
For a glove and a brace	-	-	000 14 00
For a bow string	-	-	000 03 00

To my Lord Newarkis mane for letters from Edinburgh	000	12	00
To Kathreine Monereif for hir annual rent fra Martymes			
1663 to Whitsunday 1664 inde	-	-	050 00 00
16.—To the Laird of Sandfurds nurse	-		005 16 00
18.—To the Earle of Rothes coatchman 1 Dollar to pos-			
tillian $\frac{1}{2}$	-	-	004 07 00
26.—To a harper at his graces directionn	-		002 08 00
For a quare of cutt paper	-	-	000 06 00
27.—To my Ladie to give William Sharpis regent 5 Dol-			
laris	-	-	071 10 00
To the Ladie to give a Craill boy to help his pack			000 18 00
To the Lord Theasurares porter	-	-	001 10 00
July 4.—To the Dean of Edinburghs mane who brought			
cherries	-	-	000 12 00
26.—To Garnetullis man that brought murefoullis	-		000 18 00
Aug. 9.—To my Lord Loures man that brought fruit			001 09 00
13.—To Cathrein Sharpes nurss for ane yeires fie	-		036 00 00
To my Lord Carnegis cook at Leeuhares	-		000 12 00

JULY 28.—CHAIRGIS OF MURNEING FOR THE SERVANDS AT THE  
LORD CHANCELLOUR BURIALL.

For thrie ell of creap for coatchman and footman at 3 s ster-			
ling the ell is	-	-	003 12 00
Item for two ellis of lace for a hatt band to Mr George at			
3 tis the ell	-	-	006 00 00
For two paire of stockenengis to coatchman and footman			004 00 00
For 3 ellis of murneing ribbanes for his Lordship	-		001 04 00
For a hatt to the coatchman	-	-	003 00 00
For a hatt to the footman	-	-	002 02 00

Aug. 18.—Payed to Williame Seaton tailzier conforme to his accompt	-	-	-	106 04 08
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## MONEY GIVEN TO THE POORE SINCE FEBRUARY 3d.

Feb. 4.—To poore people at his Lordship goeing and comeing out of my Lord Chancellour	-	-	000 08 00
To John Adiesone at St Androis	-	-	000 12 00
8.—To a poore woman ther	-	-	000 06 00
9.—To poore people at the loundging	-	-	000 06 00
19.—To poore people at twyse there	-	-	000 08 00
21.—To a poore man	-	-	000 04 00
27.—Edinburgh to many poore	-	-	000 08 00
To poore people at the abbay goeing in and coming out			000 05 00
To the poore comeing from the Colledge of Edinburgh			000 08 04
Mair to poore people that efternoon	-	-	000 02 00
To poore people at Edinburgh goeing to Leith and at Bruntyland	-	-	000 08 00
To poore people in 5 dayes at St Androis		-	000 17 00
To other poore at divers tymes	-	-	000 13 00
To the poore at Leucharis	-	-	000 06 00
To poore at St Androis	-	-	000 08 00
Mair to a poore man ther	-	-	000 05 00
Mair to poore at Wolmerstoun	-	-	000 05 00
To a poore woman who had a petition for hir husband			000 18 00
To a poore man of Craill	-	-	000 06 00
To a poore shouldiour at the loundging	-	-	000 04 00
To poore from the 1 Apryll till the 12	-	-	001 06 00
To the poore at Edinburgh	-	-	000 07 00
To the poore at the loundging the 15 day to poore twyse in the parliament close	-	-	000 18 00

To his Lordship to give the poore at the Provost of Edinburgh	-	-	-	000 09 00
To poore at twyce	-	-	-	000 03 00
St Androis to a poore man callit John Sincklare				000 18 00
To Jeane Fotheringham a poore woman in Bamif			-	000 06 00
To a poore woman by his Lordships ordour		-		000 12 00
To many poore people at divers tymes	-		-	000 05 00
To two poore shouldiours at the loudging	-			000 06 00
To poore at twyse	-	-	-	000 03 00
To the poore at divers tymes	-		-	000 06 00
To the poore at the loudging	-		-	000 03 00
To a lame shouldiour	-	-	-	000 04 00
To poore people at Kingisbarnes			-	000 05 00
To a lame shouldiour	-		-	000 04 00
To the poore before the last of May			-	000 19 00
June 4.—To divers poore people			-	000 05 00
5.—At the abbay and lodeinge			-	000 05 00
6.—In the Parliament Close at twyse			-	000 03 00
8.—Mair to the poore	-	-	-	000 04 00
To the poore till ye 15 in smallis			-	000 11 00
16.—To the poore at twyse in the Parliament Close				000 03 00
To a poore woman at the lodeinge			-	000 06 00
Mair to the poor till 22	-		-	000 12 00
Mononday 27 of Junii	-			000 07 00
To the poore preceeding the 7 July	-		-	000 15 00
To the poore preceeding July 17	-		-	000 14 00
From the seventeint to 30	-		-	001 02 00
To a poore woman Isobell Hay	-		-	000 08 00
Aug. 6.—To the poore preceeding August 20			-	001 03 00
26.—To the poore at the abbay and Lord Glasgowes				000 08 00

## AT EDINBURGH 22 DAY OF AUGUST 1664.

The haill preceeding accompts in this book being calculat and sowmed  
as followis—

The chairgis of journeys	-	-	0329 04 00
Moneyis given to Mr William Sharpe	-	-	9882 06 00
Moneyis given to his lordship	-	-	0674 10 10
Accompt of necessaris	-	-	0252 01 00
Debursmentis at directioun	-	-	1260 01 04
Off murening and tailȝour accompt	-	-	0125 06 00
Chairgis of servantis	-	-	0245 06 00
Chairgis of coatch and horses	-	-	0246 00 02
Money given to the poore	-	-	0029 13 04

ACCOMPT OF MY LORD ARCHBISCHOP OF ST ANDROIS HIS GRACES  
JOURNEY CHARGIS FROM EDINBURGH TO LONDOUN BEING AUGUST  
21. 1664 AND ENDING AUGUST 30.

22.—For oylling and dressing his lordships boattis	-	001 10 00
For oylling and dressing 3 Pistoles	-	000 08 00
For a paire of boot garteris	-	000 04 00
For two horse hyres from Edinburgh to Bervick	-	016 00 00
Alnick.—For beer bread and wormewood wyne	-	001 08 00
Morpeth.—To the guyd and hostler	-	001 04 00
Dunstable.—For 3 horse to the Lord Dunfries and to		
Bawtrie 12 myllis	-	005 12 00
To helpe to burie a poore mane	-	000 12 00
For solling his Lordships stockengis	-	000 03 00

ANE ACCOMPT OF HIS GRACE MY LORD ARCHBISCHOP OF ST ANDROIS HIS  
DEBURSEMENTIS FOR NECESSARIS AND OTHER WAYIS AT LONDOUN FROME  
AUGUST 30 TILL Oct. 18, 1664.

Aug. 30.—For a coatch from Holburne with the graith		
to Vestminster - - - - -	001	04 00
31.—For oars to and frome Lambeth - - - - -	001	16 00
To my Lord Canterburies porter - - - - -	003	00 00
Sept. 1.—For a coatch to St James, Durham yaird and to		
Lord Newburghes - - - - -	001	16 00
To a boy for lighting home his Lordship - - - - -	000	06 00
2.—For a coatch to and frome Cabinet Mackens Lord		
Dunfermling &c. - - - - -	001	16 00
For a coatch to St James and back to Quheithall - - -	001	04 00
Books { For abridgment of the Englis statutis - - -	001	16 00
For a disuasive frome poperie - - - - -	001	16 00
The Lawe of tithes - - - - -	000	06 00
For the historie of Tangeiris - - - - -	000	12 00
For the mystrie of Conventicles - - - - -	000	18 00
15.—At Greenvitch to a Maid that shewed the hous	001	04 00
To the sailors whair his Lordship breakfast in the Zeaught	001	10 00
To the sailleris of the Zaught at Owlage - - - - -	003	12 00
17.—For a pair of black worset stockeningis - - - - -	004	04 00
19.—To Sir Williame Davidsones man that brought		
venneson - - - - -	003	00 00
To the archbishop Laudis devotion and a newes book	000	13 00
Sept. 22.—For a paire of french litill sweet gloves to his		
lordship - - - - -	001	16 00
For a coatch and frome Maidenlane Lady Balheavine	001	04 00
For 2 paire of preserves and a caice - - - - -	003	18 00

For a coatch to St James and Rothes	-	-	001 04 00
26.—To his grace going to my Lord Chancellour			003 00 00
Sept. 28.—For 12 ellis of pearline for my Ladie at 20 s			
the ell	-	-	012 00 00
29.—For a coatch home and staying at a pinteris			001 04 00
Oct. 4.—For mending and soling his Lordships stockeines		000 12 00	
For half deasone combis	-	-	001 16 00
For a ryding hood	-	-	002 08 00
6.—Payed to Johne Kirkwood for his Lordships seale		024 00 00	
For a coatch to Old Baillie, Lady Balheavens and staying			
5 hours $\frac{1}{2}$	-	-	003 12 00
To a staff with a silver head 2 caice of knyves and a bell		020 08 00	
8.—To a boy with ane lanthrene from Launderdaills		000 06 00	
13.—For a paire of Irishe leather gloves for ryding		001 16 00	
For a coatch to the Lords Orrories and staying tuo houris		001 10 00	
For Ciceros familiar epistillis	-	-	001 04 00
Enchiridium oratorium et poeticum	-		002 02 00
Calligraphia Romana	-	-	001 16 00
Howells Hystoricall Institutionounes	-		010 16 00
For two paire of Frenche gloves to my Ladie and a paire			
to his Lordship 3 s sterleng	-	-	005 08 00
For a coloured muff	-	-	006 12 00
For a quheat hood	-	-	002 14 00
For a black hood and a skarff	-	-	006 00 00
To a boy that brought some strong watteris to his Lordship		000 06 00	
17.—To a man that brought an India gowne for his Lord-			
ship to sie	-	-	001 14 00
For a paire of womanes stockingis at my Ladies directione		003 00 00	

ACCOMPT OF MY LORD ARCHBISCHOP OF ST ANDROIS HIS GRACES  
CHARGIS FOR DYET FYRE CANDILLS AT LONDON FROM AUG. 30 TILL  
OCT. 18.

Aug. 30.—For 2 quartis of wheat wyne	-	000 16 00
For 3 pound of candillis	-	000 18 00
31.—For botillis of aisle beire and bread in the morneing and at night	-	001 02 00
For a pullet and makeing readie	-	001 16 00
For aisle bread and fruit at dinner	-	000 08 00
For a limon and half a cheese	-	000 10 00
For half pound of buttur	-	000 04 00
Sept. 1.—For a pynt of cherie sek and capers	-	000 12 00
3.—For a great loaff	-	000 12 00
4.—A pynt of cherries at dinner	-	000 08 00
5.—For a pullet and thrie chekkines and dressing		003 10 00
For bread at dinner to be soppittis	-	000 08 00
For buttur vergice capers sugar resines many oranges and almons	-	001 08 00
For 2 tartis pears plums and vinagare	-	000 19 00
For colliefloures and frenche barley	-	000 18 00
For a leg of Muttoun	-	002 02 00
For a quart of sek and 2 quartes of claret	-	001 02 00
12.—At night ane quart of claret with Mr Drummond and another Mr Burnet	-	000 16 00
15.—For a capone and dressing	-	001 16 00
For a pair of rabbets and dressing	-	001 08 00
For 3 partridges and dressing	-	003 06 00
For a loyn of muttoun	-	001 10 00
For pears grapes and walnettis	-	000 10 00
For ane orange and 5 bottills of Lambeth aill		000 17 00

For caperis parsley and 2 bottillis of claret wyne		000 19 00
For a pynt of Canary and a great loff	-	001 04 00
For pypis tobaco vinagare and small beir	-	000 12 00
21.—For claret at night with Sir James Mercer	-	000 08 00
23.—For a kinterkin of aile	-	005 03 00
For coffie and bread in the morning	-	000 04 00
For a deasone of whittanes and dresing	-	001 08 00
For a sole flock and dresing	-	000 16 00
For claret walnetts and pears	-	000 16 00
Oct. 2.—For tobacco and pypis once to my Lord Lauderdale and once to Sir John Aytoun	-	000 06 00
3.—For a quart of canary with my Lord Canterburies secretarie	-	001 02 00
4.—For 2 bottillis of wyne at Mr Maitlands	-	000 18 00
14.—For a neck of muttoun and barley herbes and for dresing	-	001 10 00
For a dishe of fishe	-	001 16 00

ACCOMPT OF THE CHAIRGIS OF MY LORD ARCHBISCHOP OF ST ANDROIS HIS GRACIS JOURNEY FROM LONDOUN TO EDINBURGH BEGINEING OCT. 18 AND ENDING OCT. 27.

Royston.—To the deputie boottatcher hostler and guyd	002 02 00
Dunstable.—For a petticoat	009 18 00
To the woman that kepted Robine Hood wall	000 06 00
York.—For a coatch to the Ladie bishope of York	006 00 00
To his lordships porter	003 00 00
To prisoners and other poore whén his lordship took horse	000 15 00
For vasheing and mending his lordships cloake	000 08 00
3 u	

## FROM ST ANDROIS TO EDINBURGH DEC. 13.

For foure horses to Edinburgh and to the hyrer	-	001 10 00
For a horse hyre to Balcarras for Mr Gilbert Burnet		000 12 00

## ACCOMPT OF MONEY GIVEN TO HIS GRACE.

Oct. 30.—To his grace being sabbeth	-	001 10 00
Dec. 8.—To his lordship the day Margaret Sharpe was borne 10 dollars	-	029 00 00
For a Virgall to Williame Sharp and for glasping it		000 16 00
12.—To the poore the day of Margaret Sharpes christene- ing	-	002 14 00
For a quart of wyne the day of hir christeneing	-	002 00 00
23.—For a veale	-	003 06 00
For a sheepe	-	002 00 00
For a paire of murefoulis	-	000 10 00

## Nov. 5.—CHAIRGIS OF THE BONEFYRE.

For eight load of coalis 10 ſ the load	-	004 00 00
For other eight load of coalis at 9 ſ the load		003 12 00
For a Tar barrell and setting on the fyre	-	000 18 00
For 3 linkis within this 4 dayis	-	000 18 00

## SUMMA OF THE PRECEDING ACCOMPTS.

Summa of the chairge	-	-	1078 11 08
Dischairge			
Summa of Journey chairgis	-	-	109 12 04
of Moneyis given to his Grace	-		140 18 08
of debursementis be directione	-	-	613 17 08
of the bonfyre chairgis	-	-	009 08 00
of Boord wagis and fies to servands	-		009 04 00

Summa of coatch and horses chairgis	-	085	01	00
of debursements in the hous at St Androis	-	028	19	08
				_____
Summa of the haill discharge	-	-	1078	01 04
				_____
The balance		000	10	04

## DISCHARGE 1665.

March 25.—To his grace to give Collonell Leslie 4 dollars	011	12	00	
26.—Sabboth to his grace going to churche $\frac{1}{2}$ doll. 12 $\frac{1}{2}$	002	01	00	
27.—At Leith for vyne seck lobster olives &c.	-	002	01	00
30.—For a paire of shoes to my Lady	-	001	16	00
April 12.—For Moulins vindication of the Protestant Religion	-	002	00	00
13.—For a coatch to the earle of Montrosse and Lord Glasgow and home	-	001	10	00
For black silk cord for breeches	-	000	04	00
For limons a deassone	-	001	16	00
26.—To Earlshall men that brought aples	-	000	06	00
May 2.—For a great satin cap to his grace be accompt	004	02	00	
3.—For a silver needle to Agnes Sharpe	-	001	10	00
4.—For aill and sugar in the morning	-	000	04	00
For dinner be bill	-	005	11	00
For a coatch to the fieldis and back	-	001	04	00
May 29.—For a tarr barrell to the bonefyre	-	000	12	00
Junij 10.—To my Ladie for payment of the hous accompts preceding this day conforme to accompt	-	087	15	04
30.—For 3 horse hyre to Saltoun and ther chairgis at hyreing	-	006	06	00

July 5.—For 3 monthis coatch maill till the 5 of Apryle frome the 5 of Januar	-	-	018 00 00
To the poore in the Parliament Close and at Lord Glas- gowes	-	-	000 04 04
19.—For transcryeing a paper in a fine hand sent to London	-	-	001 04 00
23.—For ane ell of holland to be bandis to William Sharpe	004 10 00		
For some fyne Venuce paper for his grace	-	000 03 00	
24.—Debursed for his grace at Rosling	-	002 18 00	
Mair at the oyly well	-	000 12 00	
To his lordship when he went to Rosling 2 groats and turneris	-	000 17 08	
26.—To my Lord Provest man that brought a piece of wyne	-	005 16 00	
30.—To two porters for beireng in a puncheon of vyne	000 08 00		
Aug. 2.—To William Seatones servants for mending some cloathis to his grace and in drink money for making a new cassick	-	000 12 00	
For 4 ellis $\frac{1}{2}$ of taffata to be that cassick at 8 ffb 10 s the ell	-	034 00 00	
3.—For 14 loads of coallis for the bonefyre at 10 s the load	-	007 00 00	
For 4 vnces of Sugare plumes	-	001 02 00	
5.—To his grace to give Edward the pleasant 2 doll.	005 16 00		
For 2 tarr barrellis to the fyre	-	000 16 00	
8.—For fraught for his grace, the company, 3 horses and the graith	-	005 16 00	
For breakfast at Kinghorne thair being many servantis	003 08 00		
13.—To Hendrie Russell for bringing home the trunk with my lordis cushion, and solen geese and glasses	-	000 12 00	
24.—For a new vainscott table	-	005 13 00	

For half dezon of stoolis at 18 ̄ the peice	-	005 08 00
Sept. 14.—To his grace to give Johne Buchanon with newes of the victorie	-	002 18 00
19.—To my Lord Lowres man that brought fruit	-	001 09 00
Payed for the hous accomptis for yyne conforme to the ac- compt frome September 11 till September 20	-	036 18 00
20.—For 2 young henes and a dishe of Startichokes at supper	-	001 04 00
For six rollis and 3 pyntis of aill	-	000 12 00
Oct. 4.—For the heirdis fie this half yeire	-	002 04 00
19.—To a poor man and to a pyper	-	000 08 00
20.—For a paire of chamber gloves to his grace		000 14 00
For 2 vnces of fine sealling waxe	-	000 12 00
Dinner be bill for broth and whittines	-	000 12 00
For beef and cabbage	-	001 04 00
For a sholdour of muttone with caperis and oysteris		001 10 00
For 2 pulletis	-	001 10 00
For a muirfoul and patridge	-	002 08 00
For pears and nuts	-	000 04 00
For a chopine of sak	-	001 00 00
For aill and bread at dinner to the company and to ser- vandis	-	000 15 00
For sugare and aill in the morneing afternoon and at night		000 11 04
21.—To the provest of Edinburghes nurse at Abbotishall		002 18 00
24.—For beef at Dundie tua carkasses	-	034 00 00
30.—To my Lady to give Mr James Grahame Williame Sharpis regent	-	023 04 00
For 2 clubs and 2 ballis to Williame Sharpe	-	001 04 00
Nov. 2.—To ane of the servant woman for hir fie and shoes		006 00 00
7.—For 3 turkie foullis at 2 ̄ 13 ̄ the peice inde	-	007 19 00
13.—To George Andersone for his fie this half yeire		033 06 00

For a great carkase of beiff frome Dundie	-	026 13 00
For 2 Kye at 11 ℥ the peice	-	022 00 00
For a deasone of neatis tongus	-	003 00 00
For quheat bread furnished to the hous since Feb. last and flowre	-	052 06 00
14.—To his grace going to church on Tuysday		000 12 00
16.—To his grace goeing to church on Thursday		000 12 00
For two goff ballis to Williame Sharpe	-	000 08 00
19.—To his gracie being Sabbath	-	001 09 00
20.—To Walter Simon footman for his fie this half yeire past		020 00 00
21.—To Andrew Mylne Cook for his fie last half yeire		024 00 00
To John Bruce in pairt of his fie to ane accompt 12 doll.		034 00 00
27.—For Pagettis Heresiography	-	002 00 00
Dec. 8.—To his grace in a paper to give the Hebrewan 10 doll.		029 00 00
To Balbedies man that brought fruit	-	000 12 00
11.—For 3 stane of Spanishe ressins at 7 ℥ 10 ½ the stane is	-	022 10 00
For half stane of currantis at 13 ½ 4 d the ℥	-	005 06 00
12.—For a paire of shoes to the footman	-	001 16 00
15.—For dinner at Leith to many company by bill with my Lord Kellie	-	009 13 00
24.—To his grace being Sabbath	-	001 09 00
Christmas.—To his grace going to Sermon	-	001 09 00
Mair to his grace in small money and turners	-	001 09 00
2.—To my Newarkis man that brought fourtie brace		001 04 00
To my Lord Bischop of Dunkeldis man with muirfoullis		001 09 00
To poore in the toun conforme to list at his graces direction	020 01 00	

CHARGE OF THE HOU<sup>S</sup> AT EDINBURGH FROM JUNII 12.

For a mutchskin of claret vyne at night and before	000	08	00
13.—For aile in the morning	-	-	000 03 00
Dinner for quhittines	-	-	000 12 00
For boyld beiff	-	-	001 04 00
For a giget of muttoun	-	-	001 00 00
For a quarter of lambe	-	-	000 15 00
For a mutchskine of sack	-	-	000 10 00
15.—For a load of coals	-	-	000 09 00
16.—For aile and sugare in the morneing and aile at night	000	11	00
For resines and almonds at night	-	-	000 10 00
19.—Boord vagis to Ralphe since Monenday the 12 being 7 dayis	-	-	004 04 00
Mair to George Andersone for foure dayis of this week that his grace dynned abroad at 12 s per diem	-	002	08 00
To the footman also 4 dayis	-	-	001 04 00
20.—For rifertis and salt	-	-	000 05 00
For seek possit sugare and milk	-	-	000 13 00
24.—For brown bread and oat bread to the servânds	000	12	00
For aile at dinner and when his grace went to bed	000	03	06
27.—For aile this day	-	-	000 08 00
For whey and sugare in the morneing	-	000	03 00
Dinner for a pottage	-	-	005 08 00
For 2 greene geise	-	-	003 06 00
For Venusone py	-	-	005 08 00
For 2 sole fluicks	-	-	002 08 00
29.—For aile and neipis in the morneing and at dinner	000	07	00
July 1.—For 3 cheekines	-	-	001 04 00
For 3 poutis	-	-	001 16 00

7.—For a mutchskine of Ranishe vyne and aill at night	000 13 00
8.—For wormewood aill and other aill in the morneing	000 03 00
To the watter wyff that furnished watter to the hous	000 06 08
19.—For a great loaf <sup>f</sup>	000 06 00
For aill all this day and for sugare to strawberries	000 12 00
For a foul of broath	001 10 00
For a piece of beiff and turneipis	001 08 00
For a shouldiour of muttoun and capers	001 04 00
For 2 rabbittis	001 00 00
For 2 muirfoullis	001 10 00
For 3 poutis	002 05 00
For a dishe of peese	001 10 00
For a dishe of creame strawberries and sugare	001 16 00
For sex rollis to dinner and a mutchskin of seek	000 16 00
For neipis tobaco and pypis	000 04 00
Aug. 6.—For aill this day and quhey and sugare	000 12 06
Supper 2 neatis tongus	001 10 00
For 3 cheekines	000 16 00
For hartichows and sallad	000 16 00
For a mutchskine of seek	000 10 00
For a leg of muttoun and caperis	001 14 00
9.—For a solen goose	001 04 00
For aill neipis and gooseberries at dinner	000 18 00
Nov. 26.—Boord wagis of the servantis being Sunday	002 08 00
28.—For wormwood aill in the morning and other aill at night	000 06 00
For 2 glasses to serve at the table	000 16 00
Dinner for a foul of broath	001 00 00
For a shouldiour of muttoune and oysteris	001 04 00
For a goose	001 10 00
For a paire of rabbittis	001 10 00

For 2 muirfoullis	-	-	-	002 08 00
For a deassone of larkis and a mutchskine of sek				001 02 00
For ane vnce of sugare	-	-	-	000 02 00
For best aill at dinner	-	-	-	000 06 00
30.—For a vyld duck and tuo pliveris			-	002 08 00
Dec. 1.—For a pigeon py	-	-		003 00 00
7.—For a mutchskine of Canarie in the morneing				000 14 00

The haill preceeding accompt in the severall pagis being sowmed and calculate alsweill in grose by the foottis of the pagis as by the extent made of the wholl redneced to the respective headis, extends in the haill from Marche 2 to the last of Dec. 1665 inclusive to the soume of - - - - - 3449 04 02

The chaire of dyet and table at Edinburgh found in the end of the book extends to - - - - - 0417 14 06

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Suma of the haill exoneratioun and dischairgis amounts to	3866 18 08
The chaire in the first leaff of this book comes to	3867 02 02

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So that the charge exceeds the dischairge in - - - - - 000 03 06

ACCOMPT OF MONEYIES RESAIUED BE MR GEORGE MARTINE FOR MY LORD ARCHBISCHOP OF ST ANDROIS HIS GRACES VSE FROME JANUAR FIRST 1666 TILL END.

Resaiued from Thomas Glover for his years rent 906 £ 13 d quhairof 666 : 13 : 4 sealed vp in a bag given to his grace—inde to be chairged on the other tuo merkis given to Mr Scharpis Apryll 5th 030 00 00 Restand by the Compter at the fitting of his last accomptis conform to his other book - - - - - 000 03 06

Jany. 8.—Received from his grace in order to the Journey to Falkland when his grace was godfather 20 dollars inde (This returned back to my Lord and not to be compted for).

15.—Frome Thomas Glover for the Laird of Aytouns compositione of Burneturk	-	-	150 00 00
18.—Mair frome him which at his first entrie he receaved from Alexander Forrester for which gave a ticket			266 13 04
Frome John Pattone to ane accompt and in pairt of payment of the bygane few deuties of the parroche of Muckart Feb. 13.—Receaved frome Johne Robertson being pairt of his intromissione with your gracis rentis be South Forth			082 16 00
Feb. 28.—Frome Johne Robertsonsone	-		336 00 00
Mar. 6.—Mair from him	-	-	144 00 00
30.—Frome Thomas Glover in St Androis	-		503 00 00
31.—Frome Doctor Moir for his compositione at his entrie to the Kirktoone of Dyce	-	-	429 00 00
Apryll 3.—Frome James Watsone towne clerk of St Androis to ane accompt of the few and 5 merkis on the Prior akeris	-	-	133 06 08
Mair frome Thomas Glover the same day	-		333 06 08
25.—Frome Alexander Cunynghame as Rimornies compositione for his tak of tithes	-	-	153 06 08
26.—Frome the Comissar of St Androis of Quot money			200 00 00
27.—Frome Mr Jolly when he borrowed of your grace vpone tuo severalle nots now reteired	-		635 16 08
			107 00 00
<hr/>			3804 09 06

## ACCOMPT OF MONEYIS GIVEN TO HIS GRACE SINCE 1 JANUAR 1666.

Feb. 9.—To your grace on Sabbath at St Androis	001 09 00
To your grace at Edinburgh comeing doun to Leith in small money and turneris	003 14 00
15.—To your grace goeing to church on thursday	000 12 00
To your grace the day Johnne Sharpe was christened in small money and turneris	004 07 00
Mar. 18.—To your grace at Agnes Sharpis buriall 10 dollars	029 00 00
Apryl 12.—To your graces going to sermon on Good Fryday	001 09 00
To your grace goeing to sermon on Easter day	001 09 00
20.—To the medwyff	002 18 00
May.—To your grace in a paper given to my Lady	100 00 00

ACCOMPT OF MONEYIS DEBURSED AT HIS GRACES DIRECTIONE TO BAR-  
BERIS POORE AND OTHERS.

Januar 1.—To Williame Sharpe to give in hansell at Col- ledge tuo half crownis inde	003 00 00
To the drummer and pyper at St Androis 2 dollars inde	005 16 00
To a poor distressed gentleman at the loundging	000 12 00
4.—To Williame Sharpe to give a contribution in the col- ledge	001 04 00
6.—To a barber	000 18 00
10.—To my Lady Athollis medwyff 8 dollars inde	023 04 00
To hir Ladyships nurs 5 dollars	014 00 00
To the Porter	041 00 00
To a hieland piper	001 09 00
To the poore ther	000 06 00

11.—To the Mr of Eliot man with hony aquavitie	001	16	00	
12.—To my Lord Athollis man with vyld foulle and haire	002	08	00	
For carieing up of tuo puncheons of vyne from Anstruther	004	00	00	
To a poore man with many children	-	000	06	00
To Maior Hayes at my Ladies directione	-	002	18	00
For a quarters board of Margaret Sharpe	-	010	00	00
17.—To the poore at the Abbey	-	000	03	04
To the drumers of the toun of Edinburgh	-	002	18	00
To the Trumpeteris of the toun of Edinburgh	-	002	18	00
Drink money for 2 half barrell of herring sent to your grace frome my Lord Argyll and carrieing to the louding	003	04	00	
31.—To a poore gentlewoman given by your grace	002	18	00	
Feb. 3.—To poore these foure dayis	-	000	09	00
15.—To the Clerk of the sessione at giveing vp John Sharpis name	-	008	14	00
To the poore 2 dollars	-	005	16	00
To Williame Sharp for contribution for furnishing coalis in there schoole	-	000	18	00
21.—To the violers in the Abbey	-	002	18	00
Mar. 2.—To Edward Cleevland pleasant	-	002	18	00
15.—To the men that helped Ralph at the breakeing of the coach at Kincaple and for aill to thame and for helping to bring in the hors	-	001	04	00
To the tuo Meassones that cam frome Dundie to vait on your grace at Scottisraig 4 dollars	-	011	12	00
19.—To the Laird of Kirknes man that brought troutis and pykis 1 dollor $\frac{1}{2}$	-	004	07	00
To the Laird of Nydies man that brought troutis	-	000	12	00
20.—To Baillie Weymes woman that brought a ham	-	000	06	00
To my Lord Athollis servant that brought muirfoulis	-	001	10	00

To George Nairne for bowelling A. S. and for a schear cloath 15 dollors	-	-	-	043 10 00
Mair to Andrew Sword for the same vse 3 dollors				008 14 00
To be distribut among the poore the day of the buriall				011 12 00
To the servantis about the kirk 2 dollors			-	005 16 00
For the mortcloath 1 dollor	-	-	-	002 18 00
To the persones that carried the silver staffis 3 dollors				008 14 00
To the poore box in the sessione	-	-		066 13 04
22.—To my Lord Commissioners violers 4 dollors				011 12 00
To my Lord Commissioners Trumpeter 4 doll.			-	011 12 00
Mair to the Coupar baxter for bakeing of pasties				011 12 00
To Harie Swane for his panes and service 3 doll.			-	008 14 00
23.—At the Laird of Sandfurdis hous 1 doll.			-	002 18 00
To the hous of the Ellie 5 doll.	-	-		014 10 00
29.—To my Ladie Newarkes nurse 5 doll.			-	014 10 00
To the poore at Newarke	-	-	-	000 12 00

## ACCOMPT OF MONEYIS DIBURSED FOR NECESSARS.

For a chopen of cynamon watter sent to St Androis				004 16 00
For Ovids Workis in on volume	-	-		003 00 00
For Buchannons Nomenclature to William Sharpe				000 06 00
For a book to wryte the Inventare of the wrytis of Scots-craig	-	-	-	001 14 00
For 2 ellis $\frac{1}{2}$ of holland hair stuff for a coat to William Sharpe at 4 ffs 10 s the ell is	-	-		011 05 00
For a hatt to your grace and another to William Sharpe				036 00 00
For a pair of new shoes to your grace and in drink money				003 06 00
For Buxtorfs Hebrew Grammar } For ane Hebrew Psalme Book }	-	-		001 08 00
The accompt of the sweet meatis carried over to St Androis in Feb. last extends to the soum of	-	-	-	047 16 00

To a hood to my Ladie and a sword belt to Williame  
 Sharpe - - - - - 005 08 00

The Dischairge of moneyes peyed be me Mr George Martine in name  
 and for the use and by ordour from my Lord St Androies, consists of  
 money peyed from the first of January 1666 to the 3d of May 1666 in-  
 clusive.

Of money given to his Grace	-	-	1230 10 10
For the Hous	-	-	0541 07 10
Of money peyed by ordour	-	-	0753 11 08
For expenses in Journey	-	-	0174 10 04
For Coatch and horses	-	-	0249 08 08
For servant fies	-	-	0089 08 00
For necessars	-	-	0356 12 00
For dyet at Edinburgh	-	-	0408 19 08
In all	-	-	3804 09 06

ACCOMPT OF YOUR GRACIS JOURNEY CHAIRGIS FRONIE EDINBURGH TO  
 LONDON BEGINNING THE THIRD DAY OF MAY 1666 IN THE AFTERNONE  
 ALL FORMER ACCOMPTIS BEING FITTED THEN.

May 3. Edinburgh.—To your graces going out to Brun-			
stone 1 dollour	-	-	002 18 00
Given in earnest at hyring the horsses and spent			000 12 00
For corne and hay to the black horse and bilder			001 08 00
For foure new shoes to the bilder	-	-	001 00 00
For a quarter of pound of sugar plums to your grace			001 16 00
4. Gingilkirk.—To the poore	-	-	000 12 00
Lauderfort.—To the Houskeeper	-	-	001 10 00
To the Gardiner	-	-	000 12 00

5. Kelso.—To the poore ther	-	-	000 12 00
Ouller.—For dinner in meat	-	-	003 12 00
For sek and beir	-	-	002 02 00
To your grace to give the Kelso guyde	-	-	003 00 00
6. Morpeth.—To the collectione at the church			003 00 00
For dyet on Saturday and Sabbath be bill	-	-	019 00 00
For a horse to Newcastle with a lettre frome York			002 00 00
Newcastill.—For sugare plums for your grace $\frac{1}{2}$ pound			002 14 00
To the Newcastill guyde	-	-	000 06 00
Chester.—For dinner in mutton bread a pye &c.	-	-	002 14 00
To your grace to give the poore in usuall money			000 19 04
Ferriehil.—For beir bread milk and sugare	-	-	002 06 00
7.—Darnton. (Darlington.)—For supper	-	-	003 12 00
Northallertoun.—For beir ale bread &c.	-	-	001 16 00
To the poor ther	-	-	002 00 00
Browbridge. (Boroughbridge.)—For dinner in vyne beirc meat &c.	-	-	008 00 00
8.—Wedderbie.—For supper breakfast wyne beir &c.			009 18 00
9.—Ferriebridg.—For supper and breakfast in the post hous			004 06 00
Pontefract castill.—For 4 horsses hither, guyd groat, and to the guyd	-	-	002 00 00
For denner and for limon and oranges	-	-	003 14 00
To the man that went to the castell	-	-	000 12 00
To Williame Wilsone hyrer in pairet of his hyre	-	-	052 00 00
For supper and breakfast at the coatchhous	-	-	008 16 00
For 4 places in the coatch at 24 tis the peice inde	-	-	096 00 00
To the poore ther, at Robin Hoods well, and twyee by the way	-	-	000 16 00
10.—Duncaster—For aill and to the drawer	-	-	000 14 00
Batrie.—For supper be bill	-	-	006 12 00
Carloun.—For dinner be bill and to the drawer	-	-	003 12 00

Newark.—For beir and to the drawer	-	000 10 00
Granthame.—For beir wyne bread and to the drawer	-	001 02 00
Stamfoord.—For dyet on Satturday, Sabbath and Monen-day morneing be bill	- - -	032 16 00
To your Grace for a collection in the churche	-	003 00 00
Stiltoun.—To the keeper of the gate for the coach passing	-	000 06 00
Skinburrie.—For dinner be bill	- -	004 00 00
Bagilsworts.—For supper be bill	-	011 12 00
Wallem.—For denner be bill and to the drawer	-	006 15 00
Barnet.—For Beire	- -	000 12 00
To the Lord Launderdaills porter	- -	001 10 00
London.—For beir at Holburne	-	000 14 00

ACCOMPT OF YOUR LORDSHIPIS CHAIRGIS AT LONDON FOR DYET, FYRE,  
LODGEING &c. SINCE MAY 15.

May 15.—For 2 pound of Candels and three rollis at supper	000 15 00
16.—A pound of buttur	000 08 00
For a pullet and for dresing	001 18 00
18.—For a leg of lamb and dresing	001 14 00
For a dishe of markrellis	001 04 00
19.—For 2 greene gees	004 10 00
For 4 tame pigeons	000 06 00
21.—For 2 duckis and dresing and sauce	001 18 00
22.—For a loyne of veal and dresing	002 06 00
For sallad and buttur for the veall	000 08 00
For creame chees	000 08 00
25.—For tobacco and pypes after denner and at night with my Lord Launderdaille	000 05 00
28.—For whey in the morneing and a botill of aill	000 07 00
29.—For strawberries and cherries	001 02 00

For asovergus, (asparagus) a limon and gooseberries for the meat	-	-	-	001 14 00
For sugare parslie cream and a salad	-	-	-	001 05 00
For 3 peckis of peese	-	-	-	002 02 00
For a leg of muttoun and for dresing	-	-	-	002 06 00
For 2 greene geese and dresing	-	-	-	003 14 00
For four rabbettis and dresing	-	-	-	002 18 00
For thrie cheekines and dresing	-	-	-	002 16 00
For a dishe of barley broath and beiff	-	-	-	002 02 00
For dresing the peese and asparagus	-	-	-	000 08 00
For a loaf	-	-	-	000 09 00
For oranges	-	-	-	000 18 00
For 9 quartis of aill and table beir in the morning and at dinner	-	-	-	001 05 00
For 3 quartis of claret wyne at dinner	-	-	-	001 10 00
For a quart of High Countrey wyne	-	-	-	000 12 00
For 2 bottillis of aill and a pynt of wyne at night				000 12 00
June 18.—For whey aill and dishe of buttur in the morning				000 18 00
For a leg of muttoun	-	-	-	001 14 00
For a paire of checkines	-	-	-	001 04 00
For hartichokis and 2 quartis of beans	-	-	-	000 18 00
For cherries and strawberries	-	-	-	000 09 00
For a quarter of lambe	-	-	-	002 04 00
For cherrie seek and claret	-	-	-	001 02 00
19.—For a great peice of beiff to poulder			-	003 04 00
21.—For two turkie checkines	-			002 08 00
27.—For green fishe and soals and for dressing and for egges	-	-	-	002 06 00
July 10.—For Lambeth aill and beir at dinner				000 14 00

ACCOMPT OF YOUR GRACIS CHAIRGIS AT LONDON IN COACHIS, DRINK  
MONEY, BARBERS, LODGEINO, WATER, BOOKIS AND OTHER NECESSARIS AND  
OF MONEY GIVEN OUT AT YOUR GRACIS DIRECTION SINCE MAY 15.

May 15.—For a coach frome Holburne to King streit	001 04 00
16.—To my Lord Lauderdaills footman	- 000 12 00
To a porter going to Whithall - - -	000 12 00
17.—For oares to and frome Lambeth - - -	001 10 00
To my Lady Castlemaines porter - - -	000 12 00
For a coach to my Lord Dumfreis - - -	000 12 00
18.—For a paire of Cordevan gloves - - -	001 16 00
For a coach to and frome my Lord Middleton's - -	001 04 00
For a coach to General Duellis (Dalzell's) Lord D. Mun-	
mouth and waiting - - - - -	001 04 00
To the Archdean 10 f <small>t</small> b st. - - - - -	120 00 00
20.—For a barber - - - - -	000 18 00
21.—For a coach to and frome Westminster Abbay	001 04 00
For earnest of the stamped leather hangings - -	003 00 00
22.—To a gardiner man at St Jameses - - -	000 12 00
To your grace to give a Scottis gentleman in dineing rowme	003 00 00
For a coach to Suffolk Street and to St Jameses - -	001 04 00
25.—To Mr Smyth Lord Canterburrie Secretarie 10 f <small>t</small> b	
sterling - - - - -	120 00 00
For a bonfyre on the 29 May 3 dezone of faggotis	002 14 00
30.—For a gazet and a bill of mortallitie - - -	000 02 00
31.—For Articles of peace betuix Gayland and Gover-	
nour of Tangier - - - - -	000 02 00
For lodgeing maill frome Maij 15 that your grace came	
to Londone till Maij 29 being tuo weekis at 18 <small>s</small> ster.	
in the week - - - - -	021 12 00

June 4.—For a coach to Suffolk buildings St Jameses and home	-	-	-	001 10 00
To my Lord Launderdaills gardiner in Haygate	-	-	-	001 10 00
8.—To your grace to give Lady Curriour	-	-	-	036 00 00
13.—For oares to and frome Lambeth with my Lord Atholl and Stormont	-	-	-	001 16 00
For a Gazet to the current intelligence	-	-	-	000 02 00
21.—For a coach to Lord Middletons, the cabinet makeris, Lady Newburghis and home and for a narrative of the sea fight	-	-	-	001 16 00
For eight of great Lumbard paper	-	-	-	000 08 00
23.—To the Archdeane at your graces directione	-	-	-	180 00 00
28.—For mending my Ladies watch	-	-	-	001 16 00
For 6 yeardis and a $\frac{1}{2}$ of podesway at 7 ℥ 10 ſ the ell	-	-	-	048 05 00
For 14 yeardis of black wattered moyhaire stuff at 3 ℥ 6 ſ	-	-	-	046 04 00
For six yeardis of strip silk stuff at 3 ℥ 18 ſ the ell	-	-	-	015 08 00
For 11 yeardis and $\frac{1}{2}$ of boday serge at 3 ℥ 6 ſ the ell	-	-	-	015 11 00
For sex paire of quhit glovis to my Ladie	-	-	-	007 04 00
For sex paire of Frenche glovis	-	-	-	009 00 00
For tuo bird eyes hoodis	-	-	-	003 12 00
For a scarf and tuo other hoodis	-	-	-	009 00 00
For a paire of mounted gloves with ribbanes and knotis suitable	-	-	-	015 12 00
For a quhit hood	-	-	-	002 14 00
For tuo fanes and tuo rollis	-	-	-	006 00 00
For a silver needle to my Lady	-	-	-	001 16 00
For 2 ell and $\frac{1}{2}$ of skarlet at 19 ℥ 16 ſ to be my Ladies petticoat	-	-	-	047 00 06
For 5 yeardis $\frac{1}{2}$ of flannen for a petticoat to my Ladie at 1 ℥ 11 ſ	-	-	-	009 00 00
For another greene talled night cap	-	-	-	002 14 00

For tuo quhit tuilled capis at night	-	-	003 06 00
For a paire of sweet gloves to your grace	-	-	001 04 00
For 2 paire of threid stockines at 2 ℥ 8 ɔ the paire	-	-	004 06 00
For 2 hattis on to your grace and one to Williame Sharpe 4 ℥ 10 ɔ ster.	-	-	054 00 06
July 1.—To your grace goeing to St Martines church			
5 half crownes 5 ɔ	-	-	010 10 00
To Sir Johne Aytoun man that brought venusone			001 04 00
3.—To oares to and from Lambeth tuyse this day	-	-	002 08 00
5.—For a packet of lettres to Scotland	-	-	000 18 00
6.—Foure fyne timber combis and 2 horne combis with caices			006 06 00
July 7.—To Madam Currou to give in earnest of the pictur			012 00 00
9.—For 12 ellis of ferret ribbanes at 4 ɔ the ell is	-	-	002 08 00
11.—To a coach to and frome Ladie Ardros on Satturday night	-	-	001 04 00
For ane accomp of bookis from Mr Crookis conforme to his not	-	-	011 04 00
For 3 ellis of tafftie half breid for a scarfe	-	-	010 16 00
For 7 quares of cutt paper at 5 ɔ the quare	-	-	001 18 00
For 2 quares of large gilt paper at 10 ɔ the quare	-	-	001 00 00
For 3 quares of Venice paper at 8 ɔ the quare	-	-	001 04 00
16.—To my Lady Currou for my Lady Kent powder			054 00 00
Mair for hir ane mask lymon and harthorne to the powder			003 18 00
For a pair of black stockings to your grace	-	-	004 16 00
For a paire of knyves	-	-	004 16 00
For 2 pocket Bibillis	-	-	007 00 00
For a seare cloth for your gracis issue	-	-	000 09 00
17.—To a jeweller for mounting the Kingis picture			120 00 00
For a coach to Highgate with 4 horses	-	-	007 04 00
For a coach to Whythall	-	-	000 18 00
For 5 weekis lodgeing at 12 ℥ per week	-	-	060 00 00

For the Historie of Algeiris and Leighs Observes	-	003 06 00
To my Lady Currour for the picture 8 £ <sup>t</sup> s inde	-	030 00 00
Mair to hirselff 50 £ <sup>s</sup> inde	-	030 00 00
Payed for 5 £ <sup>t</sup> s of fringes at 1 £ <sup>t</sup> s 2 £ <sup>s</sup> the vnce	-	088 00 00
To your grace to give the upholsterer in Convent Garden	-	006 00 00
To Mr Burnet for a girdell	-	010 16 00
To Mr Jolly for 2 paire of spurris	-	004 16 00
To John Kirkwood for a coatch 5 £ <sup>t</sup> s 10 £ <sup>s</sup>	-	066 00 00
Mair to himselff at your graces ordour	-	018 00 00
To the hous at your graces way comeing and for ane ac-		
compt of gilt paper	-	006 10 00
For the horse eight dayis at 16 £ <sup>s</sup> the night	-	006 08 00
For makeing of 9 bandis at 4 £ <sup>s</sup> the peice and 7 paire of cuffis	-	002 10 00

## EDINBURGH 4 AUGUST.—SUMMA OF THE HAILL FOREGOING ACCOMPT.

The Chairge	-	-	-	3960 00 00
<hr/>				
The Dischraig—				
For Journey vp to London	-	-	-	0428 06 06
For dyet, candil &c. at London	-	-	-	0483 13 00
For al necessaries bought, money given out &c.	-	-	-	2389 03 00
<hr/>				
Summa of your Graces haill expenses frome the 4 of May till July 30, is	-	-	-	3829 10 06
<hr/>				
Sua the accompter owes to ballance	-	-	-	0130 09 06



## A P P E N D I X.



## APPENDIX.

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### NOTE REGARDING THE LETTERS OF HENRY II.

HAVING, at the request of Mr Macdonald, arranged for the press the Letters of Henry II. and the Letters to the Lairds of Barnbarroch, which are contained in Vol. I. Part II. of this MISCELLANY, I think it right to lay before the readers the following Letter. The distinguished writer has for some time past been preparing for publication a Collection of the Letters of Queen Mary of Scotland, and in order to render it as complete as possible, has been in correspondence with Mr Macdonald. It is much to be desired that this spirited undertaking may induce such individuals as have access to unpublished letters of that Queen, to communicate them to the Prince of Labanoff through Mr Macdonald, or through the Prince's bankers, Messrs. Coutts & Co. London.

HEIDELBERG, LE 2 JUILLET 1889.

MONSIEUR,

Ayant reçu de M. Theulet les differens recueils que vous lui aviez donné, j'en ai profité pour augmenter ma Collection de Lettres de Marie Stuart, et je m'empresse de vous prier d'agrémenter mes remercimens pour votre complaisance. Je me permettrai aussi de vous signaler les differences qui existent

entre les dates que portent quelques unes de ces pièces et leur époque véritable ; toutes celles indiquées plus loin sont *d'une année plus tard* qu'elles ne paroissent, la nouvelle année n'étant comptée alors que du Samedi Saint. Ainsi dans le recueil des lettres adressées aux Lairds de Barnbarroch ; celle qui est No. 3, page 10, est de l'année 1560, et non 1559 ; le titre même de *Francorum Rex* le prouve bien, puisque François II. n'est monté sur le trône de France que le 10 Juillet 1559 ; d'ailleurs en 1560, Paques ayant été le 14 Avril, tous les actes signés depuis le 1 Janvier 1560 jusqu'à ce jour devaient être daté alors de 1559. Il en est de même des Lettres Nos. 1, 5, 6, et 7, écrites par Henri II. à la mère de Marie Stuart, la dernière en porte aussi la preuve, le roi lui donnant des nouvelles *de notre petite fille la Royne d'Escosse*, et il est positif que ce n'est qu'en Avril 1548 que Marie Stuart débarqua en France.

Mille excuses d'entrer dans tous ces détails que vous connaissez certainement mieux que moi, mais quand on entre en matière sur un sujet qui interesse, alors on se laisse entraîner sans le savoir.

Je suis bien charmé que cette occasion m'aie procuré l'avantage d'entrer en correspondance avec vous. Veuillez en agréer l'assurance, ainsi que celle de ma considération bien distinguée.

LE PRINCE DE LABANOFF.

P. S. M. Theulet m'a dit que l'on imprime les lettres de Marie Stuart aux Comtes d'Argyll ; J'attends cette publication avec beaucoup d'impatience. Messrs. Coutts & <sup>cie</sup> 43,

Strand, sont chargés de me faire parvenir les lettres qu'on leur envoie pour moi ; ils savent toujours où je suis.

A Monsieur  
MONSIEUR DE MACDONALD,  
Secrétaire du Maitland Club,  
Ecosse. à Edimbourg.

The difference which has existed at various periods among the nations of Europe, between the historical and the conventional year, is well known as a source of much embarrassment to chronologists. In Scotland the matter is more simple than elsewhere, the legal and conventional commencement of the year having continued to be on the 25th of March, the Feast of the Conception, until the 1st of January was substituted in 1599 by an act of the Privy Council, which has been printed by me in the preface to the Club edition of Moysie's MOIERS. It is quite unnecessary to point out the varying practice of other countries in this respect, but as the dates which are questioned by the Prince of Labanoff occur in documents written in France, a word or two seem required in regard to the usage which prevailed there. It appears that the rule which had been adopted by the early Christians, of dating the year from Christmas, the anniversary of our Saviour's nativity, was abandoned in France about the eleventh century by the substitution of Easter Eve, or Holy Saturday, at least in the public acts and instruments of the Sovereign. But the practice varied throughout the respective provinces

and dioceses of that country, between Christmas, the Conception, and Easter Eve, until the edict of Roussillon in 1563 established the 1st of January, being the Feast of the Circumcision, as the first day of the year ; a rule which has been successively introduced by most countries in Europe, and which at length has become universal as regards the historical, and general for the legal and conventional year. For farther details on this subject, I refer to "Sir Harris Nicolas's Chronology of History," p. 37, or to "L'Art de verifier les Dates."

It is scarcely necessary to mention, that the dates objected to by Prince Labanoff have been printed correctly from the originals, but as they all occur in Royal letters, the presumption is (notwithstanding the varieties of French provincial usage which then obtained) that they belong to the historical years under which he is disposed to class them ; indeed the facts adduced by him, namely, the arrival of Queen Mary in France in 1548, and the accession of her husband to the throne of France in 1559, prove the correctness of his observations. It follows that the arrival of the Marechal de Termes in Scotland took place about Midsummer 1549, and not in 1548, as erroneously noted in the preface to the Letters of Henry II., p. 210.

I take this opportunity of correcting an error which has occurred at p. 378, line 1, of the present volume, where the date of President Spottiswood's death ought to be in 1646, not 1647.

JAMES DENNISTOUN.

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END OF VOLUME SECOND.













